



New Jersey State Board of Pharmacy Minutes of The Open Session of August 14, 2002

I. CALL TO ORDER

The open meeting of the New Jersey State Board of Pharmacy was called to order by Board Member Richard Palombo, in the Hudson Room, 6th Floor at 124 Halsey Street, Newark, New Jersey on August 14, 2002 at 9:10 A.M. All members were duly notified of the time and place and all pertinent materials had been provided.

II. SUNSHINE LAW ANNOUNCEMENT

Richard Palombo 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. 10:4-6.

III. ROLL CALL

PRESENT:

Pamela Allen, RP
Ira Katz, RP .
Richard Palombo, RP -left 2:10 P.M. (Executive Session)
Edith Tortora Micale, RP
Robert Kowalski, RP - left at 3:30 P.M.(Executive Session)

OTHERS IN ATTENDANCE

Marianne Greenwald, Deputy Attorney General
Debora Whipple, Executive Director
Marie Wondeh, Principal Clerk Stenographer

EXCUSED:

Anthony Alexander R.P., President, on Board business at NACDS
Edward McGinley R.P., Treasurer
Sophie Heymann

IV. APPROVAL OF OPEN SESSION MINUTES OF JULY 24, 2002

Pamela Allen moved, seconded by Edith Micale to accept the minutes as amended. The motion passed unanimously.

V. SECRETARY'S REPORT AND RECOMMENDATION FOR REGISTRATION BY

RECIPROCITY

Robert Kowalski moved, seconded by Richard Palombo, to approve the recommendation for reciprocity. The motion passed unanimously.

VI. SECRETARY'S REPORT AND RECOMMENDATION FOR REGISTRATION BY EXAMINATION

Robert Kowalski moved, seconded by Richard Palombo, to approve the recommendation for examination. The motion passed unanimously.

VII SECRETARY'S REPORT AND RECOMMENDATION FOR REGISTRATION BY GRADE TRANSFER

Robert Kowalski moved, seconded by Richard Palombo, to approve the report for Grade Transfer. The motion passed unanimously.

VIII. MEMORANDUM OF FINES COLLECTED DATED JULY 1, 2002

Robert Kowalski moved, seconded by Edith Micale to accept the report. The motion passed unanimously.

IX. CONFERENCES

(1) NABP District II Conference - October 24, 2002, Hershey, Pa.

The Chair directed the Executive Director to reagendaize this Conference so that the President and the Treasurer are present for the consideration of which member will represent the Board by his/her attendance. The Board was informed that in response to their question as to the possibility of having a Board meeting in Pennsylvania and the state allowing all members to go to this conference, the Director's office informed the Executive Director that only one member will be allowed to attend.

(2) American College of Clinical Pharmacy - Albuquerque, NM - October 22 - 23, 2002

The members expressed no interest in attending this conference.

(3) 2002 NABP/AACP District I Meeting - Newport, RI September 26-28, 2002

Edith Micale moved, seconded by Pamela Allen to have Richard Palombo attend. The motion passed unanimously.

X. NEW BUSINESS

(1) Debra Lawlor, R.P. - submitted a letter to the Board noting the tough position in which pharmacists are placed due to conflicts between the Insurance companies and the use of the NJ Formulary

Pam Allen moved, seconded by Edith Micale to write a letter to Ms. Lawlor saying that these are contractual issues and that the Board had no jurisdiction over these agreements. A letter is also to be sent to Horizon Mercy from the Board, saying that for new generic products that policies need to allow for the time constraints required for the NJ DURC to make a decision regarding these new products. The motion passed unanimously.

(2) Medco-Health Solutions - letter from Jeffrey S. Sinko, Senior Attorney regarding request to maintain electronic copies of transfer reports which serve as prescriptions

Jeffrey Sinko, Mary Ryan and Cal Wasdyke from Medco-Health were present and available to discuss this request with Board members.

Robert Kowalski moved, seconded by Edith Micale to accept the procedure to maintain electronic copies instead of hard copies of the current transfer reports, which serve as the hard copy prescriptions for the pharmacy. This report, as described in their letter requesting Board approval, is printed on green bar paper and includes the prescription number, patient name and other required information. This is the information Medco Health proposes to maintain in a readily retrievable electronic format. Medco Health also has access to a scanned image of the original prescription.

