

**FINAL**  
**NEW JERSEY STATE BOARD OF PHARMACY MINUTES OF**  
**THE OPEN SESSION OF APRIL 13, 2005**

**I. CALL TO ORDER**

The Open meeting of the New Jersey State Board of Pharmacy was called to order by Board President Pamela Allen in the Monmouth Room, 7th Floor at 124 Halsey Street, Newark, New Jersey on April 13, 2005 at 9:08 a.m. 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 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  
Jennifer Barron Government Member  
Ira Katz R.Ph  
Margherita R. Lafragola, R.Ph  
Sy Larson, Ph.D Public Member  
Elvy Paiva, R.Ph  
Richard Palombo, R.Ph.  
Marc Sturgill, PharmD

**OTHERS IN ATTENDANCE:**

Marianne Greenwald Deputy Attorney General  
Joanne Boyer, R.Ph. Executive Director  
Shonnette Messiah Clerk Stenographer  
Kiran Shamlall Clerk Stenographer

**EXCUSED:**

Mona Doyle Public Member  
Thomas F. Egan, PharmD

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

Edward McGinley moved, seconded by Jennifer Barron, to accept the Secretary's Report and Recommendation for Registration by Reciprocity, Examination and Grade Transfer. The motion passed unanimously.

**V. CONTINUING EDUCATION REPORT**

Elvy Paiva moved, seconded by Margherita R. Lafragola, to accept items 2 & 3 of the Continuing Education Report for April 13, 2005. The motion passed unanimously. Ira Katz was recused, because he had submitted item 2 for approval and his registered pharmacist submitted item 3 for approval.

Elvy Paiva moved, seconded by Margherita R. Lafragola, to accept the remaining items of the Continuing Education Report for April 13, 2005. The motion passed unanimously.

## **VI. VIOLATIONS PAID FOR THE MONTH OF MARCH**

Ira Katz moved, seconded by Edward McGinley, to accept the Violations Paid For the Month of March. The motion passed unanimously.

## **VII. OLD BUSINESS**

1) Update by Executive Director on Technician Training Manuals

- a) CVS Pharmacy –previously reviewed by Anthony Alexander
- b) Medco Healthcare –previously reviewed by Edith Micale
- c) Neighborcare –previously reviewed by Robert Kowalski

These corporation were approved based on final approval by the Executive Director, Joanne Boyer.

## **VIII. NEW BUSINESS**

1) Robert Wysocki, R.Ph., Director of Pharmacy, Carrier Clinic, Belle Mead, NJ – Regarding their application for a limited use retail permit

Richard Palombo moved, seconded by Elvy Paiva to administratively approve the permit as a remodeling and an application for retail permit, which will be simultaneously reviewed by the Board. The motion passed unanimously.

Pamela Allen was recused since this item is similar to item number 5.

2) NABP – Correspondence stating that drug and device manufacturers will no longer be recognized as ACPE accredited providers of continuing pharmacy education

This item was considered as an FYI and will be communicated in a future newsletter and placed on the agenda of a future meeting to determine if manufacturers will be recognized as CE providers for NJ continuing education credits.

3) Nirav Rathod – Potential applicant requesting consideration regarding his attendance in a 4 year pharmacy program

Elvy Paiva moved, seconded by Edward McGinley to deny Mr. Rathod's request based on statutory and regulatory requirements set by the state since 1994, that the Board approves the school and not the candidate. The motion passed unanimously.

4) Andrew Baudo, M.D., R.Ph. – Requesting a waiver of CE requirement (NJAC 13:39–3A.1)

The Chair directed the Executive Director, Joanne Boyer to advise Mr. Baudo that he needs to submit paperwork on courses taken during medical residency.

This item will be placed on the agenda of a future meeting.

5) Joseph J. DiCubellis, R.Ph., Director of Pharmacy, Monmouth Medical Center, Long Branch, NJ – Requesting a waiver of NJAC 13:39–6.2(c)

Edward McGinley chaired this item and directed the DAG to present this item to the Division of Law in order to investigate the matter.

