



CHRIS CHRISTIE  
Governor

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# New Jersey Office of the Attorney General

Division of Consumer Affairs  
Board of Pharmacy  
124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102



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## NEW JERSEY STATE BOARD OF PHARMACY MINUTES OF THE OPEN SESSION June 9, 2010

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### 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 Monmouth Room 7<sup>th</sup> Floor at 124 Halsey Street, Newark, New Jersey on June 9, 2010 at 9:17 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

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
Margherita LaFragola, R.Ph.	
Elvy T. Paiva, R.Ph.	
Richard Palombo, R.Ph.	
Marc Sturgill, R.Ph.	
Peter Halecky, R.Ph.	

### OTHERS IN ATTENDANCE

Joanne Boyer, R.Ph.	Executive Director
Megan Cordoma	Deputy Attorney General
Maria Bertorelli	Administrator Assistant

### IV. UPDATE BY EXECUTIVE DIRECTOR

1. The Executive Director reported that \$10,841.54 were collected in fines and penalties during the month of May 2010.

The following permits/licenses/registrations were issued during the month of May 2010:

- Technicians - 226
- Pharmacists - 19 ( 13 by examination/score transfer, 6 by reciprocity)
- Out of state pharmacies - 12
- In state pharmacies - 10
- Pharmacists receiving immunization approval - 39
- Interns (foreign graduates) - 5

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2. The Division has enhanced the web site to live information, when verifying a license consumers/licenseses will be able to get the most current status of licenses. Also, for those who have applied for licensure, it will show those applications which are pending.
3. Consent Orders are now available on line on the Board's website ([www.njconsumeraffairs.gov/medical/pharmacy.htm](http://www.njconsumeraffairs.gov/medical/pharmacy.htm)) under "Board Actions".
4. To expedite the notification process of those pharmacist applicants who take NAPLEX and MPJE exams, score results are being sent to the email address provided on the application.
5. There will not be a meeting on June 23, 2010.
6. Board President Edward McGinley was elected to serve a three year member term representing District 2 on the Executive Committee of the National Association of Boards of Pharmacy (NABP) during the Association's 106<sup>th</sup> Annual Meeting held May 22 -25, 2010. Congratulations Ed!

**V. OLD BUSINESS**

**1) Ruben Aguilar, R.Ph. – Response to Provisional Order of Discipline**

Thomas Bender moved, seconded by Elvy Paiva to move the item to Executive Session to explore possible settlement position and for advice of counsel. **Motion passed unanimously.**

**2) Robert J. Schenk Jr., RPh, CCP, Manager, Meridian Ambulatory Pharmacy Services, Meridian Health, Neptune, NJ – Regarding use of ScriptCenter by Asteres, Inc. for patient pick up of prescriptions**

*This matter was last before the Board on 4/14/10 at which time the Board determined that Mr. Schenk is to submit a draft agreement for a pilot program which will then be placed before the Board for review and approval. The draft agreement is to include policies and procedures that outline the program, formulary to be utilized, contract agreement between Meridian Health and ScriptCenter by Asteres.*

Richard Palombo moved, seconded by Peter Halecky to approve the draft agreement, as amended, for the pilot program regarding the use of the Script Center by Asteres Inc., for employee pick up of prescriptions, limiting it to starting with one Script Center. Mr. Schenk is to submit for Board review monthly quality control reports for the next six months. After six months, if reports submitted are positive, the Board will consider amendments to this pilot program for the use of the Script Center in other locations within the Meridian Health System. **The motion passed unanimously.**

**3) John Guercio, R.Ph. , part owner, Bald Eagle Pharmacy, West Milford, NJ – Requesting a waiver of NJAC 13:39 – 7.18**

*This matter was last before the Board on 3/10/10 at which time the Board requested additional information.*

Elvy Paiva moved, seconded by Peter Halecky to allow the request to keep the prescription samples from Care Plus mental health facility in a locked cabinet inside Bald Eagle Pharmacy as outlined in his correspondence and clarified via discussion today. **Motion passed 5-2, Thomas Bender was opposed.**

**4) Lisa Veltri – 12/9/09 Board Meeting ( Megan Cordoma)**

Elvy Paiva moved, seconded by Peter Halecky to issue a Final Order of Discipline. **Motion passed unanimously.**

**5) Ravikanth Surasani – 9/9/09 Board Meeting (Jodi Krugman)**

Elvy Paiva moved, seconded by Peter Halecky to issue a Final Order of Discipline. **Motion passed unanimously.**

**VI. NEW BUSINESS**

**1) Paul Zamerowski – Request for modification of Consent Order**

Marc Sturgill moved, seconded by Elvy Paiva to modify the Consent Order to allow the reduction in the urine monitoring to once per week. However, starting 2 years prior to the application for the reinstatement of his license, the urine monitoring must be increased to twice per week. **Motion passed 6-1**

**2) Vitthal I. Patel, R.Ph. – Requesting modification of Consent Order**

Marc Sturgill was recused.

