

**NEW JERSEY STATE BOARD OF PHARMACY
OPEN SESSION MINUTES OF JUNE 27, 2007**

I. CALL TO ORDER

The Open Session of the New Jersey Board of Pharmacy was called to order by Board President Edward McGinley, R.Ph. in the Somerset Room, 6th Floor at 124 Halsey Street, Newark, New Jersey on June 27, 2007 at 9:04 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 requirements of the Open Meetings Act N.J.S.A. Chapter, 231, PL 1975,/C. 10:4-8.

III. ROLL CALL

Mr. Edward McGinley President
Mr. Thomas Bender, R.Ph. Vice-President
Ms. Pamela Allen, R.Ph.
Ms. Jennifer DeVenio Government Member
Mr. Peter Halecky, R.Ph.
Ms. Margherita Lafragola, R.Ph. (arrived at 9:24 am)
Mr. Axel Miranda Public Member (arrived at (9:18 am)
Mr. Marc Sturgill, PharmD.

OTHERS IN ATTENDANCE

Ms. Joanne Boyer, R.Ph. Executive Director
Ms. Marianne Greenwald DAG
Mr. Timothy Carter Clerk

EXCUSED

Mr. Richard Palombo, R.Ph.

IV. UPDATE BY EXECUTIVE DIRECTOR

N/A

V. CONTINUING EDUCATION REPORT

N/A

VI. OLD BUSINESS

1) Humberto Cedeno – Request for reinstatement This item was last before the Board on 12/13/06 at which time the Board requested additional information

The Board determined to deny his request for reinstatement. In order to be considered for reinstatement Mr. Cedeno is to provide the following:

a) documentation of 6 months of weekly, random, and witnessed urine screens;

b) an updated psychological evaluation (to be conducted within 6 months before his appearance before the Board)

Once this information is received, Mr. Cedeno will be scheduled for an Investigative Inquiry before the Board.

The motion was made by Jennifer DeVenio, seconded by Thomas Bender and passed unanimously.

VII. NEW BUSINESS

1) Sherly Philip – Foreign graduate requesting a waiver of N.J.A.C. 13:39 – 8.4(a)1

The Board determined to deny Ms. Philip's request for a waiver of N.J.A.C. 13:39 – 8.4(a)1 for lack of sufficient cause.

The motion was made by Elvy T. Paiva, seconded by Margherita Lafragola and passed unanimously.

2) Frank Breve, PharmD – Regarding a permit application for Baxter Healthcare, Swedesboro, NJ

This item will be rescheduled.

3) Lawrence Kaufman, RPIC, Owner, Smith Brothers Pharmacy, Maple Shade, NJ – Requesting a waiver to maintain same permit number upon transfer of ownership

The Board determined to grant Mr. Kaufman's waiver request to maintain the same permit number upon transfer of ownership.

The motion was made by Jennifer DeVenio, seconded by Axel Miranda. The motion was passed unanimously.

4) Loretta Brickman, R.Ph. – (On behalf of GeriScript, LLC, Totowa, NJ), requesting Board review of MTS Medlocker to determine if this qualifies as an automated medication system as described in 13:39 Subchapter 10 when used in a long term care facility for back-up doses A working model will be available for demonstration

The Board determined that the MTS MedLocker, as to be utilized by Geriscript, is not an automated medication system as defined in N.J.A.C. 13: 39 Subchapter 10 but is a drug dispensing device pursuant to N.J.A.C. 13:39–9.17.

The motion was made by Elvy T.Paiva, seconded by Marc Sturgill, and passed unanimously.

5) Erik Jodelka – Request for reinstatement

The Board determined to schedule Mr. Jodelka for a Investigative Inquiry. Prior to appearing before the Board, Mr. Jodelka must submit the results of six (6) months of consecutive, random, witnessed urine screens and records of his continuing education credits.

The motion was made by Pamela Allen, seconded by Thomas Bender, and passed unanimously.

6) Michael A. Abanda, R.Ph. – Requesting additional time to obtain the necessary continuing education credits for the May 1, 2005 thru April 30, 2007 biennial renewal period

The Board determined to notify Mr. Abanda that the Board of Pharmacy does not grant extensions for obtaining continuing education credits. Mr. Abanda is directed to submit complete records of his Continuing Education credits for the May 1, 2005 thru April 30, 2007 biennial renewal period within thirty (30) days of receipt of the Board's letter. Mr. Abanda will be subject to fines associated with his failure to complete Continuing Education credits on time. A reprimand is to be issued to Mr. Abanda for not answering Question #3 on the biennial license renewal application truthfully.

The motion was made by Jennifer DeVenio, seconded by Thomas Bender, and passed unanimously.

