



CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

# New Jersey Office of the Attorney General

Division of Consumer Affairs  
Board of Pharmacy  
124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102



PAULA T. DOW  
Attorney General

THOMAS R. CALCAGNI  
Acting Director

## NEW JERSEY STATE BOARD OF PHARMACY MINUTES OF THE OPEN SESSION May 11, 2011

**Mailing Address:**  
P.O. Box 45013  
Newark, NJ 07101  
(973) 504-6450

### 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 Somerset Room 6<sup>th</sup> Floor at 124 Halsey Street, Newark, New Jersey on May 11, 2011 at 9:00 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

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

### III. ROLL CALL

Edward G. McGinley, R.Ph.	President
Thomas Bender, R.Ph.	Vice President
Richard Palombo, R.Ph.	
Margherita LaFragola, R.Ph.	
Marc Sturgill, R.Ph.	
Stephen Lieberman, R.Ph.	
Mahesh Shah, R.Ph.	

### OTHERS IN ATTENDANCE

Joanne Boyer, R.Ph.	Executive Director
Jodi Krugman	Deputy Attorney General
Maria Bertorelli	Administrator Assistant

### IV. UPDATE BY EXECUTIVE DIRECTOR

1. The Executive Director reported that \$23,625.00 were collected in fines and penalties during the month of April 2011.

The following permits/licenses/registrations were issued during the month of April 2011:

- Technicians - 179
- Pharmacists - 27 (16 by examination/score transfer, 11 by reciprocity)
- Out of state pharmacies - 8
- In state pharmacies - 4
- Pharmacists receiving immunization approval - 55
- Interns (foreign graduates) - 3

## **V. OLD BUSINESS**

### **1) N.J.A.C. 13:39-7.6 Audit Trail - Clarification**

Richard Palombo moved, seconded by Margherita LaFragola that the gathering of demographic information from the patient, including name, address, and telephone number of the patient, the patient's age, date of birth (infant, child, adult) and gender, any allergies or idiosyncrasies, and any medical condition that may relate to drug utilization for creation of a patient profile or updating a profile is not an activity that is limited to licensed or registered personnel. Whether this demographic information is obtained and entered in the pharmacy system by a registered or non-registered person it is not necessary to record and document this information in the audit trail record. The Rules & Regs Committee will draft regulations to reflect this clarification. **Motion passed unanimously.**

## **VI. NEW BUSINESS**

### **1) George Stillwill, R.Ph. – Regarding his Reinstatement Order**

Richard Palombo moved seconded by Margherita LaFragola to send Mr. Stillwill a letter asking him to provide the Board with a copy of the curriculum structure of the PharmD program offered at the University of Florida, which he is enrolled in. This is to include the supervision provided during the clinical experiential portion of the program. **Motion passed unanimously.**

### **2) Anthony DeMeola, R.Ph., RPIC, Omnicare of Whippany and Kim Feldschneider, R.Ph., RPIC, Omnicare of Southern New Jersey – Seeking approval of Bar Code Scanning System**

Ominicare has requested that this matter be rescheduled.

### **3) Marcus Lonky, R.Ph. – Requesting removal of restrictions on his license to practice pharmacy in New Jersey**

Thomas Bender moved, seconded by Marc Sturgill to remove restrictions on Mr. Lonky's license to practice pharmacy in New Jersey as outlined in his Consent Order filed 9/8/2010. **Motion passed unanimously.**

### **4) Susan Pierce, Sr. State Regulatory Analyst, Target, Minneapolis, MN – Regarding the placing of a computer monitor outside the secured area of the pharmacy**

This matter is to be rescheduled.

### **5) Review and Approval of Final Draft of Collaborative Practice Reproposal**

Marc Sturgill moved, seconded by Thomas Bender to approve the final draft of the Collaborative Practice reproposal. The Board thanks Regulatory Analyst MaryAnn Sheehan

for all her efforts in this matter. **Motion passed unanimously.**

**6) Brunswick Avenue Pharmacy - Trenton, New Jersey**

Board noted with sadness the passing of Arjun R. Dyapa, R.Ph./owner of Brunswick Avenue Pharmacy, Trenton, NJ as a result of a robbery at his pharmacy on 4/29/11. Board Member Shah addressed the Board providing details of the incident and the accomplishments of Mr. Dyapa.

The Board requested Board Member Sturgill to address this matter in an article via the Board's quarterly newsletter.

**VII. MITIGATION/ HEARING REQUESTS**

**1) Mourad Ayad, RPIC, A&P Pharmacy, Marlboro, NJ**

Edward McGinley recused due to a prior employment relationship.

