

**NEW JERSEY STATE BOARD OF PHARMACY
OPEN SESSION MINUTES JUNE 14, 2006**

I. CALL TO ORDER

The open meeting of the New Jersey Board of Pharmacy was called to order by Board President Pamela Allen in the Somerset Room, 6th floor at 124 Halsey Street, Newark, New Jersey on June 14, 2006 at 9:13 a.m. All members were duly notified of the time and place and all pertinent materials had been provided.

II. SUNSHINE LAW ANNOUNCEMENT

Pamela Allen read a statement that the 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

Pamela Allen, R.Ph President
Edward McGinley, R.Ph Vice-President
Jennifer Barron Government Member
Thomas Bender, R.Ph
Peter Halecky, R.Ph.
Elvy T. Paiva, R.Ph
Axel Miranda Public Member Arrived 9:18 a.m.
Margherita Lafragola, R.Ph.
Thomas Egan, Pharm.D

OTHERS IN ATTENDANCE:

Joanne Boyer Executive Director
Marianne Greenwald Deputy Attorney General
Susan Flores Principal Clerk
Kiran Shamlall Clerk Typist

EXCUSED:

Marc Sturgill, Pharm. D

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

Elvy Paiva moved, seconded by Jennifer Barron, to accept the Secretary's Report and Recommendation for Registration by Reciprocity. The motion passed unanimously.

V. CONTINUING EDUCATION REPORT

Jennifer Barron moved, seconded by Thomas Egan, to accept the Continuing Education Report of June 14, 2006. The motion passed unanimously.

VI. VIOLATIONS PAID FOR THE MONTH OF MAY

Edward McGinley moved, seconded by Peter Halecky, to accept the Violations Paid report for the month of May, 2006. The motion passed unanimously.

VII. OLD BUSINESS

1) Ken Schafermeyer, Ph.D., Professor and Director of Graduate Studies, St. Louis College of Pharmacy, St. Louis MO – Regarding certification program as stated in NJSA 45:14 – 80.e(2) This item was last before the Board on 4/26/06 at which time the Board requested the number of applicants who have taken the exam and became certified, the organizational structure of the entity that oversees this program and a response to the letter ASHP sent to the Connecticut Board of Pharmacy

Elvy Paiva moved, seconded by Peter Halecky, to approve the Pharmacy Technician Training Program and the ExCPT exam offered by the ICPT as a New Jersey approved technician certification program. The motion passed 8 to 1.

2) Guilaine Kossaras, R.Ph. – Regarding the CE audit

Jennifer Barron moved, seconded by Thomas Egan, to mitigate the penalty as she has demonstrated proof as to why she was not aware of the 10 live CE credits. The motion passed unanimously.

3) Stanley Rovner, R.Ph. – Regarding CE audit

Thomas Bender moved, seconded by Elvy Paiva to deny his request for mitigation. The motion passed unanimously.

4) Wal Mart Pharmacy Technician Training Program Update by Executive Director

Joanne Boyer, Executive Director, advised the Board that the information requested from the Wal Mart Pharmacy Technician Training Program was received and proven to be satisfactory.

VIII. NEW BUSINESS

1) Leo W. Gerard, International President, United Steel Workers, Pittsburg, Pa- Communication regarding Medco, Las Vegas, Nevada Also included is a response from Medco

The Board accepted this as informational.

2) Terry Malanda, R.Ph. & Edward Malanda – Communications regarding mandatory mail order

The Board accepted this as informational.

3)Review of Draft Regulations

a) Immunization

Thomas Bender moved, seconded by Thomas Egan to approve the draft regulation for immunization as amended to include N.J.A.C. 13:39-4.19(a) "... which shall be limited to diphenhydramine and epinephrine..." The motion passed unanimously.

b) Collaborative Practice

Elvy Paiva moved, seconded by Thomas Egan to approve the draft regulations as submitted. The motion passed 8 to 1.

4) Communication regarding recent legislation enacted in Nevada

The Board accepted this as informational.

5) Amanda R. Herring, Accredo Health, Memphis, TN – Requesting that Hemophilia Resources of America,

Pinebrook, NJ and Accredo Health Group, Totowa, NJ be allowed to retain same permit numbers with change of ownership

Edward McGinley moved, seconded by Elvy Paiva, to approve that both pharmacies be allowed to retain the same permit numbers and to void the recently issued new permit numbers. The motion passed 8 to 1.

6) Bill Fitzpatrick, Corporate Compliance Officer, Omnicare, Covington, Kentucky – Repackaging of Patient Medications from LTC and AL Facilities

The Chair directed that this be referred to the Department of Health and Senior Services.

7) Steven Aberbach – Request for reinstatement

Edward McGinley moved, seconded by Thomas Egan, to approve Mr. Aberbach’s request for reinstatement with the following provisions that until he has been removed from exclusionary status he can not be RPIC; no preceptorship; no ownership without prior Board approval; and he must notify his employer of the OIG exclusion. The motion passed unanimously.

