

**NEW JERSEY STATE BOARD OF PHARMACY
MINUTES OF THE OPEN SESSION
APRIL 22, 2009**

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 22, 2009 at 9:33 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
Pamela Allen, R.Ph. (Arrived at 9:18 am)
Peter Halecky, R.Ph.
Margherita LaFragola , R.Ph.
Elvy T. Paiva, R.Ph.
Richard Palombo, R.Ph.
Marc Sturgill, R.Ph.

OTHERS IN ATTENDANCE

Joanne Boyer, R.Ph. Executive Director
Megan Cordoma, Esq. Deputy Attorney General
Jodi Krugman, Esq. Deputy Attorney General

IV. UPDATE BY EXECUTIVE DIRECTOR

The Executive Director reported that \$28,118 was collected in fines and penalties during March, 2009. The following permits/licenses/registrations were issued during the month of March, 2009:

- Technicians – 409
- Pharmacists – 38 (26 by examination/score transfer, 12 by reciprocity)
- Out of state pharmacies – 15
- In state pharmacies – 5

V. OLD BUSINESS

1) John Giampolo, CEO, IPA, Cranbury, NJ – Regarding offer of free antibiotics by Stop & Shop, Wegmans and Shop-Rite pharmacies

The Board reviewed all documentation pertaining to this matter and has determined that there is no cause for action by a vote of 5 – 3.

2) Susan Schatzle – Request for reinstatement

Marc Sturgill moved, seconded by Thomas Bender to schedule Ms. Schatzle for an Investigative Inquiry.

The motion passed unanimously.

VI. NEW BUSINESS

1) Proposed Resolutions, NABP 105th Annual Meeting, May 16 – 19, 2009

The Board determined the following actions on the submitted resolutions: District 1& 2 Resolutions:

- 1) Abstain
- 2) Support
- 3) Support
- 4) Support as long as this does not interfere with legitimate prescriptions and the burden is not placed solely on pharmacist
- 5) Support if burden of funding is jointly shared by both Districts
- 6) Support

District 5 Resolution:

- 1) Unable to form opinion based on information provided; voting delegate Edward McGinley to vote as he deems appropriate

District 6 Resolution:

- 1) Unable to form opinion based on information provided; voting delegate Edward McGinley to vote as he deems appropriate

District 6 & 7 Resolution:

- 1) Support

District 7 & 8 Resolution:

- 1) Support
- 2) Support
- 3) Support
- 4) Support

The above determinations are to be utilized by Edward McGinley, voting delegate at the NABP Annual Meeting, as a guideline.

2) MPJE Item–writing Workshop, June 4 – 5, 2009

The Chair directed that this activity would be performed remotely.

- 3) Linda Hamilton, Associate General Counsel, Lourdes Health System, Camden, NJ – Requesting a waiver of NJAC 13:39 – 9.3(b)

Margherita LaFragola moved, seconded by Pamela Allen to deny the request for a waiver. Deborah Heart and Lung Hospital Pharmacy, Pemberton, NJ should obtain a retail permit in order to service the patients of the Satellite Emergency Department (SED) of Lourdes Health System. The motion passed unanimously.

- 4) Nannapanenni Dushyanth, RPIC/part owner(20%) and Ravi Maddali, part owner (80%), Hackensack Pharmacy, Hackensack, NJ – Request approval to retain permit number upon transfer of ownership

Richard Palombo moved, seconded by Pamela Allen to approve Mr. Dushyanth's request for a waiver pending verification that the only pharmacies owned by Ravi C. Maddali are those listed on the Hackensack

Pharmacy permit application. The motion passed unanimously.

5) Georgeann Boulos Pludowski – Request for reinstatement

Elvy Paiva moved, seconded by Marc Sturgill to schedule Ms. Pludowski for an Investigative Inquiry. The motion passed unanimously.

6) Christal Marrazzo-Tallia George – Request for reinstatement

Edward McGinley was recused due to his past affiliation with Pathmark.

Elvy Paiva moved, seconded by Peter Halecky to not schedule Ms. George for an Investigative Inquiry until she provides the Board proof of 6 consecutive months of weekly urine screens and compliance with Items F and G of her Consent Order. The motion passed unanimously.

7) Jerry Silverman – Reciprocity candidate requesting a reduction of the number of internship hours

Thomas Bender moved, seconded by Elvy Paiva that Mr. Silverman is to complete a 250 hour internship under the supervision of a Board approved preceptor instead of the 1,000 hour internship due to his previous work experience. The motion passed 6 – 2.

8) Summary of Comment and Draft Responses to Proposed Amendments to NJAC 13:39 – 1.3, 2.1, 2.5, 3.3, 4.1, 4.5, 4.8, 5.3, 5.8, 5.12, 6.2, 6.4, 7.1 and 7.9; Proposed New Rules NJAC 13:39 – 2.1, 2.5, 2.6, 2.7 2A.1 and 2A.3; Proposed Recodifications and Amendments NJAC 13:39 2.10 through 2.20 as 3.1 through 3.11 and 3.3 as 2A.2; Proposed Repeals NJAC 13:39 – 2.2, 2.3, 2.4, 2.8, 2.9, 3.1, 3.2, 3.4, 3.5 and 8: Proposed Repeals and New Rules NJAC 13:39 – 2.7 and 4.14

Elvy Paiva moved, seconded by Pamela Allen to approve the draft responses and to amend the proposal to state that the required number of practical experience hours referenced in NJAC 13:39 – 2.1(a)4 and NJAC 13:39 – 2.6(b) & (b)1 and intern hours referenced in NJAC 13:39 – 2.1(b)4 should be 1,440 and not 1,420. The motion passed unanimously.

VII. MITIGATION/ HEARING REQUESTS

N/A

VIII. COMMITTEE REPORTS

N/A

IX. APPROVAL OF MINUTES

1) March 25, 2009

Elvy Paiva moved, seconded by Marc Sturgill to approve the minutes as amended. The motion passed unanimously.

X. ADJOURNMENT

At 10:51 am Marc Sturgill moved, seconded by Elvy Paiva to move into Executive Session for the review of 9 Complaints, 1 Old Business items, 5 New Business items, Secretary's Report and Recommendation on Retail and Institutional Permits, Secretary's Report and Recommendation on Inspection Reports, conduct one Investigative Inquiry and approval of minutes. The motion passed unanimously