



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
Board of Pharmacy
124 Halsey Street, 6th Floor, Newark, NJ 07102



PAULA T. DOW
Attorney General

THOMAS R. CALCAGNI
Director

NEW JERSEY STATE BOARD OF PHARMACY MINUTES OF THE OPEN SESSION July 13, 2011

Mailing Address:
P.O. Box 45013
Newark, NJ 07101
(973) 504-6450

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 13, 2011 at 9:15 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

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 requirement of the Open 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 LaFragola, R.Ph.	
Mahesh Shah, R.Ph.	
Stephen Lieberman, R.Ph.	
Richard Palombo, R.Ph.	Excused
Marc Sturgill, R.Ph.	Excused

OTHERS IN ATTENDANCE

Joanne Boyer, R.Ph.	Executive Director
Jodi Krugman	Deputy Attorney General
Maria Bertorelli	Administrator Assistant

IV. UPDATE BY EXECUTIVE DIRECTOR

1. The Executive Director reported that \$4,000.00 were collected in fines and penalties during the month of June 2011.

The following permits/licenses/registrations were issued during the month of April 2011:

- Technicians - 160
- Pharmacists - 34 (23 by examination/score transfer, 11 by reciprocity)
- Out of state pharmacies - 11
- In state pharmacies - 7
- Pharmacists receiving immunization approval - 69
- Interns (foreign graduates) - 4

2. Mrs. Boyer updated the Board on the New Jersey Prescription Monitoring Program (PMP) established through the Division of Consumer Affairs. Late last week the Director of the Division sent a letter to all Pharmacy Permit and Registration Holders regarding the vendor that was contracted for the creation and maintenance program of PMP, "Optimum Technology of Columbus, Ohio."
The program, consists of an electronic system for monitoring controlled dangerous substance II-V (CDS) and Human Growth Hormone (HGH) dispensed in or into New Jersey, by a pharmacist in an outpatient setting.
Pharmacies will report the required dispensing information to Optimum Technology, Inc. (Optimum), who will collect all of the pertinent data and manage the technical aspects of the program on behalf of the Division.
All permit holders and registered pharmacies will be required to report information about prescriptions for CDS II-V or HGH at least twice a month. Out-of-State pharmacies registered with the Board whom dispense HGH, CDS schedule II-V into New Jersey must also report.
The Division will host a teleconference/web meeting on July 21, 2011, for pharmacy permit and registration holders and their software vendors to provide an opportunity to see and hear about the PMP data submission process from Optimum Technology and to ask questions. The Division has created a web site of the PMP. Permit holders and registered pharmacies can download the Prescription Monitoring Program and the Reporting System Data Collection Manual.
3. Joanne Boyer announced that she has resigned from her position as the Executive Director for the New Jersey State Board of Pharmacy, effective September 30, 2011.

Words from the President of the Board, Mr. Edward McGinley

"For the past 8 years Executive Director Joanne Boyer, through personal commitment and perseverance, and excellent administrative and leadership skills, has been the MVP (Most Valuable Pharmacist) in New Jersey. Joanne has raised the professionalism and efficiency of the Board staff, and has continually improved communications with our licensees' professional and trade associations, other boards of pharmacy, and other state and federal government agencies. She has taken our Board from a very severe backlog of work and two board meetings per month, to our current efficiency level, and one meeting per month. Just a few notable achievements include overseeing the successful implementation of technician registration, intern registration, out of state pharmacy registration, and pharmacist immunization registration, participation in the implementation of the Division's Drug Price Registry and Prescription Monitoring Programs (PMP), and serving on the NJ Prescription Blank committee. The most amazing thing about Joanne is that she accomplished these things with a staff that has steadily shrunk due to budget restraints from 14 to 8. Joanne is well deserving of this public recognition and our gratitude for a job VERY WELL DONE!"

V. OLD BUSINESS

N/A

VI. NEW BUSINESS

1) Review of acceptable reference texts

Chair direct matter to be placed on the August meeting agenda.

