



New Jersey State Board of Pharmacy Minutes of The Open Session of July 24, 2002

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 Union Room, 3rd Floor at 124 Halsey Street, Newark, New Jersey on July 24, 2002 at 9:10 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. 10:4-6.

III. ROLL CALL

PRESENT:

Anthony Alexander, RP, President
Edward McGinley, R.P., Treasurer
Pamela Allen, RP
Ira Katz, RP- left at 2:35 P.M.
Sophie Heymann
Mona Doyle, RP - left at 2:50 P.M. (Executive Session)
Robert Kowalski

EXCUSED:

Rich Palombo, RP
Edith Micale, RP

OTHERS IN ATTENDANCE

Marianne Greenwald, Deputy Attorney General - arrived 9:25 A.M.
Debora Whipple, Executive Director
Marie Wondeh, Principal Clerk Stenographer

IV. APPROVAL OF MINUTES

I. APPROVAL OF OPEN SESSION MINUTES OF JULY 10, 2002

Sophie Heymann moved, seconded by Robert Kowalski to accept the minutes of April 24, 2002 as amended. The

motion passed unanimously.

2. APPROVAL OF OPEN SESSION MINUTES OF JUNE 26, 2002

Robert Kowalski moved, seconded by Ira Katz to accept the minutes of June 26, 2002 as amended. The motion passed unanimously.

V. SECRETARY'S REPORT AND RECOMMENDATION FOR APPLICATION FOR REGISTRATION BY RECIPROCITY

Pamela Allen moved, seconded by Edward McGinley to approve the report for Application by Reciprocity. The motion passed unanimously.

VI. SECRETARY'S REPORT AND RECOMMENDATION FOR APPLICATION FOR REGISTRATION BY EXAMINATION

Pamela Allen moved, seconded by Edward McGinley to approve the report for Application by Examination. The motion passed unanimously.

VII. SECRETARY'S REPORT AND RECOMMENDATION FOR APPLICATION BY GRADE TRANSFER

Pamela Allen moved, seconded by Edward McGinley to approve the report for Application by Grade Transfer. The motion passed unanimously.

VIII. CONFERENCES

(1).NABP DISTRICT II CONFERENCE - OCTOBER 24, 2002, HERSHEY, PA

The Chair directed the Executive Director to request authorization to hold the October 23 Board meeting at the District II Conference, allowing all Board members to attend.

(2)ASAP 14th ANNUAL MEETING - SEPTEMBER 19, 2002, SANTA MONICA, CA

Pamela Allen moved, seconded by Ira Katz to allow Edward McGinley to represent the Board at this meeting. The motion passed unanimously.

(3) CLEAR 22nd ANNUAL CONFERENCE - SEPTEMBER 10, 2002, LAS VEGAS, NV

Pamela Allen moved, seconded by Edward McGinley to allow the Executive Director to attend this conference. The motion passed unanimously.

(4) AMERICAN COLLEGE OF CLINICAL PHARMACY 2002 ANNUAL MEETING - OCTOBER 20-23, 2002, ALBUQUERQUE, NEW MEXICO

The Board had not made a decision at this time. It will reconsider at a later meeting which Board member will attend.

(5) USP STAKEHOLDER FORUM - AUGUST 15, 2002, ROCKVILLE, MD

Robert Kowalski moved, seconded by Ira Katz, to allow Pamela Allen to attend if her schedule allows it. She will advise the Board as to her availability. The motion passed unanimously.

IX. OLD BUSINESS

(I). Maryann Sheehan - comments received on continuing education proposal

Maryann Sheehan submitted to the Board a comment submitted by I. Barton Frenchman concerning the continuing education proposal stating the 10 hours of didactic instruction required by the new rule would impose a financial burden on many pharmacists. In addition, Mr. Frenchman sought clarification concerning the reporting requirements for verification of attendance at continuing education programs. The Board responded to the comments by stating that licensees will have ample opportunity to obtain 120 credits of didactic instruction and that a 109 credit requirement is reasonable. In response to the comment concerning reporting requirements the Board noted that NJAC 13: 39-3A.4 clearly sets forth when verification of attendance at continuing education programs is required.

