

**NEW JERSEY STATE BOARD OF PHARMACY  
OPEN SESSION MINUTES MAY 10, 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 May 10, 2006 at 9:05 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  
Peter Halecky, R.Ph.  
Elvy T. Paiva, R.Ph  
Marc Sturgill, Pharm. D  
Axel Miranda Public Member Arrived at 9:12 a.m.

**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.  
Thomas Egan, Pharm.D

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

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

**V. CONTINUING EDUCATION REPORT**

Edward McGinley moved, seconded by Jennifer Barron, to accept the Continuing Education Report of May 10, 2006. The motion passed unanimously.

**VI. VIOLATIONS PAID FOR THE MONTH OF APRIL**

Jennifer Barron moved, seconded by Elvy Paiva to accept the Violations Paid report for the Month of April, 2006. The motion passed unanimously.

## **VII. OLD BUSINESS**

N/A

## **VIII. NEW BUSINESS**

- 1) Communication from NABP regarding State Restrictions for License Transfer The Board accepted this item as informational and it will be referred to the Rules and Regulations Committee and a summary will be placed in an upcoming Board Newsletter.
- 2) Communication from NABP regarding Committee on Law Enforcement/Legislation The Chair directs that this matter be discussed at the August retreat.
- 3) Arthur J. Fiocco, Jr., R.Ph. – Licensee with "expired" status who claims he requested inactive status in 1987 Elvy Paiva moved, seconded by Marc Sturgill to deny his request of his claim that he requested inactive status in 1987 and to inform him he must take the NAPLEX and MPJE exams. The motion passed unanimously.
- 4) Andrew T. Kugler – Requesting a clarification NJSA 45:14 – 65(e) The Chair directs and on advise of counsel, the Board does not provide legal opinions on generalizations. Mr. Kugler will need to provide more specific information regarding the program before the Board could offer an opinion. DAG is to provide prior advice on discount cards which can be forwarded to Mr. Kugler.
- 5) Ariel Zaurov, R.Ph., part owner, Downtown Pharmacy, Jersey City, NJ – Requesting a waiver to keep same permit number with change of ownership(NJAC 13:39 –4.5) Jennifer Barron moved, seconded by Marc Sturgill to approve the request to retain their current permit number. The motion passed unanimously.
- 6) Gangadhara Rao Vakkalagadda – Candidate requesting a waiver of intership hours (NJAC 13:39 – 8.4) Elvy Paiva moved, seconded by Jennifer Barron to deny his request for a waiver of internship hours. The motion passed 6 to 1. Edward McGinley recused due to Mr. Vakkalagadda’s employment with Pathmark.
- 7) Mokhtar Ansari – Reciprocity candidate requesting waiver of FPGEE certification (NJAC 13:39 – 3.1(c)) Elvy Paiva moved, seconded by Axel Miranda to deny his request for a waiver of the FPGEE. The motion passed unanimously.
- 8) Ruchir B. Parikh – Reciprocity candidate requesting a waiver of NJAC 13:39 – 3.2(a)3 Elvy Paiva moved, seconded by Jennifer Barron that Mr. Parikh is to complete a 500 hour internship which must be completed within 2 years prior to reciprocating. The motion passed 6 to 2.
- 9) Sanjay Trivedi – Reciprocity candidate requesting a waiver of TSE exam ( NJAC 13:39 – 2.9) Thomas Bender moved, seconded by Jennifer Barron to deny the request for waiver of TSE exam and to direct him to take the IBT exam. The motion passed unanimously.
- 10) Nakia Kandas – Applicant requesting that the time period for her internship begin prior to making application with the Board (1/06) and obtaining passing score on TSE ( 11/05) Edward McGinley moved, seconded by Elvy Paiva to deny her request. The motion passed unanimously.
- 11) Review of S-1195 - Prohibits a pharmacist from refusing to dispense medication solely for the philosophical, moral, or religious reasons. The Board of Pharmacy has taken a neutral position on the bill because no consensus could be reached. In general, the Board supports the intent of the bill to ensure patient access to medications, but is troubled by the impact the bill will have on the rights of pharmacists to exercise their personal moral, religious or philosophical beliefs.
- 12) Steven Dolgoff- Consent Order Elvy Paiva was recused from this item. Since Mr. Dolgoff failed to comply with the consent order filed on 12/16/05, Edward McGinley moved, seconded by Marc Sturgill, that he must commence payment of \$9,091.75, which must be paid in the amount of \$300 and received no later than the 1st of

June 2006 and the first of each month thereafter. Any payment missed shall cause the full remaining amount to be due immediately. Additionally, the respondent must submit to random, urine screenings as outlined in Item 2 from the PAPNJ initial schedule to begin within two weeks from 5/10/06 and shall continue twice weekly for three months, then once weekly for the next three months and finally once a month until 8/2006. The motion passed unanimously.

## **IX. MITIGATIONS**

1) James DeVita, CVS, Ridgefield Park, NJ

This matter has been tabled.

2) James E. Krahulec, Rite Aid, Newark, NJ

This matter has been tabled.

3) James E. Krahulec, Rite Aid, Oakhurst, NJ Marc Sturgill moved, seconded by Thomas Bender to deny Mr. Krahulec's request for mitigation since the Gold Standard does not cover the general practice of pharmacy reference requirement. The motion passed unanimously.

4) Joon Chung, RPIC, Promptcare Pharmacy, Clark, NJ

This matter has been tabled.

5) Ramaswamy C. Gummadi, RPIC, Ames Drug Store, W. Collingswood, NJ

This matter has been tabled.

6) Tom Kelly, RPIC, Medicine to Go Pharmacies, Forked River, NJ

This matter has been tabled.

7) Jamie Caliendo, RPIC, CVS, Trenton, NJ

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

8) Roy Putrino, RPIC, Basic Home Infusion, Fair Lawn, NJ

Elvy Paiva moved, seconded by Thomas Bender to mitigate 13:39-11.19(d); 13:39-11.20(a); and 8:65-6.3; to deny mitigation for 13:39-11.7(a) and 13:39-11.15(c) and he must complete a central fill application. The motion passed unanimously.

9) Karen Breidenbach, RPIC, Atrium Pharmacy, Emerson, NJ

This matter has been tabled.

## **X. CONFERENCES**

N/A

## **XI. COMMITTEE REPORTS**

N/A

## **XII. APPROVAL OF MINUTES**

1) April 26, 2006 Elvy Paiva moved, seconded by Thomas Egan to approve the Open Minutes of the April 26, 2006 meeting as amended. The motion passed unanimously.

## **XIII. ADJOURNMENT**

At 11:26 a.m., Edward McGinley moved, seconded by Axel Miranda to enter into the Executive Session to review (7) consumer complaints, (2) New Business, (7) Retail IV Permits, (13) Inspection reports and (2) Investigative

inquiries. The motion passed unanimously.