

**NEW JERSEY STATE BOARD OF PHARMACY
MINUTES OF THE OPEN SESSION
May 28, 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 28, 2008 at 9:10 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
Pamela Allen, R.Ph.
Margherita Lafragola, R.Ph.
Elvy T. Paiva, R.Ph. Arrived at 9:15 am
Richard Palombo, R.Ph.

EXCUSED

Marc Sturgill, R.Ph.
Peter Halecky, R.Ph.

OTHERS IN ATTENDANCE

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

IV. UPDATE BY EXECUTIVE DIRECTOR

N/A

V. CONTINUING EDUCATION REPORT

N/A

VI. OLD BUSINESS

1) Nevin Okay, RPIC, Medco Health Solutions, Franklin Lakes, NJ – Submission of requested information regarding Work-at Home program Richard Palombo was recused due to his affiliation with Medco Health Solutions

Thomas Bender moved, seconded by Margherita LaFragola to approve Medco's request to discontinue the use of the surveillance camera in the work at home locations. The motion passed unanimously.

2) Jay Stuman, R.Ph., Renal Pharmacy Operations Manager, Baxter Healthcare, Deerfield, IL – Follow up

correspondence regarding their request for a special permit for Baxter's Renal Dialysis Program This matter was last before the Board on 2/27/08 at which time the Board approved Baxter's request for a specialized pharmacy permit pending submission of additional documentation

Chair directs that Mr. Stuman provide the following information:

- procedure to follow if a product is recalled
- copy of the written procedures for the support personnel who pick, process and deliver orders
- when does the 100% review of new prescriptions by a pharmacist take place (pre or post dispensing)
- proof of addition of hours when pharmacist is available for counseling, as noted in NJAC 13:39 – 7.19(e)4, to Addendum 1 in Document No. RD-PP-A-007
- where are prescription received, who is reviewing to ensure completeness, and who takes verbal orders as noted in Document No. RD-PP-A-008 item 7.1 (please list states where this occurring)
- have any picking errors occurred in the New Jersey facility
- what are the specific processes for the state of New Jersey as so stated in Document No. RD-DD-A-012 item 2.0
- copy of Addendum 1 and 2 as referenced in Document No. RD-PP-A-012 items 6.1 and 6.2

The Board would like to make Mr. Stuman aware that only written correspondence from the Board is to be utilized as documentation regarding exceptions to procedures. This statement is made in response to the language contained in Document No. RD-PP-A-004 item 6.1. Documentation of conversations with Board representatives or pharmacy inspectors are not acceptable means of documentation.

Pamela Allen moved, seconded by Edward McGinley that pursuant to the explanation contained in this communication, the area of the of the warehouse housing renal dialysis products will not have to be placed in a separate, caged area. The motion passed unanimously.

VII. NEW BUSINESS

1) NABP – Communication involving the International Pharmacist Graduate Association and the Educational Testing Service (ETS)

The Board accepted this as an FYI.

2) Edward Redding, Ph.D., LCADC, Professional Assistance Program of New Jersey – Requesting modification of the Consent Orders for James Melcon, Robert Knemoller and Eric Jodelka

DAG Greenwald has advised the Board that a modification of an order of reinstatement on a selective basis without sufficient legal cause regarding the practice of pharmacy is inappropriate. The licensees noted in the communication from Dr. Redding may individually petition the Board for modification of their Consent Orders. Deputy Attorney General Greenwald and Executive Director Boyer will obtain clarification from sister agency regarding its' interpretation of a Board Order of reinstatement.

3) Abdul Q. Naz – Requesting approval for internship hours acquired prior to approval of internship application and preceptor

Pamela Allen moved, seconded by Thomas Bender to deny Mr. Naz's request for failure to show good cause. The motion passed unanimously.

4) Peter Halecky, R.Ph., Hudacko's Pharmacy, Bayonne, NJ – Request for a waiver to maintain same permit number upon transfer of ownership and a waiver of the inspection and inventory of controlled substances

Elvy Paiva moved, seconded by Richard Palombo to approve Mr. Halecky's request to maintain same permit number upon transfer and to not have to have an inspection of perform an inventory of controlled substances at time of transfer. The motion passed unanimously.

