



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

SHARON M. JOYCE  
Acting Director

## NEW JERSEY STATE BOARD OF PHARMACY MINUTES OF THE OPEN SESSION May 12, 2010

**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 Monmouth Room 7<sup>th</sup> Floor at 124 Halsey Street, Newark, New Jersey on May 12, 2010 at 9:20 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.  
Thomas Bender, R.Ph.  
Margherita LaFragola, R.Ph.  
Elvy T. Paiva, R.Ph.  
Richard Palombo, R.Ph.  
Marc Sturgill, R.Ph.  
Peter Halecky, R.Ph.

President  
Vice President

### OTHERS IN ATTENDANCE

Joanne Boyer, R.Ph.  
Jodi Krugman  
Maria Bertorelli

Executive Director  
Deputy Attorney General  
Administrator Assistant

### IV. UPDATE BY EXECUTIVE DIRECTOR

1. The Executive Director reported that \$16,871.54 were collected in fines and penalties during the month of April 2010, that \$6,400.00 of that represented monies received from fiscal which were for fines and penalties that were in collection.

The following permits/licenses/registrations were issued during the month of April 2010:

- Technicians - 181
- Pharmacists - 38 ( 22 by examination/score transfer, 16 by reciprocity)
- Out of state pharmacies - 28
- In state pharmacies - 7
- Pharmacists receiving immunization approval - 22
- Interns (foreign graduates) - 14

**V. OLD BUSINESS**

**1) Ronald Sorr– Requesting modification of Consent Order**

Richard Palombo recused since he assisted in identifying expert witness for this case.

Edward McGinley moved, seconded by Elvy Paiva to grant Mr. Sorr a payment plan with the understanding that all prior fees and cost imposed must be paid in full before his license will be reinstated. The previous determined and agreed to costs and fees are not negotiable.

**Motion passed unanimously**

**VI. NEW BUSINESS**

**1) Grace Egan, Executive Director, New Jersey Foundation for Aging – Regarding PL 2009, C 276 (S1799)**

Chair directs that a notice of the new law be posted in an upcoming Board Newsletter.

**2) Nirav J. Patel – Foreign Graduate Intern requesting that his employment at Ohm Laboratories qualify for internship hours**

Margherita LaFragola moved, seconded by Peter Halecky to grant a 200-hour credit, as the Board feels that a portion of his job responsibilities are similar to those in an industry rotation in a PharmD program. **Motion passed 6-1.**

**3) Maryann Sheehan, Regulatory Analyst - Regarding Executive Order II issued 1/20/2010**

Maryann Sheehan addressed the Board regarding Executive Order II which orders and directs all agencies, boards, commissions, departments and authorities over which the Governor has the power to veto minutes to implement and adhere to Common Sense Principles concerning regulatory burdens. Ms. Sheehan had met with the Executive Director and Deputy Attorney General for the Board and researched those regulations that could potentially be modified to conform with the Executive Order. After discussion the Board agreed to recommendations to be made to the Director of the Division for potential modifications to NJAC 13:39 – 2.6 (d) (allow for the supervision of more than one intern), 3A.2 (allow CME credits), Subchapter 9 (revise to follow USP 797), 4.1(g) (allow a new pharmacy to be inspected within a certain number of days after opening instead of prior to opening). It was noted that there are also changes in regulations contained in the Sunset regulations which would qualify as being compliant with this Executive Order. The Board also discussed potential proposals for changes of CDS regulations that are now in conflict with Federal standards (NJAC 8:65 – 5.4(d) & 7.8(d)4).

**4) MaryAnn Sheehan, Regulatory Analyst – Sunset Regulations**

At the April 14, 2010 Board meeting the Board reviewed the Sunset Regulations public comments and approved the draft response for publication on comments received, and approved the proposed adoption as amended. Ms. Sheehan advised Board members that the Division of Law had concerns with the labeling changes proposed, based on the public comments received, since they were inconsistent with the legislative history of Senate Bill 906.

Elvy Paiva moved, seconded by Peter Halecky to change the motion made on April 14, 2010 to reflect that the Board approves the proposed adoptions with no changes. The Board will review the issues presented by the commenters at a later date. **Motion passed unanimously.**

**VII. MITIGATION/ HEARING REQUESTS**

**1) Diana Gusev, RPIC, Rite Aid, Barnegat, NJ**

Margherita LaFragola recused due to her affiliation with Rite Aid.

Peter Halecky moved, seconded by Edward McGinley to mitigate the \$350.00 fine imposed pursuant to 21C.F.R.1301-21 and 21C.F.R.1301-44B. **Motion passed unanimously.**

**2) Lina Hong, RPIC, Wegman's, Princeton, NJ**

Thomas Bender moved, seconded by Richard Palombo to mitigate the \$25.00 fine imposed pursuant to N.J.A.C 13:39-7.12(a)9. **Motion passed unanimously.**

**3) Michael Soda, RPIC, Weis Pharmacy, Hackettstown, NJ**

Richard Palombo moved, seconded by Marc Sturgill to mitigate the warning imposed pursuant to N.J.A.C 13:39-4.14(b)3. **Motion passed unanimously.**

**4) Maria A. Polczyk, RPIC, Raritan Bay Medical Center, Old Bridge, NJ**

Richard Palombo moved, seconded by Marc Sturgill to mitigate the \$200.00 fine imposed pursuant to N.J.A.C. 13:39-5.8(a)1 and N.J.A.C. 13:39-9.20. **Motion passed 4-3**

**VIII. COMMITTEE REPORTS**

The Rules and Regs Committee will meet on 6/2/10 and the Compounding Committee will meet on 6/16/10.

**IX. APPROVAL OF MINUTES**

**1) April 14, 2010**

Marc Sturgill moved seconded by Thomas Bender to accept the Open Session Minutes of April 14, 2010 as presented. **Motion passed unanimously.**

**Board of Pharmacy**

**Public Minutes**

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**X. ADJOURNMENT**

At 11:00 A.M. Margherita LaFragola moved, seconded by Thomas Bender to move into Executive Session for the review of 7 Complaints, 3 Old Business Items, 8 New Business Items, the Secretary's Report and Recommendation on Retail and Institutional Permits, the Secretary's Report and Recommendation on Inspection Reports, 2 Investigative inquiries and the Approval of Minutes.