

**NEW JERSEY STATE BOARD OF PHARMACY
OPEN SESSION MINUTES APRIL 12, 2006**

I. CALL TO ORDER

The open meeting of the New Jersey Board of Pharmacy was called to order by Board President Pamela Allen in Room 413 at the Ernest Mario College of Pharmacy, Piscataway, New Jersey on April 12, 2006 at 9:10am. All members were duly notified of the time and place and all pertinent materials had been provided

II. SUNSHINE LAW ANNOUNCEMENT

Pamela Allen read a statement that the newspapers and appropriate elected officials had been notified of the meeting according to the requirements of the Open Public Meetings Act N.J.S.A. Chapter 231, PL 1975/C, 10:4-18.

III. ROLL CALL

Pamela Allen, R.Ph. President
Edward McGinley, R.Ph. Vice-President
Thomas Bender, R.Ph.
Thomas Egan, Pharm.D.
Peter Halecky, R.Ph.
Margherita LaFragola, R.Ph. Arrived at 10 a.m.
Axel Miranda Public Member (arrived at 10 a.m.)
Elvy Paiva, R.Ph.
Marc Sturgill, Pharm.D.

Others in Attendance:

Joanne Boyer, R.Ph. Executive Director
Marianne Greenwald Deputy Attorney General

Excused:

Jennifer L. Baron Government Member

IV. SECRETARY'S REPORT AND RECOMMENDATION FOR REGISTRATION BY RECIPROCITY, EXAMINATION AND GRADE TRANSFER

Elvy Paiva moved, seconded by Thomas Egan, to accept the Secretary's Report and Recommendation for Registration and Reciprocity, Examination and Grade Transfer. The motion passed unanimously.

V. CONTINUING EDUCATION REPORT

Edward McGinley moved, seconded by Peter Halecky to accept the Continuing Education Report of April 12, 2006. The motion passed unanimously.

VI. VIOLATIONS PAID FOR THE MONTH OF MARCH

Thomas Bender moved, seconded by Elvy Paiva to accept the Violations Paid report for the Month of March, 2006. The motion passed unanimously.

VII. OLD BUSINESS

1) WalMart submission of Joint Application to Conduct a Centralized Prescription Handling Pharmacy Service
This item was last before the Board on 1/25/06 at which time the Board requested that WalMart submit a list of officers and identify the signature on the application

Elvy Paiva moved, seconded by Thomas Egan to approve the Joint Application to Conduct a Centralized Prescription Handling Service. The motion passed unanimously.

2) David I. Canavan, MD, Assistant Medical Director, Professional assistance Program of NJ – Requesting approval to terminate Marc Greenberg’s therapy with Arnold Washton, Ph.D.

Thomas Bender moved, seconded by Elvy Paiva that Mr. Greenberg is to undergo a final evaluation by Dr. Washton before the Board will consider this request. The motion passed unanimously.

VIII. NEW BUSINESS

1) Adele Henning, R.Ph., Quality Assurance Coordinator, Partners Healthcare, Cranford, NJ – Paperless Pharmacy

Chair directs that this item be referred to the DAG for further clarification. Until such time, Partners Healthcare is to be reminded that they need to be complaint with NJAC 13:39 – 7.6(a) , NJAC 13:39 – 7.10(g) and NJAC 8.65 – 7.10(e).

2) Draft Immunization regulations for Board review

Elvy Paiva moved, seconded by Peter Halecky to approve the regulations as amended. These regulations will be sent to the Board of Medical Examiners Executive Committee for review and approval. The motion passed unanimously

3) Draft Collaborative Practice regulations for Board review

Elvy Paiva moved, seconded by Thomas Egan to approve the regulations as amended. These regulations will be sent to the Board of Medical Examiners executive Committee for review and approval. The motion passed unanimously.

4) Review Assembly Bill No. 2578 – Prescription Drug Cost Containment Act

Edward McGinley moved, seconded by Margherita LaFragola, to support the legislation as written. This legislation would delete the age restriction for discounts, premiums and rebates in connection with the sale of drugs and medications as outlined in NJSA 45:14 –65(e). The motion passed 7-2.

IX, MITIGATIONS

1) Rabin Bakhchi, R.Ph. – Regarding CE audit

Edward McGinley moved, seconded by Peter Halecky to mitigate the \$1,000 portion of the penalty. The motion passed 7-2.

2) Hyma Balireddy, R. Ph. – Regarding CE audit

Thomas Bender moved, seconded by Elvy Paiva to deny the request for mitigation. The motion passed unanimously.

