

**NEW JERSEY STATE BOARD OF PHARMACY**  
**MINUTES OF THE OPEN SESSION**  
**May 14, 2008**

**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, 6th Floor at 124 Halsey Street, Newark, New Jersey on May 14, 2008 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**

Mr. 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 (arrived 11:35 am)  
Pamela Allen, R.Ph.  
Peter Halecky, R.Ph.  
Margherita Lafragola, R.Ph. Left at 2:30 pm  
Elvy T. Paiva, R.Ph. Left at 2:30 pm  
Marc Sturgill, R.Ph. Left at 2:30 pm  
Richard Palombo, R.Ph. Left at 2:45 pm

**OTHERS IN ATTENDANCE**

Joanne Boyer, R.Ph. Executive Director  
Marianne Greenwald, Esq. Deputy Attorney General

**IV. UPDATE BY EXECUTIVE DIRECTOR**

The Executive Director announced that \$27,437.50 was collected in fines and penalties during April, 2008. There were 49 pharmacists licensed during the month of April, 2008. Fourteen by reciprocity and 35 by examination/score transfer.

There were 23 pharmacy technicians registered during the month of April, 2008.

There were 17 pharmacy permits issued during the month of April, 2008. These were issued as the result of transfer of ownership or new pharmacies opening.

The Executive Director noted that Richard Palombo will be installed as President of NABP at the 104th Annual Meeting being held May 17-20, 2008 and wished him much success.

**V. CONTINUING EDUCATION REPORT**

Pamela Allen was recused due to her affiliation with the Saint Barnabas Health Care System

Elvy Paiva moved, seconded by Margherita LaFragola to accept the continuing education report. The motion passed unanimously.

## **VI. OLD BUSINESS**

1) NAPLEX and MPJE Eligibility Dates – Communication from Carmen Catizone, Executive Director NABP  
This matter was last before the Board on 4/23/08. Richard Palombo has requested that this be placed back before the Board for further discussion.

The Chair directed that Richard Palombo obtain written clarification from Carmen Catizone, Executive Director of NABP regarding a student's ability to take the NAPLEX and MPJE. Marc Sturgill requested that Mr. Palombo obtain a list of those states that are providing eligibility prior to the official graduation date as referenced in Mr. Catazone's letter.

## **VII. NEW BUSINESS**

Items number 4, 6 and 7 will be moved into Executive Session for advice of counsel.

1) NABP 104th Annual Meeting Nominations for Executive Committee Open Office and Member Positions

Marc Sturgill moved, seconded by Elvy Paiva to authorize Edward McGinley, the Board's designated delegate at the meeting, to decide, after meeting the candidates and listening to their speeches, who to cast his vote for. The motion passed unanimously.

2) NABP 104th Annual Meeting Proposed Amendments to the Constitution and Bylaws

Peter Halecky moved, seconded by Margherita LaFragola to authorize Edward McGinley, the Board's designated delegate at the meeting, to decide on how to vote on the proposed amendments after hearing further discussion regarding these matters at the meeting. The motion passed unanimously.

3) NABP 104th Annual Meeting Proposed Resolutions

Elvy Paiva moved, seconded by Peter Halecky to support Resolution No.1. The motion passed unanimously.

Elvy Paiva moved, seconded by Richard Palombo to allow Edward McGinley, the Board's designated delegate, to decide on how to vote for Resolution No. 2 after obtaining additional information. The motion passed unanimously. Elvy Paiva moved, seconded by Peter Halecky to support Resolution No.3. The motion passed unanimously. Peter Halecky moved, seconded by Richard Palombo to support Resolution No.4. The motion passed unanimously. Elvy Paiva moved, seconded by Richard Palombo to allow Edward McGinley, the Board's designated delegate, to decide on how to vote for Resolution No. 5 after obtaining additional information. The motion passed unanimously. Peter Halecky moved, seconded by Elvy Paiva to support Resolution No.6. The motion passed unanimously. Elvy Paiva moved, seconded by Marc Sturgill to support Resolution No.7. The motion passed unanimously.

