

**NEW JERSEY STATE BOARD OF PHARMACY
MINUTES OF THE OPEN SESSION
AUGUST 13, 2008**

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 13, 2008 at 9:10 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

Mr. 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
Pamela Allen, R.Ph.
Peter Halecky, R.Ph.
Margherita Lafragola, R.Ph.
Elvy T. Paiva, R.Ph.
Marc Sturgill, R.Ph.
Richard Palombo, R.Ph. (Left at 12:30 pm)

OTHERS IN ATTENDANCE

Joanne Boyer, R.Ph. Executive Director
Megan Cordoma, Esq. Deputy Attorney General

IV. UPDATE BY EXECUTIVE DIRECTOR

The Executive Director announced that \$33,538.50 was collected in fines and penalties during July, 2008. There were 139 pharmacists licensed during the month of July, 2008. Ten by reciprocity and 129 by examination/score transfer. There were 646 pharmacy technicians registered during the month of July, 2008. There were 8 pharmacy permits issued during the month of July, 2008. These were issued as the result of transfer of ownership or new pharmacies opening. There were 46 out of state pharmacies registered during the month of July, 2008.

V. OLD BUSINESS

1) MaryAnn Sheehan, Regulatory Analyst, Division of Consumer Affairs – Further discussion of proposed regulations NJAC 13:39 – 2.1(a)2ii, NJAC 13:39 – 3.9(a) and NJAC 13:39 – 7.1(a)

Thomas Bender moved, seconded by Elvy Paiva to delete the inactive, paid license renewal status, to change the required number of practical experience hours for all applicants to 1440 in keeping with the standards established by the Accreditation Council for Pharmacy Education (ACPE), to require that an applicant for initial licensure as a pharmacist (and who has graduated from a ACPE accredited school or college of Pharmacy) submit an official transcript documenting the applicant's graduation in order to be authorized to take the NAPLEX and MPJE exams, to reaffirm that a New Jersey Prescription Blank (NJPB) is not required for out of state prescriptions presented for filling in a New Jersey pharmacy, and to remove the phrase "as required by the Board of Medical Examiners pursuant to NJAC 13:35 – 7.1A" in 7.1(a). The motion passed unanimously.

Peter Halecky moved, seconded by Elvy Paiva to have the Rule & Regs Committee address the reasons in which a pharmacist, in a pharmacy department in a retail setting, may leave the department for other than a meal break. An example being when a pharmacist would need to counsel a consumer in the use and selection of over the counter medications located elsewhere in the retail establishment. The motion passed unanimously.

VI. NEW BUSINESS

1) Noha Faltas – Requesting a waiver of TOEFL IBT

Pamela Allen was recused due to her affiliation with the Saint Barnabas Health Care System

Thomas Bender moved, seconded by Peter Halecky to deny Ms. Faltas’s request for a waiver of TOEFL IBT due to failure to show good cause. The motion passed unanimously.

2) Kathleen A. Ryan, Director of Pharmacy, St. Michael’s Medical Center, Newark, NJ – Requesting approval to maintain same permit number upon transfer of ownership

Elvy Paiva moved, seconded by Richard Palombo to approve Ms. Ryan’s request that the pharmacy at Saint Michael’s Medical Center be allowed to maintain the same permit number upon transfer of ownership of Saint Michael’s Medical Center from the Cathedral Healthcare System to Catholic Health East New Jersey. The motion passed unanimously.

VII. MITIGATION/ HEARING REQUESTS

1) Kaustubh Shukla, RPIC, Plainfield Drugs, Plainfield, NJ

Pamela Allen moved, seconded by Margherita LaFragola to deny the request for mitigation of the \$1,000 fine imposed pursuant to NJAC 8:65 – 5.7 since the documentation submitted did not show that an inventory had been taken of all scheduled drugs. The motion passed unanimously.

VIII. COMMITTEE REPORTS

1) Compounding Committee

Chairperson Thomas Bender reported that the committee has begun drafting non- sterile compounding regulations. The Committee has also decided to not have the full Board review and approve the updated sterile compounding regulations until the non-sterile regulations are completed.

2) Rules & Regs Committee

Chairperson Edward McGinley reported that the Committee has begun the Sunset process for the current regulations which expire December 10, 2009.

IX. APPROVAL OF MINUTES

1) July 23, 2008

Marc Strugill moved, seconded by Thomas Bender to approve the minutes as amended. The motion passed unanimously.

X. ADJOURNMENT

At 10:50 am Pamela Allen moved, seconded by Peter Halecky to move into Executive Session for the review of 5 Complaints, 2 Old Business items, 7 New Business items Secretary’s Report and Recommendation on Retail and Institutional Permits, Secretary’s Report and Recommendation on Inspection Reports, conduct 1 Investigative

Inquiry and approval of minutes. The motion passed unanimously