

**NEW JERSEY STATE BOARD OF PHARMACY  
MINUTES OF THE OPEN SESSION  
JUNE 11, 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 June 11, 2008 at 9:15 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. (Arrived at 9:21 am)  
Peter Halecky, R.Ph.  
Margherita Lafragola, R.Ph.  
Elvy T. Paiva, R.Ph.  
Marc Sturgill, R.Ph.

**EXCUSED**

Richard Palombo, R.Ph.

**OTHERS IN ATTENDANCE**

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

**IV. UPDATE BY EXECUTIVE DIRECTOR**

The Executive Director announced that \$27,462.50 was collected in fines and penalties during May, 2008. There were 25 pharmacists licensed during the month of May, 2008. Twelve by reciprocity and 13 by examination/score transfer.

There were 161 pharmacy technicians registered during the month of May, 2008.

There were 8 pharmacy permits issued during the month of May, 2008. These were issued as the result of transfer of ownership or new pharmacies opening.

There were 38 out of state pharmacies registered during the month of May, 2008.

It was also announced that Gloria Bush, supervisor for the Board office staff, was retiring after more that 25 years of service at the Board. Due to the hiring freeze currently in place, the Board office is not able to hire a replacement. Susan Flores will be assuming the additional duties. We all thank Gloria for her many years of dedicated service and wish her well in her retirement in Florida.

## V. CONTINUING EDUCATION REPORT

Elvy Paiva moved, seconded by Margherita LaFragola to accept the continuing education report. The motion passed unanimously.

## VI. OLD BUSINESS

1) Russ J. Lazzaro, R.Ph., Director of Pharmacy, Holy Name Hospital, Teaneck, NJ – Regarding his request for a waiver of a pharmacist checking all medications dispensed by the SwissLog Robot This matter was last before the Board on 4/9/08 at which time the Board requested test results showing dispensing errors and rejections by the SwissLog Robot for the past 60 days and the total number of dispenses for the past 60 days

The Chair directed that Mr. Lazzaro provide the following information:

- more detail on the 26 dispensing errors related to the robot
- a sample of the robot package label
- policy regarding dispensing errors from the robot
- has determination been made to decrease number of errors

Once this information is received, the matter will be placed back before the Board for consideration. It is requested that Mr. Lazzaro be present at the Board meeting when this matter will be discussed in order to answer any additional questions that may arise.

2) Abraam M. Yakoub – Foreign graduate requesting a waiver of TOEFL IBT This matter was last before the Board on 4/9/08 at which time the Board determined to schedule Mr. Yakoub for an interview before the full Board.

At 9:56 am Peter Halecky moved, seconded by Margherita LaFragola to move into Executive Session for Board deliberation regarding this matter. At 10:21 am Elvy Paiva moved, seconded by Peter Halecky to move back into Open Session.

Pamela Allen moved, seconded by Margherita LaFragola that Mr. Yakoub is to submit documentation supporting the completion of the recommended 32 speech language therapy sessions and retake the TOEFL IBT at the completion of the sessions. If he obtains passing scores on the TOEFL IBT he is to proceed with licensure. If he does not attain passing scores he is to petition the board to identify ways to proceed with internship. The motion passed unanimously.

3) Essex County Community College (ECCC) Pharmacy Technician Program

This matter was last before the Board on 11/14/07 when the Rules & Regs Committee recommended that the Board approve the Essex County Community College program for use as the didactic component of a training program that a permit holder may utilize to satisfy the practice site specific training program requirements delineated in NJAC 13:39 – 6.15(f)2iii. DAG Marianne Greenwald was to review the committee's recommendation and report back to the Board

Thomas Bender moved, seconded by Margherita LaFragola that the ECCC Pharmacy Technician Training Program is not a Board approved training program but may serve as a didactic component of a Board approved program. The specific in-service training site shall be responsible for obtaining approval as a Board approved program prior to exceeding the 2:1 ratio pursuant to NJAC 13:39 – 6.15(f)iii. The motion passed unanimously.

4) Robert Targan – Request for modification of Provisional Order of Discipline

Peter Halecky moved, seconded by Marc Sturgill to deny Mr. Targan's request for modification of the Order since he did not provide proofs for Board to consider. The DAG is to move forward with issuing a Final Order of Discipline. The motion passed unanimously.