Thomas Bender moved, seconded by Marc Sturgill to withdraw the UPL since Mr. Ayad was able to provide proof that the Opening CDS inventory was in fact completed as required. **Motion passed unanimously.**

**2) Uday Vadapalli, RPIC, Oakland Drugs, Oakland, NJ**

Marc Sturgill moved, seconded by Stephen Lieberman to remove the \$1,000.00 fine imposed pursuant to N.J.A.C. 13:39-6.6(b) & (c) and the \$500.00 fine imposed pursuant to N.J.A.C. 13:39-6.15(d) and N.J.S.A. 45:14-80(d). **Motion passed unanimously.**

**3) Gregory Krowicki, RPIC, Select Specialty Hospital, Rochelle Park, NJ**

Thomas Bender moved, seconded by Margherita LaFragola to deny mitigation of the \$15,000.00 fine imposed pursuant to N.J.A.C. 13:39-11.6 & 11.7, and the \$75.00 fine imposed pursuant to N.J.A.C. 13:39-6.2(f)7 & 7.18. **Motion passed unanimously.**

**4) Bayshore Community Hospital, Holmdel, NJ**

At 9:30 a.m. Thomas Bender moved, seconded by Stephen Lieberman to Executive session for advice of Counsel. **Motion passed unanimously.**

**a) Matthew Levanda, R.Ph. (RPIC at time of inspection)**

Richard Palombo moved, seconded by Margherita LaFragola to withdraw the UPL and the \$5,000.00 fine issued to Matthew Levanda pursuant to N.J.S.A. 45:1-21(n). **Motion passed unanimously.**

**b) Permit holder**

Thomas Bender moved, seconded by Richard Palombo to deny mitigation request of the \$10,000.00 fine imposed pursuant to N.J.A.C. 13:39-4.18(a)& (b), N.J.A.C. 13:39-6.6(b) and the \$500.00 fine imposed pursuant to N.J.A.C. 13:396.6(c). A payment plan can be offered

to Bayshore Community Hospital Pharmacy to pay fines imposed. **Motion passed unanimously.**

**c) Anne Brown, R.Ph. (Now RPIC but supervisor at time of inspection)**

Richard Palombo moved, seconded by Thomas Bender to withdraw the UPL and the \$5,000.00 fine issued to Anne Brown pursuant to N.J.A.C. 13:39-6.2(f)2, 3, 4, 6, & 9 and N.J.S.A. 45:1-21(n). **Motion passed unanimously.**

**5) James J. Vizzioni, R.Ph., Owner, Vizzioni's Pharmacy, Trenton, NJ**

Edward McGinley moved, seconded by Thomas Bender to move this matter to Executive Session for advice of counsel. **Motion passed unanimously.**

At 9:55 am Richard Palombo moved, seconded by Margherita LaFragola to move into Executive session for advice of Counsel. **Motion passed unanimously.**

At 11:03 Stephen Lieberman moved, seconded by Richard Palombo back to Public Session.

Chair direct, that after advice of Counsel, further research is needed prior to rendering a decision.

**6) Janice Chempiel, RPIC, University Medical Center at Princeton, Princeton, NJ**

Marc Sturgill moved, seconded by Richard Palombo to remove the \$2,500.00 fine imposed pursuant to N.J.A.C. 13:39-11.14(b)3. **Motion passed unanimously.**

**7) Joseph Tarallo, RPIC, Park Plaza Pharmacy, Matawan, NJ**

Thomas Bender recused. Mr. Tarallo is a personal friend and class mate.

Stephen Lieberman moved, seconded by Edward McGinley to remove the first \$200.00 fine and the request to complete 2 continuing education credits associated with the Klonopin prescription. **Motion passed unanimously.**

**8) Awid A. Ibrahim, RPIC, Quick Aid Pharmacy, North Brunswick, NJ**

Mahesh Shah moved, seconded by Marc Sturgill to remove the \$1,000.00 fine imposed pursuant to N.J.A.C. 8:65-5.7. **Motion passed unanimously.**

**VIII. COMMITTEE REPORTS**

Rules and Regulation meeting next Tuesday, May 17, 2011.

**IX. APPROVAL OF MINUTES**

**1) April 13, 2011**

Marc Sturgill moved, seconded by Thomas Bender to approve the April 13, 2011 Open

Session Minutes as amended. **Motion passed unanimously.**

**X. ADJOURNMENT**

At 11:07 a.m. Thomas Bender motioned, seconded by Stephen Lieberman to move into Executive Session for the review of 12 complaints, 5 Old Business Items, 7 New Business Items, the Secretary's Report and Recommendation on Inspection Reports and the Approval of Minutes.