

**NEW JERSEY STATE BOARD OF PHARMACY
OPEN SESSION MINUTES OF JUNE 13, 2007**

I. CALL TO ORDER

The open meeting of the New Jersey Board of Pharmacy was called to order by Board President Edward R. McGinley, R.Ph. in the Hudson Room, 6th Floor at 124 Halsey Street, Newark, New Jersey on June 13, 2007 at 9:04 a.m. All members were duly notified of the time and place and all pertinent materials were provided to members.

II. SUNSHINE LAW ANNOUNCEMENT

Mr. Edward R. McGinley, President, read a statement to the effect that the newspapers and appropriate elected officials had been notified of the meeting according to the requirements of the Open Meetings Act N.J.S.A. Chapter, 231, PL 1975,/C. 10:4-8.

III. ROLL CALL

Mr. Edward G. McGinley, R.Ph.
President

Mr. Thomas Bender, R.Ph.
Vice-President

Ms. Pamela Allen, R.Ph.

Ms. Jennifer DeVenio
Government Member

Ms. Margherita Lafragola, R.Ph.

Ms. Elvy T. Paiva, R.Ph.

Mr. Richard Palombo, R.Ph.

OTHERS IN ATTENDANCE

Ms. Joanne Boyer, R.Ph.
Executive Director

Ms. Jodi Krugman, Esq.
Deputy Attorney General

Mr. Timothy Carter
Clerk

EXCUSED

Mr. Peter Halecky, R.Ph.

Mr. Axel Miranda
Public Member

Mr. Marc Sturgill, PharmD.

IV. UPDATE BY THE EXECUTIVE DIRECTOR

Joanne Boyer, R.Ph., Executive Director, reported the following:

- a) 43 pharmacists were licensed during the month of May, 20 via reciprocity and 23 by examination/score transfer
- b) Violations paid for the month of May totaled \$38,738
- c) There is an increasing number of parents of recent graduates calling into the Board requesting NAPLEX and MPJE scores and wanting to fill out applications for their daughters/sons. No scores are given over the phone. Results of the Naplex and MPJE exams are mailed to the applicant at the address provided on the application. It is highly recommended that the applicant take on the responsibility of submitting their applications and all necessary documents.
- d) Susan Gartland, former Executive Director of the Board of Physical Therapy, will be assuming responsibility for the Dug Control Unit.
- e) New appointed Board Member, Barbara Vanderkolk Gardner, has notified the Executive Director that she has decided to decline the appointment

V. CONTINUING EDUCATION REPORT

N/A

VI. OLD BUSINESS

1) Ravindranadha Alluri, R.Ph. – Reciprocity candidate: request for waiver of TSE This item was last before the Board on 3/28/07 at which time the Board denied the request of Mr. Alluri for failure to show good cause, including documentation from appropriate medical professionals as to his speech impediment. Elvy T. Paiva was recused due to her affiliation with Walgreens.

Pharmacy. Pamela Allen moved, seconded by Margherita Lafragola, to deny the waiver request since the documentation submitted is not sufficient to demonstrate good cause. Mr. Alluri is to take the TOEFL IBT and make a request of the TOEFL IBT administrators to be granted additional time to respond to questions due to his speech impediment. The motion was carried unanimously.

VII. NEW BUSINESS

1) Robert Knemoller, R.Ph. – Request for re-instatement

Elvy Paiva was recused due to Mr. Knemoller's past employment with Walgreens.

Pamela Allen moved, seconded by Jennifer DeVenio to schedule Mr. Knemoller for an Investigative Inquiry . Prior to scheduling the Inquiry Mr. Knemoller is to provide the following:

a) Proof of the successful completion of the Pre-Trial Intervention program b) A letter from Mr. Knemoller's physician addressing his on-going problems with severe back pain. c) Updated statements from Arnold M. Washton, Ph.D., Addiction Psychologist, and Louis E. Baxter, M.D., FASAM. The motion was carried unanimously.

2) Thomas Clancy, R.Ph. – Request for modification of item "L" (counseling) on his Consent Order

Elvy Paiva moved, seconded by Richard Palombo to have Mr. Clancy provide the following items and/or responses:

a): A written response giving the Board clarification of the Meeting Attendance Sheets submitted to the Board in

reference to Mr. Clancy's counseling session. Specifically, the Board notes that the Meeting Attendance Sheets for January, February, and March 2007 all list dates for January.

b): Quarterly reports from the Professional Assistance Program Program (PAP).

c): Report/update from Mr. Clancy's employer. Specifically, the Board requests from Mr. Clancy's employer a written update as to Mr. Clancy's professional conduct pertaining to the Consent Order (dated January 11, 2006; filed January 12, 2006) and especially sections: (m),(n), (o), and (p) in which Mr. Clancy agrees to "ensure that a pharmacist in a supervisory position will take on the supervisory and daily employment monitoring responsibility...". The Board hereby requests an update from Mr. Clancy's Employment Monitor regarding Mr. Clancy's professional conduct.

The motion was carried unanimously.

3) PRESENTATION BY MS. CATHERINE KELLY, RN, BSN, MA, LNHA, ADMINISTRATOR, RENAISSANCE GARDEN, SEABROOK VILLAGE RETIREMENT COMMUNITY.

