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New Jersey Office of the Attorney General

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Board of Pharmacy
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NEW JERSEY STATE BOARD OF PHARMACY MINUTES OF THE OPEN SESSION SOMERSET CONFERENCE ROOM, 6th FLOOR August 22, 2012

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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 Sussex Room 6th floor at 124 Halsey Street, Newark, New Jersey on August 22, 2012 at 9:09 am. All members were duly notified of the time, place and all pertinent materials were provided to members.

II. SUNSHINE LAW ANNOUNCEMENT

President Edward McGinley, 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.10:4-8.

III. ROLL CALL

Edward G. McGinley, R.Ph.	President
Thomas Bender, R.Ph.	Vice President
Margherita Cardello, R.Ph.	
Marc Sturgill, R.Ph.	Absent
Richard Palombo, R.Ph.	
Stephen Lieberman, R.Ph.	
Mashesh Shah	

OTHERS IN ATTENDANCE

Anthony Rubinaccio	Executive Director
Linda Brodie	Customer Service Rep I
Megan Cordoma	Deputy Attorney General
Michael Westenberger	Enforcement Bureau

IV. UPDATE BY EXECUTIVE DIRECTOR

The Executive Director reported for the month of July \$26,250.00 were collected in fines and penalties. The following permits, licenses, and registrations were issued during the month of July:

- Technicians - 73
- Pharmacists - 53 (by examination/score transfer, and by reciprocity)

- Out of state pharmacies - 10
- In state pharmacies - 5
- Pharmacists receiving immunization approval -43
- Interns (foreign graduates) - 1

V. OLD BUSINESS

1. **Waddah Azzawi** - Requesting TOEFL waiver

Margherita Cardello moved, seconded by Thomas Bender, to deny this waiver request. The Board noted that the basis for its previous decision to deny a waiver was that applicant did not pass 3 of 4 competencies on the TOEFL. Should applicant successfully pass all other area of the TOEFL test, the Board will entertain a request for a medical waiver for the speaking section. **Motion passed 6-0.**

VI. NEW BUSINESS

1. **Elizabeth Greenblatt** - Presentation on collaborative practice adoption

Elizabeth Greenblatt provided a synopsis of the progress of Collaborative Practices adoption. It was approved by the Board of Pharmacy Rules and Regulations Committee, after clarifying changes were made. Responses were previously reviewed, and the Board of Medical Examiners reviewed and agreed with Pharmacy comments. On September 12, 2012, the Board of Medical Examiners will be asked to accept the changes. If accepted by the Board of Medical Examiners, it will then go to the Division of Law, the Directors Office and then to the Government Office of Administrative Law for approval. This process may take several months before approval is obtained.

The changes were reviewed before the Board today. Each Board member received a copy of the Collaborative Practice Adoption. Richard Palombo moved, seconded by Mahesh Shah, to approve the Collaborative Practice Adoption. **Motion passed 6-0.**

On a different subject, Elizabeth Greenblatt spoke with Timothy Smith from the Department of Health (DOH) regarding the new Syringe law. Progress is being made concerning documentation, and will be posted on DOH website within a few weeks. Once posted on the DOH website the Pharmacy website will have a link to the DOH website.

2. **AtlantiCare** - request for collaborative practice review and approval

Chair Direct: Pilot programs are usually initiated before regulations are promulgated; a draft proposal is ready to go for adoption. It would also require both the Board of Pharmacy and the Board of Medical Examiners to sign off on the pilot. The Board would like AtlantiCare to wait for the regulations to be adopted. Though the pilot program is inappropriate at this time, pages 1 - 18 can be implemented today.

3. **Mohamed Elgadi** - Requesting TOEFL waiver

Mr. Elgadi is requesting a waiver of the requirement that he pass the TOEFL exam because he takes more time to read than most people due to a reading disability. Margherita Cardello moved, seconded by Stephen Lieberman to deny this waiver request. If National Association Boards of Pharmacies (NABP) testing center is willing to grant additional time for this request to complete examination, the Board would not be opposed to it. The International Bureau of Translations (IBT) is the sole English proficiency exam. NABP would have to approve the waiver, not the Board of Pharmacy. **Motion passed 6-0.**

