

**NEW JERSEY BOARD OF PHARMACY
OPEN SESSION MINUTES OF MAY 9, 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 Hudson Room, 6th floor at 124 Halsey Street, Newark, New Jersey at 9:07 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. – arrived at 9:14 a.m.
Axel Miranda Public Member
Elvy T. Paiva, R.Ph.
Richard Palumbo, R.Ph.
Marc Sturgill, PharmD

OTHERS IN ATTENDANCE

Joanne Boyer Executive Director
Marianne Greenwald Deputy Attorney General

IV. UPDATE BY EXECUTIVE DIRECTOR

Joanne Boyer, Executive Director, reported the following:

- a) For the month of April 2007, there were 17 pharmacists licensed by reciprocity and 23 licensed by exam or score transfer.
- b) There was \$34,513 collected in fines and violations for the month of April 2007.

V. CONTINUING EDUCATION REPORT FOR FEBRUARY AND MARCH

N/A

VI. OLD BUSINESS

N/A

VII. NEW BUSINESS

- 1) Jetsie Richardson, R.Ph., Pharmacy Coordinator, Rutgers Health Service, Hurtado Health Center, New Brunswick, NJ – Proposal of a telepharmacy system Marc Sturgill was recused because he is employed by

Rutgers. Elvy Paiva moved, seconded by Richard Palombo to approve the ADDS System for use by the Rutgers Health Service Pharmacy contingent upon satisfactory demonstration of compliance with Subchapter 10 of N.J.A.C. 13:39, including an inspection. The motion passed unanimously.

2) NABP Nominations for Executive Committee Open Officer and District Member Positions. New Jersey is part of District 2 The Board, by acclamation, agreed to support Richard Palombo's candidacy for NABP President-Elect and authorized Elvy Paiva, the Board's delegate, to decide, after meeting the candidates and talking to other delegates, who to cast her vote for to be the District II member on the Executive Committee.

3) Anthony Graziano, RPh, Cedardale Distributors – Regarding institutional satellite pharmacies and the issuing of a permit with a secondary address Elvy Paiva was recused because she is employed by Atlanticare. At 9:50 a.m., Tom Bender moved, seconded by Jennifer DeVenio to move into Executive Session for advise of counsel. At 10:05 a.m., Tom Bender moved, seconded by Jennifer DeVenio to return to Open Session. The Chair directed Mr. Graziano to determine what the licensure status is of Healthplex, where the pharmacy is to be located. If Healthplex is licensed as a healthcare facility, then he should apply for an institutional permit. In the application, he should include a chart or information to show the Atlanticare Regional Medical Center corporate structure and where Healthplex is in the corporation.

4) Maritza Sanchez – Request for reinstatement Elvy Paiva was recused because she is employed by Walgreens. Jennifer DeVenio moved, seconded by Tom Bender to have Ms. Sanchez appear before the Board at an Investigative Inquiry. The motion passed unanimously.

5) Division of Medical Assistance & Health Services, Medical Supplier Manual Moratorium on Enrollment of New Providers – Proposed amendments Elvy Paiva moved, seconded by Axel Miranda to send comments from the Board to these proposed amendments regarding the following: a) It is not entirely clear to the Board why, in Chapter 51, Subchapter 2, Pharmaceutical Services to Medicaid or NJ Familycare Fee-For Service Beneficiaries in a Nursing Facility, a provider that is selected to provide institutional pharmaceutical services to a facility that is a newly licensed institution or a replacement provider that shall provide identical services to an existing licensed institution, shall be approved for participation under the moratorium. Is it the intent of the Division to make this exception only for an institutional pharmacy which, based on current Board of Pharmacy regulations, must be located within the health care facility and not for a retail pharmacy that wishes to provide services to a healthcare facility? If the replacement provider mentioned in this section can be retail pharmacy, then it is unclear why the provisions of N.J.A.C. 10:51-1.2(a)2i and ii(1) to (5) are not applicable to such applicants since many, if not most, of the current retail providers of such services in the state provide statewide same-day delivery to such facilities. b) If a pharmacy that has applied to be a provider under the special needs criteria is not approved by the Division to be a provider, is there any type of appeal process or recourse for the pharmacy? c) What method is going to be used to quantify or determine if a pharmacy is not subject to the moratorium because Medicare is the primary payer and the provider bills for cross-over claims and wraparound Medicare Part D payments? The motion passed unanimously.

6) Final Draft Regulations for Board Review - Security of non-department pharmacies Tom Bender moved, seconded by Margherita Lafragola to approve the final draft regulations for the Security of non-department pharmacies as amended. The motion passed by a vote of 9 to 1.

7) Proposed Pharmacy Technician Regulations - Public Comments & Board Responses Elvy Paiva moved, seconded by Jennifer DeVenio to approve the responses to the comments and to adopt the proposed Pharmacy Technician Regulations as amended. The motion passed unanimously.

8) Sarah Buyaki Okindo, CPhT, Quality Analyst, Aetna Pharmacy management – Requesting Board opinion on "called-in" scripts Tom Bender moved, seconded by Jennifer DeVenio that as long as all of the applicable and obtainable elements set forth in N.J.A.C. 13:35-7.2(d) are present and retrievable in the patient profile record system or on the telephone, written, faxed or electronic prescription, that the prescription will be considered valid by this Board. The motion passed unanimously.

9) Elizabeth Renn – Reciprocity candidate requesting a waiver of NJAC 13:39-3.2(a)3 Pamela Allen moved,

seconded by Peter Halecky to waive the 1000 hour internship requirement for Ms. Renn. The Board believes that the depth and abundance of her total work experience is sufficient to allow her to proceed with her application for reciprocity. The motion passed unanimously.

VIII. MITIGATIONS

N/A

IX. COMMITTEE REPORTS

N/A

X. APPROVAL OF MINUTES

1) April 11, 2007

Marc Sturgill moved, seconded by Tom Bender to approve the minutes as amended. The motion passed unanimously.

2) April 25, 2007

These minutes were not available and will be reviewed at the next meeting.

XI. ADJOURNMENT

At 12:10 p.m., Axel Miranda moved, seconded by Jennifer DeVenio to move into Executive Session for the review of 5 complaints, 2 old business items, 4 new business items, 2 Reports for Permits, 10 Inspection Reports, 15 Special Compliance Inspections, an Investigative Inquiry and approval of minutes. The motion passed unanimously.