

# **New Jersey State Board of Pharmacy**

## **Minutes of The Open Session of August 28, 2002**

### **I. CALL TO ORDER**

The open meeting of the New Jersey State Board of Pharmacy was called to order by Board President Anthony Alexander, in the Hudson Room, 6th Floor at 124 Halsey Street, Newark, New Jersey on August 28, 2002 at 9:10 A.M. All members were duly notified of the time and place and all pertinent materials had been provided.

Board President Anthony Alexander requested a moment of silence in memory and respect of Mr. Lee Heymann, husband of Board Member Sophie Heymann, who was recently deceased. The Board expressed it's sympathies and concerns.

### **II. SUNSHINE LAW ANNOUNCEMENT**

Anthony Alexander 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:**

Anthony Alexander, RP, President  
Pamela Allen, RP  
Richard Palombo, RP  
Robert Kowalski, RP - left at 3:30 P.M.(Executive Session)  
Edward McGinley, RP, Treasurer

#### **OTHERS IN ATTENDANCE**

Marianne Greenwald, Deputy Attorney General  
Debora Whipple, Executive Director - arrived at 11:30 a.m.  
Jay Church, Acting Executive Director for Debora Whipple until her arrival  
Marie Wondeh, Principal Clerk Stenographer

#### **EXCUSED:**

Sophie Heymann  
Ira Katz, RP  
Edith Tortora Micale, RP  
Mona Doyle

### **IV. 1. APPROVAL OF OPEN SESSION MINUTES OF AUGUST 14, 2002**

Robert Kowalski moved, seconded by Edward McGinley to accept the minutes as amended. The motion passed unanimously.

### **IV. 2. APPROVAL OF FINAL OPEN SESSION MINUTES OF JULY 24, 2002 MINUTES**

Robert Kowalski moved, seconded by Pamela Allen to accept the minutes as amended. The motion passed

unanimously.

## **V. SECRETARY'S REPORTS AND RECOMMENDATIONS FOR REGISTRATION BY RECIPROcity, EXAMINATION AND REINSTATEMENT**

Pamela Allen moved, seconded by Edward McGinley, to approve the Secretary's Reports and Recommendations for Registration by Reciprocity, Examination and Reinstatement. The motion passed unanimously.

## **VI. CONFERENCES**

### **(1). NCPA'S 104th Convention - Opryland Hotel, Nashville, TN, October 18-23**

Richard Palombo moved, seconded by Pamela Allen to have Ira Katz attend the National Community Pharmacists Association Convention, if he is available, as the representative of the Board. The motion passed unanimously.

### **(2). NASCA Conference - Myrtle Beach, SC - October 22-26**

Richard Palombo moved, seconded by Edward McGinley to have DAG Marianne Greenwald attend the National Association of State Controlled Substances Authorities Conference as the representative of the Board. The motion passed unanimously.

### **(3). PCMA Symposia - HIPAA Privacy Rules - Chicago, IL - September 11-12**

None of the Board Members present were available to attend this Pharmaceutical Care Management Association Symposium.

### **(4). ASAP 14th Annual Meeting - September 19-21, 2002, Santa Monica, CA**

Edward McGinley can not attend this meeting as originally planned. Pamela Allen moved, seconded by Richard Palombo, to have Ira Katz attend the American Society for Automation in Pharmacy Annual Meeting, if he is able, as the representative of the Board. The motion passed unanimously.

### **(5). NABP District II Conference - Hershey, PA - October 24, 2002**

Pamela Allen moved, seconded by Richard Palombo to have Anthony Alexander attend the National Association of Boards of Pharmacies District II Conference as the representative from the Board. The motion passed unanimously.

## **VII. NEW BUSINESS**

### **(1) Letter regarding legality of "familymeds pharmacy" letter**

This item was been moved to Executive Session to receive advise of counsel.

### **(2) ScriptFast - re: Program allowing doctors to electronically send scripts to pharmacies of choice; seeking approval of NJ as a test area.**

Pamela Allen moved, seconded by Edward McGinley to respond that this is acceptable at this time only if the prescription is sent to the pharmacy by fax. Proposed new BME and Pharmacy regulations regarding electronic transmission will be published in the NJ Register in September. The motion passed unanimously.

### **(3) Note regarding legality of Goodale Pharmacy and Surgical Supply ad and letter**

This item was moved to Executive Session to receive advise of counsel.

