

FINAL

**NEW JERSEY STATE BOARD OF PHARMACY  
MINUTES OF THE OPEN SESSION OF MAY 12, 2004**

**I. CALL TO ORDER**

The Open meeting of the New Jersey State Board of Pharmacy was called to order by Board President Edward McGinley in the Somerset Room, 6th Floor at 124 Halsey Street, Newark, New Jersey on May 12, 2004 at 9:06 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 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  
Edith Micale, R.Ph. Treasurer  
Anthony Alexander, R.Ph. (Left at 2:50 p.m.)  
Pamela Allen, R.Ph. (Left at 12:50 p.m.)  
Mona Doyle Public Member (Arrived at 9:15 a.m., left at 2:45 p.m.)  
Sophie Heymann Public Member  
Robert Kowalski, R.Ph.  
Richard Palombo, R.Ph

**OTHERS IN ATTENDANCE:**

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

**EXCUSED:**

Ira Katz, R.Ph

**IV. APPROVAL OF MINUTES**

**(1) DRAFT OF April 14, 2004 MINUTES**

Robert Kowalski moved, seconded by Richard Palombo to approve the draft minutes of April 14, 2004 as amended. The motion passed unanimously.

**(2) FINAL OF March 10, 2004 MINUTES**

Sophie Heymann moved, seconded by Anthony Alexander to approve the minutes of March 10, 2004. The motion passed unanimously.

## **V. SECRETARY'S REPORT AND RECOMMENDATION FOR REGISTRATION BY RECIPROcity, EXAMINATION AND GRADE TRANSFER**

Robert Kowalski moved, seconded by Anthony Alexander to approve the Secretary's Report and Recommendation For Registration By Reciprocity, Examination and Grade Transfer. The motion passed unanimously.

## **VI. CONTINUING EDUCATION REPORT**

Robert Kowalski moved, seconded by Richard Palombo to accept the Continuing Education Report. The motion passed unanimously.

## **VII. VIOLATIONS PAID FOR THE MONTH OF APRIL**

Sophie Heymann moved, seconded by Anthony Alexander to accept the Violations Paid for the month of April, 2004. The total paid was \$37,100.00. The motion passed unanimously.

## **VIII. OLD BUSINESS**

### **(1) Cardinal Health** – Off-site order review and entry of hospital medication orders

This was originally put before the Board at the 10/8/03 meeting at which time additional information was requested.

Mr. Gary Cacciatore appeared before the Board to present a proposal for Off-site review and entry of hospital medication orders.

The DAG is going to investigate other state regulations and will speak to the

Board president regarding an outline of a for a pilot program.

This item is to be re-adgendized to the May 26, 2004 meeting.

### **(2) Central Fill Proposal** – Comment summaries and draft responses

Sophie Heymann moved, seconded by Robert Kowalski to accept the Central Fill Proposal as presented. The motion passed unanimously.

### **(3) Senate Bill S557 signed by Governor** – "Patient Safety Act" establishes medical error reporting system and provides "Good Samaritan" protections to certain health care professionals.

This item has been treated as an FYI.

### **(4) David Schwed, R.Ph., Woodruff's Drugs** – Suggested revision for Remote Letter of Agreement

Pamela Allen moved, seconded by Edith Micale to deny his request to change the wording in light of the fact that this is a pilot. It will be up for review in 3 and 6 months at which time if he would like to show that this requirement is burdensome or unnecessary, then the Board will reconsider his suggested changes at that time. The motion passed unanimously.

## **IX. NEW BUSINESS**

### **(1) Heidi A. Stokes, IPA** – Requesting Board to re-examine the issue to include a multiple prescription for a CDS

medication on one prescription blank as communicated via a letter from the Board of Pharmacy.

DAG advised the Board to immediately reinitiate its attempt to get a resolution on this matter from the Board of Medical Examiners and with involvement by the Deputy Director, Anthony Miragliotta on this issue if necessary.

**(2) Michael Segal, Director of Pharmacy, 15 W Pharmacy** – Requesting to send 5 day emergency supply of CDS to LTC facilities.

The Chair directed the Executive Director to ask Mr. Segal to furnish additional information so the Board can have a clear understanding of what he is asking for.

**(3) David J. Bloch, representing Drugstore.com** – Questioning BOP January, 2004 newsletter item regarding out of state prescriptions.

The DAG will respond to Mr. Bloch's question regarding out of state prescriptions.

**(4) Edward McGinley** – Requesting clarification regarding dispensing of a CII amphetamine

According to the Board of Medical Examiners regulations, pharmacists are not allowed to fill a written prescription for C-II amphetamine with no diagnosis or a diagnosis of idiopathic edema or fatigue.

**(5) News Release-Richard Palombo**

The Board congratulated Richard Palombo on being elected to serve a three-year term on the Executive Committee of the National Association of Boards of Pharmacy during its 100th Annual Meeting and Centennial Celebration, April 24-27 2004, in Chicago, IL.

