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BOARD OF PHARMACY MINUTES OF THE OPEN SESSION SUSSEX CONFERENCE ROOM, 6TH FLOOR APRIL 25, 2012

I. CALL TO ORDER

The Open Meeting of the New Jersey Board of Pharmacy was called to order by Board Vice President Thomas Bender in the Sussex Room 6th Floor at 124 Halsey Street, Newark, New Jersey on April 25, 2012 at 9:01 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

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

III. ROLL CALL

Edward G. McGinley, R.Ph.	President (arrived 10:00 AM)
Thomas Bender, R.Ph.	Vice President
Margherita Cardello, R.Ph.	
Marc Sturgill, R.Ph.	
Richard Palombo, R.Ph.	
Mahesh Shah, R.Ph.	
Stephen Lieberman, R.Ph.	

OTHERS IN ATTENDANCE

Anthony Rubinaccio	Executive Director
Megan Cordoma	Deputy Attorney General
Maria Bertorelli	Administrator Assistant

IV. UPDATE BY EXECUTIVE DIRECTOR

The Executive Director reported that \$12,650.00 was collected in fines and penalties during the month of March 2012. The following permits/licenses/registrations were issued during the month of March 2012:

- Technicians - 256
- Pharmacists - 24 (14 by examination/score transfer, 10 by reciprocity)
- Out of state pharmacies - 9

- In state pharmacies - 4
- Pharmacists receiving immunization approval - 48
- Interns (foreign graduates) - 6

V. OLD BUSINESS

1) Public Orders filed

2) D. Samuels, R. Ph. -Requesting unrestricted license.

The Board reviewed materials submitted by Mr. Samuels showing compliance with a prior Board Order and requesting unrestricted licensure.

Margherita Cardello moved, seconded by Marc Sturgill to approve Mr. Samuel's request for an unrestricted license. **Motion passed unanimously.**

3) M. Fard, R. Ph. - Requesting unrestricted license.

The Board reviewed materials submitted by Mr. Fard showing compliance with a prior Board Order and requesting unrestricted licensure.

Margherita Cardello moved, seconded by Marc Sturgill to approve Mr. Fard's request for an unrestricted license. **Motion passed unanimously.**

4) Meridian Health - Update Report on ScriptCenter Pilot Program.

Marc Sturgill moved, seconded by Richard Palombo, to request that Meridian Health provide additional information to the Board (regarding statistics for the period March 3 through June 20, 2012) after June 30th. The board will then re-evaluate the request. In the interim, no expansion of the pilot program should occur. **Motion passed unanimously.**

VI. NEW BUSINESS

1) Passaic County Community College - Requesting waiver to N.J.A.C. 13:39-6.6.

The Board reviewed a request from Passaic County Community College to allow students to observe the activities within the clinical area of the Pharmacy without registering as pharmacy technicians.

Stephen Lieberman moved, Mahesh Shah seconded that a waiver is not necessary. However pharmacies participating in this educational program should be aware

that the pharmacist on duty remains responsible for the security of the pharmacy as outlined in N.J.A.C. 13:39 - 4.15. Participating schools are asked to provide the Board with a list of students, pharmacies and schedules of when the students will be visiting on a quarterly basis and prior to the students visiting a store. If changes to the reported schedule occur the schools are asked to alert the Board immediately. The students should wear school IDs during their visits. It was further moved that an article on this topic be put in the Newsletter.

This topic will be referred to the Rules and Regulations committee for further discussion. Thomas Bender recused due to his affiliation with Walgreens.

Motion passed unanimously.

2) W. Azzawi - Requesting TOEFL waiver.

Thomas Bender moved, seconded by Stephen Liberman to Deny the applicant's waiver request because the candidate passed the speaking part of the TOEFL which is what he claimed was the basis for his disability.

Motion Passed 5-1. Marc Sturgill opposed.

3) J. Colaizzi from Walgreens - Pharmacist Work-at-Home program request.

Item was tabled to allow the DAG to do research and for Walgreens to come back with their Standard Operation Procedures.