4. **Glenn Rock Medical Pharmacy** - Softwall request

Thomas Bender moved, seconded by Richard Palombo to approve the soft wall request. The air qualities must be consistent in the ante room, buffer area, and surface sampling testing area. Glenn Rock is to share testing results with Board for one year post installation. **Motion passed 6-0.**

5. **PharMerica Corporation** - Signage waiver request

Richard Palombo moved, seconded by Stephen Lieberman to approve this request to waive N.J.A.C. 13:39-5.3 (a) for this closed door pharmacy for security reasons. The pharmacy would need to post their name on the entrance door for identification purposes. **Motion passed 6-0.**

VII. MITIGATION/HEARING REQUEST

1. **Geriscript , LLC** - David Kozloski, RPIC

The Board reviewed correspondence submitted requesting mitigation of UPL. Richard Palombo moved, seconded by Mahesh Shah for the Board to obtain an affidavit from Geiscript to verify when compounding commenced, and provide compounding records post move and pre-inspection. Stephen Lieberman, opposed. **Motion passed 5-1.**

2. **Branch Brook Pharmacy** - Tarak Patel, RPIC

The Board reviewed correspondence submitted requesting mitigation of UPL. Margherita Cardello moved, seconded by Thomas Bender to remove the N.J.A.C. 13:39-5.9 fine of \$300.00 for the Kirby-Lester, noting the Office of Weights and Measures in Essex County has been delayed in completing their inspections in a timely manner. **Motion passed 6-0.**

3. **Walgreens Pharmacy** - Jonathon Lo, RPIC

The Board reviewed correspondence submitted requesting mitigation of UPL. Margherita Cardello moved, seconded by Stephen Lieberman to remove the N.J.S.A. 24:21-10 fine of \$50.00 and the N.J.A.C. 8:65-5.7 fine of \$1000.00. Thomas Bender recused because of his affiliation with Walgreens. **Motion passed 5-0.**

4. **CVS Pharmacy** - Sheela Mehta, RPIC

The Board reviewed correspondence submitted requesting mitigation of UPL. Thomas Bender moved, seconded by Stephen Lieberman to remove the N.J.A.C. 13:39-5.3 fine of \$100.00 and to deny the N.J.A.C. 13:39-6.12 fine of \$50.00. **Motion passed 6-0.**

5. **De Rosa Pharmacy** - Purnima Shah, RPIC documentation

The Board reviewed correspondence submitted requesting mitigation of UPL. Margherita Cardello moved, seconded by Richard Palombo to remove the N.J.A.C. 13:39-5.9 and 5.9(a) warning and fine of \$500.00. Respondent requested a hearing with regard to the fine imposed for N.J.A.C. 13:39- 5.9(a), the Board notes that this violation has been removed and a hearing is no longer requested or required. **Motion passed 6-0.**

6. **Specialty RX** - Melissa Dizon, RPIC

The Board reviewed correspondence submitted requesting mitigation of UPL. Thomas Bender moved, seconded by Richard Palombo to move to Executive Session at 10:39 a.m. for deliberation and advice of counsel.

Thomas Bender moved, seconded by Stephen Lieberman to return to Open Session at 11:00 a.m.

Thomas Bender moved, seconded by Stephen Lieberman to table this item, to allow time for settlement negotiations.

VIII. INFORMATIONAL

The Board reviewed Control Dangerous Substances (CDS) changes and noted there should be a meeting between CDS, Board of Medical Examiners (BME) and Board of Pharmacy (BOP) to identify what is and is not allowed to be changed on schedule II prescriptions. The DAG office and the Board of Pharmacy Executive Director will research what can be changed. Changes will be documented and be placed on the BOP website for licensees to reference.

There will not be a Board meeting in September. The next Board meeting will be held October 3, 2012.

IX. COMMITTEE REPORTS

N\A

X. APPROVAL OF MINUTES FOR JULY 25, 2012

Margherita Cardello moved, seconded by Stephen Lieberman to approve July 25, 2012

Open Session Minutes as amended. **Motion passed 6-0.**

XI. ADJOURNMENT

At 11:03 a.m. Thomas Bender moved, seconded by Margherita Cardello to adjourn Public Session and move into Executive Session for review of 4 Complaints, 2 Old Business Items, 7 New Business Items, the Secretary's Report and Recommendation on Inspection Reports and Approval of Minutes.