NEW JERSEY STATE BOARD OF PHARMACY
MINUTES OF THE OPEN SESSION OF JULY 9, 2003

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 Somerset Room, 6th Floor at 124 Halsey Street, Newark, New Jersey on July 9, 2003 at 9:22 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. Chapter 231, PL 1975, C.10:4-18.

III. ROLL CALL

Present:
Edward McGinley, R.Ph.    President
Edith Micale, R.Ph.    Treasurer
Sophie Heymann    Public Member
Ira Katz, R.Ph. Robert Kowalski, R.Ph.    Government Member
Richard Palombo, R.Ph.

OTHERS IN ATTENDANCE:
Marianne Greenwald    Deputy Attorney General
Debora Whipple    Executive Director
Kiran Shamlall   Assisting Clerk Stenographer

EXCUSED:
Mona Doyle    Public Member
Pamela Allen, R.Ph.
Anthony Alexander, R.Ph.

IV. 1 APPROVAL OF DRAFT MINUTES FOR OPEN SESSION OF JUNE 11, 2003

Sophie Heymann moved, seconded by Richard Palombo, to accept the minutes of June 11, 2003 as amended. The motion passed unanimously.

IV. 2 APPROVAL OF FINAL MINUTES FOR OPEN SESSION OF MAY 28, 2003

Edith Micale moved, seconded by Robert Kowalski, to accept the minutes of May 28, 2003 as amended. The motion passed unanimously.

V. MEMORANDUM OF FINES FOR MAY 2003
Sophie Heymann moved, seconded by Edith Micale, to send letters requiring that the Letter of Corrective Action be sent to the Board as they are mandatory. The motion passed unanimously.

Richard Palombo moved, seconded by Edith Micale, to approve the Memorandum of Fines for May 2003 as amended. The motion passed unanimously.

VI. FINAL ORDERS:

(1) Sungmi Bang, RPIC- Eckerd Drugs, Teaneck, NJ
(2) Nina Yoon, RP- Rite Aid Pharmacy, River Edge, NJ
(3) Haewon Elizabeth Park, RPIC- Rite Aid Pharmacy, Somerville, NJ
(4) Aaron Weiss, RPIC- Rite Aid Pharmacy Dept. #2597, South Boundbrook, NJ
(5) James Krahulec, Vice President- Rite Aid Corporation, Harrisburg, PA
(6) James Johnson, RPIC- Rite Aid Pharmacy Dept.#135, Willingboro, NJ
(7) Robert Kershaw, RPIC- Walgreens Pharmacy, Verona, NJ
(8) George Bukwich, RPIC- Center Drugs, Verona, NJ
(9) Kenneth Solarz, RPIC- CVS Pharmacy, Westampton, NJ
(10) Nadine Panyko Kelly, RPIC- Stop & Shop Pharmacy, Phillipsburg, NJ
(11) Jerry Znak, RPIC- D'Allegro's Pharmacy, Newark, NJ
(12) Marc Greene, RPIC-Abels Pharmacy, Irvington, NJ
(13) Suchit Doshi, RPIC- Walgreens Pharmacy, Belleville, NJ
(14) Karen Orgen, RPIC- CVS Pharmacy, Ramsey, NJ
(15) Walter Cifuentes, RPIC- Walgreens Pharmacy, Elizabeth, NJ
(16) Kyra Michalski, RPIC- Walgreens Pharmacy, Bloomfield, NJ
(17) Charles Cush, RPIC- Parkway Central Pharmacy, East Orange, NJ
(18) Edward Eybs, RPIC- Drug Fair, Stirling, NJ

Richard Palombo moved, seconded by Robert Kowalski, to amend the final orders to reflect a total of $19,010.71 and ensure that final orders are sent to both the RPIC and owner of the pharmacy. The motion passed unanimously.

VII. LEGISLATION

(1) Assembly Bill No. 3782-"New Jersey Medical Corps Act." This bill shall utilize and coordinate the skills of practicing and retired physicians nurses, and other licensed health care professionals, who volunteer to enroll in the corps, to provide medical care without charge to low-income patients whose care is not covered by any public or private third party payer, in accordance with standards and procedures set forth pursuant to this act.

Edith Micale moved, seconded by Richard Palombo, to support the Assembly Bill No. 3782. The motion passed
Chief Executive Officer Joseph Roney of the New Jersey Pharmacists Association was present at this Open Session of the Board for the specific reason of expressing concerns about the proposed bill. The Board discussed concerns and gave specific requested changes to MaryAnn Sheehan, Regulatory Analyst for the Board, for submission to the OAG. Laurie Clark was also present, a lobbyist for the NJPHA.

Assembly Bill No. A3801-Office of Attorney General requests Board analysis of this bill by July 18, 2003. This bill limits the use of preferred drug list, therapeutic substitution, prior authorization, or other restrictive formulary process in Medicaid, PAAD, and Senior Gold programs.

Ira Katz moved, seconded by Edward McGinley, to oppose Assembly Bill No. A3801. The Board feels this bill is contradictory to the principle of a preferred drug list, as it is arbitrary to make exemptions for some medical conditions and not for others. The motion passed unanimously.

