

**NEW JERSEY STATE BOARD OF PHARMACY
MINUTES OF THE OPEN SESSION
JUNE 10, 2009**

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 June 10, 2009 at 9:06 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
Pamela Allen, R.Ph.
Peter Halecky, R.Ph.
Margherita LaFragola , R.Ph.
Elvy T. Paiva, R.Ph. (Arrived at 9:15 am)
Richard Palombo, R.Ph.
Marc Sturgill, R.Ph.

OTHERS IN ATTENDANCE

Joanne Boyer, R.Ph. Executive Director
Megan Cordoma, Esq. Deputy Attorney General
Jodi Krugman, Esq. Deputy Attorney General
Natashe Mennecke Intern

IV. UPDATE BY EXECUTIVE DIRECTOR

The Executive Director reported that \$9,800 was collected in fines and penalties during May, 2009. The following permits/licenses/registrations were issued during the month of May, 2009:

- Technicians – 232
- Pharmacists – 42 (25 by examination/score transfer, 17 by reciprocity)
- Out of state pharmacies – 16
- In state pharmacies –34
- Pharmacists receiving immunization approval – 30

Upcoming Board Meeting dates: July 8, August 5 and September 9. Board Meetings will not be held on July 22, August 12 and September 23.

V. OLD BUSINESS

1) Mitch Sobel, R.Ph., System Director of Pharmacy Services, St. Joseph Health Care System, Paterson, NJ – Regarding an automated prescription dispensing machine for the emergency department This matter was last before the Board on 1/28/09 at which time the Board requested that DAG Cordoma conduct further investigation of this matter.

Marc Sturgill moved, seconded by Pamela Allen to allow a pilot program of the automated dispensing machine for the emergency department at St; Joseph Health Care System, Paterson, NJ. Once a draft agreement of the pilot is written, it will be placed before the Board for review and approval. The agreement is to include reporting and security requirements, formulary to be utilized, contract agreement between St. Joseph Health Care System and Instymed , compliance with NJAC 13:39 -Subchapter 10 and any other factors as determined by the Board. The motion passed 6 – 2.

2) Robert Fusco Sr., R.Ph., CCP, FASCP – Regarding authority given to nurses in Assisted Living Facilities with respect to verbal prescription orders from the prescribing practitioner This matter was last before the Board on 1/28/09 at which time the Board requested that DAG Cordoma research this matter further.

Thomas Bender moved, seconded by Pamela Allen that in Assisted Living facilities a nurse is not considered an authorized agent of the physician (as referenced in NJAC 13:39 – 7.10(b) & 7.11(b)) for the purpose of transmitting prescriptions/medication orders , so the pharmacist cannot fill prescriptions/medication orders that are transmitted in this manner. The motion passed 7 – 1.

VI. NEW BUSINESS

1) Board Review and Approval of Sunset Regulations

Peter Halecky moved, seconded by Marc Sturgill to approve the draft of the Sunset Regulations as amended. The motion passed unanimously.

2) Patrick P. Den Boer, CEO, QPharma, Morristown, NJ – Pharmacy permit applicant, servicing Patient Assistance Programs, with request of waiver NJAC 13:39 – 5.8(a)5, 6, 7, 9, 11 and 16.

Elvy Paiva moved, seconded by Richard Palombo to approve a specialized permit for Qpharma, as allowed in NJAC 13:39 – 4.15, and approve the request for a waiver of NJAC 13:39 – 5.8(a)5, 6, 7, 9 ,11 and 16. In addition, Qpharma is approved to conduct business for 5 hours a week initially and to not have a sign posted on the exterior of the business. Quarterly reports are to be submitted to the Board listing products being dispensed and hours of operation. No samples are to be dispensed to patients and an affidavit is to be submitted detailing how samples are handled by the company. The motion passed unanimously.

3) Daniel Caracciolo – Reciprocity candidate requesting that his employment at Pfizer Inc. satisfy the requirement of NJAC 13:39 – 3.2(a)3

Richard Palombo moved, seconded by Marc Sturgill to have Mr. Caracciolo complete a 250 hour internship instead of a 1,000 hour internship as required in NJAC 13:39 – 3.2(a)3. In addition, he is to comply with all other requirements of reciprocity as stated in NJAC 13:39 – Subchapter 3. The motion passed unanimously.

4) Nomination of Board President and Vice President

The nomination was made by Elvy Paiva and seconded by Marc Strugill 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 Marc Strugill and seconded by Margherita LaFragola 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

N/A

VIII. COMMITTEE REPORTS

N/A

IX. APPROVAL OF MINUTES

1) May 13, 2009

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

X. ADJOURNMENT

At 12:33 pm Peter Halecky moved, seconded by Pamela Allen to move into Executive Session for the review of 9 Complaints, 1 Old Business item, 2 New Business item, Secretary's Report and Recommendation on Inspection Reports, conduct 1 Investigative Inquiry and approval of minutes. The motion passed unanimously