This item will be placed on the agenda of a future meeting in which the DAG will report her conclusion from the investigation and the Board will make their final decision.

Pamela Allen was recused, since Monmouth Medical Center is associated with St. Barnabas HealthCare System.

6) John Herr, R.Ph., Town & Country Compounding and Consultation services, LLC, Ridgewood, NJ – Requesting a waiver of NJAC 13:39 – 11.11(a)

Included is a copy of USP Chapters 797 and 795. Pages 25-27 and page 2 of Appendix A of Chapter 797 discuss beyond use dating. Chapter 795 is included because it is referenced on page 26 of Chapter 797.

The Chair directed Mr. Herr draft a proposed language pertaining to Chapters 797 and 795. In addition, the proposal will be presented on the next the Rules and Regulations agenda.

Ira Katz was recused due to a business relationship with Mr. Herr.

7) Mary J. Ryan, Vice-President, Pharmacy Regulatory Group, Medco Health – Submission of Central Fill application

The Chair directed Medco Health make recommended changes and resubmit the joint application to conduct centralized prescription handling among all Medco pharmacies and resubmit it to the Board for approval.

Richard Palombo was recused from this item since he is affiliated with Medco Health.

8) Neda Wendell, Geriscript Pharmacy, Totowa, NJ – Requesting a waiver of NJAC 13:39 – 7.12 (a) 13 (old NJAC 13:39 –5.9(a)13) in order to use terminology "EXP" instead of "use by."

Edward McGinley moved, seconded by Marc Sturgill to deny Ms. Wendell's request to use the terminology "EXP." "Use by," is the correct phrase used in order to be consistent with USP. The motion passed unanimously.

9) TSE Waiver Interviews

a) Swapna Juturu

Richard Palombo moved, seconded by Elvy Paiva to deny Ms. Juturu's request for the TSE waiver. This was based on an interview in which it was determined that her communication is hampered, which could put patients at risk. It is recommended that she take additional course work to improve her diction and retake the T.S.E. The motion passed unanimously.

b) Olanrewaju Bankole

Elvy Paiva moved, seconded by Marc Sturgill to deny Mr. Bankole's request for the TSE waiver. This was based on an interview in which it was determined that his capacity to communicate is hindered, which could put patients at risk. It is recommended that he take additional course work to improve his diction and retake the T.S.E. The motion passed unanimously.

## **IX. CONFERENCES**

1) University of Utah, School of Alcoholism and Other Drug Dependencies, 54th Annual Session, June 19-24, 2005

This conference is open to any Board member who wishes to attend, provided that they pay for all expenses incurred.

## **X. COMMITTEE REPORTS**

1) Pharmacy Practice Act – Technician Workgroup

The Technician Workgroup has completed its work on the Pharmacy Technician regulations.

## 2) Pharmacy Practice Act – Collaborative Practice Workgroup

Pamela Allen

Pamela Allen, Joanne Boyer, Ira Katz, Elvy Paiva, and Margherita R. Lafragola (with Thomas F. Egan and Edward McGinley as alternates), will be meeting with the Board of Medical Examiners on April 26th regarding the draft regulations that were sent to the BME last spring on this issue.

## 3) Pharmacy Practice Act – Immunization Workgroup

Ira Katz

Pamela Allen, Joanne Boyer, Ira Katz, Elvy Paiva, and Margherita R. Lafragola (with Thomas F. Egan and Edward McGinley as alternates), will be meeting with the Board of Medical Examiners on April 26th regarding the draft regulations that were sent to the BME last spring on this issue.

## **XI. APPROVAL OF MINUTES**

### 1) March 23, 2005

Edward McGinley moved, seconded by Ira Katz to accept the draft minutes of March 23, 2005 as amended. The motion passed unanimously.

## **XII. ADJOURNMENT**

At 11:24 a.m., Edward McGinley moved, seconded by Ira Katz to enter into the Executive Session to review (5) complaints, (7) inspection reports and (10) retail and institutional permits. The motion passed unanimously.