8) Edison Pharmacy, Edison, NJ and Solutions Healthcare, Cranford, NJ submission of Joint Application to Conduct a Centralized Prescription handling Service

Elvy Paiva moved, seconded by Margherita Lafragola, to approve the Joint application pending receipt of the corrected application. The motion passed unanimously.

9) Nomination of Board President and Vice President

The Board President called for the nominations for Board President. Pamela Allen moved, seconded by Elvy Paiva to nominate Edward McGinley. The motion passed unanimously. Elvy Paiva moved, seconded by Thomas Egan to close the nominations. The motion passed unanimously.

The Board President called for the nominations for Board Vice President. Elvy Paiva moved, seconded by Thomas Egan to nominate Thomas Bender. The motion passed unanimously. Elvy Paiva moved, seconded by Thomas Egan to close the nominations. The motion passed unanimously.

Edward McGinley thanked Pamela Allen on behalf of the Board for her past two years of service as Board President.

IX. MITIGATIONS

1) Daniel Buchner, RPIC, Central Admixtrue Pharamcy, Englewood, NJ

Elvy Paiva moved, seconded by Axel Miranda to mitigate N.J.A.C. 13:39-6.3; N.J.A.C. 13:39-11.19(d); and N.J.A.C. 13:39-11.20(a) and to deny N.J.A.C. 13:39-11.20(b)1; N.J.A.C. 13:39-11.20(b)3; N.J.A.C. 13:39-11.6(a) and N.J.A.C. 13:39-6.6(d) & (e). The motion passed unanimously.

2) Ifemmuta Adirika, RPIC, Queen’s Love Pharmacy, Passaic, NJ

Elvy Paiva moved, seconded by Axel Miranda to deny the request for mitigation. The motion passed unanimously.

3) Evelyn Christie, RPIC, Children’s Specialized Hospital Pharmacy, Mountainside, NJ

Elvy Paiva moved, seconded by Axel Miranda to mitigate N.J.A.C. 13:39-11.9(d). The motion passed unanimously.

4) Ramaswamy C. Gummadi, RPIC, Ames Drug Store, W. Collingswood, NJ

Elvy Paiva moved, seconded by Thomas Bender, to deny his request for mitigation. The motion passed unanimously.

5) Karen Breidenbach, RPIC, Atrium Pharmacy, Emerson, NJ

Elvy Paiva moved, seconded by Axel Miranda, to deny her request for mitigation. The motion passed unanimously.

6) Piper L. LaMonica, RPIC, The Center Pharmacy, Cherry Hill, NJ

Elvy Paiva moved, seconded by Axel Miranda, to remove N.J.A.C. 13:39-4.5(a); to mitigate N.J.A.C. 13:39-11.7(c); N.J.A.C. 13:39-7.12(a)10; N.J.A.C. 13:39-6.2(f)3; and N.J.A.C. 13:39-7.19(b)6 and to issue a warning regarding 8:65-7.5(a). The motion passed unanimously.

7) Joon Chung, RPIC, PromptCare Pharmacy, Clark, NJ

Pamela Allen moved, seconded by Peter Halecky to mitigate N.J.A.C. 13:3911.7(a). The motion passed unanimously.

8) Thomas M. Kelly, Jr., RPIC, Medicine To Go Pharmacies, Forked River, NJ

Pamela Allen moved, seconded by Peter Halecky to remove N.J.A.C. 13:39-10.1 et al.; N.J.A.C. 13:39-10.39(a)3; N.J.A.C. 13:39-10.3(b)1&4; N.J.A.C. 13:39-10.3(b)3; N.J.A.C. 13:39-10.3(b)4; N.J.A.C. 13:39-10.5; and N.J.A.C. 13-10.3(a)3 and to mitigate N.J.A.C. 13:39-6.6(e). The motion passed unanimously. Edward McGinley recused due to Mr. Kelly's past employment at Pathmark.

9) James Krahulec, Rite Aid Pharmacy, Newark, NJ

Elvy Paiva moved, seconded by Axel Miranda to deny the request for mitigation since the Gold Standard does not cover the general practice of pharmacy reference requirement. The motion passed unanimously.

X. FILED ORDERS FOR THE MONTH OF MAY

The Board accepted it as informational.

XI. COMMITTEE REPORTS

N/A

XII. APPROVAL OF MINUTES

1) May 10, 2006

Thomas Egan moved, seconded by Pamela Allen, to approve the Open Minutes of the May 10, 2006 as amended. The motion passed unanimously.

2) May 24, 2006

Pamela Allen moved, seconded by Elvy Paiva, to approve the Open Minutes of the May 24, 2006 as amended. The motion passed unanimously.

XIII. ADJOURNMENT

At 1:00 p.m., Elvy Paiva moved, seconded by Thomas Egan to enter into Executive Session to review (8) consumer complaints, (2) New Business, (11) Retail IV Permits, (9) Inspection Reports and (1) Investigative

Inquiry. The motion passed unanimously.