

**NEW JERSEY STATE BOARD OF PHARMACY  
OPEN SESSION MINUTES SEPTEMBER 14, 2005**

**I. CALL TO ORDER**

The Open meeting of the New Jersey Board of Pharmacy was called to order by Board President Pamela Allen in the Essex Room, 7th floor at 124 Halsey Street, Newark, New Jersey on September 14, 2005 at 9:16 a.m. All members were duly notified of the time and place and all pertinent materials had been provided.

**II. SUNSHINE LAW ANNOUNCEMENT**

Pamela Allen 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. 10:4-18.

**III. ROLL CALL**

Pamela Allen, R.Ph President  
Edward McGinley, R.Ph Vice-President  
Margherita R. Lafragola, R.Ph  
Thomas Bender, R.Ph  
Marc Sturgill, Pharm. D  
Thomas Egan, Pharm. D  
Sy Larson, PH.D Public Member  
Elvy T. Paiva, R.Ph Arrived 9:25 a.m.  
Ira Katz, R.Ph Arrived 11:00 a.m.  
Jennifer L. Barron Government Member Arrived 12:50 p.m.

**OTHERS IN ATTENDANCE:**

Joanne Boyer Executive Director  
Marianne Greenwald Deputy Attorney General  
Susan Flores Principal Clerk  
Kiran Shamlall Clerk Stenographer

**EXCUSED:** Axel Miranda

**IV. SECRETARY'S REPORT AND RECOMMENDATION FOR REGISTRATION BY RECIPROCITY, EXAMINATION, and GRADE TRANSFER**

Edward McGinley moved, seconded by Thomas Egan to accept the Secretary's Report and Recommendation for Registration by Reciprocity, Examination and Grade Transfer. The motion passed unanimously.

**V. CONTINUING EDUCATION REPORT**

Edward McGinley moved, seconded by Margherita Lafragola to accept the Continuing Education Report for September 14, 2005. The motion passed unanimously.

**VI. VIOLATIONS PAID FOR THE MONTH OF AUGUST**

Edward McGinley moved, seconded by Thomas Egan to accept the Violations Paid for the month of August. The motion passed unanimously.

**VII. OLD BUSINESS**

1) Medco Health, Application to Conduct a Centralized Prescription Handling Pharmacy Service This was originally before the Board on 4/27/05 at which time the Board tabled this item until further information was communicated regarding exception and patient care issues.

John Sisto of Medco Health appeared before the Board. The Board reviewed the application and on a motion of Elvy Paiva, seconded by Edward McGinley to accept the central fill application pending Medco's documentation to the Board that they have to the Board's satisfaction resolved the patient care processes that were addressed in the Board's letter of advice subsequent to the July 27, 2005 Minutes. 6 to 2 motion passed.

## **VIII. NEW BUSINESS**

1) Professional Service Billing Codes Approved for Pharmacists The Board accepted it as informational and is happy to see this advance in pharmacy.

2) Robert Kershaw, R.Ph., Walgreens – Requesting a waiver of NJAC 13:39 - 7.12(a)13 The Board reviewed Robert Kershaw's request for a waiver of NJAC 13:39-7.12(a)13 and on a motion of Thomas Bender, seconded by Pamela Allen to deny use of wording and delay of enforcement of regulation. Elvy Paiva recused. The motion passed.

3) Daniel L. Zipkin, Dc, R.Ph. –Regarding the utilization of "Dr." (in reference to his status as a chiropractor) while employed as a pharmacist Edwin McGinley moved, seconded by Elvy Paiva, to write a letter to Daniel Zipkin advising him that when working as a registered pharmacist he may not represent himself as anything but a pharmacist and not use "Dr." while working as a pharmacist.

4) Michael A. Madura, R.Ph. – Requesting a waiver of didactic continuing education as referenced in NJAC 13:39 - 3A.1(a) This matter was tabled by the Chair pending if Mr. Madura is the pharmacist in charge and his current involvement in the pharmacy and if there are any other restrictions on his activity.

5) Jim Akers, Licensing Administrator, Rite Aid – Requesting Board to accept one Affidavit Regarding Internet Pharmacy and/or Mail Order Pharmacy activity for all Rite Aid pharmacies instead of a separate affidavit for each Rite Aid Pharmacy Edward McGinley moved, seconded by Marc Sturgill, to accept one Affidavit regarding Internet Pharmacy and/or Mail Order Pharmacy activity for all Rite Aid pharmacies instead of a separate Affidavit for each Rite Aid Pharmacy. The motion passed 6 to 1. Margherita Lafragola was recused.

