

DRAFT

**NEW JERSEY STATE BOARD OF PHARMACY
OPEN SESSION MINUTES APRIL 26, 2006**

I. CALL TO ORDER

The open meeting of the New Jersey Board of Pharmacy was called to order by Board President Pamela Allen in the Somerset Room, 6th floor at 124 Halsey Street, Newark, New Jersey on April 26, 2006 at 9:16 a.m. All members were duly notified of the time and place and all pertinent materials had been provided.

II. SUNSHINE LAW ANNOUNCEMENT

Pamela Allen 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

Pamela Allen, R.Ph President
Edward McGinley, R.Ph Vice-President
Jennifer Barron Government Member
Thomas Bender, R.Ph
Thomas Egan, Pharm.D
Peter Halecky, R.Ph.
Elvy T. Paiva, R.Ph
Marc Sturgill, Pharm. D
Axel Miranda Public Member

OTHERS IN ATTENDANCE:

Joanne Boyer Executive Director
Marianne Greenwald Deputy Attorney General
Susan Flores Principal Clerk
Kiran Shamlall Clerk Typist

EXCUSED:

Margherita Lafragola, R.Ph.

IV. SECRETARY'S REPORT AND RECOMMENDATION FOR REGISTRATION BY RECIPROCITY, EXAMINATION AND GRADE TRANSFER

Elvy Paiva moved, seconded by Peter Halecky, to accept the Secretary's Report and Recommendation for Registration by Reciprocity, Examination and Grade Transfer. The motion passed unanimously.

V. CONTINUING EDUCATION REPORT

Jennifer Barron moved, seconded by Elvy Paiva, to accept the Continuing Education Report of April 26, 2006. The motion passed unanimously.

VI. VIOLATIONS PAID FOR THE MONTH OF MARCH

N/A

VII. OLD BUSINESS

1) Carl Maslag, R.Ph. – Licensee selected for CE audit and is requesting if courses taken for Master Degree at University of Phoenix qualify under NJAC 13:39 – 3A.3(a)2. This item was originally before the Board on 1/25/06 at which time the Board requested an official transcript, course content for each course listed on the transcript, time frame of courses and a statement regarding didactic participation in the courses

Elvy Paiva moved, seconded by Peter Halecky, to accept the following courses that Mr. Maslag completed : Health Care Organizations; Health Care Finance and Quality and Database Management. Each of these courses is granted 9 continuing education credits. The course titled Healthcare Infrastructure is granted 3 continuing education credits. The penalty letter previously issued will now be rescinded since Mr. Maslag has met the continuing education requirements for the period May 1, 2003 thru April 30, 2005. The motion passed unanimously.

VIII. NEW BUSINESS

1) Kenneth W. Schafermeyer, Ph.D., Professor and Director of Graduate Studies, St. Louis College of Pharmacy, St. Louis, MO – Regarding certification program as stated in NJSA 45:14 – 80.e(2)

This matter has been tabled until Mr. Schafermeyer can appear before the Board. The Board requested that Mr. Schafermeyer provide information as to the number of applicants who have taken the exam and became certified, the organizational structure of the entity that oversees this program and a response to the Letter ASHP sent to the Connecticut Board of Pharmacy.

2) Anonymous request for Board opinion – Can a licensed pharmacist dispense medications from a Prescription Assistance Program at an ambulatory care center that does not have a pharmacy license?

The Chair directs that since there is inadequate information to respond and the Board does not issue generic advisory opinions, the anonymous person will need to contact the Executive Director or the Deputy Attorney General and provide additional information.

3) NABP Communication – Committee Volunteers

The Board accepted it as informational. Edward McGinley gave a brief overview of the responsibilities of a committee participant.

4) NABP Communication – Task Force on Model Regulations for Long Term Care

This has been referred to the Long Term care Committee.

5) NABP Communication – Task Force on Standards for Compounding

The Board accepted it as informational and it has been referred to the Compounding Committee.

6) NABP Communication – Pharmacist Reports a physician Office Requesting an "NABP" ID Number

The Chair directed that this be put on our web-site and to notify the state pharmacy professional organizations.

