

**NEW JERSEY BOARD OF PHARMACY
MINUTES OF THE OPEN SESSION FOR
AUGUST 8, 2007**

I. CALL TO ORDER

The Open Session of the New Jersey State Board of Pharmacy was called to order by the Board President, Mr. Edward G. McGinley, R.Ph. at 124 Halsey Street, Somerset Room, 6th Floor, Newark NJ on August 8, 2007 at 10:19 a.m.

II. SUNSHINE LAW ANNOUNCEMENT

Mr. Edward G. McGinley, R.Ph., President of the Board of Pharmacy read a statement to the effect that the newspapers and appropriate elected officials had been notified of the meeting according to the requirements 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
Pamela Allen, R.Ph.
Jennifer D. DeVenio Government Member
Margherita Lafragola, R.Ph.
Axel Miranda Public Member
Elvy T. Paiva, R.Ph.
Richard Palombo, R.Ph.
Marc Sturgill, R.Ph.

OTHERS IN ATTENDANCE

Joanne Boyer, R.Ph. Executive Director
Marianne Greenwald, Esq. Deputy Attorney General
Timothy Carter Typist/Clerk

EXCUSED

Thomas Bender, R.Ph. Vice-President
Peter Halecky, R.Ph.

IV. UPDATE BY THE EXECUTIVE DIRECTOR

The Executive Director announced that \$49,843 was collected in fines and penalties during July, 2007.

There were eighty-four (84) pharmacists licensed in New Jersey during July, 2007.

The law pursuant to registering of pharmacy technicians will be published in the New Jersey Register on September 4, 2007. A letter will be sent to every pharmacy to notify them of the new regulations regarding pharmacy technician registration once the application procedure is determined.

In 2008-2010 the following fees will apply to registration of pharmacy technicians:

- a) \$50.00 application fee
- b) \$70.00 registration fee
- c) \$78.00 criminal background fee

TOTAL: \$198.00

Board of Pharmacy Newsletter

The Executive Director informed the Board of Pharmacy that due to economizing measures by the State, the Board of Pharmacy will no longer be allowed to have NABP produce and distribute the quarterly Board of Pharmacy newsletter. Rather, the option for dissemination of the Board of Pharmacy Quarterly newsletter will be via the Board's website.

Ms. Greenwald, Deputy Attorney General expressed her view that the quarterly newsletter is a matter of "public trust, confidence, and safety" and that it is the salient resource of information and education to the New Jersey pharmacy community.

The entire Board expressed strong concerns about the change of the content and distribution of the quarterly newsletter.

The Board requested that the following statement be read into the minutes of the Board:

"We [the Board of Pharmacy] are opposed to the decision that renders it impossible to produce and distribute the quarterly newsletter in the manner in which it has been by custom produced and distributed. Further, this decision has been made without due consultation of the Board and, more so, without adequate warning to the pharmacy community. We as a group are in strong opposition to this decision which has been imposed upon us".

Further, the Board noted that a minimum of at least one more NABP distributed newsletter is necessary to advise the pharmacy community of the discontinuation of the quarterly newsletters.

The motion to send a letter to Stephen Nolan, Acting Director of the Division of Consumer Affairs, protesting the decision to end the newsletter, was made by Axel Miranda, seconded by Richard Palombo. The motion passed unanimously.

V. CONTINUING EDUCATION REPORT

The motion to accept the continuing education report was made by Pamela Allen, seconded by Mark Sturgill. The motion passed unanimously.

VI. OLD BUSINESS

(1) David Schwed, Woodruff Drugs, Bridgeton, NJ—Regarding his agreement with the Board to provide remote dispensing

Mr. Schwed had received Board approval for a pilot program for remote dispensing 7/2004.

David Schwed, BPharm., FACA, FAPhA, and President of Woodruff's Drugs, Bridgeton NJ was interviewed by the Board via tele-conference. Mr. Michael Cogle, President of ScriptPro was available in person to the Board.

By Chair Direct, Mr. Schwed was requested to submit for Board Review a complete policy and procedure manual regarding the remote dispensing process and a document with proposed modifications to the original Pilot Program agreement.

(2) Eric Sorkin – Regarding his request for reinstatement

This item was last before the Board on 4/11/07 at which time the Board determined to schedule Mr. Sorkin for an Investigative Inquiry.

