

New Jersey State Board of Pharmacy

Minutes of The Open Session of June 26, 2002

I. CALL TO ORDER

The open meeting of the New Jersey State Board of Pharmacy was called to order by Board President Anthony Alexander, in the Hudson Room, 6th Floor at 124 Halsey Street, Newark, New Jersey on June 26, 2002 at 9:15 A.M. All members were duly notified of the time and place and all pertinent materials had been provided.

II. SUNSHINE LAW ANNOUNCEMENT

Anthony Alexander read a statement that 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. 10:4-6.

III. ROLL CALL

PRESENT:

Anthony Alexander, RP, President
Pamela Allen, RP
Ira Katz, RP-arrived at 10:05 A.M., left at 4:00 P.M. (Executive Session)
Sophie Heymann
Edith Tortora Micale, RP - left at 3:30 P.M. (Executive Session)
Mona Doyle, RP - left at 4:10 P.M. (Executive Session)
Robert Kowalski - left at 3:25 P.M. (Executive Session)
Edward McGinley, RP

EXCUSED:

Richard Palombo, RP

OTHERS IN ATTENDANCE

Marianne Greenwald, Deputy Attorney General
Debora Whipple, Executive Director
Marie Wondeh, Principal Clerk Stenographer
Kathryn Pierce, Secretarial Assistant

IV. APPROVAL OF OPEN SESSION MINUTES OF JUNE 12, 2002

Sophie Heymann moved, seconded by Mona Doyle to accept the minutes of the Open Session of June 12, 2002 as amended. The motion passed unanimously.

V. SECRETARY'S REPORT AND RECOMMENDATION FOR REGISTRATION BY RECIPROCITY

Robert Kowalski moved, seconded by Sophie Heymann to approve the Secretary's Report and Recommendation for Registration by Reciprocity. The motion passed unanimously.

VI. SECRETARY'S REPORT AND RECOMMENDATION FOR APPLICATION FOR REGISTRATION BY EXAMINATION AND GRADE TRANSFER

Robert Kowalski moved, seconded by Sophie Heymann, to approve the Secretary's Report and Recommendation by Examination. The motion passed unanimously.

Robert Kowalski moved, seconded by Sophie Heymann, to approve the Secretary's Report and Recommendation for Registration by Grade Transfer. The motion passed unanimously.

VII. NEW BUSINESS

(1). Patricia K. Chamberlain, NCPDP - HC Idea Program

The Chair directed the Executive Director to refer this matter to the Office of the Director of the Division of Consumer Affairs and to suggest they forward it to all of the professional Boards and the Department of Health and Human Services for a response to both the letter and the Board of Pharmacy.

(2). Mohammed Saleem, R.Ph., Saleem & Associates - Reciprocity/Language waiver request TOEFL

The Chair directed the Executive Director to call them in for an Investigative Inquiry at the next available meeting.

(3). Tri State Respiratory, Inc., d/b/a Tri State Pharmacy - Application for Remodeling

The Chair directed the Executive Director to request an inspection, then upon receipt of the results, the Board will review at the next available meeting.

(4). Jerome Berkowitz, RP - Question regarding regulation for refill of multiple prescriptions on one Rx blank and refills on syringes.

Pamela Allen moved, seconded by Sophie Heymann, to table this item until the Board finds out through NABP what states allow multiple Rx's and how they handle it. The motion passed unanimously. The DAG will research the syringes question and report back at a future meeting.

(5). Express Scripts, Inc. - re: Prescribing authority of Optometrists

The Chair directed the Executive Director to refer this matter to the Board of Optometry and ask them to respond to both the letter and the Board of Pharmacy.

(6). Les Schloesser, M.S., Director of Pharmacy Services, Bergen Regional Medical Center

Mr. Schloesser wrote obtaining an official clarification from the Board regarding Regulation NJAC 13:39-7.14 Patient Profile Record System. He wanted to know the intent of the regulation and to also clarify what immediate retrieval of information means.

The Chair directed the Executive Director to inform Mr. Schloesser that yes, it is immediate retrieval in NJAC 13:39-7.14(a) and (f) and two keystrokes is fine as long as the function is always performed.

(7). FDA Pharmacy Compounding Compliance Policy Guide

This item is for informational purposes only.

(8). Thomas McIntyre, R.Ph - re: Application for Reciprocity - Texas Disciplinary Actions

Sophie Heymann moved, seconded by Edith Micale, to accept his request for reciprocity. The motion passed unanimously.

