

FINAL

**NEW JERSEY STATE BOARD OF PHARMACY
MINUTES OF THE OPEN SESSION OF SEPTEMBER 24, 2003**

I. CALL TO ORDER

The Open meeting of the New Jersey State Board of Pharmacy was called to order by Board President Edward McGinley, in the Somerset Room, 6th Floor at 124 Halsey Street, Newark, New Jersey on September 24, 2003 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

Edward McGinley 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., Chapter 231, PL 1975, C.10:4-18.

III. ROLL CALL

Present:

Edward McGinley, R.Ph. President
Edith Micale, R.Ph. Treasurer
Pamela Allen, R.Ph.
Anthony Alexander, R.Ph.
Mona Doyle Public Member (left at 3:50 pm, Executive Session)
Sophie Heymann Public Member (left at 11:45 am)
Richard Palombo, R.Ph. (left at 3:15 pm, Executive Session)

OTHERS IN ATTENDANCE:

Marianne Greenwald Deputy Attorney General
Joanne Boyer, R.Ph. Executive Director
Marie Wondeh Principal Clerk Stenographer

EXCUSED:

Ira Katz, RPh
Robert Kowalski, RPh

IV. 1. APPROVAL OF DRAFT MINUTES FOR OPEN SESSION OF SEPTEMBER 10, 2003

Pamela Allen moved, seconded by Anthony Alexander, to accept the draft minutes of September 10, 2003 as amended. The motion passed unanimously.

IV. 2 APPROVAL OF FINAL MINUTES FOR OPEN SESSION OF AUGUST 13, 2003

Pamela Allen moved, seconded by Edith Micale, to accept the minutes of August 13, 2003 as amended. The motion passed unanimously.

V. SECRETARY'S REPORT AND RECOMMENDATION FOR REGISTRATION BY

RECIPROCITY, EXAMINATION AND GRADE TRANSFER

Mona Doyle moved, seconded by Richard Palombo, to accept the Secretary's Report and Recommendation for Registration by Reciprocity, Examination and Grade Transfer. The motion passed unanimously.

VI. CONTINUING EDUCATION REPORT

Edith Micale presented an application for continuing education that was submitted by Lee Gladstein for the Operation Medication Awareness program for approval by the Board.

Edith Micale moved, seconded by Mona Doyle to grant five live primary credits for the Operation Medication Awareness program. The motion passed unanimously.

VII. CONFERENCES

NJCCDS 2003 Annual Gala Retail Awards Dinner - Thursday 10/9/03, Lawrenceville, NJ

This item was considered as an FYI.

VIII. OLD BUSINESS

Bob Mernar, RP, Pharmaceutical Care Administrator, Wakefern Food Corporation - Flu-Mist administering question

Anthony Alexander moved, seconded by Richard Palombo to allow Wakefern to proceed with their proposed process of using a standing order to facilitate the dispensing of Flu-Mist being administered by medical personnel pending approval of the Division of Law. The motion passed unanimously.

IX. NEW BUSINESS

(1) Pharmaceutical Services Manual, NJAC 10:51

After much discussion regarding N.J.A.C. 10:51 - 1.2 the Board recommended that the DURC Formulary be used until it expires (5/2004) then utilize the Orange Book as a supplement and guide for the future. It was also noted that there is no accepted list (manufacturers) for non-legend products as referred to in N.J.A.C. 10:51 - 1.11 2.

(2) Lewis Schwartz, R.Ph. - generic/brand name on label

The chair directed the Executive Director to inform Mr. Schwartz that the matter has been referred to the Rules and Regulations and CQI Committees.

(3) Rite Aid - New pharmacy dispensing system

This item was considered as an FYI.

(4) The Center Pharmacy - Requesting to switch permit from Retail to Institutional

Item has been referred to Division of Law in regards to review possible conflict with Board of Medical Examiner regulations.

(5) Edward O. Agymang - Requesting waiver of reinstatement fee

Pamela Allen moved, seconded by Anthony Alexander to deny his request for waiver of the reinstatement fee. Mona Doyle opposed. The motion passed by majority vote.

(6) Anne M. Lange - Requesting waiver of reinstatement fee

Anthony Alexander moved, seconded by Richard Palombo to deny her request for a waiver of the reinstatement fee. DAG advised statute does not permit the Board to exercise discretion in allowing waivers. Mona Doyle opposed. The motion passed by majority vote.

Richard Palumbo suggested that the Executive Director follow the regulations and issue denials except for those in the military.

X. FINAL ORDERS

Sophie Heymann moved, seconded by Mona Doyle to accept the Final Orders as presented.

XI. CONFERENCE REPORTS

(1) NACDS Technology Conference - Anthony Alexander

Anthony Alexander provided a written detailed report of the conference. It was his recommendation that due to the "comprehensive presentations on issues facing the profession while showcasing the latest technological advancements" that more than one Board member attend future meetings.

(2) NABP Legislative Conference - Richard Palombo

Richard Palombo submitted a written report and expressed his appreciation for being allowed to attend the conference. Edith Micale also expressed her thanks for opportunity to attend.

XII. COMMITTEE REPORTS

(1) Continuous Quality Improvement (CQI) - Richard Palombo

Richard Palombo will give a report at the November 5, 2003 meeting.

(2) Enforcement Liaison - Robert Kowalski

Mr. Kowalski will give his report at the November 5, 2003 Board meeting.

(3) Technology - Anthony Alexander

Mr. Alexander will give his report at the November 5, 2003 Board meeting.

XIII. FYI

(1) Annual Drug Utilization Review Commission Report

This item was considered as an FYI.

(2) SureScripts National Electronic Prescribing Network

This item was considered as an FYI.

(3) Burdette Tomlin Memorial Hospital - Purchase of Robot-Rx

The Chair directed that an inspection by the Enforcement Bureau be requested to insure that the system is functioning as described.

(4) NCPA Newsletter, September 1, 2003, Volume 125, Number 17

This item was considered as an FYI.

(5) Prescription and Medication Orders Transmitted by Technological Device in an Institution by Facsimile and Electronically, N.J.A.C. 13:39 - 5.8A and 5.8B

This adopted new rule became effective September 15, 2003.

XIV. ADDITION TO THE AGENDA

(1) Cancellation of October 22 Board Meeting

The Board agreed to cancel the October 22, 2003 Board meeting and that committee members use that time to schedule committee meetings. The Board agreed that for the month of November Board meetings will be held on the first and third Wednesdays (11/5/03 and 11/19/03) due to Thanksgiving.

(2) Assembly, No. 570; Clarification of definition of compounding

Anthony Miragliotta, Deputy Director, requested Board's input as to definition of "compounding" as stated in Bill Assembly, No.570. Executive Director to bring comments to the body and Mr. Miragliotta.

XV. ADJOURNMENT

Mona Doyle moved, seconded by Anthony Alexander, to enter into the Executive Session at 11:15 a.m. to review (8) permits and (20) inspection reports and advice of counsel. The motion passed unanimously.