

**NEW JERSEY STATE BOARD OF PHARMACY
OPEN SESSION MINUTES JULY 12, 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 July 12, 2006 at 9:03 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
Thomas Bender, R.Ph. Vice President
Elvy T. Paiva, R.Ph
Marc Sturgill, PharmD
Pamela Allen, R.Ph.
Jennifer Barron Government Member
Peter Halecky, R.Ph.
Thomas Egan, Pharm.D
Axel Miranda Public Member - Arrived 9:40

OTHERS IN ATTENDANCE:

Joanne Boyer Executive Director
Marianne Greenwald Deputy Attorney General
Susan Flores Principal Clerk
Kiran Shamlall Clerk Typist
Larry DeMarzo Director of Consumer Relations

EXCUSED: Margherita Lafragola, R.Ph.

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

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

VI. VIOLATIONS PAID FOR THE MONTH OF JUNE

Elvy Paiva moved, seconded by Jennifer Barron to accept the Violations Paid report for the Month of June, 2006. The motion passed unanimously.

VII. OLD BUSINESS

1) Mohamed Bassiouni – Regarding his ability to obtain licensure

This item was last before the Board on 5/24/06 at which time the Board determined to deny his request to allow the processing of his application and complete the ethics course requirement in September

Pamela Allen moved, seconded by Marc Sturgill, to allow Mr. Bassiouni to receive his license; however, he must complete the ethics course for which he has enrolled and upon completion he is to provide proof to Joanne Boyer, Executive Director. He must also provide a copy of his visa and any information regarding the limitations on the visa. The motion passed 7 to 1. Thomas Bender opposed.

2) Ratification of Committee Actions at the June 28, 2006 Board Meeting Pamela Allen moved, seconded by Peter Halecky, to accept the action in Item VII (1). The motion passed unanimously.

Thomas Egan moved, seconded by Marc Sturgill, to accept the action in Item VIII (12). The motion passed unanimously.

Thomas Egan moved, seconded by Jennifer Barron, to accept the action in III (15). The motion passed unanimously.

Thomas Egan moved, seconded by Marc Sturgill, to accept the action in Item IX (1). The motion passed unanimously.

Elvy Paiva moved, seconded by Thomas Egan, to accept the action in Item 1X(6). Pamela Allen recused. The motion passed unanimously.

VIII. NEW BUSINESS

1) Robert Fusco, R.Ph., CCP, President, Cherry Hill Pharmacy, Cherry Hill, NJ – Regarding utilization of Accu-Med RxOE system

This item has been tabled since Mr. Fusco was unable to attend.

2) Bill Schommer, R.Ph. , Genoa Healthcare, Eagan, MN – Requesting a waiver of NJAC 13:39 – 7.18

This item has been rescheduled for the July 26, 2006 Board meeting.

3) Kay Hanson, R.Ph., Professional Services, Target Pharmacy – Requesting Board opinion of providing flavorings to liquid medications at no charge and advertising as such

Jennifer Barron moved, seconded by Elvy Paiva, to have Target Pharmacy submit documentation as to why they are not offering this to Medicaid or Medicare patients. The motion passed unanimously.

4) Philip P. Burgess, R.Ph., National Director, Pharmacy Affairs, Walgreens, Deerfield, IL – Requesting approval to have Happy Harry's Pharmacy maintain same permit number post merger with Walgreens

Thomas Egan moved, seconded by Jennifer Barron, to approve their request to maintain the same permit number. The motion passed 6 to 1. Thomas Bender opposed. Elvy Paiva recused due to her employment at Walgreens.

5) Lawrence P. Carey, PharmD – Expired licensee who claims that he placed his license in inactive status in 1999 but cannot provide proof Renewal application for 1999 and Rules & Regs for 1999 do not mention an "inactive" status; copies of application & regs will be available for Board review

At 1:12 p.m., Elvy Paiva moved, seconded by Thomas Bender to move in to the Open Session to render a decision in the matter of Lawrence Carey. The motion passed unanimously.

Thomas Bender moved, seconded by Elvy Paiva, to deny his request since there is insufficient proof to demonstrate that he placed his license in inactive status in 1999. The motion passed 6 to 3.

At 1:27 p.m., Elvy Paiva moved, seconded by Pamela Allen, to move back into the Executive Session. The motion passed unanimously.