5) Edward McGinley, R.Ph., V.P. Pharmacy Operations, Drug Fair, Somerset, NJ – Request to maintain same permit numbers and not have inspections upon acquisition of 5 Super Foodtown/Food Circus Super Market Inc. Pharmacies Edward McGinley was recused due to his affiliation with Food Town

Pamela Allen moved, seconded by Richard Palombo to approve the request. A CDS inventory will be taken at each location on the date the transaction takes place. It is anticipated that the conversion will be completed within 120 days. The motion passed unanimously.

6) Review of Assembly Bill No. 2529 – Requires pharmacies to maintain drop-off site for disposal of unused drugs

Richard Palombo moved, seconded by Elvy Paiva to support, in concept, the proper disposal of unused drugs. The Board recommends waiting to move this Bill forward since NABP, in the upcoming year, will have a task force addressing this issue in which Boards of Pharmacy across the country will be participating. The Bill, as written, would incur significant costs for pharmacies and there is no provision regarding funding, and the DEA should be consulted for an opinion regarding the disposal of CDS. There also needs to be a clarification as to which practice site will be included. The motion passed unanimously.

7) Review of Senate Bill No. 1805 – Permits removal of State Board, commission or independent authority member for failure to attend three consecutive meeting thereof without good cause

Pamela Allen moved, seconded by Elvy Paiva to support this Bill. The motion passed unanimously.

VIII. MITIGATION/ HEARING REQUESTS

1) Marina Samborsky, RPIC, Town & Country Pharmacy, Maplewood, NJ

Thomas Bender moved, seconded by Elvy Paiva to deny her request for mitigation of the \$1,000 fine imposed pursuant to NJAC 8:65 – 5.7. The motion passed unanimously.

2) Joseph Falinski, RPIC, Best Healthcare Services Pharmacy, Norwood, NJ

Thomas Bender moved, seconded by Richard Palombo to refer this matter to the Compounding Committee for review and then report their recommendation to the Board at the June 11, 2008 Board Meeting. The motion passed unanimously.

3) Radhakrishna Katragadda, RPIC, Wal-Mart, Lumberton, NJ

Elvy Paiva moved, seconded by Pamela Allen to mitigate the \$250 fine imposed pursuant to NJAC 13:39 – 6.2(d). The pharmacist can contact the prescriber to obtain the necessary information. The motion passed unanimously.

4) Jorge Parrales, RPIC, Pharmacy Value, Guttenberg, NJ

This matter was last before the Board on 2/27/08 when it was determined that additional information was needed in order to render a decision.

Thomas Bender moved, seconded by Margherita LaFragola to deny the request for mitigation of the \$100 fine imposed pursuant to NJAC 13:39 – 5.6 and the \$250 fine imposed pursuant to NJAC 13:39 – 7.12(a)1. The motion passed unanimously.

5) Suzy Malak, R.Ph. – Regarding UPL issued for not completing the required CE for the May 1, 2005 thru April 30, 2007 biennial renewal period

Pamela Allen moved, seconded by Richard Palombo to approve the Ohio Board of Pharmacy law review program

for 3 live law continuing education credits. With the Board's acceptance of this program, Ms. Malak's penalty will be reduced from \$800 to \$200. The motion passed unanimously.

6) Sally Malloy, R.Ph. – Regarding UPL issued for not completing the required CE for the May 1, 2005 thru April 30, 2007 biennial renewal period Requesting a hearing

DAG Greenwald is to contact Ms. Molloy regarding her request for a hearing.

IX. COMMITTEE REPORTS

X. APPROVAL OF MINUTES

1) May 14, 2008

Pamela Allen moved, seconded by Elvy Paiva to approve the minutes as amended. The motion passed unanimously.

XI. ADJOURNMENT

At 11:43 am Pamela Allen moved, seconded by Elvy Paiva to move into Executive Session for the review of 6 Complaints, 1 Old Business item, Secretary's Report and Recommendation on Retail and Institutional Permits, Secretary's Report and Recommendation on Inspection Reports, conduct 1 Investigative Inquiries and approval of minutes. The motion passed unanimously