

**NEW JERSEY STATE BOARD OF PHARMACY  
OPEN SESSION MINUTES MAY 24, 2006**

**I. CALL TO ORDER**

The open meeting of the New Jersey Board of Pharmacy was called to order by Board President Pamela Allen in the Somerset Room, 6th floor at 124 Halsey Street, Newark, New Jersey on May 24, 2006 at 9:07 a.m. All members were duly notified of the time and place and all pertinent materials had been provided.

**II. SUNSHINE LAW ANNOUNCEMENT**

Pamela Allen 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.

Ms. Allen announced that Marc Sturgill received the Ernest Mario College of Pharmacy Student's Choice Award at the May 19th 2006 graduation ceremony. The Board congratulated him on his award.

**III. ROLL CALL**

Pamela Allen, R.Ph President  
Edward McGinley, R.Ph Vice-President  
Jennifer Barron Government Member  
Thomas Bender, R.Ph  
Peter Halecky, R.Ph.  
Elvy T. Paiva, R.Ph  
Marc Sturgill, Pharm. D  
Margherita Lafragola, R.Ph.  
Thomas Egan, Pharm.D Arrived at 9:12 a.m.

**OTHERS IN ATTENDANCE:**

Joanne Boyer Executive Director  
Marianne Greenwald Deputy Attorney General  
Susan Flores Principal Clerk  
Kiran Shamlall Clerk Typist

**EXCUSED:**

Axel Miranda Public Member

**IV. SECRETARY'S REPORT AND RECOMMENDATION FOR REGISTRATION BY RECIPROCITY**

Elvy Paiva moved, seconded by Margherita Lafragola, to accept the Secretary's Report and Recommendation for Registration by Reciprocity. The motion passed unanimously.

**V. CONTINUING EDUCATION REPORT**

Jennifer Barron moved, seconded by Margherita Lafragola, to accept the Continuing Education Report of May 24, 2006. The motion passed unanimously.

**VI. VIOLATIONS PAID FOR THE MONTH OF APRIL**

N/A

## **VII. OLD BUSINESS**

1) Solutions Healthcare and Partners Pharmacy submission of Joint Application to Conduct a Centralized Prescription Handling Service This item was last before the Board on 3/8/06 at which time the Board requested additional information

Elvy Paiva moved, seconded by Edward McGinley to approve the Joint Application to Conduct a Centralized Prescription Handling Service. The motion passed 8 to 1.

2) Maria O. Arole, PharmD – Regarding Board’s decision to deny her request for a waiver of NJAC 13:39 – 3.2(a)3

Elvy Paiva moved, seconded by Marc Sturgill to approve her request for waiver of N.J.A.C. 13:39-3.2(a)3 due to her previous work experience and her prior externship. The motion passed unanimously.

3) Barrie Levine, R.Ph., Vice President, Community Distributors – Regarding change of ownership

Elvy Paiva moved, seconded by Marc Sturgill to approve the change of ownership pending receipt of the names of the officers of Community Distributors, Inc. The motion passed 7 to 2.

4) Thomas Togno, R.Ph. – Notification of move to Arizona and enrollment in Pharmacists Assisting Pharmacists of Arizona program

This item has been tabled until documentation has been reviewed by Marianne Greenwald, Deputy Attorney General.

5) Proposed changes to Out of State Pharmacy regulations

Edward McGinley moved, seconded by Thomas Bender to approve the proposed changes of sections (h) and (k). The motion passed unanimously.

Elvy Paiva moved, seconded by Peter Halecky that in order to be consistent with NJAC 13:39 – 4.10(a) the draft out of state regulations for business hours be changed from 40 hours, 6 days a week to 40 hours, 5 days a week. The motion passed unanimously.

6) Steven Aberbach – Request for reinstatement This item was last before the Board on 4/13/05 at which time the Board determined that Mr. Aberbach may petition the Board for reinstatement after 5/1/06 provided he supplies proof that he completed parole

This item has been tabled.

7) S1195 - Establishes pharmacy’s duty to fill prescriptions for in-stock drugs or devices without delay, notwithstanding sincerely held moral, philosophical or religious beliefs of pharmacist.

Thomas Bender moved seconded by Peter Halecky to oppose the bill since it legislates customer service; targets only pharmacists and not other health care professions; would place a huge regulatory burden on providers; and patient access may be limited. The motion passed 6 to 3.

## **VIII. NEW BUSINESS**

1) Resolutions Passed and Defeated at NABP ‘s Annual Meeting, April 8-11, 2006, San Francisco, CA

The Board accepted it as informational.

2) Michael A. Podgurski, R.Ph., Vice President, Pharmacy Operations – Daily Prescription Logs

The Chair directed that NJAC 13:39 -- 5.6(h) was recodified to NJAC 13:39 -- 7.6(e) and the requirement for a document log was eliminated. Margherita Lafragola recused due to her employment at Rite Aid.