6) Memorandum from NABP regarding ACPE request for comments on draft PharmD standards and guidelines A task force was formed consisting of Pamela Allen, Marc Sturgill and Thomas Egan to discuss and draft comments on draft PharmD standards and regulations to be presented at the October 12, 2005 meeting.

7) NABP Correspondence

a) Two year requirement for TSE and TOEFL The Board accepted it as informational.

b) TOEFL/TSE scores

The Board accepted it as informational. The Chair referred this item to the Rules & Regulations Committee.

c) New secure/safety paper for FPGEC certificates The Board accepted it as informational.

8) Requests for waivers:

a) Xiaoping Hou- Requesting waiver of TSE

Edward McGinley moved, seconded by Thomas Egan to deny request for waiver of TSE and to advise applicant to take the IBT exam or retake TSE. The motion passed unanimously.

b) Noha I. Faltas – Requesting waiver of TOEFL

Elvy Paiva moved, seconded by Marc Sturgill to deny his request for waiver of TOEFL and take the IBT exam. The motion passed. Margherita Lafragola recused.

c) Sheshagiri R. Palakurthi – Requesting waiver of intern hours

Marc Sturgill moved, seconded by Thomas Egan to deny his request for waiver of intern hours. The motion passed. Margherita Lafragola recused.

d) Sandip Patel – Requesting a waiver of TSE

Edward McGinley moved, seconded by Margherita Lafragola to deny his request for a waiver of TSE since he did not demonstrate good cause to request a waiver. The Board directs that him to take the IBT and if not available then can take the TSE. The motion passed. Elvy Paiva recused.

e) Kanokwan Saiwongpanya – Requesting a waiver of TSE

Edward McGinley moved, seconded by Margherita Lafragola to deny his request for waiver of TSE since he did not demonstrate good cause to request a waiver and to direct him to take the IBT exam and if not available set up for an interview. The motion passed. Elvy Paiva recused.

f) Heenaben Patel – Requesting a waiver of TSE

Edward McGinley moved, seconded by Margherita Lafragola to deny his request for waiver of TSE and advise applicant to pursue taking the IBT exam. The motion passed unanimously.

g) Lisa M. Hubbard – Requesting a waiver of NJAC 13:39 – 2.17(b) This item was tabled inasmuch as Ms. Hubbard claims she submitted a check and there may have been an administrative error. A search will be conducted to determine same.

9) Scott A. Snively, R.Ph., Director of Pharmacy, Lourdes Medical Center, Willingboro, NJ – Requesting a waiver of NJAC 13:39 – 5.2, 13:39 - 5.3 Edward McGinley moved, seconded by Thomas Bender to approve the waiver of NJAC 3:39-5.2, 13:39-5.3. The Board can not waive the Dirch Placard request inasmuch as it is not only a Board regulation. The motion passed 6 to 1. Thomas Egan recused.

10) Notification of the acquisition of Neighborcare stock by Omnicare The Board accepted it as informational.

## **IX. MITIGATIONS**

N/A

## **X. CONFERENCES**

1) Citizen Advocacy Center 2005 Annual Meeting, November 3-5, 2005, Denver, Co. The Board accepted it as informational.

2) NABP/AACP District 2 Meeting, October 20-22, 2005, Washington, DC

Joanne Boyer and Edward McGinley advised they will be attending. Both Elvy Paiva and Thomas Egan commented that the attendees' registration should be paid by the State of New Jersey. The motion passed unanimously.

## **XI. COMMITTEE REPORTS**

Elvy Paiva reported that at the CQI meeting, they discussed and reviewed A398. Tom Bender was asked to join

the work group.

Marc Sturgill reported that at the Collaborative committee meeting, they discussed the role of pharmacists and the wording of rules and regulations.

## **XII. APPROVAL OF MINUTES**

1) August 10, 2005

This item has been tabled.

## **XIII. ADJOURNMENT**

At 12:00 p.m., Edward McGinley moved, seconded by Marc Sturgill to enter into the Executive Session to review (10) complaints, (4) New Business, (16) retail IV permits and (34) inspection reports. The motion passed unanimously.