6) Brian King – Request for reinstatement

Pamela Allen moved, seconded by Jennifer Barron, to have Mr. King in for an Investigative Inquiry. Prior to being scheduled for the inquiry Mr. King is to submit the final discharge report from Sunrise, a statement as to why he was in treatment, details of his relapse, explanations for dilute urines, and urine screens from February 14, 2006 to the present. The motion passed unanimously. Elvy Paiva was recused due to Mr. King's previous employment with Walgreens.

7) Gina Rafla – Score transfer candidate requesting acceptance of the internship hours she acquired in Pennsylvania

Marc Sturgill moved, seconded by Elvy Paiva, to deny her request for acceptance of the internship hours. The Board will waive NJAC 13:39 –2.9(a) (2 year limitation) in order for Ms. Rafla to complete her internship. The motion passed unanimously.

IX. MITIGATIONS

1) Margaret Paszek, RPIC, CVS Pharmacy, Clifton, NJ

Pamela Allen moved, seconded by Marc Sturgill, to mitigate the N.J.A.C. 8:65-5.7 (\$1,000.00 penalty). The motion passed unanimously.

2) Robert Laterza, Jr for his father Robert Laterza, Robert D. Bradner, Jr. (Inc) Pharmacy, Montclair, NJ

Pamela Allen moved, seconded by Peter Halecky, to mitigate the N.J.A.C. 13:39-5.7(a)1 (\$100.00 penalty). The motion passed unanimously.

3) Steve Rosen, RPIC, Towne Pharmacy, Cedar Knolls, NJ Upon 2nd request for payment of fines Mr. Rosen submitted a mitigation request with a date of 6/5/05. The Board office does not have documentation that this request was received

Marc Sturgill moved, seconded by Thomas Bender, to mitigate N.J.A.C. 13:39-5.5; N.J.A.C. 13:39-5.9; and N.J.A.C. 13:39-6.2(f)8 (\$100.00 penalty). The motion passed unanimously. The Chair directs that the copies of the Concerta prescriptions that are on hold in the pharmacy be forwarded to the Board office for review. If the prescriptions are not dated, the Executive Director will forward information to the Board of Medical Examiners.

4) Kiran Parvatrao, RPIC, Easy Pharmacy, Manville, NJ

Thomas Egan moved, seconded by Peter Halecky, to deny Ms. Parvatrao's request for mitigation since the inventory document submitted was neither signed nor dated. The motion passed 6 to 3.

5) Joelle Lee, R.Ph. – Regarding CE audit Ms. Lee has submitted 4 additional CE credits which would lower her total fine to \$1,400

Thomas Egan moved, seconded by Thomas Bender, to deny Ms. Lee's request for mitigation. The motion passed unanimously.

6) Jignasa N. Desai, R.Ph., CVS Pharmacy, Toms River, NJ

Pamela Allen moved, seconded by Thomas Egan, to deny her request for mitigation. The motion passed 8 to 1.

X. FILED ORDERS FOR THE MONTH OF JUNE

The Board accepted it as informational.

XI. COMMITTEE REPORTS

Update from Elvy Paiva, Chair Person of Quality Assurance Committee, announced that the next meeting is scheduled for July 20, 2006.

Update from Thomas Bender, Chair Person of Compounding Committee, announced that the next meeting is scheduled for August 2, 2006. Mr. Bender stated that Ms. Claudia Okeke from USP has offered to attend this meeting. Joanne Boyer, Executive Director will extend an invitation to Ms. Okeke.

XII. APPROVAL OF MINUTES

1) June 14, 2006

Elvy Paiva moved, seconded by Peter Halecky, to approve the Open Minutes of the June 14, 2006 meeting as amended. The motion passed unanimously.

2) June 28, 2006

Marc Sturgill moved, seconded by Thomas Egan, to approve the Open Minutes of the June 28, 2006 meeting as amended. The motion passed unanimously.

XIII. ADJOURNMENT

At 10:30 a.m., Marc Sturgill moved, seconded by Thomas Bender, to enter into Executive Session to review (11) consumer complaints, (4) New Business items, (3) Retail IV Permits, (30) Inspection Reports and (2) Investigative Inquiries. The motion passed unanimously.