3) Karen Cacace, R.Ph. – Regarding CE audit

Thomas Bender moved, seconded Thomas Egan to deny the request for mitigation. The motion passed 8-1.

4) Richard D. Davis, R.Ph. – Regarding CE audit Since Penalty Letter issued Mr. Davis has been able to provide proof of 21 acceptable CE credits (no didactic), which would lower his total fine to \$3,000

Edward McGinley moved, seconded by Marc Sturgill to mitigate the \$1,000 portion of the penalty. The motion passed unanimously.

5) Thomas Jodzio, R.Ph. – Regarding CE audit

The Chair directs that the Executive Director obtain medical documentation regarding his stated CHF.

6) Robert Kutch, R/Ph/ – Regarding CE audit

Edward McGinley was recused since Mr. Kutch is a former employee of Pathmark. Peter Halecky moved, seconded by Thomas Bender to deny the request for mitigation. The motion passed unanimously.

7) Chetan Patel, R.Ph. – Regarding CE audit

Thomas Bender moved, seconded by Elvy Paiva to deny the request for mitigation. The motion passed unanimously.

8) Chetan Shah, R.Ph. – Regarding CE audit Since penalty letter issued Mr. Shah has been able to provide proof of 12.25 acceptable CE credits (9.25 didactic), which would lower his total fine to \$2,850

Edward McGinley moved, seconded by Thomas Bender to deny the request for mitigation. The motion passed unanimously.

9) Irwin Targovnik, R.Ph. – Regarding CE audit

This item was rescheduled.

10) Wanda Brown, R.Ph. – Regarding CE audit

Deborah Holzman, Esq. appeared on behalf of Ms. Brown. The Board had previously reviewed the issue regarding the acceptance of classes taken at Seton Hall School of Law for CE credit at the 1/25/06 Board meeting. At that time the Board determined to deny her request.

Thomas Bender moved, seconded by Elvy Paiva to deny the request for mitigation. Ms. Brown may request a payment schedule. The motion passed unanimously.

11) Stanley Walcsak, RPIC, Bergen Regional Medical Center Pharmacy

Edward McGinley moved, seconded by Marc Sturgill to mitigate the \$100 fine that dealt with prescriptions from the Bergen County Chest Clinic. The Executive Director is to communicate to the Enforcement bureau that in this situation these forms are acceptable. The motion passed unanimously.

X. CONFERENCES

1) MPJE Item writing Workshop, May 19-21, 2006, Mt. Prospect, IL

Chair directs the Executive Director to inform NABP that a Board member will not be attending this workshop. The questions will be written by Board Members and submitted to NABP in the time frame required.

XI. COMMITTEE REPORTS

1) Continuous Quality Improvement (CQI) – Elvy Paiva, Chairperson

Ms. Paiva reported that this committee is focusing on patient safety, the reporting and prevention of medication errors, and systems/processes that could contribute to medication errors. The committee is in the process of drafting regulations.

2) Sterile Compounding – Thomas Bender, Chairperson

Mr. Bender reported that his committee last met on April 5, 2006. The committee's current main focus is readdressing Subchapter 11 of the regulations and USP Chapter 797. The committee has invited a group of informed individuals to participate in discussions. Proposed changes to USP Chapter 797 will be released in May, 2006. The next committee meeting is scheduled for May 3, 2006.

3) Rules & Regs Committee – Edward McGinley, Chairperson; update given by Pamela Allen

* Registration of technicians – draft regulations currently in Governor's office; due to time issues the Board is anticipating that the registration of technicians will begin in 2008

* Registration of out of state pharmacies –draft regulations reviewed by Division of Law; due to questions raised these regulations will be brought back to the committee

* Fee for services – draft regulations reviewed by Director's office; due to questions raised these regulations will be brought back to the committee

* Security of pharmacies and audit trail – draft regulations reviewed by Division of Consumer Affairs; due to questions raised these regulations will be brought back before the committee

XII. APPROVAL OF MINUTES

1) February 22, 2006

Edward McGinley moved, seconded by Marc Sturgill to approve the draft minutes of February 22, 2006 as amended. The motion passed unanimously.

XIII. ADJOURNMENT

At 11:56 a.m. Edward McGinley moved, seconded by Marc Sturgill to move into Executive Session to review 7 Consumer Complaints, 2 Old Business items, 3 New Business items, 13 Retail Permits, and 13 Inspection Reports. The motion passed unanimously.