

NEW JERSEY STATE BOARD OF PHARMACY
MINUTES OF THE OPEN SESSION OF AUGUST 11, 2004

FINAL

I. CALL TO ORDER

The Open meeting of the New Jersey State Board of Pharmacy was called to order by Board President Pamela Allen in the Somerset Room, 6th Floor at 124 Halsey Street, Newark, New Jersey on August 11, 2004 at 9:00 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 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, R.Ph Vice- President
Anthony Alexander, R.Ph
Ira Katz, R.Ph
Robert Kowalski, R.Ph Government Member

OTHERS IN ATTENDANCE:

Marianne Greenwald Deputy Attorney General
Joanne Boyer, R.Ph Executive Director
Shonnette Messiah Principal Clerk Stenographer
Kiran Shamlall Assistant Clerk Stenographer

EXCUSED:

Mona Doyle Public Member
Sophie Heymann Public Member
Edith Micale, R.Ph
Richard Palombo, R.Ph

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

Robert Kowalski moved, seconded by Edward McGinley to accept the Secretary's Report and Recommendation for Registration by Reciprocity, Examination and Grade Transfer. The motion passed unanimously.

V. CONTINUING EDUCATION REPORT

N/A

VI. VIOLATIONS PAID FOR THE MONTH OF JULY

Edward McGinley moved, seconded by Robert Kowalski to accept the Violations Paid totaling \$36,145.00 for the Month of July. The motion passed unanimously.

VII. OLD BUSINESS

(1) Recommendation of action (fines and/or penalties) for those pharmacists who did not complete the continuing education requirement for the 5/1/01 - 4/30/03 renewal period

This item was discussed in public session and thereafter moved to the Executive Session for advice of counsel.

VIII. NEW BUSINESS

(1) Pharmacist Renewal Application Review and Approval

Edward McGinley moved, seconded by Robert Kowalski to accept the Pharmacist Renewal Application Review and Approval as amended. The motion passed unanimously.

(2) Anthony D. Pezzulo – Reciprocity candidate who is requesting a waiver of NJAC 13:39 – 3.9(a)1

The chair directed that Mr. Pezzulo submit an affidavit of his employment as a nursing home consultant pharmacist. Once received, the Board will make a decision regarding the waiver.

(3) Joe Walker, Pharm.D., Director of Pharmacy Services, Burdette Tomlin Memorial Hospital – Requesting a quality assurance sampling process in lieu of the 100% checking of robot dispensed doses

Joe Walker was present to answer questions.

Edward McGinley moved, seconded by Anthony Alexander to approve the sampling process of a daily randomized check of 5% of all envelope fill and first dose medications dispensed by the robot, pending inspection done by the Enforcement Bureau, which will be acceptable. The motion passed unanimously.

(4) Rite Aid Settlement Agreement

This item was taken as an FYI and then moved to the Executive Session for advice of counsel.

(5) SoluNet, Totowa, NJ – New pharmacy applicant requesting review of their Emergency Compounded Inventory (ECI) proposal (page #10) only at this time

Lou D’Orio and Mara Scotto were present to answer questions.

Approval of a permit will be dependent upon Board’s review of Inspection report, which will occur at a later date.

This item was moved to the Executive Session for advice of counsel.

(6) Board of Pharmacy Proposed Readoption with Recodifications and Amendments: N.J.A.C. 13:39

Edward McGinley moved, seconded by Robert Kowalski that two changes be made. The first change is to 7.12(a)9 which should now read: The prescriber’s name; the collaborating physician’s name, if applicable, may also be included. The intent of this change is to address the confusion that arises with regard to the requirement to have and submit a DEA number for claim adjudication purposes. The Board believes this is a technical change. The second change is to occur in 13:39-6.6 or in the definition of pharmacy technician. The Board would like to have it clarified that cashiers and those individuals responsible for stocking are not considered technicians. The Board feels that it would be confusing if this is not defined in the regulations. The motion passed unanimously.

(7) Ben Thankachan, R.Ph., Director, Professional Services and Government Relations, Wal Mart – Requesting Board’s opinion on 3 different drive-thru scenarios

Chair directed the Executive Director to contact WalMart for further explanation and clarification regarding the dispensing process and how the communication will occur in each scenario.

(8) Update on FluMist

This item was treated as an FYI.

(9) Radika Patel – Applicant requesting waiver of TSE requirement- Ira Katz & Anthony Alexander interviewed Ms. Patel

Ira Katz moved, seconded by Anthony Alexander to approve the request for a waiver of the TSE on the grounds of 6 exams with scores of 40 and 45 in the last year, that she spoke and communicated well. In addition, she was understandable and her knowledge of pharmacy was good. The Executive Director is to make Ms. Patel aware that this waiver may affect her ability to reciprocate to other states. The motion passed unanimously.

IX. CONFERENCES

(1) TETHIC 2004, The Emerging Technologies and Healthcare Innovations Congress, November 29 - December 1, 2004, Washington, DC

This item was treated as an FYI.

X. COMMITTEE REPORTS

(1) Pharmacy Practice Act – Technicians Workgroup Anthony Alexander

Anthony Alexander will set-up a conference call with Pamela Allen, Joanne Boyer, Marianne Sheehan, Marianne Greenwald, Edward McGinley, Anthony Miragliotta, and Richard Palombo to discuss this item.

(2) Pharmacy Practice Act – Collaborative Practice Workgroup

Pamela Allen

Changes made at the June 30 meeting will be incorporated in the Collaborative Practice draft and it will go to the BME, Executive Committee and then to the ADHOC committee.

(3) Pharmacy Practice Act – Immunization Workgroup Ira Katz

Marianne Sheehan will make the changes to the Immunization draft proposal recommended at the B.M.E. meeting on 7/16/04.

XI. APPROVAL OF MINUTES

(1) DRAFT OF JULY 28, 2004 MINUTES

Anthony Alexander moved, seconded by Robert Kowalski to accept the draft minutes of July 28, 2004 as amended. The motion passed unanimously.

XII. ADJOURNMENT

At 11:37 a.m., Edward McGinley moved and seconded by Anthony Alexander to enter into the Executive Session to review (8) retail and IV permits, (9) inspection reports, and (4) complaints. The motion passed unanimously.

At 12:30 p.m., Robert Kowalski moved, seconded by Anthony Alexander, to re-enter the Open Session to discuss the CE guidelines and the TSE waiver for Radhika Patel. The motion passed unanimously.

At 12:42 p.m., Edward McGinley moved, seconded by Robert Kowalski, to re-enter the Executive Session. The motion passed unanimously.

