



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
Board of Pharmacy
124 Halsey Street, 6th Floor, Newark, NJ 07102



PAULA T. DOW
Attorney General

THOMAS R. CALCAGNI
Acting Director

NEW JERSEY STATE BOARD OF PHARMACY MINUTES OF THE OPEN SESSION September 8, 2010

Mailing Address:
P.O. Box 45013
Newark, NJ 07101
(973) 504-6450

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 Monmouth Room 7th Floor at 124 Halsey Street, Newark, New Jersey on September 8, 2010 at 9:15 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

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
Margherita LaFragola, R.Ph.	
Richard Palombo, R.Ph.	Left at 11:15 a.m.
Marc Sturgill, R.Ph.	
Stephen Lieberman, R.Ph.	
Mahesh Shah, R.Ph.	

OTHERS IN ATTENDANCE

Joanne Boyer, R.Ph.	Executive Director
Jodi Krugman	Deputy Attorney General
Maria Bertorelli	Administrator Assistant

IV. UPDATE BY EXECUTIVE DIRECTOR

1. The Executive Director reported that \$11,425.00 were collected in fines and penalties during the month of August 2010.

The following permits/licenses/registrations were issued during the month of August 2010:

- Technicians - 235
- Pharmacists - 160 (149 by examination/score transfer, 11 by reciprocity)
- Out of state pharmacies - 10
- In state pharmacies - 9
- Pharmacists receiving immunization approval - 960
- Interns (foreign graduates) - 6

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2. Registration renewal for technicians ended as of 8/31/10. From 9/1/10-9/30/10 a late fee will be assessed for those who wish to renew. After 9/30/2010 the registration of those technicians who have not renewed will be placed in an “expired” status. As of today 10,139 technicians have renewed, pending renewal are 2,873.
3. The Board has taken advantage of NABP’s secure online NAPLEX and MPJE score reporting. Applicants are encouraged to log onto the Board’s website at www.njconsumeraffairs.gov/medical/pharmacy.htm and then click on “useful links” and then proceed to the first item – “NAPLEX and MPJE Score Results”.

Richard Palombo moved, seconded by Thomas Bender to issue an acclamation to Elvy Paiva, R.Ph. and Peter Halecky, R.Ph. for their dedication while serving as members of the Board. Ms Paiva, appointed in 3/2005, was the chair of the CQI Committee, a member of the Rules & Regs Committee and also Board liaison to NABP for MPJE review. Mr. Halecky, appointed in 12/2005, was a member of the Compounding Committee and assisted the Division’s MIS department with the testing of the biennial on line license renewal process. On behalf of all of the Board Members, Executive Director and Board staff, we wish them well in their future endeavors. They will truly be missed!

Board President Edward McGinley welcomed new Board Members Steven Lieberman and Mahesh Shah who were sworn in by DAG Jodi Krugman.

V. OLD BUSINESS

1) Patrick DenBoer, CEO, QPharma, Morristown, NJ – Participation in Patient Assistance Programs and Coupon, Rebate and Voucher Programs.

(This item was last seen by the Board on 8/11/10, Chair directed that QPharma representatives, Mr. Patrick DeBoer and RPIC Merry Saba, attend the next scheduled Board meeting on September 8, 2010 to discuss their application.)

Mr. DenBoer appeared before the Board to explain the proposed process of operations for the Retail Mail Order Pharmacy to fill and ship patient assistance program orders directly to patients in the United States, as well as participating in drug manufacturer coupon, rebate and voucher programs.

At 10:10 a.m. Thomas Bender motioned, seconded by Margherita LaFragola to move into Executive Session for advice of Counsel. **Motion passed unanimously.**

At 10:57 a.m. Thomas Bender motioned, seconded by Marc Sturgill to move back into Public Session. **Motion passed unanimously.**

Per the advice of Deputy Attorney General Krugman, the Board determined that RPIC Mary Saba is to be employed for a minimum of 20 hours per week. If Mr. DenBoer obtains a contract and QPharma is to perform all 4 component functions of handling a prescription as outlined in NJAC 13:39 – 4.19, then he may proceed. If QPharma is not handling all 4 functions, then the Board is to issue the permit holder a letter of Assurance of Voluntary Compliance agreeing to appear before the Board and provide the following items: a) a copy of the contract, b) Central Fill Agreement application(s). In addition, Mr. DenBoer is to

designate a point of contact (other than the RPIC). **Motion passed unanimously.**

VI. NEW BUSINESS

1) Approval of Board Meeting dates for 2011

Richard Palombo moved, seconded by Margherita LaFragola to approve the proposed 2011 scheduled meeting dates. **Motion passed unanimously.**

2) Scott Hurley, reciprocity candidate – Requesting that his experience as CEO/President/Chairman of the Board of Rexar, Inc. fulfill the requirement of NJAC 13:39 – 2A.1(b)3

Margherita LaFragola moved, seconded by Thomas Bender to deny the request. **Motion passed 5-2.**

VII. MITIGATION/ HEARING REQUESTS

1) Alicia McGregor, R.Ph., Walgreens, Neptune NJ

Thomas Bender recused due to his affiliation with Walgreens.

Marc Sturgill moved, seconded by Margherita LaFragola to mitigate the \$200.00 fine imposed to the dispensing pharmacist Alicia McGregor for violation to NJAC 13:39-6.5, and the request to complete 2 continuing education modules on medication error or patient safety. The Board agreed to issue a \$200.00 fine to the permit holder, Walgreens #05200 for violation to NJAC 13:39-4.17. **Motion passed unanimously.**

VIII. COMMITTEE REPORTS

Edward McGuinley, President of the Board appointed Richard Palombo as chair for the CQI Committee.

IX. APPROVAL OF MINUTES

1) August 11, 2010

Marc Sturgill moved, seconded by Richard Palombo to approve the August 11, 2010 Open Session Minutes as amended. **Motion passed unanimously.**

X. ADJOURNMENT

At 11:00 a.m. Marc Sturgill motioned, seconded by Thomas Bender to move into Executive Session for the review of 8 complaints, 1 Old Business Items, 1 New Business Items, the Secretary's Report and Recommendation on Retail and Institutional Permits, the Secretary's Report and Recommendation on Inspection Reports, 1 Investigative Inquiry and the Approval of Minutes.