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Governor

KIM GUADAGNO
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New Jersey Office of the Attorney General

Division of Consumer Affairs
Board of Pharmacy
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NEW JERSEY STATE BOARD OF PHARMACY MINUTES OF THE OPEN SESSION August 10, 2011

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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 August 10, 2011 at 9:20 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.	
Richard Palombo, R.Ph.	
Mahesh Shah, R.Ph.	
Stephen Lieberman, R.Ph.	
Marc Sturgill, R.Ph.	Excused

OTHERS IN ATTENDANCE

Joanne Boyer, R.Ph.	Executive Director
Susan Gartland	Manager, CDS Unit
Jodi Krugman	Deputy Attorney General
Maria Bertorelli	Administrator Assistant

IV. UPDATE BY EXECUTIVE DIRECTOR

1. The Executive Director reported that \$25,875.00 were collected in fines and penalties during the month of July 2011.

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

- Technicians - 198
- Pharmacists - 125 (13 by examination/score transfer, 107 by reciprocity)
- Out of state pharmacies - 8
- In state pharmacies - 7
- Pharmacists receiving immunization approval - 79
- Interns (foreign graduates) - 8

2. Mrs. Boyer announced that the Division is actively searching for her replacement, and until her position is filled, Susan Gartland, Manager of the CDS Unit, will be overseeing. The position of Executive Director requires a licensed pharmacist with a minimum of 5 years of experience in the field, as well as supervising and administrative background. Also, for the Prescription Monitoring Program (PMP), the Division is seeking to fill 2 positions, an Administrator who is required to be a licensed pharmacist, and an Assistant to the Administrator who must be a registered pharmacy technician with retail experience.
3. Board Chair and Members discussed and determined that Effective January 2012, the Board of Pharmacy meeting dates for the calendar year 2012, will change from the 1st to the 4th Wednesday of each month. Also, the upcoming September meeting date has been rescheduled to September 28, 2011.

**V. OLD BUSINESS
N/A**

VI. NEW BUSINESS

1) Lucille Leone-Walker, R.Ph. – Requesting modification of Consent Order

Thomas Bender moved, seconded by Richard Palombo to schedule Miss Leone-Walker for an investigative inquiry for the reinstatement of her license. Prior to her appearance she is to provide proof that she surrendered her pharmacy license to the Ohio State Board of Pharmacy as advised. **Motion passed unanimously.**

2) Ravikanth Surasani, R.Ph. – Requesting removal of probation

Mahesh Shah recused due to his professional affiliation with Angelo Cifaldi.

Thomas Bender moved, seconded by Richard Palombo to end the probation status placed on his license to practice as a pharmacist in New Jersey. **Motion passed unanimously.**

3) Amit Kale. PhD – Requesting partial waiver of NJAC 13:39 – 2.1(b)4

Richard Palombo moved, seconded by Stephen Lieberman to use his teaching experience and allow a partial waiver to NJAC 13:39-2.1(b)4. Mr. Kale will be required to complete a 160 hour intrnship. **Motion passed unanimously.**

4) Claudia Cece, R.Ph (Expired status) – Regarding her requirements for reinstatement

Thomas Bender moved, seconded by Margherita LaFragola to accept Ms. Cece application as a pharmacy technician. However, the hours worked as a pharmacy technician will not be considered towards the required internship hours pursuant to NJAC 13:39-2.1(b) 4 for the reinstatement of her expired pharmacist license. **Motion passed unanimously.**

VII. MITIGATION/ HEARING REQUESTS

1) Kristine Milby, R.Ph., Walgreens, Toms River, NJ

Thomas Bender recuse, due to his affiliation with Walgreens.

Stephen Lieberman moved, seconded by Margherita LaFragola to re-assign the \$300.00 fine issued pursuant to NJAC 13:39-6.2(f)3 to the permit holder, Walgreen Pharmacy #75364.

Motion passed unanimously.

2) Nancy Postelnek, RPIC, Shop Rite, Middletown, NJ

Stephen Lieberman moved, seconded by Mahesh Shah to deny the mitigation request of the \$1,150.00 fine incurred during a pharmacy inspection, report # 8-4866-11-X. **Motion passed unanimously.**

3) Amith Sheth, RPIC, Ace Pharmacy, Long Branch, NJ

Thomas Bender moved, seconded by Stephen Lieberman to remove from the pharmacy inspection report #8-5014-11-X, the \$25.00 fine issued pursuant to NJSA45:14-68(b)7, NJSA24:6E-9, NJAC13:39-6.2(f), NJAC13:39-7.19(b)6, the \$125.00 fine issued pursuant to NJSA45:14-68(b)7, NJSA24:6E-9, NJAC13:39-6.2(f)2, NJAC13:39-7.19(b)6, the \$200.00 fine issued pursuant to NJSA45:14-68(b)7, NJSA24:6E-9, NJAC13:39-6.2(f)2, NJAC13:39-7.19(b). **Motion passed unanimously.**

4) Carlos Almanza, Bergenline Drugs, West New York, NJ

Thomas Bender moved, seconded by Margherita LaFragola to deny the mitigation request of the \$5,575.00 fine incurred during a pharmacy inspection, report #8-4652-11-X. **Motion passed unanimously.**

5) Kathleen Pawlikowski, RPIC, PromptCare, Clark, NJ

Thomas Bender moved, seconded by Richard Palombo to mitigate from the pharmacy inspection report #8-3793-11-X, the \$250.00 fine issued pursuant to NJAC13:39-6.2(d), the \$100.00 fine issued pursuant to NJAC13:39-11.13(c), the \$250.00 fine issued pursuant to NJAC13:39-11.9(b)(c)&(d), and to deny the mitigation request to the \$1,000.00 fine issued pursuant to NJAC13:39-11.7(a). **Motion passed unanimously.**

VIII. COMMITTEE REPORTS

Board Chair, reported that the Rules and Regulation Committee has been working on the remote work at home regulations and is hopeful to have a draft ready for Board review and comments by the September 28, 2011 meeting.

Also, that the Compounding Committee discussed changes that need to be considered on the current regulations, Co-Chair is working on the draft with recommendations discussed, the same to be presented for review and comments at the September meeting.

IX. APPROVAL OF MINUTES

1) July 13, 2011

Margherita LaFragola moved, seconded by Stephen Lieberman to approve the July 13, 2011 Open Session Minutes as amended. **Motion passed unanimously.**

X. ADJOURNMENT

At 10:00 a.m. Margherita LaFragola motioned, seconded by Thomas Bender to move into Executive Session for the review of 9 complaints, 3 Old Business Items, 8 New Business Items, the Secretary's Report and Recommendation on Retail and Institutional Permits, the Secretary's Report and Recommendation on Inspection Reports, 1 Investigative Inquiries and the Approval of Minutes.