

**NEW JERSEY BOARD OF PHARMACY
OPEN SESSION MINUTES OF APRIL 25, 2007**

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 at 9:17 a.m. All members were duly notified of the time and place and all pertinent materials had been provided.

II. SUNSHINE LAW ANNOUNCEMENT

Edward McGinley 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

Edward McGinley, R.Ph President
Thomas Bender, R.Ph. Vice President
Pamela Allen, R.Ph.
Jennifer DeVenio Government Member
Peter Halecky, R.Ph
Margherita Lafragola, R.Ph.
Richard Palumbo, R.Ph.
Marc Sturgill, PharmD

OTHERS IN ATTENDANCE

Joanne Boyer Executive Director
Marianne Greenwald Deputy Attorney General

EXCUSED

Axel Miranda Public Member
Elvy T. Paiva, R.Ph.

IV. UPDATE BY EXECUTIVE DIRECTOR

N/A

V. CONTINUING EDUCATION REPORT FOR MARCH

N/A

VI. OLD BUSINESS

N/A

VII. NEW BUSINESS

1) 9:00 a.m. - Ronald Sorr, R.Ph. - Oral Argument on the Order Granting Partial Decision and Exceptions

Richard Palombo was recused from this item because, during the time he was not a member of the Board, the Deputy Attorney General's office had asked him for the name of a pharmacist to serve as an expert witness in

this case and he had referred them to Donna Horn.

At 10:05 a.m., Tom Bender moved, seconded by Margherita Lafragola to move into Executive Session for a determination regarding the Ronald Sorr case. The motion passed unanimously.

At 11:57 a.m., Peter Halecky moved, seconded by Pamela Allen to reconvene the Open Session to announce their decision. The motion passed unanimously.

Tom Bender moved, seconded by Pamela Allen to adopt Administrative Law Judge Stein's partial summary decision in its totality. The motion passed unanimously.

At 12:02 p.m., Pamela Allen moved, seconded by Jennifer DeVenio to adjourn for lunch and to move into Executive Session for the review of, (9) Secretary's Reports for Retail, Institutional and IV Permits, (12) Inspection Reports, (15) Special Inspection Reports and for review and approval of previous Executive Session minutes. The motion passed unanimously. It was announced that the Open Session will resume after lunch at which time a mitigation hearing regarding Mr. Sorr will be convened.

At 1:00 p.m., Pamela Allen moved, seconded by Peter Halecky to reconvene the Open Session. The motion passed unanimously.

At 2:59 p.m., Tom Bender moved, seconded by Margherita Lafragola to move into Executive Session to discuss the mitigation and the penalty regarding the Ronald Sorr case. The motion passed unanimously.

At 4:27 p.m., Peter Halecky moved, seconded by Jennifer DeVenio to reconvene the Open Session to inform Mr. Sorr what the Board's decision was regarding his penalty. The motion passed unanimously.

Tom Bender moved, seconded by Peter Halecky that Mr. Sorr's license to practice pharmacy be suspended for five years, two years to be active and three years to be stayed. The suspension will begin 60 days after the Final Order is issued, which will be no later than May 21, 2007. Mr. Sorr must surrender his biennial and wallet licenses when the suspension begins. He must take and pass the MJPE within the last 90 days of the active period of his suspension in order for the stayed portion of his suspension to begin. He cannot be in the prescription area or have anything to do with medications or the prescription area of the pharmacy during the active period of his suspension. He cannot serve as RPIC or a preceptor for the full term of the suspension. He must pay fees and costs of \$99,639.75 and a penalty of \$10,000 for the four counts. All monies will be due and owing within 10 days of the filing and service of the final written order. If Mr. Sorr is unable to pay at this time, he can discuss a payment plan with Mrs. Boyer but all monies must be paid in order for the stayed portion of his suspension to begin. The motion passed unanimously.

2) Final Draft Regulations for Board Review - Security of non-department pharmacies This item was tabled until the next meeting.

3) Proposed Pharmacy Technician Regulations - Public Comments & Board Responses This item was tabled until the next meeting.

4) MJPE Item-writing workshop, June 15-16, 2007, Mount Prospect, IL Margherita Lafragola moved, seconded by Jennifer DeVenio to approve Elvy Paiva and Tom Bender to be the New Jersey Board representatives at the MJPE workshop. The motion passed unanimously.

5) Communication referral regarding the use of pill counting trays The Chair directed the Executive Director to notify Mr. Koh that the Board believes that most pharmacies take steps to address this problem and that it is not necessary for the Board to mandate any action at this time.

6) Piper Laurie LaMonica, R.Ph., The Center Pharmacy, Cherry Hill, NJ - Regarding purchase of new computer system which is unable to transfer prescription data Pamela Allen moved, seconded by Peter Halecky that Ms. LaMonica to approve the steps that she outlined in her letter but that she must amend Step Three to include an

attachment of the prescription screen printout described in Step One to the prescription pad in addition to the transcription. She must also keep the old computer software for the time required by state and federal laws. The motion passed unanimously.

7) Jane Frumin - Pharmacy student requesting approval to get credit for intern hours completed prior to being registered as a pharmacy intern This item was tabled until the next meeting.

8) Sarah Buyaki Okindo, CPhT, Quality Analyst, Aetna Pharmacy management - Requesting Board opinion on "called-in" scripts This item was tabled until the next meeting.

9) Elizabeth Renn - Reciprocity candidate requesting a waiver of NJAC 13:39-3.2(a)3 This item was tabled until the next meeting.

10) Pamela Mandel - Requesting Board opinion regarding clinics in pharmacies with advanced practice nurses This item was tabled until the next meeting.

VIII. MITIGATIONS

1) Leonard Kapla, RPIC, Preston Drugs & Surgical, Boonton, NJ Marc Sturgill moved, seconded by Peter Halecky to mitigate the \$250 fine for NJAC 13:39-4.18(d)4(xii)5. The motion passed by a vote of 7 to 1.

2) Parul Desai, RPIC, Rite Aid, Somerset, NJ Margherita Lafragola was recused from this item. Pamela Allen moved, seconded by Richard Palombo to deny the mitigation of the warning for violating NJAC 13:39-2.10(b). The motion passed unanimously.

3) Gary Rich, RPIC, CVS, River Edge, NJ Pamela Allen moved, seconded by Marc Sturgill to mitigate the \$500 fine for NJSA 45:14-80(d) and NJAC 13:39-6.6(d). The motion passed by a vote of 7 to 1.

4) Sharon A. Wetty, RPIC, Acme, Ocean View, NJ This item was referred to DAG Marianne Greenwald to talk to Teresa Gans, the person who signed the certification, regarding her request for a formal administrative hearing.

IX. COMMITTEE REPORTS

None

X. APPROVAL OF MINUTES

1) April 11, 2007

This item was tabled until the next meeting.

XI. ADJOURNMENT

At 4:37 p.m., Margherita Lafragola moved, seconded by Peter Halecky to adjourn the Open Session. The motion passed unanimously.