2) Nomination of Board President and Vice President

The nomination was made by Margherita LaFragola, seconded by Thomas Bender to elect Edward McGinley, R.P. as President of the New Jersey State Board of Pharmacy. **There being no other nominations Mr. McGinley was re-elected President of the Board of Pharmacy with the unanimous approval of the Board.**

The nomination was made by Stephen Lieberman, seconded by Mahesh Shah to elect Thomas Bender, R.Ph. as Vice-President of the New Jersey State Board of Pharmacy. **There being no other nominations Mr. Bender was re-elected Vice President of the Board with the unanimous approval of the Board.**

3) HorsePharm.com, LLC, Lexington, KY – Out of state pharmacy applicant requesting a waiver of NJAC 13:39 – 4.20(j).

Mahesh Shah moved, seconded by Margherita LaFragola to approve the waiver request of NJAC 13:39-4.20(j). **Motion passed unanimously.**

VII. MITIGATION/ HEARING REQUESTS

1) Salah Mansour, RPIC, Plaza Pharmacy, Jersey City, NJ

Thomas Bender moved, seconded by Mahesh Shah to deny mitigation request. Submitted documentation provided no indication as to when the inventory was taken nor was it signed. **Motion passed unanimously.**

2) Amit Patel, RPIC, Colts Neck Pharmacy, NJ

Edward McGinley recused due to his past working relationship with Mr. Patel.

Stephen Lieberman moved seconded by Margherita LaFragola to mitigate the \$100.00 fine imposed pursuant to NJSA 45:14-48(a), NJAC 13:39-5.6, NJAC 13:39-6.2(f)9 and the \$200.00 fine imposed pursuant to NJSA 45:14-55, NJAC 8:65-7.5(a), NJAC 13:39-6.2(f)9. **Motion passed unanimously.**

3) Benita Kuthiala, RPIC, Rite Aid, Hamilton Township, NJ

Margherita LaFragola recused due to her affiliation with Rite Aid.

Thomas Bender moved, seconded by Stephen Lieberman to mitigate the \$200.00 fine imposed pursuant to NJSA 45:14-48(a)10, NJAC 13:39-5.8(a)1, NJAC 13:39-6.2(f)9.

Motion passed unanimously.

4) Thomas Frommer, RPIC, Shop Rite, Passaic, NJ

Mahesh Shah recused due to his relationship with Angelo Cifaldi

Thomas Bender moved, seconded by Stephen Lieberman to go into executive session for advice of counsel regarding this matter.

Thomas Bender moved, seconded by Steven Lieberman to deny mitigation request of the \$5,000.00 fine imposed pursuant to NJAC 13:39-4.15 and NJAC 13:39-4.18. Shop Rite did not go far enough to address the issue at the onset. The Board reviewed the same factors and came to a different conclusion than that of the licensee and their attorney Mr. Cifaldi.

Motion passed unanimously.

5) Thomas W. Rasnic, VP QRA and R&D, PharMedium Services, Edison, NJ

This matter was last before the Board on 4/13/11.

Edward McGinley moved, seconded by Stephen Liberman to go into Executive Session for advice of counsel regarding this matter.

Stephen Lieberman moved, seconded by Mahesh Shah to mitigate the \$2,500.00 fine imposed pursuant to NJAC 13:39-11.20(b)1. The Board determined that further research is needed regarding this matter. At this time PharMedium does not need to relocate the sink from its current location (Prep Room). **Motion passed 4-1.**

6) Howard M. Shulman, RPIC, Keansburg Drug, Keansburg, NJ

Thomas Bender was recused from this matter.

Edward McGinley moved, seconded by Margherita LaFragola to go into Executive Session for advice of counsel regarding this matter.

Chair direct that this item be placed on the August meeting agenda.

At 9:45 a.m. Thomas Bender motioned to move into Executive Session for advice of Counsel.

At 11:20 Mahesh Shah motioned, seconded by Stephen Lieberman to move back into Public Session.

VIII. COMMITTEE REPORTS

N/A

IX. APPROVAL OF MINUTES

1) June 8, 2011

Stephen Lieberman moved, seconded by Margherita LaFragola to approve the June 8, 2011 Open Session Minutes as presented. **Motion passed unanimously.**

X. ADJOURNMENT

At 11:30 a.m. Margherita LaFragola motioned, seconded by Stephen Lieberman to move into Executive Session for the review of 9 complaints, 2 Old Business Items, 6 New Business Items, the Secretary's Report and Recommendation on Retail and Institutional Permits, the Secretary's Report and Recommendation on Inspection Reports, 2 Investigative Inquiries and the Approval of Minutes.