

**NEW JERSEY STATE BOARD OF PHARMACY
OPEN SESSION MINUTES JUNE 28, 2006**

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 Somerset Room, 6th floor at 124 Halsey Street, Newark, New Jersey on June 28, 2006 at 9:00 a.m. All members were duly notified of the time and place and all pertinent materials had been provided.

II. SUNSHINE LAW ANNOUNCEMENT

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. 10:4-18.

III. ROLL CALL

Edward McGinley, R.Ph President
Elvy T. Paiva, R.Ph
Marc Sturgill, PharmD
Pamela Allen, R.Ph.
Margherita Lafragola, R.Ph.
Thomas Egan, Pharm.D

OTHERS IN ATTENDANCE:

Joanne Boyer Executive Director
Marianne Greenwald Deputy Attorney General Arrived 9:30 a.m.
Susan Flores Principal Clerk
Kiran Shamlall Clerk Typist

EXCUSED:

Thomas Bender, R.Ph. Vice President
Jennifer Barron Government Member
Peter Halecky, R.Ph.
Axel Miranda Public Member

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

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

V. CONTINUING EDUCATION REPORT

Marc Sturgill moved, seconded by Thomas Bender, to accept the Continuing Education Report of June 28, 2006. The motion passed unanimously.

VI. VIOLATIONS PAID FOR THE MONTH OF JUNE

N/A

VII. OLD BUSINESS

1) Gary Peters, R.Ph., Senior attorney, Corporate & Regulatory Law, Walgreens – Regarding Yuyama Automatic Filling Machine This item was last before the Board on 11/10/04 at which time the Board determined that the Yuyama Automatic Filling Machine was a automated medication system and that all regulations in NJAC 13:39 Subchapter 10 would apply. After discussion with Mr. Peters the Board will go into Executive Session for advice of counsel.

Marc Sturgill moved, seconded by Margherita Lafragola, to rescind without prejudice to reissue a penalty letter to allow for the Board members to participate in an on-site demonstration of the Yuyama counting machine and once this is completed to allow Walgreens to proceed with its previously requested presentation. The motion passed unanimously as a Committee and will be brought before the full Board at the next meeting for ratification. Elvy Paiva was recused due to her employment with Walgreens.

VIII. NEW BUSINESS

1) Howard Wertheim – Request for reinstatement

Elvy Paiva moved, seconded by Pamela Allen, to deny Mr. Wertheim's request for reinstatement inasmuch as he has not complied with the terms of the February 25, 2004 Order for Surrender of License. The Board may consider the request for reinstatement upon receipt and review of a Board approved psychologist/psychiatrist evaluation and a current 3 month weekly random urine drug screen history. The motion passed unanimously.

2) Robert Gutkowski – request for reinstatement

Pamela Allen moved, seconded by Margherita Lafragola, to issue a retroactive Consent Order to include an in depth psychological evaluation; results for 6 consecutive months of monitored weekly random urine drug screen results; recommendations from PAP and all treatment records for Board review and consideration. The motion passed unanimously.

3) Grishma Bhakta – Intern with "needs improvement" noted 10 times and "unacceptable" noted one time on the preceptor's report

Marc Sturgill moved, seconded by Elvy Paiva, to have Ms. Bhakta complete another 750 hours of internship by a Board approved preceptor and after completion of the internship and submission of the preceptors report a committee of the Board will interview Ms. Bhakta. The motion passed unanimously.

4) Bino K. James – Requesting a waiver of TSE

Marc Sturgill moved, seconded by Elvy Paiva, to deny his request for waiver of TSE and to advise him he must pass the IBT. The motion passed unanimously.

5) Nitesh Tamboli – Requesting a waiver of TSE

Thomas Egan moved, seconded by Margherita Lafragola, to deny his request for waiver of TSE and to advise him he must pass the IBT. The motion passed unanimously.

6) Paulinose Cyriac – Requesting a waiver of TSE

Pamela Allen moved, seconded by Thomas Egan, to deny his request for waiver of TSE and to advise him he must pass the IBT. The motion passed unanimously.

7) Unuigbe Ben Imoobe – Requesting a waiver of TSE

Elvy Paiva moved, seconded by Margherita Lafragola, to deny his request for waiver of TSE and to advise him he must pass the IBT. The motion passed unanimously.

8) Gaurang M. Patel – Requesting a waiver of TSE

Margherita Lafragola moved, seconded by Pamela Allen, to deny his request for waiver of TSE and to advise him he must pass the IBT. The motion passed unanimously.

9) Sherlyn Tronco – Requesting a waiver of NJAC 13:39 – 3.2(a)3

Marc Sturgill moved, seconded by Elvy Paiva, that her recent work experience has been deemed acceptable to meet the requirements as stated in NJAC 13:39 – 3.2(a)3. The motion passed unanimously.

10) Ali Shafiee – Requesting a waiver of NJAC 13:39 – 3.2(a)3

Marc Sturgill moved, seconded by Thomas Egan, to deny his request for waiver of NJAC 13:39-3.2(a)3. The motion passed unanimously.