4) Albert Krause, R.Ph. – Request for modification of Order of Reinstatement

Peter Halecky moved, seconded by Pamela Allen to review additional information at a future Board Meeting. The motion passed unanimously.

5) Scott Stanislaw – Request for reinstatement

Elvy Paiva moved, seconded by Richard Palombo to deny Mr. Stanislaw's request for a waiver of the personal appearance requirement before the Board prior to resuming active practice. The Executive Director is to schedule Mr. Stanislaw for an Investigative Inquiry. The motion passed unanimously.

6) Susan Schatzle – Request for reinstatement

Richard Palombo moved, seconded by Marc Sturgill to schedule Ms. Schatzle for an Investigative Inquiry. The motion passed unanimously.

7) Thomas Kenny – Request for reinstatement

Margherita LaFragola moved, seconded by Marc Sturgill to schedule Mr. Kenny for an Investigative Inquiry. Prior to the Inquiry Mr. Kenny is to submit urine screen results from 11/07 to present and the Executive Director is to provide copies of ownership records for the pharmacies he owns. The motion passed unanimously.

8) Edward McGinley, Vice President Pharmacy Operations, Drug Fair – Requesting to maintain same permit upon acquisition of Chapel Hill Pharmacy, Red Bank, NJ

This request has been withdrawn.

### **VIII. MITIGATION/ HEARING REQUESTS**

1) Praven Bhatt, RPIC, Drug Fair of Verona, Verona, NJ Edward McGinley was recused due to his affiliation with Drug Fair

Peter Halecky moved, seconded by Elvy Paiva to mitigate the \$250 fine imposed pursuant to NJAC 13:39 – 7.12(a)13i. The motion passed unanimously.

2) Sanford Fishman, RPIC, Bond Drugs, Jersey City, NJ

Pamela Allen moved, seconded by Edward McGinley to deny the request for mitigation of the \$100 fine imposed pursuant to NJAC 13:39 – 4.5(a) & NJAC 8:65 – 5.5(a) and the \$200 fine ( and 2 CE's) imposed pursuant to NJAC 13:39 – 7.12(a)12 & NJAC 13:39 – 6.2(f)2&3. Mr. Fishman is to complete the two continuing education modules on medication errors. The proof of successful completion of these modules is to be forwarded to the Executive Director. The motion passed 6 – 1.

3) Oikelome Abigail, 40% owner, Bethel Pharmacy, Newark, NJ  
Request for administrative hearing

DAG Marianne Greenwald will follow up with this request.

4) Harriette Paradiso, part owner, Phormula Pharmacy, Totowa, NJ

Richard Palombo moved, seconded by Peter Halecky to deny the request for mitigation. The motion passed unanimously.

Pamela Mandel, legal counsel for Ms. Paradiso, has requested, thru DAG Marianne Greenwald, that the Executive Director send Ms. Mandel the time frame in which Jean Edward Laguerre was employed by Phormula Pharmacy.

### **IX. COMMITTEE REPORTS**

1) Compounding Committee – Thomas Bender, Chairperson

Pamela Allen reported that the Committee has completed the final review of the proposed updated regulations for NJAC 13:39 subchapter 11. These regulations will now be reviewed by the Division of Consumer Affairs and then be presented to the full Board for review and approval.

### **X. APPROVAL OF MINUTES**

1) April 23, 2008

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

## **XI. ADJOURNMENT**

At 10:47 am Pamela Allen moved, seconded by Elvy Paiva to move into Executive Session for the review of 1 Old Business item, 3 New Business items, Secretary's Report and Recommendation on Retail and Institutional Permits, Secretary's Report and Recommendation on Inspection Reports, conduct 2 Investigative Inquiries and approval of minutes. The motion passed unanimously