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Governor

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New Jersey Office of the Attorney General

Division of Consumer Affairs
Board of Pharmacy
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NEW JERSEY STATE BOARD OF PHARMACY MINUTES OF THE OPEN SESSION April 13, 2011

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I. CALL TO ORDER

The Open Meeting of the New Jersey Board of Pharmacy was called to order by Board President Edward McGinley in the Somerset Room 6th Floor at 124 Halsey Street, Newark, New Jersey on April 13, 2011 at 9:05 a.m. All members were duly notified of the time and place and all pertinent materials were provided to the members.

II. SUNSHINE LAW ANNOUNCEMENT

Edward McGinley President, read a statement to the effect that the newspapers and appropriate elected officials had been notified of the meeting according to the requirement of the Open Meetings Act N.J.S.A., Chapter 231, PL 1975, /C. 10:4-8.

III. ROLL CALL

Edward G. McGinley, R.Ph.	President
Thomas Bender, R.Ph.	Vice President
Richard Palombo, R.Ph.	
Margherita LaFragola, R.Ph.	
Marc Sturgill, R.Ph.	Left at 10:47 a.m.
Stephen Lieberman, R.Ph.	
Mahesh Shah, R.Ph.	Left at 2:30 p.m.

OTHERS IN ATTENDANCE

Joanne Boyer, R.Ph.	Executive Director
Jodi Krugman	Deputy Attorney General
John Huglemyer	Deputy Attorney General
Maria Bertorelli	Administrator Assistant

IV. UPDATE BY EXECUTIVE DIRECTOR

1. The Executive Director reported that \$22,575.00 were collected in fines and penalties during the month of March 2011.

The following permits/licenses/registrations were issued during the month of March 2011:

- Technicians - 239
- Pharmacists - 41 (24 by examination/score transfer, 17 by reciprocity)
- Out of state pharmacies - 7
- In state pharmacies - 7
- Pharmacists receiving immunization approval - 53
- Interns (foreign graduates) - 10

Pharmacy Technicians can now apply for registration via an online application. The link is on the Board's website at www.njconsumeraffairs.gov/medical/pharmacy.htm under the Applications tab.

V. OLD BUSINESS

N/A

VI. NEW BUSINESS

1) Med4Home Pharmacy, Kansas City, MO – Request for removal of probation

Thomas Bender moved, seconded by Mahesh Shah to remove the probationary status of Med4Home Pharmacy. **Motion passed unanimously.**

2) Jayna Mehta – Request for waiver of NJAC 13:39 – 2.1(a)4

Marc Sturgill recused.

Ms. Mehta spoke to the Board and explained the reason as to why she was unable to fulfill the requirement, pursuant to NJAC 13:39 - 2.1(a)4, within the 2 year period, following her graduation from Rutgers University in 2007.

Thomas Bender moved, seconded by Stephen Lieberman to deny waiver request of NJAC 13:39-2.1(a)4.

At **10:47 a.m.** Richard Palombo moved, seconded by Margherita LaFragola to move into Executive Session for advice of Counsel. **Motion passed unanimously.**

At **11:15 a.m.** Thomas Bender moved, seconded by Richard Palombo to go back into Public Session. **Motion passed unanimously.**

Mr. McGinley informed Ms. Mehta that the Board granted her request for reconsideration based on her testimony and the letter submitted by Sanjay Shah, R.Ph./owner Iselin Pharmacy, Iselin, NJ. However, the motion made to deny her waiver request is sustained.

3) Selection of Official Delegate for NABP's 107th Annual Meeting, May 21 – 24, 2011

Richard Palombo moved, seconded by Edward McGingley that, Mr. Thomas Bender will be the official delegate and Margherita LaFragola the alternate delegate for NABP's 107th Annual Meeting. **Motion passed unanimously.**

4) Frank Manicone, R.Ph., Director of Pharmacy, Wakefern Food Corp. – Request for a temporary waiver of NJAC 13:39-7.6

Thomas Bender moved, seconded by Mahesh Shah to deny temporary waiver request of NJAC 13:39-7.6. **Motion passed unanimously.**

VII. MITIGATION/ HEARING REQUESTS

1) Jayan Doshi, RPIC, Bergen Pharmacy at Newark Beth Israel, Newark, NJ

Richard Palombo moved, seconded by Margherita LaFragola, to mitigate the \$1,500.00 fine imposed pursuant to N.J.A.C. 13:39-6.6(b) & (c). **Motion passed unanimously.**

2) Walter Kelso, RPIC, Pharmedium Services, Edison, NJ

Thomas Bender moved, seconded by Marc Sturgill to deny mitigation request of the \$2,500.00 fine imposed pursuant to N.J.A.C. 13:39-11.20(b)1 and the \$2,500.00 fine imposed pursuant to N.J.A.C. 13:39-11.20(b)3. **Motion passed unanimously.**

3) Anna Kravets, R.Ph., Omnicare, Edison, NJ

Stephen Lieberman moved, seconded by Margherita LaFragola to deny mitigation request of the \$500.00 fine imposed pursuant to N.J.A.C. 13:39-6.2(f)3 and the request to complete 3 continuing education modules on medication error or patient safety. **Motion passed unanimously.**

VIII. COMMITTEE REPORTS

N/A

IX. APPROVAL OF MINUTES

1) March 9, 2011

Thomas Bender moved, seconded by Stephen Lieberman to approve the March 9, 2011 Open Session Minutes as amended. **Motion passed unanimously.**

X. ADJOURNMENT

At 11:30 a.m. Thomas Bender motioned, seconded by Stephen Lieberman to move into Executive Session for the review of 14 complaints, 5 Old Business Items, 10 New Business Items, the Secretary's Report and Recommendation on Inspection Reports, 1 Investigative Inquiry and the Approval of Minutes.