Margherita LaFragola was recused due to Mr. Sorkin's past affiliation with Rite-Aid. Mr. McGinley was recused due to Mr. Sorkin's past affiliation with Pathmark. Pamela Allen chaired this item.

Richard Palombo moved, seconded by Elvy Paiva that the letter, dated November 21, 2006, from the United States District Court satisfies the requirement in paragraph 1 of

Mr. Sorkin's Consent Order as proof of his completion of the criminal term of supervised release. The motion passed unanimously.

Richard Palombo moved, seconded by Elvy Paiva to deny Mr. Sorkin's request that instead of appearing before the Board for an Investigative Inquiry that he be allowed to be interviewed by the Board via conference call. The motion passed unanimously.

VII. NEW BUSINESS

1) Roberto Pulver, Quarles Brady & Streich Lang, INC, Phoenix AZ – Regarding the filling of syringes by pharmacist for a physician

This item will be rescheduled.

2) Vivek Bhatt, R.Ph. – Concerns regarding medicaid moratorium

Elvy Paiva moved, seconded by Pamela Allen to forward Mr. Bhatt's correspondence to John Guhl, Director of the Division of Medical Assistance and Health Services. The motion passed unanimously.

3) Board Review of comments received on rule proposals published in the New Jersey Register on November 6, 2006 – Fee Schedule; Waiver; Issuance of Permits; Permit Renewals; Procedure for Centralized Prescription Handling; Out of State Pharmacy Registration

Pamela Allen moved, seconded by Marc Sturgill to accept the proposed responses to the comments received . The motion passed unanimously.

4) Review of Draft Regulations – Licensure requirements; Foreign Graduates; Practical Training Requirements; Intern Registration

Jennifer DeVenio moved, seconded by Axel Miranda, to approve the draft regulations as amended. The motion carried unanimously.

5) Review of Draft Regulations – Inactive Status; Asset Acquisitions; Discontinued Pharmacies; Valid Prescriptions

Jennifer DeVenio moved, seconded by Elvy Paiva to approve the draft regulations. The motion passed unanimously.

VIII. MITIGATION/ HEARING REQUESTS

1) Tien Tran, RPIC – Walgreens, Plainfield NJ
Elvy Paiva was recused due to her affiliation with Walgreens.

Richard Palombo moved,, seconded by Marc Sturgill, to mitigate the \$50 fine pursuant to NJAC 13:39-4.3 and to mitigate the \$100 fine pursuant to NJAC 13:39-5.11 and NJAC 13:39-10 et seg to a warning. The motion passed unanimously.

2) Michele DeGennaro, RPIC, CVS, Pequannock, NJ

This matter was last before the Board on 1/24/07 at which time the Board requested Proof that the technicians had completed training, a copy of Rx 378660 and related patient profile, a copy of the 4CDS prescriptions that were transmitted electronically and proof that additional validation was obtained as stated in NJAC 13:39 – 7.11(h) and

(I).

Pamela Allen moved, seconded by Elvy Paiva to mitigate the \$500 fine pursuant to NJAC 13:39-6.6(d) and NJSA 45:14-80(d), to deny the request for mitigation of the \$25 fine pursuant to NJAC 13:39-6.2(f) 2&3, NJAC 13:39-7.12(a)10, NJACJ 13:39-7.19(b)6 and NJSA 45:14-68(b)7, and to mitigate the \$1,000 fine pursuant to NJAC 8:65-7.5(a) and NJAC8:65-7.13(a) to a warning. The motion passed unanimously.

IX. COMMITTEE REPORTS

N/A

X. APPROVAL OF MINUTES

1) July 25, 2007

Margherita LaFragola made the motion, seconded by Axel Miranda, to accept the minutes of the Open Meeting of July 25, 2007 as amended. The motion passed unanimously.

XI. ADJOURNMENT

Pamela Allen moved, seconded by Elvy T. Paiva, to adjourn the Open Session of the Board of Pharmacy, August 8, 2007 at 1:26 p.m. to move into Executive Session for review of 4 complaints, 2 Old Business items, 3 New Business items, one Investigative Inquiry, the Secretary's Report and Recommendation on Retail & Institutional Permits, and the Secretary's Report and Recommendation on Inspection Reports. The motion passed unanimously.