7) Review of S1761 – "Violence Prevention in Health Care Facilities Act", requires certain health care entities to establish violence prevention programs to protect health care workers

Peter Halecky moved, seconded by Jennifer Barron, to oppose this bill as it is too onerous and burdensome. The Board of Pharmacy believes that the issue of safety should be addressed more generically in statute, not as proscriptively as set forth in this bill. The Board of Pharmacy is concerned that this bill will impose costs on employers and believes that the issues addressed by this bill are covered by collective bargaining agreements. The

motion passed unanimously.

8) Review of S1530 – Prohibits penalizing pharmacist for dispensing fraudulent prescription approved by Medicaid, PAAD or Senior Gold

Elvy Paiva moved, seconded by Peter Halecky, to support the bill with the amendment defining what constitutes a fraudulent prescription. The motion passed unanimously.

9) Review of A2766 – The "New Jersey Pharmacist Business Assistance Act", to aid pharmacists engaged in business in the acquisition and upgrade of computer and security systems

Thomas Bender moved, seconded by Elvy Paiva, to support the bill with the amendment defining annual gross income. The motion passed unanimously.

10) Sonia Thomas – Applicant from Connecticut requesting that the 1,500 intern hours she completed in Ct. be accepted. These hours were completed in a out of state pharmacy with a preceptor who is not licensed in New Jersey.

Edward McGinley moved, seconded by Thomas Egan, to waive 500 hours and she must complete 500 hours with an approved New Jersey licensed preceptor. The motion passed unanimously. Elvy Paiva recused because of Ms. Thomas' employment at Walgreens.

IX. MITIGATIONS

1) Elisa Ragozzino, R.Ph. – regarding CE audit

Ms. Ragozzino has submitted additional CE credits which has lowered the fine to \$1,800 total

This matter has been tabled until Ms. Ragozzino provides proof and the dates of her mother's illness and an employment history.

2) Vincenza N. Abitabile, R.Ph. – Regarding answering "no" on their renewal application to the question pertaining to completing CE credits

Thomas Bender moved, seconded by Elvy Paiva to deny her request for mitigation. The motion passed 7 to 2.

3) Jonathan J. Lubitz, R.Ph. – Regarding answering "no" on their renewal application to the question pertaining to completing CE credits

Thomas Bender moved, seconded by Thomas Egan to deny his request for mitigation. The motion passed unanimously.

4) Alan Strauss, R.Ph. – Regarding CE audit

Thomas Bender moved, seconded by Thomas Egan to deny his request for mitigation. The motion passed unanimously.

5) Lyle Shaw, R.Ph. – Regarding CE audit

Thomas Bender moved, seconded by Peter Halecky to deny his request for mitigation. The motion passed unanimously.

6) Robert Schaefer, R.Ph. – Regarding CE audit

Thomas Bender moved, seconded by Thomas Egan to deny his request for mitigation. The motion passed unanimously.

7) Yelena Golshteyn-Orodovskaya, R.Ph. – Regarding CE audit

Thomas Bender moved, seconded by Edward McGinley to deny her request for mitigation. The motion passed 7 to 1. Elvy Paiva recused because of Ms. Golshteyn's employment at Walgreens.

8) Allan Silverman, R.Ph. – Regarding CE audit

Thoms Egan moved, seconded by Thomas Bender to deny his request for mitigation. Mr. Silverman may elect to utilize a payment plan for payment of the fine and he may also be granted an extension to obtain the needed live CE credits. The motion passed unanimously.

X. CONFERENCES

Mr. McGinley presented his report on the 102nd Annual Meeting of the National Association of Boards of Pharmacy (NABP).

XI. COMMITTEE REPORTS

N/A

XII. APPROVAL OF MINUTES

1) March 22, 2006

Edward McGinley moved, seconded by Jennifer Barron to approve the Open Minutes of the March 22, 2006 meeting as amended. The motion passed unanimously.

2) April 12, 2006

Elvy Paiva moved, seconded by Thomas Egan to approve the Open Minutes of the April 12, 2006 meeting as amended. The motion passed unanimously.

XIII. ADJOURNMENT

At 11:11 a.m., Jennifer Barron moved, seconded by Edward McGinley to enter into the Executive Session to review (7) consumer complaints, (3) New Business, (17) Retail IV Permits, (12) Inspection reports and (2) Investigative inquiries. The motion passed unanimously.