

FINAL

**NEW JERSEY
STATE BOARD OF PHARMACY
MINUTES OF THE OPEN SESSION OF JUNE 9, 2004**

I. CALL TO ORDER

The Open meeting of the New Jersey State Board of Pharmacy was called to order by Board President Edward McGinley in the Union room, 3rd Floor at 124 Halsey Street, Newark, New Jersey on June 9, 2004 at 9:06 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 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

Present:

Edward McGinley, R.Ph. President
Edith Micale, R.Ph. Treasurer
Pamela Allen, R. Ph.
Sophie Heymann Public Member (Left at 5:05 p.m.)
Ira Katz, R.Ph (Left at 3:45 p.m.)
Robert Kowalski, R.Ph (Left at 3:30 p.m.)

OTHERS IN ATTENDANCE:

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

EXCUSED:

Anthony Alexander, R.Ph
Mona Doyle Public Member
Richard Palombo, R.Ph

IV. APPROVAL OF MINUTES

(1) DRAFT OF MAY 26, 2004 MINUTES

Robert Kowalski moved, seconded by Sophie Heymann to approve the draft minutes of May 26, 2004 as amended. The motion passed unanimously.

(2) FINAL OF MAY 12, 2004 MINUTES

Robert Kowalski moved, seconded by Sophie Heymann to approve the minutes of May 12, 2004 as amended. The motion passed unanimously.

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

Robert Kowalski moved, seconded by Sophie Heymann to approve the Secretary's Report and Recommendation for Registration by Reciprocity, Examination and Grade Transfer. The motion passed unanimously.

VI. CONTINUING EDUCATION REPORT

N/A

VII. VIOLATIONS PAID FOR THE MONTH OF MAY

Sophie Heymann moved, seconded by Robert Kowalski to approve the Violations Paid for the Month of May as amended. The motion passed unanimously.

Robert Kowalski moved, seconded by Sophie Heymann to impose a \$250.00 fine to any pharmacy that fails to submit their letter of corrective action to the Board within 60 days. The motion passed unanimously.

VIII. OLD BUSINESS

(1) Ampere Pharmacy

The DAG presented a letter from attorney David Balk on behalf of John M. Borges & Abdul Borges, owners of Ampere Pharmacy.

Mr. Balk stated that his clients are unable to find a Registered Pharmacist to work at Ampere Pharmacy. They are asking the Board to grant them permission to retain Princess Dinoon-King as the RPIC or a 60 day extension to find an RPIC that meets the criteria as stipulated in the consent order.

Edith Micale moved, seconded by Robert Kowalski to deny their request to retain Ms. Dinoon-King as RPIC for Ampere Pharmacy. The motion passed unanimously.

(2) Burt Friedman

Pamela Allen moved, seconded by Ira Katz to impose \$84,832.00 cost to Mr. Friedman. The motion passed unanimously. Robert Kowalski was recused.

IX. NEW BUSINESS

(1) Memo from NABP – DEA/OD temporary backlog of renewal applications

This item is being treated as an FYI. The Chair directed to ask the Executive Director to place this item on the New Jersey State Pharmacy Website.

(2) Edith Micale – Approval of CE credits for Board Meeting, June 30, 2004

Sophie Heymann moved, seconded by Ira Katz to approve the 1.5 didactic credits for attendees at the June 30, 2004 meeting and not charge the association the standard fee. However, the association is to take care of all administrative work. The motion passed unanimously.

(3) James Krahulec, VP, Government & Trade Relations, Rite Aid – Nexgen Dispensing System, Biometric Verification

James Krahulec, Mike Podgurski and Brian Wiswell of Rite Aid Corporation made a presentation on the Nexgen Dispensing System, Biometric Verification.

The Board determined that the system is in compliance with the BOP regulations and therefore does not require a waiver.