Ms. Kelly led a presentation for Seabrook Village, Retirement Community's new e-prescription project and initiative. Booklets on the project were presented to each of the Board Members. The Board discussed the project and asked questions of Ms. Kelly and her staff. Edward McGinley, Board President, thanked Ms. Kelly on behalf of the Board for her presentation and offered her the opportunity to add any additional comments. In response, Ms. Kelly thanked the Board for their feedback. Ms. Kelly will follow-up the presentation to the Board with a letter to Ms. Boyer, Executive Director, in which she will summarize the feedback she received from the Board.

4) Jun-Eui Park – Request for waiver of TSE

Thomas Bender moved, seconded by Elvy Paiva, that Mr. Park be denied a waiver of the TSE requirement for lack of sufficient cause. The motion was carried unanimously.

5) Dharima Shah – Requesting a waiver of TOEFL-IBT exam Ms. Shah applied for a waiver of the TSE in December, 2005 at which time the Board denied her request.

Elvy Paiva was recused due to her affiliation with Walgreens.

Thomas Bender moved, seconded by Richard Palombo, that the request for waiver of the TOEFL-IBT exam requirements be denied citing three previous failures of the TOEFL-IBT examination and lack of sufficient cause for a waiver. The motion was carried unanimously.

6) Rama Maddukuri, RPIC, President, SVS Pharmacy, Englewood, NJ –Requesting a waiver to maintain same permit number upon transfer of ownership

Jennifer DeVenio moved, seconded by Elvy Paiva, that the Board accept Mr. Maddukuri's request for a waiver to maintain same permit number upon transfer of ownership. The motion was carried unanimously.

7) Belvidere Pharmacy, North Plainfield NJ – First NJ pharmacy to attain Pharmacy Compounding Accreditation Board's Seal of Accreditation

The Board accepted the Press Release from the Pharmacy Compounding Accreditation Board as an FYI by Chair Direct.

8) Nomination of Board President and Vice-President

The nomination was made by Thomas Bender and seconded by Elvy Paiva to elect Mr. Edward G. McGinley, R.P. to another term 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 for another term with the unanimous approval

of the Board.

The nomination was made by Elvy Paiva and seconded by Richard Palombo to elect Mr. Thomas Bender, R.Ph. to a second term 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) Francis Malizia, RPIC, White Oak Pharmacy, Nutley NJ

The motion was made by Thomas Bender, seconded by Jennifer Devenio, to mitigate the \$250.00 fine pursuant to N.J.A.C. [13: 39-4.18(d)4(xii5)]. Mr. Malizia is instructed to review labeling requirement NJAC 13:39-7.12(b). The motion was carried 6-1.

2) James M. Forino, RPIC, Somerset Park Pharmacy, Somerset NJ

The motion was made by Pamela Allen, seconded by Thomas Bender, to mitigate the \$25 fine pursuant to N.J.A.C. [13:39-5.8(a)1]. The motion was carried unanimously.

3) Frank Iannarone, RPIC, Madison Pharmacy, Madison NJ

Thomas Bender moved, seconded by Richard Palombo to mitigate the \$25 fine pursuant to N.J.A.C. [13:39-7.3]. The motion was carried unanimously.

4) William Lynch, RPIC, Good Health Pharmacy, Belleville NJ

Elvy Paiva moved, seconded by Thomas Bender to deny Mr. Lynch's request to mitigate fines imposed by the Board. The motion was carried unanimously.

5) Barry Kelly, RPIC, Cropwell Pharmacy, Marlton NJ

The Chair directed that Mr. Kelly's request for a mitigation/hearing be rescheduled for a subsequent meeting of the Board.

6) Robert Gazsi, RPIC, Short Hills Pharmacy, Bedminister NJ

Thomas Bender made a motion, seconded by Pamela Allen, to deny mitigation of the \$200 fine. The motion was carried unanimously.

The Chair directed that Mr. Gazsi be notified of the correct citation (NJAC 8:65-5.4(d) 1 and 2).

7) Kenneth Chu, RPIC, Friendly Pharmacy, Jersey City NJ

The Board determined that further legal investigation and counsel was necessary to render an appropriate decision in this inspection issue. The request for further legal investigation was made to Ms. Jodi Klugman, Esq., DAG by Chair, Mr. Edward McGinley. Ms. Klugman agreed to refer this matter to Ms. Marianne Greenwald, Esq., DAG and Counsel to the Board of Pharmacy.

8) Martha Azer, RPIC, Pathmark, Kearny NJ

This item is to be rescheduled.

IX. COMMITTEE REPORTS

N/A

X. APPROVAL OF MINUTES

1) May 23, 2007

Approval of minutes for the Open Session of the Board of Pharmacy, May 23, 2007 will be rescheduled for the next meeting of the Board.

XI. ADJOURNMENT

At 10:30 a.m. Thomas Bender moved, seconded by Margharita LaFragola, to enter into Executive Session for the review of 5 Complaints, 1 Old Business item, 3 New Business items, 2 Investigative Inquiries, Secretary's Report and Recommendation on Retail and Institutional Permits, Secretary's Report and Recommendation on Inspection Reports and Special Inspection Report. The motion was carried unanimously.