

NEW JERSEY STATE BOARD OF PHARMACY
MINUTES OF THE OPEN SESSION
April 23, 2008

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 23, 2008 at 9:10 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

Mr. 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.
Peter Halecky, R.Ph.
Margherita Lafragola, R.Ph.
Elvy T. Paiva, R.Ph.
Marc Sturgill, R.Ph.

OTHERS IN ATTENDANCE Joanne Boyer, R.Ph. Executive Director
Marianne Greenwald, Esq. Deputy Attorney General

EXCUSED

Richard Palombo, R.Ph.

Board Members Jennifer DeVenio (Government Representative) and Axel Miranda (Public Member) have submitted letters of resignation to the Board office. Ms. DeVenio has been transferred to the Division of Health Infrastructure Preparedness and Emergency Response (HIPER) and Mr. Miranda is no longer able to serve due to increased work commitments. The Board thanked Ms. DeVenio and Mr. Miranda for their service to the Board. The Executive Director will work with the Director of the Division for replacements.

IV. UPDATE BY EXECUTIVE DIRECTOR

Executive Director Joanne Boyer reported that the application for registration of out of state pharmacies has been posted on the Board's website at www.njconsumeraffairs.gov/medical/pharmacy.htm. All out of state pharmacies who had previously contacted the Board regarding an application have been notified either by email or regular mail of the availability of the application.

V. CONTINUING EDUCATION REPORT

N/A

VI. OLD BUSINESS

N/A

VII. NEW BUSINESS

- 1) E. Thomas Kenny – request for reinstatement

This item was rescheduled pending receipt of documentation from PNPNJ.

- 2) Communication from NABP regarding NAPLEX and MPJE eligibility dates

NABP has sent notification to the Board office that some states have laws and/or regulations that do not allow them to accept score transfer or licensure of candidates who have successfully completed the NAPLEX and/or MPJE prior to the candidates's official graduation date. The communication from NABP notes that some states are processing application and providing eligibility prior to the official graduation date in order to avoid a backlog of applications. However, according to NJAC 13:39 – 2.2, a candidate for licensure may take the NAPLEX and MPJE exams as long as they have met all the requirements for graduation of have graduated. Executive Director Joanne Boyer spoke with NABP Executive Director Carmen Catizone regarding this matter and made him aware of the Board's regulation. The Board determined not to take any action in this matter.

- 3) Medicare standards for e-prescribing

This item was accepted as informational.

VIII. MITIGATION/ HEARING REQUESTS

- 1) Stephanie A. Theurich, RPIC, Target Pharmacy, Turnersville, NJ

Marc Sturgill moved, seconded by Peter Halecky to mitigate the \$50 fine imposed pursuant to NJAC 13:39 – 5.3(b) and to mitigate the \$100 fine imposed pursuant to NJAC 13:39 – 5.6. The motion passed unanimously.

Pamela Allen moved, seconded by Marc Sturgill that for future Target renovations only, the use of a water cooler with hot and cold access and a catch basin is acceptable to use in place of a sink with hot and cold running water. The motion passed unanimously.

- 2) Mariam Saleh, RPIC, CVS, Florham Park, NJ

Elvy Paiva moved, seconded by Margherita LaFragola to deny the request for mitigation of the \$250 fine imposed pursuant to NJAC 13:39 – 4.14(b)8, to accept the request for mitigation of the \$500 fine imposed pursuant to NJSA 45:14 – 80(e)2 & NJAC 13:39 – 6.15(f)2 and to accept the request for mitigation of the \$500 fine imposed pursuant to NJSA 45:14 – 80(f) & NJAC 13:39 – 6.6(f). The motion passed unanimously.

IX. COMMITTEE REPORTS

N/A

X. APPROVAL OF MINUTES

- 1) April 9, 2008

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

XI. ADJOURNMENT

At 9:40 am Pamela Allen moved, seconded by Elvy Paiva to move into Executive Session for the review of 4 complaints, 3 Old Business items, 4 New Business items, Secretary's Report and Recommendation on Retail and Institutional Permits, Secretary's Report and Recommendation on Inspection Reports, conduct 2 Investigative

Inquiries and approval of minutes. The motion passed unanimously