

**NEW JERSEY STATE BOARD OF PHARMACY MINUTES OF
THE OPEN SESSION FOR AUGUST 10, 2005**

I. CALL TO ORDER

The Open meeting of the New Jersey Board of Pharmacy was called to order by Board President Pamela Allen in the Morris Room, 6th floor at 124 Halsey Street, Newark, New Jersey on August 10, 2005 at 9:17 a.m. All members were duly notified of the time and place and all pertinent materials had been provided.

II. SUNSHINE LAW ANNOUNCEMENT

Pamela Allen 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

Pamela Allen, R.Ph President
Edward McGinley, Rph Vice-President
Thomas Bender, R.Ph.
Marc Sturgill, Pharm. D.
Ira Katz, R.Ph.
Thomas Egan, PharmD.
Sy Larson, Ph.D. Public Member
Elvy Paiva, R.Ph.
Jennifer Barron Government Member

OTHERS IN ATTENDANCE:

Marianne Greenwald Deputy Attorney General
Joanne Boyer Executive Director
Susan Flores Clerk Stenographer

EXCUSED:

Margherita Lafragola, R.Ph
Axel Miranda

IV. SECRETARY'S REPORT AND RECOMMENDATION FOR REGISTRATION BY RECIPROCITY, EXAMINATION and GRADE TRANSFER

Edward McGinley moved, seconded by Thomas Egan to accept the Recommendation for Registration by Reciprocity, Examination and Grade Transfer. The motion passed unanimously.

V. CONTINUING EDUCATION REPORT

Edward McGinley moved, seconded by Ira Katz to accept the Continuing Education Report for July 13, 2005. The motion passed unanimously.

VI. VIOLATIONS PAID FOR THE MONTH OF JULY

Edward McGinley moved, seconded by Ira Katz to accept the Violations Paid for the month of July. The motion passed unanimously.

VII. OLD BUSINESS

1) David Miller, R.Ph., owner Millers Pharmacy, Wyckoff, NJ – Requesting Board opinion before proceeding with remodeling

This was previously before the Board at which time the Board requested that Mr. Miller be present to answer questions. Mr. Miller did not appear before the Board. This matter has been rescheduled.

2) Michael Wolf, Wald Drugs, Flemington, NJ – Regarding proposed storefront drop off This was before the Board on 7/13/05 at which time the Board requested that Mr. Wald be present to answer questions.

Mr. Wolf appeared before the Board and played a video cam presentation explaining the proposed storefront drop off. The Board went into Executive Session to seek advise from counsel. The Board's unanimous decision was to have the application completed. He will need a DEA license at this site and Policy and Procedure manual.

3) Formal Hearing conducted by Tara Rangone, Deputy Attorney General, in the matter of the suspension or revocation of the license of Stephen Dolgoff Elvy Paiva, who is affiliated with Walgreens, was recused from this item since the respondent was employed at Walgreens. At 12:15, Sy Larson moved, seconded by Jennifer Barron, to move back to the Open Session regarding the formal hearing involving Steven Dolgoff. The Board entertained a motion to grant the summary decision as there was no genuine dispute as to any material fact and therefore it should be granted as a matter of law pursuant to NJAC1:1-25. The motion passed unanimously.

4)Mitigation Hearing.

At 2:12 p.m. the Board reconvened in Public Session to conduct the penalty phase of the hearing. Ira Katz moved, seconded by Edward McGinley, to enter into a consent order with a three year stayed suspension. He must submit to random urine screens twice a week for three months and then weekly for the next three months and by monthly for the duration of the probation and the additional support meeting. He is prohibited from being an pharmacist-in-charge or possessing ownership of any pharmacy for three years. He must attend weekly NA support meetings, submit quarterly reports by Dr. Franco and monthly report by David Singer to the Board. Mr. Dolgoff also shall give written notice to the Board, and provide a written copy of the Consent Order to all of his employers, prior to beginning or changing any employment. The motion passed unanimously.

VIII. NEW BUSINESS

N/A

IX. CONFERENCES

N/A

X. COMMITTEE REPORTS

N/A

XI. APPROVAL OF MINUTES

1) July 27, 2005

XII. ADJOURNMENT

At 11:15 a.m., Edward McGinley moved, seconded by Thomas Egan to enter the Executive Session to review (11) complaints, (3) New Business, (5) mitigations, (3) retail IV permits, and (20) inspection reports. The motion passed unanimously.