

FINAL

**NEW JERSEY STATE BOARD OF PHARMACY MINUTES OF
THE OPEN SESSION FOR JUNE 8, 2005**

I. CALL TO ORDER

The Open meeting of the New Jersey State Board of Pharmacy was called to order by Board President Pamela Allen in the Sussex Room, 6th Floor at 124 Halsey Street, Newark, New Jersey on June 8, 2005 at 9:10 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 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

Pamela Allen, R.Ph. President
Edward McGinley, R.Ph Vice-President
Jennifer Barron Government Member
Thomas F. Egan, Pharm. D.
Margherita R. Lafragola, R.Ph
Sy Larson, Ph.D Public Member
Axel Miranda Public Member (Arrived at 9:18 a.m.)
Elvy Paiva, R.Ph
Richard Palombo, R.Ph.
Marc Sturgill, Pharm. D.
Ira Katz R.Ph (Arrived at 9:15 a.m., left at 11:08 a.m., returned at 12:30 p.m.) (Left at 4 p.m.)

OTHERS IN ATTENDANCE:

Marianne Greenwald Deputy Attorney General
Joanne Boyer, R.Ph. Executive Director
Shonnette Messiah Clerk Stenographer

IV. SECRETARY'S REPORT AND RECOMMENDATION FOR REGISTRATION BY RECIPROCITY, EXAMINATION and GRADE TRANSFER

Edward McGinley moved, seconded by Richard Palombo to accept the Secretary's Report and Recommendation for Registration by Reciprocity, Examination and Grade Transfer. The motion passed unanimously.

V. CONTINUING EDUCATION CREDIT

Elvy Paiva moved, seconded by Edward McGinley to accept the Continuing Education Report for June 8, 2005. The motion passed unanimously.

VI. VIOLATIONS PAID FOR THE MONTH OF MAY

Marc Sturgill moved, seconded by Edward McGinley to accept the Violations Paid for the Month of May. The motion passed unanimously.

VII. OLD BUSINESS

N/A

VIII. NEW BUSINESS

1) Review of submitted Technician Training Manuals

a) Omnicare – Richard Palombo

Richard Palombo moved, seconded by Thomas F. Egan to approve the Omnicare Technician Training Manual after the missing elements have been received. The motion passed unanimously.

b) Eckerd Pharmacy – Elvy Paiva

Elvy Paiva moved, seconded Richard Palombo to approve the Eckerd Pharmacy Technician Training Manual pending receipt of the missing elements. The motion passed unanimously.

c) Walgreens Pharmacy – Joanne Boyer

Elvy Paiva was recused due to her affiliation with Walgreens Pharmacy. Richard Palombo moved, seconded by Margherita R. Lafragola to approve the Walgreens Pharmacy Technician Training Manual as submitted. The motion passed unanimously.

2) Stephen Brandt, R.Ph., Executive Director, Garden State Pharmacy Owners, Inc. – Requesting clarification of documentation needed for phoned in prescriptions This item was referred to The Division of Law for interpretation from legal counsel of the phrase "reduce to writing" and to review the prefatory language when N.J.A.C.13:39-7.3 was originally enacted. In addition, this item will be placed on the next meeting.

3) Horizon Blue Cross Blue Shield Initiatives

a) Use of ATM machines in physician offices to increase use of generics

The Chair directed that this item be referred to the Board of Medical Examiner's (BME) DAG, Debra Levine, for interpretation to see if this conduct violates the BME's regulation and for consultation with the BME regarding this process. The Board will request a written response.

b) Electronic prescribing program

The Chair directed that this item be referred to the Board of Medical Examiner's (BME) DAG, Debra Levine, for interpretation to see if this conduct violates the BME's regulation and for consultation with the BME regarding this process. The Board will request a written response.

4) Judith S. Estok, RPIC, Clara Maass Medical Center, Kearney, NJ – Requesting a waiver of NJAC 13:39 – 4.9 (a)2 and NJAC 13:39 –4.9(a)3.

Board President Pamela Allen was recused from this item due to her affiliation with Saint Barnabas Medical Center which is affiliated with Clara Maass Medical Center. Board Vice-President Edward McGinley chaired this item.

Ira Katz moved, seconded by Marc Sturgill to grant Ms. Estok a waiver of the requirement to publish and to post signage notifying the public of the closure of West Hudson Pharmacy. The motion passed unanimously.

5) CDS Prescriptive authority for Physician Assistants (PA)

The Board requests additional information and clarification of this item regarding the requirement that the prescription state whether it is written pursuant to protocol or specific physician direction.

6) JeBok Kim – Requesting a waiver of TSE

Ira Katz moved, seconded by Richard Palombo to deny JeBok Kim's request for a TSE waiver. The motion failed with a vote of 4 to 7.

Marc Sturgill moved seconded by Thomas F. Egan to grant Ms. Kim an interview which will include a telephone component with a prescriber and a patient. The motion passed with a vote of 7 to 4. The Executive Director will

ask Ms. Kim to supply copies of all of her test results.

7) Election of Board President and Vice President

Joanne Boyer, Executive Director, called for nominations for the position of President, Board of Pharmacy.

Ira Katz moved, seconded by Marc Sturgill to nominate Pamela Allen for President, Board of Pharmacy.

Richard Palombo moved, seconded by Thomas F. Egan to nominate Edward McGinley for Vice President, Board of Pharmacy.

Ira Katz moved, seconded by Richard Palombo, to close the nominations for President of the Board of Pharmacy. The motion passed unanimously.

By a show of hands Pamela Allen was unanimously elected to the position of President, Board of Pharmacy.

Joanne Boyer, Executive Director, called for nominations for the position of Vice-President, Board of Pharmacy.

Richard Palombo moved, seconded by Ira Katz, to nominate Edward McGinley for Vice-President, Board of Pharmacy.

Marc Sturgill moved, seconded by Ira Katz to close the nominations for Vice-President, Board of Pharmacy. The motion passed unanimously.

By a show of hands Edward McGinley was unanimously elected to the position of Vice-President, Board of Pharmacy.

8) NABP Report

Edward McGinley provided a written report and discussed his attendance as a delegate to the NABP's 101st Annual Meeting held May 21-24, 2005.

IX. CONFERENCES

1) NACDS Pharmacy & Technology Conference, San Diego, CA, August 27 - August 31, 2005 Marc Sturgill moved, seconded by Jennifer Barron to have Elvy Paiva represent the Board at this meeting. The motion passed unanimously.

X. COMMITTEE REPORTS

N/A

XI. APPROVAL OF MINUTES

1) May 11, 2005

Elvy Paiva moved, seconded by Margherita R. Lafragola, to accept the draft minutes of May 11, 2005 as amended. The motion passed unanimously.

XII. ADJOURNMENT

At 11:22 a.m., Edward McGinley moved, seconded by Thomas F. Egan to enter into the Executive Session to review (11) complaints, (16) retail IV permits, and (12) inspection reports. The motion passed unanimously.