VIII. MITIGATION/HEARING REQUESTS

1) Amber Ferguson, RPIC, Eckerd, Roselle, NJ

Margherita Lafragola was recused due to her affiliation with Rite-Aid/Eckerd Drugs.

The Board determined to deny Ms. Ferguson's request for mitigation of NJAC 13:39 – 4.3 (\$50) and NJAC 13:39 – 6.2e (\$100) due to lack of sufficient proof.

The motion was made by Pamela Allen, seconded by Jennifer DeVenio, and passed unanimously.

2) Sinoe E. Naji, RPIC, Rite Aid, Swedesboro, NJ

Margherita Lafragola was recused due to her affiliation with Rite-Aid/Eckerd's Drugs.

The Board determined to deny Mr. Naji's request for mitigation of NJAC 13:39 – 7.12(a)13i (\$325) and to mitigate NJAC 13:39 – 7.12(a)9 (\$100).

The motion was made by Pamela Allen, seconded by Peter Halecky, and passed unanimously.

3) Mukul Bhatt, RPIC, Underwood Pharmacy, Jersey City, NJ

The Board determined to deny Mr. Bhatt's request for mitigation of NJAC 13:39 – 7.12(a)3 & NJAC 13:39 – 6.2(f)2 and 3 (\$100), NJAC 13:39 – 7.12(a)9 & NJAC 13:39 – 6.2(f)3 (\$250) and NJAC 13:39 – 7.19(c)1 & NJSA 45:14 – 68(b)9 (\$500).

The motion was made by Elvy T. Paiva, seconded by Margherita Lafragola, and passed unanimously.

4) John Scott Karolchyk, RPIC, Pharmacy Creations, Randolph, NJ

The Board determined to mitigate NJAC 8:65 – 7.4(b) (Warning), NJAC 8:65 – 8.4(a)4 (Warning), NJAC 13:39 – 7.12(a)8 & NJAC 13:39 – 6.2(f) 2 and 3 (\$25), NJAC 13:39 – 7.19(a) & NJSA 45:14 – 68(a) (\$250), NJSA 45:14 – 57 (Warning) and NJAC 8:65 – 7.5(a) & NJAC 8:65 – 7.8(a) (\$25). The Board determined to deny the request for mitigation NJAC 13:39 – 7.12(a)13 (\$100). Further, the Board recommended that Mr. Karolchyk be made aware and familiarize himself with N.J.A.C. 8:65-7.4(b).

The motion was made by Thomas Bender, seconded by Peter Halecky, and passed unanimously.

5) Samuel Procaccini, RPIC, CVS, Princeton, NJ Hearing request

The Board determined that after the DAG speaks with Mr. Procaccini and he agrees not to request an Administrative Hearing, the Board will agree to mitigate NJAC 8:65 – 5.7 (Warning) but will deny the mitigation request for NJAC 13:39 – 7.3 (\$25).

The motion was made by Pamela Allen, seconded by Thomas Bender, and passed unanimously.

6) Majid Moghaddasi, RPIC, Elmwood Drugs, Elmwood Park, NJ

The Board determined to mitigate NJAC 13:39 – 4.5(a) and NJAC 8:65 -5.5(a) from \$500 to a Warning.

The motion was made by Jennifer DeVenio, seconded by Elvy Paiva, and passed unanimously.

7) Mina Groysman, RPIC, Caremark, Fairfield, NJ Only 5 of 75 patient profiles submitted

The Board determined to mitigate NJAC 13:39 – 7.19(c)1 & NJSA 45:14 – 68(b)9 (\$100) and mitigate NJAC

13:39 – 4.14(b) from \$50 to a Warning.

The motion was made by Elvy T. Paiva, seconded by Axel Miranda, and passed by a vote of 8-1.

IX. COMMITTEE REPORTS

N/A

X. APPROVAL OF MINUTES

1) May 23, 2007

The motion was made by Elvy T. Paiva, seconded by Jennifer DeVenio, to approve the minutes of the Open Session of the Board of Pharmacy, May 23, 2007 as amended.

The motion passed unanimously.

2) June 13, 2007

The motion was made by Pamela Allen, seconded by Jennifer DeVenio, to approve the minutes of the Open Session of the Board of Pharmacy, June 13, 2007 as amended.

XI. ADJOURNMENT

At 12:05 pm, Margherita Lafragola moved, seconded by Pamela Allen to move into Executive Session for the review of 5 Complaints, 1 Old Business item, 6 New Business items, Secretary's Report and Recommendation on Retail and Institutional Permits, Secretary's Report and Recommendation on Inspection reports and approval of Minutes. The motion passed unanimously.