The motion passed unanimously and the Chair directed the Executive Director to memorialize this in a letter to Medco-Health.

(3) Devorah Silverman - requested exemption from TOEFL and FPGEE

Robert Kowalski moved, seconded by Richard Palombo for the Executive Director to write NABP advising them that the NJ Board of Pharmacy would like NABP to grant her request for a waiver to take the FPGEE even though she did not complete a four year program. The motion passed unanimously.

(4) Michael Ludkowski - Requested to be a preceptor for Daniel Brookbank.

Richard Palombo moved, seconded by Robert Kowalski to approve his request as long as Mr. Ludkowski's license is in good standing. The motion passed unanimously.

(5) Direct Meds Pharmacy - Requested posting of information about their pharmacy in physician's offices

Robert Kowalski moved, seconded by Pamela Allen not to reply until the Board is in receipt of a letter from them telling the Board if they (Direct Meds) provide any incentives for the prescriber if they agree to have this information in their office and describing how they solicit the physicians to post this information. The motion passed unanimously.

(6) Shepherd Hill/Richard Whitney, MD, Medical Director - request to make presentation to the Board on the facility's services for chemical dependency

The Chair directed the Executive Director to respond to them that the New Jersey Board of Pharmacy will keep the information on file to provide to impaired pharmacists, if needed.

XI. SETTLEMENT OF DEBT / OLD BUSINESS

(1) Marvin Becker - \$3,000 settlement offer in lieu of \$4,500 debt owed

Pamela Allen moved, seconded by Robert Kowalski to accept the \$3,000 pending information that he is not currently licensed and that it be made clear that the Board's acceptance of settlement of debt does not mean that he is allowed to be reinstated. The motion passed unanimously.

XII EXECUTIVE DIRECTOR'S COMMENTS

(1) Newsletter

Recommendation for submissions for the newsletter to Ed McGinley before August 19th was accepted as an fyi

(2) New E-Mail Form on BOP Website

The Executive Director explained that this new tool on the BOP website will allow for rapid transmission of necessary information to the NJ pharmacy profession from the Board of Pharmacy. The described form is designed to be used first, as a request for submission of licensees' e-mail addresses by the licensees and secondly, to then be kept as a group return address by the NJ BOP for dissemination of information deemed necessary. This was considered as an fyi

to Board members.

XIII. ADDITIONS TO THE AGENDA

(1) Marie-Theresa A. Estanbouli, R. Ph. Reciprocity of N.Y. license and letter form Dean Collazzi as requested at the July 10, 2002.

Edith Micale moved, seconded by Bob Kowalski that she be required to sign a consent agreement that she will complete her current PharmD degree in order to retain her New Jersey Pharmacist license. The motion passed unanimously.

(2) Jiyon Lee - request to waive reinstatement fee of her license. This was referred to Executive Session for advice of counsel. After receiving advice of council in Executive Session, this was returned to Open Session for the following action.

Bob Kowalski moved, seconded by Edith Micale to deny the request to waive the reinstatement fee. The motion passed unanimously.

(3) Scott Wicenski - Review of his request for reciprocity from Georgia.. This was referred to Executive Session for advice of counsel. After receiving advice of counsel in Executive Session, this was returned to Open Session for the following action.

Edith Micale moved, seconded by Bob Kowalski that he is eligible to apply for reciprocity. The motion passed unanimously.

XIV. FYI

(1) **NABP** - This information on Closed Door Pharmacies's Survey Results was considered an fyi.

(2) **Walter Shiplee** - Copy he sent to BOP of a letter he wrote to PAAD regarding inconsistencies in the quantity of pills allowed in the filling of the same prescriptions but by different drug stores. This was considered an fyi.

XV. RECESS TO EXECUTIVE SESSION

At 10:54 A.M., Robert Kowalski moved, seconded by Edith Micale for the Board to enter Executive Session to review 12 retail and IV permits and 18 inspections. The motion passed unanimously

XIII. ADJOURNMENT

Pamela Allen moved, seconded by Ira Katz, to adjourn the meeting at 3:45 P.M. The motion passed unanimously.

Respectfully submitted,

Debora C. Whipple
Executive Director

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Posted September 2002