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Governor

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New Jersey Office of the Attorney General

Division of Consumer Affairs
Board of Pharmacy
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NEW JERSEY STATE BOARD OF PHARMACY MINUTES OF THE OPEN SESSION SUSSEX CONFERENCE ROOM, 6TH FLOOR June 27, 2012

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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 Sussex Room 6th floor at 124 Halsey Street, Newark, New Jersey on June 27, 2012 at 9:00 am. All members were duly notified of the time, place and all pertinent materials were provided to members.

II. SUNSHINE LAW ANNOUNCEMENT

President Edward McGinley, 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.10:4-8.

III. ROLL CALL

Edward G. McGinley, R.Ph.	President
Thomas Bender, R.Ph.	Vice President
Margherita Cardello, R.Ph.	Late Arrival 9:27 am
Marc Sturgill, R.Ph.	
Richard Palombo, R.Ph.	
Mahesh Shah, R.Ph.	
Stephen Lieberman, R.Ph.	

OTHERS IN ATTENDANCE

Anthony Rubinaccio	Executive Director
Linda Brodie	Customer Service Rep I
Megan Cordoma	Deputy Attorney General
Michael Westenberger	Enforcement Bureau

IV. UPDATE BY EXECUTIVE DIRECTOR

The Executive Director reported for the month of May \$24,450.00 were collected in fines and penalties. The following permits, licenses, and registrations were issued during the month of May:

- Technicians - 141
- Pharmacists - 21 (by examination/score transfer, and by reciprocity)

- Out of state pharmacies - 11
- In state pharmacies - 7
- Pharmacists receiving immunization approval -42
- Interns (foreign graduates) - 2

V. OLD BUSINESS

1. Orders Filed

Mark Pyatak June 4, 2012

2. **Georgeann Boulos- Pludowski**- Requesting unrestricted license

Thomas Bender moved, seconded by Marc Sturgill, to remove remaining restrictions from her license. **Motion passed unanimously.**

3. **Nitin Khandwala** - Requesting modification of reinstatement license

Thomas Bender moved, seconded by Marc Strugill, to amend Order to remove debarment when medicaid provider participation is reinstated. **Motion passed unanimously.**

4. **Karen Littman** - Requesting reinstatement of license

Richard Palombo moved, seconded by Mahesh Shah, to allow reinstatement by Consent Order to reflect the same provision and conditions detailed in the Ohio Order. Any violations of the Ohio Order will be grounds for her license to be reviewed before the New Jersey Board. **Motion passed unanimously.**

5. **Village Pharmacy**- Requesting extension of pharmacy permit

Thomas Bender moved, seconded by Marc Sturgill to approve the amended application. **Motion passed unanimously.**

VI. NEW BUSINESS

1. **Walgreens** - Presentation introducing “Well Experience” concept

Dann Luce gave a presentation to the Board (information purposes only) introducing the new pharmacy model for Walgreens. Pharmacist are stationed outside the lab area giving direct access to patients for better care and service. A video followed showing the new concept. There are a total of a 150 stores currently using the new model, 300 stores in the pipeline, and an additional 500 stores to be converted within the next 18 months.

2. **Arun Kumar Ramesh** - Requesting TOEFL waiver

Margherita Cardello moved, second by Stephen Lieberman to deny the waiver request. Mr. Ramesh only passed 1 out of 4 competency areas, and no medical disability was indicated as being a contributing factor. **Motion passed unanimously.**

3. **County of Union** - Immunization proposal

Richard Palombo moved, seconded by Stephen Lieberman to send a letter advising the County of Union there are statutory provisions in place that allow adjustments to the standard protocols during emergencies. In addition the Board suggest the writer provide notice to the Nursing Board.

Motion passed unanimously.

VII. MITIGATION/HEARING REQUEST

1. **Oslyn Davidson, RPIC** - Rite Aid #3647

Richard Palombo moved, seconded by Marc Sturgill to mitigate the \$700 fine, associated with weights and measures. The Essex County Office of Weights and Measures have not been inspecting pharmacies, in a timely manner. Margherita Cardello recused due to her affiliation with Rite Aid. **Motion passed unanimously.**

Thomas Bender moved seconded by Richard Palombo, that the Executive Director should send a letter to the State Bureau of Weights and Measures. **Motion passed unanimously.**

2. **Nagaraji Amara, RPIC** - Camp Drugs

Margherita Cardello moved, seconded by Marc Sturgill, to mitigate the cease and desist regarding the inspection of the balance scale until Essex County completes the inspections. **Motion passed unanimously.**

3. **Joseph Michael, R.Ph.** - Wal-Mart

Thomas Bender moved, seconded by Marc Sturgill to mitigate the \$50 fine for violation of NJAC 8:65-7.8e. The pharmacist filled the prescription within the guidelines of the law. Margherita Cardello recused. **Motion passed unanimously.**

4. **John Wesdyk, RPIC** - West Milford Pharmacy

Thomas Bender moved, seconded by Margherita Cardello to deny the mitigation request in violation of NJAC 13:39-3.6 and NJAC 13:39 -6.12 photocopies being posted instead of original license/registrations. The fine is \$50 for each item, \$100 fine in total.

Motion passed unanimously.

5. **Felix Kehinde, RPIC** - Jacobs Pharmacy

Thomas Bender moved, seconded by Stephen Lieberman to deny the mitigation request for \$2,000, two \$1,000 fines for violations of NJAC 13:39 - 4.15a, NJSA 45:14-69(0), NJSA 45:14-70 (G), NJSA45:14-71. The pharmacy is not registered as a Pharmacy Department but as a Pharmacy.

VIII. INFORMATIONAL

Elections of Officers for New Jersey Board of Pharmacy for 2012-2013

Richard Palombo moved, seconded by Margherita Cardello to re-elect Edward McGinley as President and Thomas Bender as Vice President. **Motion passed unanimously.**

IX. COMMITTEE REPORTS

The Rules and Regulations Committee met last week to review public comments received on the Collaborative Practices proposal and sterile and non-sterile compounding proposal. Compounding regulations will move forward. Collaborative Practices public comment responses need to be worked in concert with the Medical Board.

Inspection Report- Michael Westenberger provided overview of progress on prototype, will review next month via conference call with the committee of the Board.

X. APPROVAL OF MINUTES

1) May 30, 2012

Marc Sturgill moved , seconded by Stephen Lieberman to approve the May 30, 2012 Open Session Minutes as amended. **Motion passed unanimously.**

XI. ADJOURNMENT

At 10:06 a.m. Marc Sturgill moved , seconded by Margherita Cardello to adjourn Public Session and move into Executive Session for review of complaints, 5 Old Business items, 24 new Business Items, the Secretary's Report and Recommendation on Retail and Institutional Permits, the Secretary's Report and Recommendation on Inspection Reports and the Approval of Minutes.