3) Barbara H. Parks, Region Counsel, SuperValu, Minneapolis, MN – Requesting Board opinion as to whether transaction between Albertson's and Supervalu qualifies as a "change of ownership"

Edward McGinley moved, seconded by Elvy Paiva, to have Supervalu file a single change of ownership application; to list all stores; to list all non-public owners; there will be no inspection; no inventory will be required to be taken and the pharmacies may retain the same permit number. The motion passed 7 to 2; Pamela Allen and Thomas Bender opposed.

4) Richard Alter, Meridian Pharmacy, Neptune, NJ – Regarding servicing and dispensing medication to registered ambulance services

The Chair directed that this item be referred to the Department of Health & Senior Services.

5) Donna Mastropietro – Request for reinstatement

Elvy Paiva moved, seconded by Marc Sturgill to have Ms. Mastropietro scheduled for an Investigative Inquiry. The motion passed unanimously.

6) Burt Liebman, Director of Regulatory & Legislative Affairs – Periodic Report on Legislation

The Board accepted this as informational.

7) Kimberly D. Griego, PharmD, CGP, President, PopularCare Pharmacy Services, Trenton, NJ – Regarding definition of pharmacy practice site

The Board has no authority over physician's office activities as stated in N.J.S.A. 45:14-41.

8) Article regarding generic drug machines which are being utilized in various states, including New Jersey

The Chair directed that this item be forwarded to the Board of Medical Examiners.

9) Federal Register Notice, April 3, 2006 which states that effective May 3, 2006 the DEA Certificate of Registration for Wedgewood Pharmacy is revoked and that any pending application for renewal or modification is denied

This item was moved to Executive session for advise of counsel.

10) Mohan Mathew, RPIC, Hudson Pharmacy, Jersey City, NJ – Regarding temporary closing of pharmacy from 6/7/06 thru 6/17/06

Thomas Bender moved, seconded by Jennifer Barron, that Mr. Mathew is to be compliant with NJAC 13:39 – 4.10(d). Mr. Mathew is to place notification of the closing in local newspapers, post signs in the front pharmacy window and at the prescription counter. Mr. Mathew may not move the computer to another store to facilitate the filling of prescriptions. The motion passed 7-2.

## **IX. MITIGATIONS**

1) James Krahulec, Rite Aid Pharmacy, South Orange, NJ

Thomas Bender moved, seconded by Thomas Egan to deny the request for mitigation. Mr. Krahulec is to be provided a list of the acceptable reference texts.

Margherita Lafragola recused due to her employment at Rite Aid.

2) Mahmood Hasham, RPIC, Union Hill Pharmacy, Englishtown, NJ

Edward McGinley moved, seconded by Thomas Egan to deny the \$250.00 request for mitigation; to mitigate the \$100.00 if proof of compliance provided. Elvy Paiva recused since Mr. Hasham was a former employee at Walgreens. The motion passed unanimously.

3) Sheikh Ellahisiddiqui, RPIC, High Grounds Pharmacy, Elizabeth, NJ This item was before the Board on 2/22/06 at which time the Board requested a copy of the Inspection Report

Thomas Bender moved, seconded by Elvy Paiva to deny the request for mitigation. The motion passed unanimously.

4) Hossam Abdo, RPIC, Value Mart Pharmacy, Orange, NJ

Marc Sturgill moved, seconded by Thomas Bender to deny the request for mitigation. The motion passed unanimously.

5) Ronnie Reses, R.Ph. – Regarding CE audit

Margherita Lafragola moved, seconded by Thomas Egan to deny the request for mitigation. The motion passed unanimously.

6) Carole L. Burdsall, R.Ph. – Regarding CE audit

Edward McGinley moved, seconded by Marc Sturgill to deny the request for mitigation. The motion passed unanimously.

7) Edis Cherin, R.Ph. – Regarding CE audit

Marc Sturgill moved, seconded by Elvy Paiva to deny her request for mitigation. The motion passed unanimously.

8) Karen E. Kennedy, R.Ph. – Regarding CE audit Pictures of Hurricane damage will be available for Board review

Elvy Paiva moved, seconded by Pamela Allen to mitigate Ms. Kennedy's penalty regarding the CE audit. The motion passed unanimously.

9) Roseanne Branciforte, R.Ph. – Regarding CE audit

Marc Sturgill moved, seconded by Thomas Bender to deny Ms. Branciforte's request for mitigation regarding the CE audit. The motion passed unanimously.

## **X. CONFERENCES**

N/A

## **XI. COMMITTEE REPORTS**

N/A

## **XII. APPROVAL OF MINUTES**

May 10, 2006 - This item has been tabled.

### **XIII. ADJOURNMENT**

At 12:57 p.m. Thomas Egan moved, seconded by Marc Sturgill to enter into the Executive Session to review (8) consumer complaints, (5) New Business, (8) Retail IV Permits and (13) Inspection reports. The motion passed unanimously.