

**NEW JERSEY STATE BOARD OF PHARMACY
MINUTES OF THE OPEN SESSION
July 23, 2008**

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 23, 2008 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

Mr. 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
Pamela Allen, R.Ph.
Margherita Lafragola, R.Ph.
Elvy T. Paiva, R.Ph.
Marc Sturgill, R.Ph.

OTHERS IN ATTENDANCE

Joanne Boyer, R.Ph. Executive Director
Marianne Greenwald, Esq. Deputy Attorney General

EXCUSED

Peter Halecky, R.Ph.
Richard Palombo, R.Ph.

IV. UPDATE BY EXECUTIVE DIRECTOR

N/A

V. CONTINUING EDUCATION REPORT

N/A

VI. OLD BUSINESS

1) Russ J. Lazzaro, R.Ph., Director of Pharmacy, Holy Name Hospital, Teaneck, NJ – Regarding his request for a waiver of a pharmacist checking all medications dispensed by the SwissLog Robot This matter was last before the Board on 6/11/08 when the board requested additional information

Pamela Allen moved, seconded by Marc Sturgill to approve a 10% check of the rings dispensed by the SwissLog Robot once the Board receives documentation of the following:

- no plural designations on the label (ie caps v cap or tabs v tab) and quantity to be designated as "#1"

- only one tablet/unit per package
- expiration terminology to be "use by"
- if any robot error occurs then a 100% check must be performed of that fill/pick plus a correction of specific problem identified
- an operational policy and procedure identifying steps to be taken when an error or problem occurs with the robot

The motions passed unanimously.

2) Albert Krause – Request for modification of Order of Reinstatement

Margherita LaFragola moved, seconded by Elvy Paiva to accept the recommendation of the Committee at the July 9, 2008 Board meeting which was to remove all remaining restrictions in the Order since Mr. Krause has satisfied the conditions of the Order. The motion passed with 5 Board members in favor and one abstention.

VII. NEW BUSINESS

1) Federal Register, June 27, 2008, Drug Enforcement Administration – Proposed Rule for Electronic Prescriptions for Controlled Substances

The Chair directed that this matter be placed on a future Board agenda in order to give the Board members additional time to review the proposed rule.

2) NABP Memorandum – NAPLEX/MPJE Reported Graduation Dates

The Board is addressing this matter and proposed regulations changes will be brought back before the Board for review and approval.

3) Edward McGinley, VP of Pharmacy Operations, Drug Fair Group, Somerset, NJ – Request to maintain same permit number upon purchase by Drug Fair of Rogers Pharmacy, Summit, NJ Edward McGinley was recused due to his affiliation with Drug Fair

Elvy Paiva moved, seconded by Margherita laFragola to approve Mr. McGinley's request. The motion passed unanimously.

VIII. MITIGATION/ HEARING REQUESTS

1) Michael J. Carr, RPIC, Rite Aid, Atlantic City, NJ

Margherita LaFragola was recused due to her affiliation with Rite Aid

Pamela Allen moved, seconded by Elvy Paiva to deny the request for mitigation for the \$100 fine imposed pursuant to NJAC 13:39 – 4.14(b)7. The motion passed unanimously.

2) John Herr, RPIC, Town & Country Pharmacy, Ridgewood, NJ

Elvy Paiva moved, seconded by Pamela Allen to mitigate the \$200 fine imposed pursuant to NJAC 13:39 – 11.13(b)8&16 to a warning for violating NJAC 13:39 – 11.13(b)8 and a \$100 fine for violating NJAC 13:39 – 11.13(b)16. The Board also determined to mitigate the \$1,000 fine imposed pursuant to NJAC 13:39 – 7.19(e)3 to a warning. The motion passed unanimously.

3) Bruce Beck, RPIC, A&P Pharmacy, Mahwah, NJ

Margherita LaFragola moved, seconded by Thomas Bender to deny the request for mitigation for the \$200 fine and 2 continuing education credits imposed pursuant to NJAC 13:39 – 6.2(f)2. The motion passed 5 – 1.

4) Rhan E. Roach, Rite Aid Pharmacy, Clayton, NJ

Margherita LaFragola was recused due to her affiliation with Rite Aid

Elvy Paiva moved, seconded by Pamela Allen to deny the request for mitigation for the \$100 fine imposed pursuant to NJAC 13:39 – 5.6. The motion passed unanimously.

5) Keisha Brown, RPIC, Bergen Point Pharmacy, Bayonne, NJ

Pamela Allen moved, seconded by Elvy Paiva to deny the request for mitigation of the \$250 fine imposed pursuant to NJAC 13:39 – 4.5(a) and the \$50 fine imposed pursuant to NJAC 13:39 – 7.8(f)2, to mitigate the \$25 fine imposed pursuant to NJAC 13:39 – 7.12(a)8 & 7.19 (a)(b) and the \$25 fine imposed pursuant to NJAC 13:39 – 7.12(a)10 & 7.19(b)6. The motion passed unanimously.

IX. COMMITTEE REPORTS

X. APPROVAL OF MINUTES

1) July 9, 2008

Elvy Paiva moved, seconded by Pamela Allen to approve the minutes as amended. The motion passed unanimously.

XI. ADJOURNMENT

At 11:02 am Pamela Allen moved, seconded by Margherita LaFragola to move into Executive Session for the review of 6 Complaints, 1 Old Business item, Secretary's Report and Recommendation on Retail and Institutional Permits, Secretary's Report and Recommendation on Inspection Reports, conduct 2 Investigative Inquiries and approval of minutes. The motion passed unanimously