

**FINAL**  
**NEW JERSEY STATE BOARD OF PHARMACY MINUTES OF**  
**THE OPEN SESSION OF APRIL 27, 2005**

**I. CALL TO ORDER**

The Open meeting of the New Jersey State Board of Pharmacy was called to order by Board President Pamela Allen in the Hudson Room, 6th Floor at 124 Halsey Street, Newark, New Jersey on April 27, 2005 at 9:08 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 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  
Mona Doyle Public Member (Left at 3:55 p.m.)  
Thomas F. Egan, PharmD  
Ira Katz R.Ph (Left at 3:00 p.m.)  
Margherita R. Lafragola, R.Ph  
Sy Larson, Ph.D Public Member  
Elvy Paiva, R.Ph  
Richard Palombo, R.Ph. (Left at 1:35 p.m.)  
Marc Sturgill, PharmD

**OTHERS IN ATTENDANCE:**

Marianne Greenwald  
Deputy Attorney General  
Joanne Boyer, R.Ph.  
Executive Director  
Shonnette Messiah  
Clerk Stenographer  
Kiran Shamlall  
Clerk Stenographer

**EXCUSED:**

Jennifer Barron Government Member

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

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

**V. CONTINUING EDUCATION REPORT**

Marc Sturgill moved, seconded by Richard Palombo to accept the Continuing Education Report for April 27, 2005. The motion passed unanimously.

Ira Katz was recused from the third item, due to Robert Gazsi's employment at Far Hills Pharmacy, which is owned by Ira Katz.

## **VI. VIOLATIONS PAID FOR THE MONTH OF MARCH**

N/A

## **VII. OLD BUSINESS**

### 1) Granting of TSE Waivers – Review of Board's position

Ira Katz moved, seconded by Elvy Paiva to ask the Executive Director, Joanne Boyer to notify all existing and future candidates requesting TSE/TOEFFL waivers, that the Board is developing criteria for the granting of a waiver. To be considered for a waiver a candidate must have demonstrated good cause before a waiver will be granted. In addition, any candidate seeking a waiver and who has several failed attempts of passing the TSE and/or TOEFFL exams, will not be considered for an interview at this time. The motion passed unanimously.

### 2) Alton Chatmon, PharmD, Owner & RPIC, Rxact Pharmacy, Vineland, NJ

Mr. Chatmon was issued a permit for Rxact Pharmacy on 10/19/04. The pharmacy has not yet opened for business.

Edward McGinley moved, seconded by Richard Palombo to issue a consent order to Mr. Chatmon that he is not to order, purchase or possess prescription legend drugs or devices until prior written notice to the Board that he is commencing operations of Rxact Pharmacy. In addition, such notice must be given in 30 days or less of the intent of opening the Pharmacy. The consent order will be valid for 6 months, after which Mr. Chatmon may apply for an extension. If Mr. Chatmon violates the consent order, it will result in automatic suspension of the permit. The motion passed unanimously.

### 3) ACPE law courses – Board opinion

Due to the number of inquiries the Board office has received regarding the new law CE requirement, the Executive Director is requesting a clarification from the Board as to what will be considered acceptable for CE. Any ACPE program number ending in "03" is a law topic. However, ACPE does state that they have not obtained specific state approval and urge pharmacists to check with their state to see if they will accept these as law credits.

Elvy Paiva moved, seconded by Thomas F. Egan to accept the ACPE courses that end in "03" as appropriate to satisfy the requirement for CE credits in pharmacy law as noted in NJAC 13:39 – 3A.1(a). The motion passed with a vote of 9 to 1. Pamela Allen was opposed.

### 4) John Sisto, Director of Regulatory Affairs, Medco Health – Resubmission of Central Fill Application

At 10:37 a.m., Marc Sturgill moved, seconded by Thomas F. Egan to move into the executive session to discuss this item. The motion passed unanimously.

At 11:29 a.m., Mona Doyle moved, seconded by Edward McGinley to go back into the open session to make a motion. The motion passed unanimously.

Marc Sturgill moved, seconded by Mona Doyle to table this item pending further investigation regarding how the exception and patient care issues will be handled in the central fill process. The reason is stipulated in the Board of Pharmacy Rules and Regulation book under 13:39-4.18(d)6. The motion passed with a vote of 9 to 1. Ira Katz was opposed.

Richard Palombo was recused due to his affiliation with Medco Health.

## **VIII. NEW BUSINESS**

- 1) Suspension of License due to check returned by bank for insufficient funds

This item was considered as an FYI with comments from the Board.

- 2) DEA Final Rule "Preventing the Accumulation of Surplus Controlled Substances at Long Term Care Facilities"

Richard Palombo moved, seconded by Thomas F. Egan that the Board supports the concept of the Drug Enforcement Administration's Final Rule. In addition, the Board will draft a letter to the Department of Health asking for acceptability of Automated Dispensing Systems (ADS) for long-term care facilities in the state of New Jersey. The motion passed unanimously.

- 3) NABP Item Writing Workshop for MPJE, June 3-5, 2005, Mt. Prospect Ill

Mona Doyle moved, seconded by Elvy Paiva to approve Ira Katz attending this workshop. The motion passed unanimously.

- 4) Target Pharmacy ClearRx Prescription Packaging System

This item was considered as an FYI.

## **IX. CONFERENCES**

- 1) N/A

## **X. COMMITTEE REPORTS**

- 1) Pharmacy Practice Act –Immunization/Collaborative Practice Workgroups

On April 26th, a committee of the Board of Pharmacy met with the Executive Committee of the Board of Medical Examiners to review and discuss the draft regulations regarding Collaborative Practice and Immunization. MaryAnne Sheehan will incorporate the proposed changes into the draft regulations and submit to both Boards for review and approval. It is not anticipated that the Immunization regulations will be adopted by the Fall/Winter 2005 flu season. Representing the Board of Pharmacy were Pamela Allen, Ira Katz, Thomas Egan, Elvy Paiva, Margherita LaFargola and Joanne Boyer.

- 2) Pamela Allen, Joanne Boyer and Elvy Paiva met with Wayne Nastase and Robert Elker from the Enforcement Bureau, on April 20th, to review and discuss the current documentation utilized in the inspection process. A self assessment form was discussed which would be utilized by pharmacies to assure compliance with the Board's rules and regulations.

## **XI. APPROVAL OF MINUTES**

- 1) April 13, 2005

Edward McGinley moved, seconded by Ira Katz to accept the draft minutes of April 13, 2005 as amended. The motion passed unanimously.

## **XII. ADJOURNMENT**

At 12:19 p.m., Mona Doyle moved, seconded by Elvy Paiva to enter into the executive session to review (6) complaints, (26) inspection reports and (8) retail and institutional permits. The motion passed unanimously.

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