## **VII. NEW BUSINESS**

### 1) George A. Stillwell – Request for reinstatement

Margherita LaFragola was recused due to her affiliation with Rite Aid

Thomas Bender moved, seconded by Marc Sturgill to schedule Mr. Stillwell for an Investigative Inquiry. Prior to his appearance, Mr. Stillwell is to submit proof of participation in Gamblers Anonymous. Any Enforcement Bureau reports involving Mr. Stillwell will be reviewed by the Board. The motion passed unanimously.

### 2) Mark Szarsewski – Request for reinstatement

Pamela Allen was recused due to her affiliation with the Saint Barnabas Health Care System

Thomas Bender moved, seconded by Marc Sturgill to schedule Mr. Szarewski for an Investigative Inquiry. The motion passed unanimously.

### 3) Kristin Gutierrez, Director of Operations, ProPharmCare, Inc, Orange Ca – Regarding the order entry and review of orders by an out of state pharmacist for a hospital located in New Jersey

The Chair directed that Ms. Gutierrez provide the following information:

- will ProPharmCare be performing this service from a location in the state of New Jersey; if not in New Jersey then where is the ProPharmCare pharmacist located
- what states is ProPharmaCare currently located in and how are they registered/licensed
- who is reviewing and checking pharmacy technician activities
- a detailed copy of the entire process

Once this information is received, this matter will be placed back before the Board for consideration.

### 4) Nomination of Board President and Vice-President

The nomination was made by Elvy Paiva and seconded by Thomas Bender to elect Mr. Edward G. 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 Peter Halecky and seconded by Elvy Paiva to elect Mr. 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.

## **VIII. MITIGATION/ HEARING REQUESTS**

### 1) Donald D. Brecht, RPIC, Rite Aid, Millville, NJ

Margherita LaFragola was recused due to her affiliation with Rite Aid

Elvy Paiva moved, seconded by Thomas Bender to mitigate the \$1,000 fine imposed pursuant to NJAC 13:39 – 4.7(b). The motion passed unanimously.

### 2) Joseph Falinski, RPIC, Best Healthcare Services Pharmacy, Norwood, NJ This matter was last before the Board on 5/28/08 at which time it was referred to the Compounding Committee for review

Margherita LaFragola moved, seconded by Edward McGinley to accept the recommendation of the Compounding Committee and deny the request for mitigation of the \$1,000 fine imposed pursuant to NJAC 13:39 – 11.14(b)6, to deny the request for mitigation of the \$1,000 fine imposed pursuant to NJAC 13:39 – 11.14(b)4, to deny the request for mitigation of the \$1,000 fine imposed pursuant to NJAC 13:39 – 11.20(b)2, to deny the request for mitigation of the \$1,000 fine imposed pursuant to NJAC 13:39 – 11.19(e)2. In regards to the fines imposed pursuant to NJAC 13:39 – 7.18 & 6.2(f)7, the Board determined to mitigate the \$400 fine to a warning, to

mitigate the \$1,525 fine to \$125 and to mitigate the \$450 fine to \$50. The motion passed unanimously.

## **IX. COMMITTEE REPORTS**

### 1) Compounding Committee

Committee Chair Thomas Bender reported that the Committee had reviewed and approved the Final draft of the Sterile compounding regulations and they have now been forwarded to the Director of the Division for review. Once the review by the Director is completed, the draft regulations will be placed before the full Board for review and approval. The Committee is next scheduled to meet on August 6, 2008, when they will begin to draft regulations for non-sterile compounding.

### 2) Rules & Regulation Committee

Committee Chair Edward McGinley reported that the next scheduled meeting of the Rules & Regs Committee will take place on June 18, 2008 at which time the Committee will review the public comments submitted in regards to the immunization regulations and will also begin the sunset process of NJAC 13:39.

## **X. APPROVAL OF MINUTES**

### 1) May 28, 2008

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

## **XI. ADJOURNMENT**

At 11:48 am Elvy Paiva moved, seconded by Margherita LaFragola to move into Executive Session for the review of 6 Complaints, 1 Old Business item, 3 New Business items, 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