

NEW JERSEY STATE BOARD OF PHARMACY
MINUTES OF THE OPEN SESSION
SEPTEMBER 24, 2008

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 Somerset Room, 6th Floor at 124 Halsey Street, Newark, New Jersey on September 24, 2008 at 9:17 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

Mr. 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
Pamela Allen, R.Ph.
Peter Halecky, R.Ph.
Margherita Lafragola, R.Ph.
Elvy T. Paiva, R.Ph.
Marc Sturgill, R.Ph. (Left at 1:45 pm)
Richard Palombo, R.Ph.

OTHERS IN ATTENDANCE

Joanne Boyer, R.Ph. Executive Director
Megan Cordoma, Esq. Deputy Attorney General

IV. UPDATE BY EXECUTIVE DIRECTOR

N/A

V. OLD BUSINESS

N/A

VI. NEW BUSINESS

1) In the matter of Michael J. Fallon, Superior Court of New Jersey, Civil Action, Verified Complaint for Order Directing Hagedorn to Participate in Treatment Plan

Elvy Paiva moved, seconded by Margherita LaFragola to move this matter into Executive Session for advice of counsel. The motion passed unanimously.

At 10:38 am, Elvy Paiva moved, seconded by Marc Sturgill to move back into Open Session. The motion passed unanimously. Elvy Paiva moved, seconded by Margherita LaFragola that at this time the Board declines to enter into the lawsuit as amicus curiae. The motion passed 7 – 1.

At 10:41 am, Elvy Paiva moved, seconded by Marc Sturgill to move back into Executive Session. The motion passed unanimously.

2) Pedro Vento, Co-President, BDRN, LLC, Riverdale, NJ – Requesting to maintain same permit number and not be subject to pharmacy inspection upon addition of a third owner

Elvy Paiva moved, seconded by Richard Palombo to approve the request to maintain the same permit and not undergo an inspection, since an inspection of this pharmacy occurred less than 60 days ago. However, Mr. Vento is to be made aware that the Board does have the right to inspect a pharmacy at any time. An inventory of CDS will need to be completed. The motion passed unanimously.

3) MyVetDirect.com, Richmond, Va – Out of state pharmacy applicant requesting approval to be operational less than the required 40 hours/week as stated in NJAC 13:39 – 4.19(j)

The Chair directs that as per counsel, the Board cannot waive a statute (NJSA 45:14 – 73). The Chair also directs that DAG Megan Cordoma clarify the intent of NJSA 45:14 – 73.

VII. MITIGATION/ HEARING REQUESTS

1) Edward Barbarotto, RPIC, Shop Rite Pharmacy, Lanoka Harbor, NJ

Richard Palombo moved, seconded by Elvy Paiva to deny the request for mitigation. The motion passed unanimously.

2) Jose Pullockaran, RPIC, Rutgers Newark Campus Pharmacy, Newark, NJ

Peter Halecky moved, seconded by Richard Palombo to mitigate the \$250 fine imposed pursuant to NJAC 13:39 – 6.2(d) to a warning and to mitigate the \$1,000 fine imposed pursuant to NJAC 8:65 – 5.4(d) 1 & 2 to a warning. The motion passed unanimously.

3) Robert Cappa, RPIC, Urban Pharmacy, Franklin, NJ

The Chair directs that additional information be obtained: when did the pharmacy in Franklin Lakes open, what is at the Teaneck location, and where are the prescription files.

4) Carlos Marin, RPIC, Nextron Infusion Pharmacy, Fairfield, NJ

Thomas Bender moved, seconded by Richard Palombo to mitigate the \$100 fine imposed pursuant to NJAC 13:39 – 11.15(c) to a warning and to mitigate the \$50 fine imposed pursuant to NJAC 13:39 – 11.15(b) to a warning. In addition, the Executive Director is to review NJAC 13:39 – Subchapter 11 with Mr. Marin. The motion passed unanimously.

5) Laak R. Gupta, RPIC, Pastor Pharmacy, Englewood, NJ

Margherita LaFragola moved, seconded by Thomas Bender to deny the request for mitigation. The motion passed unanimously.

6) Daniel Palmiere, RPIC, Rite Aid, Whiting, NJ Margherita LaFragola was recused due to her affiliation with Rite Aid.

Pamela Allen moved seconded by Thomas Bender to deny the request for mitigation. The motion passed unanimously.

VIII. COMMITTEE REPORTS

N/A

IX. APPROVAL OF MINUTES

1) September 10, 2008 The motion passed unanimously.

Elvy Paiva moved, seconded by Margherita LaFragola to approve the minutes as amended.

X. ADJOURNMENT

At 10:20 am Pamela Allen moved, seconded by Margherita LaFragola to move into Executive Session for the review of 10 Complaints, 2 Old Business items, 1 New Business item, Secretary's Report and Recommendation on Retail and Institutional Permits, Secretary's Report and Recommendation on Inspection Reports, conduct 2 Investigative Inquiries and approval of minutes. The motion passed unanimously