

**NEW JERSEY BOARD OF PHARMACY  
OPEN SESSION MINUTES OF MAY 23, 2007**

**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 at 9:20 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 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**

Edward McGinley, R.Ph President  
Thomas Bender, R.Ph. Vice President  
Pamela Allen, R.Ph.  
Jennifer DeVenio Government Member  
Peter Halecky, R.Ph  
Axel Miranda (arrived at 10:17 a.m.) Public Member  
Elvy T. Paiva, R.Ph.

**OTHERS IN ATTENDANCE**

Joanne Boyer Executive Director  
Marianne Greenwald Deputy Attorney General

**EXCUSED:**

Margherita Lafragola, R.Ph  
Richard Palumbo, R.Ph.  
Marc Sturgill, PharmD

**IV. UPDATE BY EXECUTIVE DIRECTOR**

N/A

**V. CONTINUING EDUCATION REPORT FOR FEBRUARY AND MARCH**

N/A

**VI. OLD BUSINESS**

1) Syncom Pharmaceuticals Response to Demand for Statement in Writing Under Oath This item was moved to the Executive Session for advise of counsel.

The Board returned to Open Session at 1:30 p.m. Tom Bender moved, seconded by Peter Halecky to have Syncom come in for an Investigative Inquiry. The motion passed by a vote of 6 to 1.

At 1:32 p.m. Tom Bender moved, seconded by Elvy Paiva to return to Executive Session. The motion passed unanimously.

## VII. NEW BUSINESS

- 1) Samir Patel – Request for waiver of TSE Elvy Paiva moved, seconded by Tom Bender to deny his request since he did not demonstrate sufficient cause to grant a waiver. The motion passed unanimously.
- 2) Bobby J. Truong – Requesting Board approval to accept pharmacy intern hours prior to registering as an intern; intern hours needed for licensing in Pennsylvania
- 3) Puja Trivedi - Requesting Board approval to accept pharmacy intern hours prior to registering as an intern; intern hours needed for licensing in Pennsylvania
- 4) Jane Frumin- Pharmacy student requesting approval to get credit for intern hours completed prior to registering as an intern

Items VII-2, 3 and 4 were discussed together. Elvy Paiva moved, seconded by Peter Halecky to give the Executive Director administrative authority to approve inquiries for intern hours worked that are needed for out-of-state licensure if the requester satisfactorily meets the following criteria:

a. Is a graduate of or candidate for graduation from an ACPE approved College of Pharmacy b. Completed the required intern hours during his/her professional years in the College of Pharmacy c. Has submitted the following properly completed documents:

- Intern Application form
- Preceptor Application form
- Preceptor Evaluation with a minimum satisfactory evaluation
- Practical Experience Affidavit

5) Geriscript Pharmacy, Totowa, NJ– Requesting a waiver to maintain same permit number upon transfer of ownership and to not have an inspection The chair tabled this item until the Executive Director is able to obtain the following information:

a. A listing of the members of United Enterprises and Geriscript, LLC (corporate filings of both) b. Information regarding whether corporation papers have been filed or are being filed for United Enterprises, LTD c. A copy of the last Board of Pharmacy inspection

6) Michael Massaro, R.Ph., Director of Pharmacy, Underwood-Memorial Hospital, Woodbury, NJ – Requesting a waiver of the pharmacist check of those medications dispensed from the McKesson Robot Pam Allen moved, seconded by Peter Halecky to deny the request at this time. Underwood Memorial Hospital Pharmacy must first have a satisfactory inspection of the robot by the Bureau of Enforcement and approval by the Board prior to using the robot. They then need to present to the Board documentation to show that, through a 100% pharmacist check of medications dispensed by the robot that there are were no robot filling errors for at least a 2 month period before the Board can consider granting a waiver of the 100% pharmacist check. The motion passed unanimously.

7) Abdul-Hameed Anayoor – Request for reinstatement Jennifer DeVenio moved, seconded by Peter Halecky to schedule Mr. Anayoor for an Investigative Inquiry. The Board should review the transcript of any previous inquiry that the Board had with Mr. Anayoor. The motion passed unanimously.

8) Jhansi Chinnam – Requesting a waiver of TSE Tom Bender moved, seconded by Elvy Paiva to deny his request since he did not demonstrate sufficient cause to grant a waiver. The motion passed unanimously.

9) Melissa A. Coffman, Senior Manager, Licensing, Rite Aid, Harrisburg, Pa. – Regarding the acquisition of Brooks/Eckerd by Rite Aid Elvy Paiva moved, seconded by Jennifer DeVenio to approve their request to continue to operate the Brooks and Eckerd pharmacies under their current state pharmacy licenses after the closing of the stock purchase transaction. The motion passed unanimously.

Pam Allen moved, seconded by Peter Halecky to waive the inspection of each store, to require the inventory of the Controlled Dangerous Substances when each store is actually converted and to notify the Board when the name is actually changed so that they will be compliant with N.J.A.C. 13:39-4.12(a) and (b). They will be required to pay the required fee and show the Board their new label at that time. The motion passed unanimously.

10) Pamela Mandel, Esq. – Correspondence regarding internet dispensing of CDS medication with face to face physician prescribing Tom Bender moved, seconded by Peter Halecky to refer Ms. Mandel to N.J.A.C. 13:35-7.1A which describes what the Board of Medical Examiners believes is a legitimate physician/patient relationship and that we will forward her letter to the Board of Medical Examiners to see if they have any issues with the process outlined in the letter. The Board of Pharmacy believes that in the scenario presented that there is no legitimate Nurse Practitioner, Physician Assistant or Licensed Physician face-to-face relationship with the patient, which is required for both new prescriptions and continued use of medication. Pursuant to N.J.A.C. 13:39-7.11(f) the pharmacist shall not fill a prescription where there is a question regarding the authenticity of the prescription without verification. The motion passed unanimously.

11) Todd Timbrook, President & CEO, Home Solutions, Inc. – Request to maintain same permit number upon change of ownership Elvy Paiva moved, seconded by Axel Miranda to allow them to keep their same permit number upon change of ownership and payment of the required fees. The motion passed unanimously.

12) Officer Elections The chair announced that elections for Board President and Vice-President will be held as the last item under New Business at the first meeting in June.

## **VIII. MITIGATIONS**

N/A

## **IX. COMMITTEE REPORTS**

N/A

## **X. APPROVAL OF MINUTES**

1) April 25, 2007 Pam Allen moved, seconded by Tom Bender to approve the minutes as amended. The motion passed unanimously.

2) May 9, 2007 Peter Halecky moved, seconded by Axel Miranda to approve the minutes as amended. The motion passed unanimously.

## **XI. ADJOURNMENT**

At 11:52 a.m., Pam Allen moved, seconded by Tom Bender to move into Executive Session for the review of 4 complaints, 1 old business items from the Open Session, 2 new business items, 5 Reports and Recommendations for Permits, 11 Inspection Reports, 15 Special Compliance Inspections, 2 Investigative Inquiries and approval of minutes. The motion passed unanimously.