4) A. Cifaldi, Esq., on behalf of his client, AtlantiCare Regional Medical Center (ARMC)

The Board Reviewed correspondence regarding whether ACRMC would need additional permits to provide pharmaceutical services to the AtlantiCare physician group.

Richard Palombo moved, Marc Sturgill seconded to request additional information from AtlantiCare clarifying the types of clientele to be served (ie. In patient only, mail order, etc.). The Board also encourages Mr. Cifaldi to review the regulations on steering and when a retail permit is required. **Motion passed unanimously.**

VII. MITIGATION/HEARING REQUESTS

1) A. Park, RPIC - Duane Reade

At the December 14, 2011 Board Meeting , the Board reviewed correspondence seeking mitigation of penalty submitted in response to a Uniform Penalty Letter.

Richard Palombo moved, seconded by Margherita Cardello to remove from

inspection report #8-1217E-11-X the \$350.00 fine issued pursuant to CFR §1301.21, CFR §1301.44B.

Motion did not pass due to lack of quorum, 3-1. The matter will be reagendaized.

At this Board Meeting Richard Palombo moved, Margherita Cardello seconded to approve this mitigation request. Thomas Bender recused due to his affiliation with Walgreens. **Motion passed 4-1. Edward McGinley opposed.**

2) E. Gatchalian - Walgreens

The Board reviewed correspondence seeking mitigation of penalty submitted in response to Uniform Penalty Letter.

Richard Palombo moved, Margherita Cardello seconded to mitigate. Thomas Bender recused due to his affiliation with Walgreens.

Motion passed unanimously.

3) D. Tennyson - Walgreens

The Board reviewed correspondence seeking mitigation of penalty submitted in response to a Uniform Penalty Letter.

Richard Palombo moved, Stephen Lieberman seconded to mitigate items number 1 and number 3, but to retain penalty number 2. Thomas Bender recused due to his affiliation with Walgreens. **Motion passed unanimously.**

4) G. Schultz - Walgreens

The Board reviewed correspondence seeking mitigation of penalty submitted in response to a Uniform Penalty Letter.

Richard Palombo moved, Margherita Cardello seconded to withdraw this UPL and to issue a new UPL to the permit holder with a warning for same violations. Permit holder is also responsible pursuant to N.J.A.C. 13:35 - 4.18 . Thomas Bender recused due to his affiliation with Walgreens. **Motion passed 4-1. Marc Sturgill opposed.**

VIII. INFORMATIONAL

1) Rexam - Regarding medication containers.

Thomas Bender moved, seconded by Margherita Cardello to put this topic before the Rules and Regulations committee to determine if the Board needs to promulgate regulations regarding containers. **Motion passed unanimously.**

- 2) **Massachusetts College of Pharmacy and Health Services - ACPE approved Pharm D Program.**

The Board accepted this as informational.

IX. COMMITTEE REPORTS

A) Prescription Drug Abuse Summit.

Executive Director Anthony Rubinaccio and New Jersey Board of Pharmacy Vice President Thomas Bender gave a summary of a Prescription Drug Abuse Summit that was held on 4/24/12. A collaborative venture between the US Attorney office, DEA and New Jersey Attorney Generals office, the focus was on prescription drug abuse in New Jersey. The audience was well represented with participants from law enforcement, education, the Pharmacy and Medical communities.

X. APPROVAL OF MINUTES

- 1) **March 28, 2012**

Marc Sturgill moved, seconded by Margherita Cardello to approve the Open Session Minutes of March 28, 2012 as amended. **Motion passed unanimously.**

XI. ADJOURNMENT

At 11:03 a.m. Margherita Cardello moved, seconded by Mahesh Shah to adjourn Public Session and move into Executive Session for the review of complaints, 1 Old Business Item, 12 New Business Items, the Secretary's Report and Recommendation on Retail and Institutional Permits, the Secretary's Report and Recommendation on Inspection Reports and the Approval of Minutes.