(4) Anthony Graziano, RP, Cedardale Distributors, Carlstadt, NJ – Requesting Board review of a proposal for pharmacy activity at Hackensack University Medical Center

Pamela Allen moved, seconded by Sophie Heymann to accept the proposal except for item number 2, "Retired Employees and family". The motion passed unanimously.

(5) Medco Health – Requesting Board approval of their Technician Certification Program to allow a pharmacist:technician ratio of greater than 1:2 after the Pharmacy Practice Act becomes effective on July 12, 2004

Pamela Allen moved, seconded by Edith Micale to table this item until such time that tools and criteria are established to access and approve the program. The motion passed unanimously.

(6) Rite Aid – Requesting Board approval of their Technician Training Program to allow a pharmacist:technician ratio of greater than 1:2 after the Pharmacy Practice Act becomes effective on July 12, 2004.

Pamela Allen moved, seconded by Edith Micale to table this item until such time that tools and criteria are established to access and approve the program. The motion passed unanimously.

(7) CVS Pharmacy – Requesting Board approval of their Pharmacy technician Development, Training, and Certification Program Materials to allow a pharmacist:technician ratio of greater than 1:2 after the Pharmacy Practice Act becomes effective on July 12, 2004.

Pamela Allen moved, seconded by Edith Micale to table this item until such time that tools and criteria are established to access and approve the program. The motion passed unanimously.

(8) Review and comment – Assembly Bill No. 2797 – Establishes a controlled substances prescription monitoring program in DHSS

Pamela Allen moved, seconded by Sophie Heymann to oppose this bill as written, but the Board feels that an establishment of a monitoring program with basic information through drug control division has merit. The reasons for opposing the Bill are as follows: the Bill does not give the Board of Pharmacy access to information collected, does not state how this program is to be funded and is concerned that the financial burden will be placed on the pharmacies through additional or increased fees, the information which will be required to be reported is too detailed and the Board does not see the benefit of reporting to this level of detail and the program will be located in the DHSS when currently oversight of CDS rests with the Drug Control Unit in the Division of Consumer Affairs. The motion passed unanimously.

(9) Medication Error- CE's

The Executive Director reported that the testing component on the web site being utilized for the CE modules on medication errors is not functional at this time. The Chair directed to allow the Executive Director to pursue obtaining the answer-keys for the modules so that the Board staff may grade the tests until such time that the web site is fully functional. Edith Micale asked the Executive Director's permission to administer this course.

X. CONFERENCES

(1) NCPA 106th Annual Convention & Trade Exposition, October 9-13, 2004, Boston Ma.

Ira Katz moved, seconded by Pamela Allen to have Richard Palombo attend the convention as a Board representative and Ira Katz will go as an alternate. The motion passed unanimously.

(2) NABP Importation Enforcement Workshop, June 22-23, 2004, Arlington, VA

Richard Palombo will attend the workshop as a member of the Executive Committee and to report back to the Board as appropriate.

XI. COMMITTEE REPORTS

(1) Pharmacy Practice Act – Technicians Workgroup Anthony Alexander

This item has been re-adgendized.

(2) Pharmacy Practice Act – Collaborative Practice Workgroup Pamela Allen

This item has been re-adgendized for the June 30, 2004 meeting.

(3) Pharmacy Practice Act – Immunization Workgroup Ira Katz

Joanne Boyer, has contacted Bill Roeder via e-mail requesting the appointment of an AD-HOC committee. In addition, she has spoken to Frank Cann regarding having someone available to discuss the APhA training program on immunization to the AD-HOC committee.

XII. ADJOURNMENT

At 11:27 a.m., Robert Kowalski moved, seconded by Ira Katz to adjourn the open session. The motion passed unanimously.

At 12:00 p.m., the Board entered into the executive session to review (20) complaints, (7) retail permits for June 9, 2004, (18) for May 26, 2004 and (27) inspection reports for May 26, 2004. The motion passed unanimously.

[* Back to Minutes Menu Page](#)