11) Kristen R. Humphrey – Requesting a waiver of NJAC 13:39 – 3.2(a)3

Pamela Allen moved, seconded by Thomas Egan, that Ms. Humphrey has to provide an affidavit demonstrating her work history. The motion passed unanimously.

12) Maged Rafla – Requesting a waiver of NJAC 13:39 – 8.4(a)3

Ms. Rafla's application was received on 5/10/06 Elvy Paiva moved, seconded by Pamela Allen, to deny her request for waiver to be consistent with NJAC 13:39-8.4(a)3. The motion passed unanimously as a Committee and will be brought back before the full Board at the next meeting for ratification. Margherita Lafragola was recused due to her employment with Rite Aid.

13) Bela M. Patel – Requesting a waiver of NJAC 13:39 – 8.4(a)

Ms. Patel's preceptor in Maryland, Sung S. Cho, is not licensed in New Jersey as required in NJAC 13:39 – 8.2(a)1 Marc Sturgill moved, seconded by Elvy Paiva, to deny her request for waiver of NJAC 13:39-8.4(a) and she is to complete 1000 hours internship under a licensed preceptor as stated in NJAC 13:39 – 8.2(a)1. The motion passed unanimously.

14) Ankit Mehta – Requesting a waiver of NJAC 13:39 – 8.4(a)

Pamela Allen moved, seconded by Thomas Egan, to grant a waiver of 500 hours of the 1000 hour required internship. This waiver is granted in recognition of Ms. Mehta's work experience as a registered pharmacist in Canada. Ms. Mehta is to complete the balance of the internship (500 hours) in the state of New Jersey under a certified preceptor. The motion passed unanimously.

15) Claudette Montinard – Applicant who graduated in 9/98, worked as an intern from 2/99 thru 6/01, did not complete licensing process, worked in Pennsylvania as a pharmacy graduate from 4/03 thru 7/04 and would now like to become licensed

Pamela Allen moved, seconded by Elvy Paiva, to have Ms. Montinard complete 1000 hours of internship under a certified preceptor, have the preceptor submit an evaluation prior to Board proceeding with licensure. She is also to provide an official college transcript. The motion passed unanimously as a Committee and will be brought back before the full Board at the next meeting for ratification. Margherita LaFragola was recused due to her employment with Rite Aid.

16) Poonam Tuliani – Requesting a waiver of NJAC 13:39 – 2.9(a)

Marc Sturgill moved, seconded Pamela Allen, to deny her request for waiver of NJAC 13:39-2.9(a). The motion passed unanimously.

IX. MITIGATIONS

1) Yolanda Alvarez, R.Ph. – Regarding a complaint

Pamela Allen moved, seconded by Thomas Egan, to rescind the penalty letter issued to Ms. Alvarez and to fine Edsel Geddes \$1,000.00 for violating NJAC 13:39-7-19(e) and to have him complete 2 continuing education credits on medication errors. The motion passed as a Committee and will be brought back before the full Board at the next meeting for ratification. Margherita Lafragola recused due to her employment at Rite Aid.

2) Rajeev Verma, R.Ph. – Regarding CE audit

Mr. Verma submitted additional documentation of completion of CE credits sufficient to meet the requirements for license renewal period May 1, 2003 thru April 30, 2005. The UPL previously issued to Mr. Verma will be rescinded.

3) Vidhu Bansal, R.Ph. – Regarding CE audit

Mr. Bansal has submitted additional proof of credits which would lower his total fine to \$2,800 The Chair directed to move this item to Executive Session for advice of counsel. Elvy Paiva moved, seconded by Pamela Allen, to deny his request for mitigation. The motion passed unanimously. This decision was made as a committee and will be brought back before the full board at the next meeting for ratification. Marc Sturgill was recused from this item.

4) Barbara C. Roth, R.Ph. – Regarding CE audit

Marc Sturgill moved, seconded by Thomas Egan, to deny Ms. Roth's request for mitigation. The motion passed unanimously.

5) Tracey J. Alba, R.Ph. – Regarding CE audit

Elvy Paiva moved, seconded by Thomas Egan, to mitigate \$1,000 based on her documented hardship. The motion passed unanimously.

6) Suzanne Sesta, RPIC, Livingston Infusion Care, South Plainfield, NJ

Elvy Paiva moved, seconded by Thomas Egan, to mitigate the \$250.00. The motion passed as a Committee. Pamela Allen was recused due to her employment with the St. Barnabas Health Care System.

7) James DeVita, CVS Pharmacy, Ridgefield Park, NJ

Pamela Allen moved, seconded by Marc Sturgill, to deny the request for mitigation of the \$250.00 penalty. The motion passed unanimously.

X. CONFERENCES

N/A

XI. COMMITTEE REPORTS

N/A

XII. APPROVAL OF MINUTES

1) June 14, 2006 - This matter was tabled.

XIII. ADJOURNMENT

At 10:30 a.m., Elvy Paiva moved, seconded by Thomas Egan to enter into Executive Session to review (9) consumer complaints, (1) New Business, (7) Retail IV Permits, (5) Inspection Reports and to conduct (2) Investigative Inquiries. The motion passed unanimously.