

**NEW JERSEY STATE BOARD OF PHARMACY
OPEN SESSION MINUTES SEPTEMBER 27, 2006**

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 13, 2006 at 9:08 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 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

Edward McGinley, R.Ph President
Thomas Bender, R.Ph. Vice President
Elvy T. Paiva, R.Ph.
Pamela Allen, R.Ph.
Marc Sturgill, PharmD
Peter Halecky, R.Ph. Arrived 9:25 a.m.
Margherita Lafragola, R.Ph. Arrived 9:45 a.m.

OTHERS IN ATTENDANCE

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

EXCUSED

Thomas Egan, Pharm.D
Axel Miranda Public Member
Jennifer Barron Government Member

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

Elvy Paiva moved, seconded by Marc Sturgill, to accept the Secretary's Report and Recommendation for Registration by Reciprocity. The motion passed unanimously as a Committee.

V. CONTINUING EDUCATION REPORT

Pamela Allen moved, seconded by Thomas Bender, to accept the Continuing Education report for September 27, 2006. The motion passed unanimously as a Committee.

VI. VIOLATIONS PAID FOR THE MONTH OF AUGUST

N/A

VII. OLD BUSINESS

1) Mohamed Bassiouni – Submission of Board requested information regarding visa The Committee accepted this as informational.

VIII. NEW BUSINESS

1) Board Meeting Dates – 2007 The Committee accepted this as informational.

2) USP Pharmacists' Pharmacopeia – For consideration as a Board approved reference Pamela Allen moved, seconded by Elvy Paiva, to accept the USP Pharmacists' Pharmacopeia as a reference for the general practice of pharmacy. The motion passed unanimously as a Committee.

Ratification of Committee Actions at the September 27, 2006 Board Meeting Thomas Bender moved, seconded by Peter Halecky, to accept the actions made as a Committee in Item IV, V, VI, VII (1), VIII(1) and VIII (2). The motion passed unanimously.

3) Trisha Hartman – Reciprocity candidate requesting a waiver of NJAC 13:39 – 3.2(a)3. Elvy Paiva moved, seconded by Marc Sturgill, to accept her 800 hours of clinical work experience prior to her maternity leave; she must complete a 200 hour internship in compliance with NJAC 13:39-8.4(a)1 (specifically a minimum of 20 hours a week). The motion passed unanimously.

4) Sheefa Pharmacy, Clifton, NJ – Enforcement Bureau report regarding advertisement On advice of counsel, this matter was moved to Executive Session.

5) David Dare – Request for reinstatement Thomas Bender moved, seconded by Peter Halecky, to deny Mr. Dare's request for reinstatement. Mr. Dare must submit proof of 6 months of witnessed twice weekly random urine screens. The weekly screens must occur consecutively. A re-evaluation by a Board approved psychologist or psychiatrist does not need to be submitted, Upon submission of requested information Mr. Dare may be scheduled for an appearance before the Board. The motion passed unanimously.

6) Steven Strauss, PhD, R.Ph. – Request for waiver of NJAC 13:39 – 3A.1(a) in regards to 3 CE credits for pharmacy law The Chair directs that Mr. Strauss inform the Board if the review course is a part of the College curriculum, is the review course open to only full time, currently enrolled students of the college, of the most recent publication date of law textbook referenced in his correspondence, when does he anticipate a revision of the textbook to take place, and is he employed as a teacher at the college on a full time basis. Once all information is submitted this item will be brought back to the Board for review.

IX. MITIGATIONS

1) Louis Lordi, R.Ph. – Regarding CE audit Marc Sturgill moved, seconded by Elvy Paiva, to accept Mr. Lordi's request for mitigation of violation NJAC 13:39-3A.1(a) and NJSA 45:1-21(a) due to hardship. The motion passed unanimously.

2) Ariel Zaurov, RPIC, Downtown Pharmacy, Jersey City, NJ Thomas Bender moved, seconded by Elvy Paiva, to accept Ms. Zaurov's request for mitigation of NJAC 13:39-4.5(a) for no evidence present in the subject pharmacy to document the change in ownership (\$275.00). Thomas Bender moved, seconded by Elvy Paiva, to deny Ms. Zaurov's request for mitigation for all other violations. The motion passed unanimously.

3) Joseph Leone, RPIC, CVS Pharmacy, Haddon Heights, NJ Pamela Allen moved, seconded by Margherita Lafragola to deny Mr. Leone's request for mitigation. The motion passed unanimously.

4) Steven Rosen, RPIC, Towne Pharmacy, Cedar Knolls, NJ This item was last before the Board on 7/12/06 at which time the Board requested copies of the Concerta prescriptions Pamela Allen moved, seconded by Thomas Bender, to deny Mr. Rosen's request for mitigation. The motion passed unanimously.

5) Richard Rosenthal, RPIC, Morris Plains Pharmacy, Morris Plains, NJ Pamela Allen moved, seconded by

Thomas Bender, to deny Mr. Rosenthal's request for mitigation. The motion passed unanimously.

6) John Sartori, RPIC, Sav-Rx Pharmacy, Atlantic City, NJ Pamela Allen moved, seconded by Peter Halecky to mitigate NJAC 13:39-6.2(f) and NJAC 13:39-4.10(a) from \$500.00 to a warning. The motion passed 6 to 1.

7) John Sartori, RPIC, Sav-Rx Pharmacy, Atlantic City, NJ Pamela Allen moved, seconded by Elvy Paiva, to deny Mr. Sartori's request for mitigation. The motion passed unanimously.

X. FILED ORDERS FOR THE MONTHS OF AUGUST

N/A

XI. COMMITTEE REPORTS

N/A

XII. APPROVAL OF MINUTES

1) September 13, 2006 - This item has been tabled.

XIII. ADJOURNMENT

At 10:15 a.m., Thomas Bender moved, seconded by Marc Sturgill to adjourn the Open Session Agenda and enter into Executive Session to review (13) consumer complaints, (6) New Business items, (10) Retail IV Permits, (22) Inspection Reports and (2) Investigative Inquiries. The motion passed unanimously.