

FINAL

New Jersey State Board of Pharmacy Minutes of The Open Session of September 25, 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 September 25, 2002 at 9:20 A.M. All members were duly notified of the time and place and all pertinent materials had been provided.

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
Edward McGinley, RP, Treasurer
Pamela Allen, RP
Sophie Heymann

OTHERS IN ATTENDANCE

Marianne Greenwald, Deputy Attorney General
Debora Whipple, Executive Director
Marie Wondeh, Principal Clerk Stenographer

EXCUSED

Richard Palombo, RP
Robert Kowalski, RP
Ira Katz, RP
Edith Tortora Micale, RP
Mona Doyle

Given that a quorum was not present, the Board proceeded as a committee.

IV. 1. APPROVAL OF OPEN SESSION MINUTES OF SEPTEMBER 18, 2002

The minutes will be presented at the next available meeting.

IV. 2. APPROVAL OF FINAL OPEN SESSION MINUTES OF AUGUST 28, 2002 MINUTES

Sophie Heymann moved, seconded by Edward McGinley to accept the minutes. The motion passed unanimously.

V. SECRETARY'S REPORT AND RECOMMENDATION FOR REGISTRATION BY RECIPROCITY

Sophie Heymann moved, seconded by Pamela Allen, to approve the Secretary's Report and Recommendation for Registration by Reciprocity. The motion passed unanimously.

VI. SECRETARY'S REPORT AND RECOMMENDATION FOR REGISTRATION BY EXAMINATION

Pamela Allen moved, seconded by Edward McGinley, to approve the Secretary's Report and Recommendation for Registration by Examination. The motion passed unanimously.

VII. SECRETARY'S REPORT AND RECOMMENDATION FOR REGISTRATION BY GRADE TRANSFER

Sophie Heymann moved, seconded by Pamela Allen, to approve the report for Grade Transfer. The motion passed unanimously.

VIII. CONFERENCES

(1). NACDS HIPAA CONFERENCE II -October 13-15, 2002, Hyatt Regency Hotel, Reston, VA

Edward McGinley moved, seconded by Pamela Allen to have Debora Whipple attend as a representative of the Board and in the event she cannot attend, Sophie Heymann will attend. The motion passed unanimously.

(2).NCPA CONVENTION AND TRADE EXPOSITION - October 18 - 23, 2002, Nashville, Tn.

Edward McGinley moved, seconded by Pamela Allen to have Ira Katz attend as a representative of the Board. The motion passed unanimously.

(3). CITIZEN ADVOCACY COUNCIL - November 13-15, 2002, San Francisco, Ca.

Edward McGinley moved, seconded by Pamela Allen to have Sophie Heymann attend as a representative of the Board. The motion passed unanimously.

(4). NABP FALL EDUCATION CONFERENCE - November 15-17, 2002, San Antonio, Texas

Sophie Heymann moved, seconded by Edward McGinley to have Debora Whipple attend as a representative of the Board. The motion passed unanimously.

IX. NEW BUSINESS

(1) CFI Pharmacy/Express Scripts - Questions regarding Central Fill.

The Chair directed the Executive Director to advise them that regulations have been drafted to permit this in the State of New Jersey and will be proposed in the near future.

(2)Giant Food/Gary Wirth - Request to allow physicians to communicate electronically to pharmacies for new prescriptions and refills.

The Chair directed the Executive Director to respond to Giant Food that regulations have been drafted and to send a copy of the proposed regulations that were in the September 3, 2002, New Jersey Register at 34 N.J.R. 3064.

(3) Jain Philip - Letter from Mr. Philip, referred through Office of the Attorney General, requesting the Board waive the TSE Exam for him since he has failed it 11 times and says all of the other requirements which he has met will be lost if he does not pass it the 12th time.

Mr. Philip appeared before the Committee of the Board to explain his situation and answered questions posed to him regarding the request.

The Board asked Mr. Philip to contact NABP and ask them if he will be allowed to take the NAPLEX if the Board grants him a waiver for the TSE. This item will be reagendaized after the response is received from NABP.

X. LEGISLATION

(1) Request for Bill Analysis

A. A-2653 - Conaway (D-7); McKeon (D-27)

Reduces Statute of Limitations for medical malpractice liability actions to three years; limits minor's filing to minor's 6th birthday

The Committee of the Board voted 3 ayes to 1 nay by Sophie Heymann, in support of the Bill. The support was based on the members' position that there is a need to put parameters on the period of time in which liability to sue can take place and in order to address the escalating costs of Malpractice Insurance premiums. The members position is that one of the primary reasons providers are leaving the practice is because of these escalating costs. The vote in opposition of the Bill was because it was felt that this Bill does not provide adequate protection for the consumers.

Two Board members not present at the meeting, Edith Micale and Robert Kowalski, responded to the Executive Director's e-mail request for their position on the Bill. They voted 2-0 to support the bill.

B. A- 2658 - Conaway (D-7); McKeon (D-27)

Makes self-critical analysis by health care facility privileged information.

The Committee of the Board voted 4 ayes to 0 nays in support of the Bill because the Bill supports honest self-evaluation which can improve the quality of health care and increase safety. The Committee, however, noted that retail stores are not mentioned and they feel discoverability goes way beyond the health care facility. They feel the Bill should include all practice sites.

Two Board members not present at the meeting, Edith Micale and Robert Kowalski, responded to the Executive Director's e-mail request for their position on the Bill. They voted 2-0 to support the bill.

XI. FYI

(1) PCMA MONTHLY - Article regarding PCMA opposing duplicate PBM regulations

This was considered an FYI.

(2) How to Reach New E-Mail Collect Form - this form is now available on the Board of Pharmacy website for the licensee to complete if the licensee wants to be included in the Board of Pharmacy's Address Book. This E-Mail Address Book has been put in place for the dissemination of important/urgent information to licensees from the NJ Board of Pharmacy.

This was considered an FYI.

XII. RECESS TO EXECUTIVE SESSION

At 10:10 A.M., Edward McGinley moved, seconded by Sophie Heymann, for the Board to enter Executive Session to

review 6 retail and IV permits and 13 inspections. The motion passed unanimously

XIII. ADJOURNMENT

Edward McGinley moved, seconded by Sophie Heymann, to adjourn the meeting at 2:35 P.M. The motion passed unanimously.

Respectfully submitted,

Debra C. Whipple
Executive Director