#### **(4) Letter regarding legality of Garden Pharmacy ad**

This item was moved to Executive Session to receive advise of counsel.

#### **(5) Excess Management Systems - Asking for licensing guidance for scenarios that their company will encounter while doing business with NJ**

The chair directed the DAG to check with the Office of Drug Control to determine if there are any regulations that would require them to have a New Jersey license.

#### **(6) NJPhA - Letter from Joseph Morris re: Invitation for Board member to be a panelist at their Town Hall Meeting on Sunday, September 29th in Saddlebrook, NJ.**

Richard Palombo moved, seconded by Pamela Allen to send a letter to NJPhA indicating that Anthony Alexander will serve as the panelist at their Town Hall meeting provided that approval is given by the Director's office. The motion passed unanimously.

#### **(7) Wald Drugs/Michael Wolf, R.Ph. - Request to apprise the Board of his position on not filling prescriptions for an individual and reasons why. Mr. Wolf requested the Board that the Board keep this on file**

This item was moved to Executive Session to receive advise of counsel.

#### **(8) Hospital Pharmacy - Questions re: Clarification on Scripts and Cross-Outs**

This continues to be a very confusing issue. The Board would like to reagendaize this in order to review the response they gave at the August 22, 2001 meeting. In an effort to clarify this issue, Anthony Alexander moved, seconded by Edward McGinley to petition the Board of Medical Examiners to change NJAC 13:35-7.2(h) to require that only one prescription may be written per prescription blank for all medications. The Board of Pharmacy believes that this change is important because it will:

1. Increase patient safety - patient safety will be enhanced by the reduction of medication errors
2. Eliminate problems regarding Medicaid denials and reimbursement
3. Decrease pharmacist calls to physicians for clarification
4. Eliminate the confusion of the current regulation.

The New York rule which requires only one prescription per blank should be provided in support of this petition. The motion passed unanimously.

#### **(9) Orphan Medical/Pam Stahl - Letter re: Controlled Substances distribution of "Xyrem" - not to be distributed to patients in NJ because of NJ's listing it as a Schedule I.**

The chair directed that this be referred to the Office of Regulatory Care section of the Department of Health. It was also pointed out that the National News section in the NABP Newsletter to be published in the Fourth Quarter states that Xyrem is a Schedule III medication.

### **VIII. SETTLEMENT OF DEBT / OLD BUSINESS**

#### **(1) Marvin Becker**

This item was moved to Executive Session to receive advise of counsel.

### **IX. ADDITIONS TO AGENDA**

## **(1) SEPTEMBER 11, 2002 BOARD MEETING**

The Chair directed the Executive Director to poll the other Board members to see if they wanted a half-day meeting on September 11, 2002 or a full-day meeting on September 18, 2002.

## **(2) Maryann Sheehan, Regulatory Analyst**

MaryAnn Sheehan asked the Board to clarify their position on two legislative bills that had been reviewed at a previous meeting.

**Assembly Bill 930** which requires that a brand name be included on the label when a generic medication is dispensed.

Although the intent of this bill is to help the patient by providing a brand name that they might be more familiar with, the issue of brand and generic names is much more complex than this bill recognizes. The Board opposed the bill because of the confusion it would actually create and their belief that this issue should be addressed by a regulation, not a statute.

**Senate Bill 143** requires that certain information on a prescription label be made more prominent by the use of capital letters.

The Board opposed this bill and again they believe that this issue is best addressed in the regulations.

## **(3) Scott Molnar - Regarding his request for Reinstatement**

This item was moved from Executive Session. Rich Palombo moved, seconded by Pamela Allen to request a copy of the therapist's actual report along with copies of all of the results of the urine screens conducted in the last two years. The Board will then review Mr. Molnar's actual Consent Order from 1998 along with this information prior to making any recommendations. The motion passed unanimously.

## **XI. RECESS TO EXECUTIVE SESSION**

At 10:36 A.M., Pamela Allen moved, seconded by Edward McGinley, for the Board to enter Executive Session to review 15 retail and IV permits and 15 inspections. The motion passed unanimously

## **XII. ADJOURNMENT**

Pamela Allen moved, seconded by Edward McGinley, to adjourn the meeting at 4:00 P.M. The motion passed unanimously.

Respectfully submitted,

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Debora C. Whipple  
Executive Director