Draft of Regulation for "Charging for Extra Services"

Stephen Brandt, Executive Director of the Garden State Pharmacy Owners, was present to provide the Association's support for this proposed regulation. Anthony Miragliotta, Deputy Director and MaryAnne Sheehan, Regulatory Analyst, met with the Board to discuss this draft. This item will be returned to the Rules and Regulations Committee Meeting with suggestions.

Ira Katz was recused because Mr. Katz initiated the proposed regulation and was called upon to connect as an interested consumer.

VIII. OLD BUSINESS

(1) St. Joseph's Regional Medical Center-Responded to questions posed in the April 28, 2003 correspondence, concerning current Security Program for the main Pharmacy and the 800 Main Street location.

Richard Palombo moved, seconded by Robert Kowalski, to permit St. Joseph's Regional Medical Center to receive deliveries at medication to the 800 Main Street location once it becomes part of the existing permitted location. The motion passed unanimously.

(2) NJBP-Prescription blanks for Certified Nurse Midwives (CNM)

Robert Elker of the Enforcement Bureau and Anthony Miragliotta, Deputy Director, met with the Board to give an update on the status of the above captioned matter. Mr. Elker informed the Board that their previous suggestions were included in Version #5 and requested a decision on the final format for the blank.

Richard Palombo moved, seconded by Robert Kowalski, to include the license number of the collaborative physician on the prescription blank. The motion passed unanimously.

Richard Palombo moved, seconded by Sophie Heymann, to remove the DEA number of the collaborative physician on the prescription blank. The motion passed. (Five (5) in favor and one (1) opposed)

Robert Kowalski moved, seconded by Richard Palombo, to send letters regarding the final format of the prescription blank to the Department of Health and Human Services and Ed Vaccarro of the Medicaid agency. The motion passed unanimously.

(3) SunRx-Update
The DAG gave the Board an update that SunRx Pharmacy has put a disclaimer on their website. The Chair directed the Executive Director to write SunRx a letter confirming the Board has been made aware of their compliance.

IX. NEW BUSINESS

(1) Robert A. Kelly- Request that pharmacy prescription labels be required to show the brand name in addition to the generic name. Also, have the prescription labels specify their functions (i.e. "For high blood pressure" or "For arthritis pain")

The Chair directed the Executive Director to inform the consumer that the physician can clarify the diagnosis. Pursuant to N.J.A.C 13:39-5.9, it is permissible for a pharmacist to add auxiliary information to the label. As long as required information is on the label additional information saying it is the "generic for" can be supplied.

(2) Kern Augustine Conroy & Schopppmann, P.C.-Therapeutic Shoe Arrangement

The Chair directed the Executive Director to refer this item to the Board of Medical Examiners for comments/approval as soon as possible and then send it back to the Board.

(3) Wegman's Food Market, Inc.- Plan to assist New Jersey stores with limited call center support through the use of Interactive Voice Response

This item is an FYI as there are no legal prohibitions preventing the use of a call center and Interactive Voice Response.

(5) Eric M. Maroyka- Submission of official transcript as requested by the Board

Sophie Heymann moved, seconded by Robert Kowalski, to accept his request for credit of his Pharm. D courses. The motion passed unanimously.

(6) Travel Reimbursement Request

The Chair advised the Board members they need to submit travel reimbursement requests on a monthly basis and provide necessary receipts or reimbursement will not be made.

(7) Connie B. Lyn- Request to review log book corrections

Richard Palombo moved, seconded by Sophie Heymann, to accept her log book with submitted corrections. The motion passed unanimously.

X. CONFERENCES

Edith Micale and Richard Palombo both expressed interest in attending.

Edward McGinley moved, seconded by Richard Palombo, to have both members attend the conference. The motion was passed unanimously.

XI. FYI

(1) Medialert- North Carolina Board of Pharmacy announced the issuance of Cease & Desist Orders for 6 businesses forwarding Rx's to Canada to be filled and returned to the U.S.

(2) NABP- Actions Against Organizations Facilitating Importation of Canadian Medications

(3) Generic Substitution O Cyclosporine dosage forms
This item will be placed in the newsletter. The Board is aware of this matter.

(4) FDA Public Health Advisory

(5) Online C.E. Course in Veterinary Therapeutics

(6) Garden State Pharmacy Owners, Inc.-Request to act upon the implementation of regulation to establish a list of specific services that could be rendered by a pharmacy for which the latter may charge an additional service fee.

Items X.1-6 are considered FYI.

XII. ADJOURNMENT

At 1:03 p.m., Sophie Heymann moved, seconded by Richard Palombo, to enter into the Executive Session for the purpose of reviewing (16) retail and IV permits (7/9/03), (11) inspection reports (7/9/03), (1) complaint (7/9/03), and (1) investigative inquiry. The motion passed unanimously.

At 2:01 p.m., Richard Palombo moved, seconded by Sophie Heymann, to move back into the Open Session to review an intern log book. The motion passed unanimously.

At 2:08 p.m., Sophie Heymann moved, seconded by Richard Palombo, to move back into the Executive Session. The motion passed unanimously.

At 3:35 p.m., Edith Micale moved, seconded by Ira Katz, to adjourn the Executive Session. The motion passed unanimously.

Respectfully submitted,

Debora C. Whipple
Executive Director