2. Trenton Times article (reagendized from July 10 meeting) - "Online Pharmacy: Firm gets cheaper drugs from Canada"

The Chair directed the Executive Director to refer the article to the Office of Consumer Protection for further review, requesting they ask to see the consumer waiver, referenced in the article, to ensure the consumer is protected.

3. Multistate Actions - 40 States Reach Agreement with Walgreens

The Chair directed the Executive Director to write a letter to Mr. Brian McBride, a licensee who had submitted a letter questioning New Jersey's position on cigarette sales in the pharmacy. The letter accompanied by a copy of the article, is to apprise Mr. McBride that New Jersey is taking a stance to see that minors are not receiving solicitations or access to tobacco products and that the Board commends Walgreen's for its actions.

X. NEW BUSINESS

(1) Letter from Colt McKinney, Community Surgical Supply - Re: Using an alternate pharmacy for IV compounding while awaiting opening of their pharmacy and Board's position on allowing their pharmacy labels to be used by an alternate site

Pamela Allen moved, seconded by Mona Doyle, to respond with the position of the Board that Community Surgical Infusion may subcontract pursuant to a prescription that is patient specific and that a patient profile and a copy of the prescription must be maintained at both facilities. The Board also took the position that both facilities have to affix their labels so the consumer can view both. The motion passed unanimously.

(2) Memo from David Anziska, Sidney Austin Brown & Wood, LLP - Re: Questions dealing with New Jersey's Substitution Products Laws

Pamela Allen moved, seconded by Ira Katz, to refer the memorandum to the Drug Utilization Review Council. The motion passed unanimously.

(3) Letter from Kenneth M. Treidel, RP - Re: Whether the Board has a condensed summary of the ability of ancillary medical personnel to orally prescribe or write a prescription for both Rx only and CDS

The Chair directed the Executive Director to refer him to the website for the State of New Jersey, Government, then to Consumer Affairs and then to the Professional Boards and licensing. He can then view the requested information by clicking on the regulations for the Boards of Dentistry, Optometry, Nursing and Medical Examiners.

XI. FYI

(I) FDA FLU VACCINE BULLETIN

This item was accepted as FYI.

(2) NCPA NEWSLETTER - "BUSH URGED TO ALLOW DRUG IMPORTS"

This item was accepted as FYI.

(3) STAR LEDGER - "THE ALLERGY CHALLENGE"

This item was accepted as FYI.

XII. ADDITIONS TO THE AGENDA

1. ADOPTION OF BOARD OF REGISTRATION - PHARMACY FROM MASSACHUSETTS - Re: Video Surveillance

The Chair directed the Executive Director to contact the Executive Director of the Massachusetts Board to check on the status of the video surveillance as referred in their draft of Emerging Regulations.

2. TEMPORARY AUTHORIZATION TO PRACTICE

Anthony Alexander moved, seconded by Mona Doyle, to have the Executive Director draft a temporary authorization letter to be sent to applicants after all requirements including receipt of payment are met, pending receipt of permanent license. The motion passed unanimously.

3. STATUS OF REGULATIONS

The Executive Director informed the Board of the status of the following proposed Board regulations:

The notice of adoption for the C. E. Regulations is ready.

Electronic Transmission Regulations will be published in the October 3 New Jersey Register for comment.

Central Fill - The Division of Law had questions which will be addressed by the DAG. The next step is to the Office of Administrative Law.

The Pharm Tech Regs are with the Attorney General's Office.

XIII. RECESS TO EXECUTIVE SESSION

At 10:45 A.M., Edward McGinley moved, seconded by Mona Doyle, for the Board to enter Executive Session to review 8 retail and IV permits, 23 inspections and 8 consumer complaints. The motion passed unanimously

XIV. ADJOURNMENT

Sophie Heymann moved, seconded by Pamela Allen, to adjourn the meeting at 3:40 P.M. The motion passed unanimously.

Respectfully submitted,

Debora C. Whipple
Executive Director

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Posted September 2002