Thomas Bender moved, seconded by Elvy Paiva to deny request to modify the Consent Order issued and filed by the BOP on February 24, 2005 for violating Item #3 of his Consent Order (“*Respondent shall serve a copy of Order to any employer prior to commencing work as a licensee and shall ensure that each employer sends documentation to the Board that he or she has reviewed the complete Order*”). **Motion passed unanimously.**

Thomas Bender moved, seconded by Margherita LaFragola to move the item to Executive Session for advice of Counsel. **Motion passed unanimously.**

**3) Lynn Gannon, R.Ph., General Manager, Omnicare of Edison – Regarding bar code scanning and Automated Label Verification (ALV)**

Richard Palombo moved, seconded by Peter Halecky to approve the Bar Code Scanning System as described in the correspondence and clarified via discussion today. This approval is for the Omnicare Edison location only. **Motion passed 4-3.**

Elvy Paiva moved, seconded by Peter Halecky to approve the Auto Label Verification (ALV) Robotic system as described in the correspondence and clarified via discussion today. This approval is for the Omnicare Edison location only. **Motion passed unanimously.**

**4) Collaborative Practice Update**

Maryann Sheehan, Regulatory Analyst for the Board, addressed the Board regarding the public comments submitted, for the joint proposal (along with the State Board of Medical Examiners), authorizing pharmacists to engage in collaborative practice. Following review of the public comments submitted in response to the joint proposal, the Board of Pharmacy determined that changes to the proposed new rules are necessary to address concerns raised by the commenters with respect to the necessary training required for pharmacists to effectively engage in collaborative practice. The Board made the following determinations:

Elvy Paiva moved, seconded by Marc Sturgill not to adopt the proposed regulations for Collaborative Practice. **The motion passed unanimously.**

Marc Sturgill moved, seconded by Margherita LaFragola that in order to ensure that the intended joint re proposal of the collaborative practice regulations adequately addresses concerns raised, the Board will issue a pre-proposal, to be published in the New Jersey Register, seeking public input on the following questions:

- What type of postgraduate training is necessary to qualify a pharmacist to engage in collaborative practice?
- What components are necessary to constitute a clinical practice setting such that practice in the setting would qualify a pharmacist to engage in collaborative practice?
- What experiential training is necessary to qualify a pharmacist to engage in Collaborative practice, and should such training be disease-specific?

**The motion passed unanimously.**

#### **5) Board Elections**

The nomination was made by Richard Palombo and seconded by Elvy Paiva to elect Edward McGinley, R.P. as President of the New Jersey State Board of Pharmacy. **There being no other nominations Mr. McGinley was re-elected President of the Board of Pharmacy with the unanimous approval of the Board.**

The nomination was made by Richard Palombo and seconded by Elvy Paiva to elect Thomas Bender, R.Ph. as Vice-President of the New Jersey State Board of Pharmacy. **There being no other nominations Mr. Bender was re-elected Vice President of the Board with the unanimous approval of the Board.**

## **VII. MITIGATION/ HEARING REQUESTS**

### **1) Kyle Goldberg, RPIC, Target Pharmacy, Vauxhall, NJ**

Marc Sturgill moved, seconded by Richard Palombo to mitigate the \$100.00 fine imposed pursuant to N.J.A.C 13:39-4.14(c)4. **Motion passed unanimously.**

### **2) Deborah McKulsky-Szantos, RPIC, Rite Aid, Springfield, NJ**

Margherita LaFragola recused due to her affiliation with Rite Aid.

Richard Palombo moved, seconded by Marc Sturgill to mitigate the \$200.00 fine imposed pursuant to N.J.A.C 13:39-5.8(a)1. **Motion passed unanimously.**

### **3) Louis Medina, RPIC, Baron II Drug & Surgical, Inc., Moonachie, NJ**

Peter Halecky moved, seconded by Elvy Paiva to mitigate the \$1,000.00 fine imposed pursuant to N.J.A.C 13:39-7.6(b). **Motion passed unanimously.**

### **4) Christine Page, RPIC, Rite Aid, Pennington, NJ**

Margherita LaFragola recused due to her affiliation with Rite Aid.

Thomas Bender moved, seconded by Richard Palombo to mitigate the \$200.00 fine imposed pursuant to N.J.A.C 13:39-6.2(f)9, N.J.A.C 13:39-5.8(a)1 and N.J.S.A. 45:14-48(a)10. **Motion passed unanimously.**

### **5) Chandrakant Patel, RPIC, Family Pharmacy, Jersey City, NJ**

Marc Sturgill moved, seconded by Elvy Paiva to mitigate the \$1,000.00 fine imposed pursuant to N.J.S.A 45:14-69(d), N.J.S.A 45:14-70(c) to a warning. **Motion passed unanimously**

## **VIII. COMMITTEE REPORTS**

Thomas Bender advised that the Compounding Committee will meet on Wednesday, June 16, 2010 at 10:00 a.m. The meeting will be by conference call.

## **IX. APPROVAL OF MINUTES**

**1) May 12, 2010**

Marc Sturgill moved, seconded by Thomas Bender to approve the May 12, 2010 Open Session Minutes as presented. **Motion passed unanimously.**

**X. ADJOURNMENT**

At 12:10 p.m. Elvy Paiva motioned, seconded by Marc Sturgill to move into Executive Session for the review of 24 complaints, 1 Old Business Item, 2 New Business Items, the Secretary's Report and Recommendation on Retail and Institutional Permits, the Secretary's Report and Recommendation on Inspection Reports, 1 Investigative Inquiry and the Approval of Minutes.