**(6) NJPhA Convention-Luncheon**

The Board has decided to recognize former Executive Director, Lee Gladstein at a luncheon during the NJPhA Convention on June, 30, 2004, and suggested previous Board members should be invited to attend as well. Edith Micale, Richard Palombo and Mona Doyle will serve as the committee for this function.

**(7) Assembly, Bill No. 2718**-Requires that pharmacists provide certain prescription drug information to consumers

Sophie Heymann moved, seconded by Robert Kowalski to oppose the bill. The Board of Pharmacy opposes the bill because, as written, it is unclear. Is written notification required when a practitioner writes a prescription for a brand-name drug and the pharmacist substitutes a generic drug pursuant to the patient's prescription drug plan? Imposing a notification requirement upon pharmacists in such a situation would be unreasonable because pharmacists do not generally have access to the type of information required to be disclosed under the bill for either generic or brand-name drugs. This information is not readily available and would take a great deal of time to locate. The Board believes that a pharmacist's time is better spent filling prescriptions or counseling patients. Is the written notification required under the bill whenever a practitioner writes a prescription for a generic drug, instead of the brand-name equivalent? In this situation, the bill's requirements are also unworkable because a single generic drug product could be substitutable for as many as 10 brand-name products. The bill could, therefore, require pharmacists to provide a comparison of the characteristics listed in the bill for multiple brand-name drugs. This amount of information would be confusing to consumers and would have no tangible benefit for them. The Board also believes that it is unreasonable to require pharmacists to determine whether disclosure of the particular information listed in the bill should be made to a patient because it may be "important in the therapy of the particular patient." The Board believes that it is unlikely that any of the drug characteristics disclosed to patients under the bill would be relevant to the patient's treatment. In rare cases where such information would be relevant, such as in the case of an allergy to a particular flavoring or coloring, the responsibility should rest with the patient to advise the pharmacist of this relevant information. The motion passed unanimously.

**(8) Assembly, Bill No. 2714**-Allows pharmacists to prescribe emergency contraceptives subject to certain conditions.

The majority of the Board was in favor of allowing pharmacists to have the option of participating in a collaborative arrangement in prescribing emergency contraceptives. Two (2) were opposed.

The Board determined that the definition of emergency contraceptive was too broad as defined in the bill. One was opposed.

### **(9)Adewale A. Esho-Applying for Reciprocal Registration**

Anthony Alexander moved, seconded by Sophie Heymann to approve reciprocity after he has shown evidence that he has completed 2 Board approved continuing education modules for medication error(s). The motion passed unanimously.

## **X. CONFERENCES**

### **(1) IACP Tenth Annual Meeting, June 6-8, 2004, Washington, D.C.**

Sophie Heymann moved, seconded by Richard Palombo to have Ira Katz attend the meeting. Mona Doyle will attend the meeting if Mr. Katz is unavailable. The motion passed unanimously.

### **(2) ASAP Annual Meeting, June 24-26, 2004, Carefree, Arizona**

Richard Palombo moved, seconded by Robert Kowalski to elect Ira Katz to attend the meeting and have Sophie Heymann as an alternate. The motion passed unanimously.

### **(3) Hospital Pharmacy & Supply Chain Summit, July 20-22, 2004, Washington, D.C.**

This item has been treated as an FYI.

### **(4) NACDS Pharmacy & Technology Conference – August 28- September 1, 2004, San Diego, Ca.**

Mona Doyle moved, seconded by Robert Kowalski to have Joanne Boyer, Anthony Alexander and Richard Palombo attend the conference pending the approval to send 3 people. The motion passed unanimously.

### **(5) FYI – District II NABP/AACP Meeting, October 21-23, 2004, Chester, WV**

This item has been treated as an FYI.

## **XI. COMMITTEE REPORTS**

### **(1) Pharmacy Practice Act – Technicians Workgroup Anthony Alexander**

Sophie Heymann moved, seconded by Mona Doyle to accept the committee's proposed technician regulation as amended. The amendments will include a line about registration, a clause regarding discipline and deletion of the phrase 2006 on page 3. The DAG will formulate the proper language for these amendments. The motion passed unanimously.

### **(2) Pharmacy Practice Act – Collaborative Practice Workgroup Pamela Allen**

This item is to be re-adgendized for the May 25, 2004 meeting. Ms. Allen has requested that Board members review the document and forward all changes to her by 5/15/04.

### **(3) Pharmacy Practice Act – Immunization Workgroup Ira Katz**

Robert Kowalski moved, seconded by Anthony Alexander to approve the committee's proposed immunization regulation as amended. Edward McGinley, Joanne Boyer and Anthony Miragliotta will present the draft proposal to the Board of Medical Examiners on 5/25/04. The motion passed unanimously.

## **XII. ADJOURNMENT**

At 12:27 p.m., Robert Kowalski moved, seconded by Anthony Alexander to adjourn the open session. The motion passed unanimously.

At 1:00 p.m., the Board entered into the executive session to review (28) complaints, (32) IV retail permits and (40) inspection reports.