(9). Election of Officers - Nominations to be held at 6/26/02 meeting, Vote to be held at 7/10/02 meeting

Edith Micale moved, seconded by Sophie Heymann, to hold both the nominations and the election at this meeting based on historical precedent. This motion was passed by a majority vote.

Council advised against having both nominations and elections on this day in that, given the agenda, proper notice to the public had not been provided to justify holding the election on this date.

Robert Kowalski nominated Anthony Alexander as President, seconded by Sophie Heymann. Anthony Alexander was unanimously elected as President.

Ira Katz nominated Pamela Allen as Treasurer, seconded by Pamela Allen. Sophie Heymann nominated Edward McGinley as Treasurer, seconded by Robert Kowalski. Sophie Heymann moved, seconded by Edith Micale, to accept the nominations of Pamela Allen and Edward McGinley as Treasurer. Edward McGinley was elected Treasurer. The vote was 6 votes for Edward McGinley and 2 votes for Pamela Allen.

(10). Question from Brian McBride, R.Ph pertaining to sale of cigarettes in pharmacies

This item was moved to Executive Session for discussion and returned to Open Session. Ira Katz moved, seconded by Pamela Allen to request a statement under oath as to his credentials at the time he wrote the letter. The motion passed unanimously.

(11). Request from Debora Whipple, Executive Director for e-mail addresses and response from Fred Gmitter, MIS (Meeting to implement new address on Monday June 24th).

The Executive Director advised the Board of a new e-mail address (pharmacy@lps.state.nj.us) intended for use in the event of an emergency to allow the Board of Pharmacy to contact all pharmacies and pharmacists. The Executive Director requested the new address be put in the newsletter requesting all licensees to submit their e-mail addresses to this site. This address and request will also be placed on the Board of Pharmacy's website.

VIII. OLD BUSINESS

(1). Dave Meyer, R.Ph, CIGNA Tel-Drug - re: Rules/laws/regulations regarding the technician to R.Ph ratio

The Chair directed the Executive Director to inform Mr. Meyer that the answer is "no", there are no exceptions to the two to one ratio regarding technicians to pharmacists.

(2) Memo from Gary J. Puzio - re: Pharmacy change of ownership of Variety Drug, Inc.

The Executive Director informed the Board that a change of ownership form was sent.

This item was considered as an FYI.

(3) Response to comments and adoption of C. E. Regulations - Maryann Sheehan, Regulatory Analyst to report

Pamela Allen moved, seconded by Ira Katz, to adopt the continuing education regulations as published with no changes. The motion passed unanimously.

Pamela Allen moved, seconded by Edward McGinley, to make the operative date for the CE regs May 1, 2003. The motion passed unanimously.

Proposed regulatory label changes

The Regulatory Analyst made an inquiry regarding the labeling requirement because of a conflict between label

requirements for Central Fill and the proposed changes to NJAC 13:39-5.9.

Pamela Allen moved, seconded by Edward McGinley, to keep the initials on the label the way they are. The motion passed unanimously.

Pamela Allen moved, seconded by Robert Kowalski, to include the language regarding the "used by" date in the entire Central Fill proposal. The motion passed unanimously.

IX. ADDITIONS TO THE AGENDA

(1). A-2315 - Eliminates age limitation of 62 for offering of premiums and rebates in connection with sale of drugs. Ira Katz moved, seconded by Edith Micale, to oppose this bill. The motion failed with 3 in favor, 4 opposed, and 2 absent from the vote.

(2). A-1635 - This is the "Prescription Drug Cost Contamination Act" Ira Katz moved, seconded by Edith Micale, to oppose this bill. There were 6 ayes, 1 abstention and 2 members were not present to vote. The motion passed.

(3). Proclamation for Clinton Spaar's Long-Term Service with the State and the Enforcement Bureau

Edward McGinley moved, seconded by Pam Allen, that a proclamation from the Board be made for Mr. Spaar's long-term service with the State of New Jersey and the Enforcement Bureau. The President will be asked to write an appropriate proclamation. The motion passed unanimously.

X. RECESS TO EXECUTIVE SESSION

At 11:55 A.M., Pamela Allen moved, seconded by Ira Katz, for the Board to move to Executive Session to review 5 retail and IV permits, 18 inspections and 15 consumer complaints and one letter. The motion passed unanimously

XI. ADJOURNMENT

Sophie Heymann moved, seconded by Edward McGinley, to adjourn the meeting at 4:35 P.M. The motion passed unanimously.

Respectfully submitted,

Debora C. Whipple
Executive Director