

**NEW JERSEY STATE BOARD OF PHARMACY
OPEN SESSION MINUTES SEPTEMBER 28, 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 Hudson Room, 6th floor at 124 Halsey Street, Newark, New Jersey on September 28, 2005 at 9:05 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 Lafragola, R.Ph
Thomas Bender, R.Ph
Marc Sturgill, Pharm. D
Sy Larson, PH.D Public Member
Elvy T. Paiva, R.Ph
Ira Katz, R.Ph
Jennifer L. Barron Government Member

OTHERS IN ATTENDANCE:

Joanne Boyer Executive Director
Joyce Brown Deputy Attorney General
Susan Flores Principal Clerk
Kiran Shamlall Clerk Stenographer

EXCUSED:

Axel Miranda
Thomas Egan
Marianne Greenwald Deputy Attorney General

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

Elvy Paiva moved, seconded by Jennifer Barron to accept the Secretary's Report and Recommendation for Registration by Reciprocity, Examination and Grade Transfer. The motion passed unanimously.

V. CONTINUING EDUCATION REPORT

Elvy Paiva moved, seconded by Jennifer Barron to accept the Continuing Education Report for September 28, 2005. The motion passed unanimously.

VI. VIOLATIONS PAID FOR THE MONTH OF AUGUST

N/A

VII. OLD BUSINESS

1) Nirmeen Ibrahim – Request for waiver of NJAC 13:39 - 3.2(a)3 This item was before the Board on 5/11/05 at which time the Board requested that Ms. Ibrahim provide the Board with an affidavit that lists her work experience and rotations.

Elvy Paiva moved, seconded by Marc Sturgill to approve the request for waiver of NJAC 13:39-3.2(a)3. based on her prior work experience The motion passed unanimously.

2) Pharmacy Technician Training programs - Update on Status

a) CVS – submitted requested information

b) Medco – submitted requested information

c) Neighborcare – submitted requested information

d) Institute for the Advancement of Community Pharmacy – submitted requested information

e) Rite Aid – update - Changed from paper to computer program

3) Cathy Formica – Appeal of Board’s decision regarding her request for a waiver of NJAC 13:39 - 3.2(a)3

Edward McGinley moved, seconded by Sy Larson to deny her request for a waiver of NJAC 13:39-3.2(a)3 and her request to meet with the Board. The Board’s initial intention was to provide an extension through September 30, 2005 for her to complete the 500 hours. An additional extension is granted until December 31, 2005 with no other extensions to be granted. The motion passed unanimously.

4) Medco Work at Home Program status report

Nevin Okay appeared before the Board to provide a status report and a summary of the work at home program including prescription volume, error rates, RP.h. turnover, and video monitoring. Edward McGinley moved, seconded by Margherita Lafragola approved continuation of the work at home program per the pilot agreement until such time as regulations are adopted. Medco is to notify the Board of any expansions or modifications to the existing pilot when it will be implemented and to provide a status report 90 days after implementation of such changes. The motion passed unanimously.

5) Woodruff’s Remote Automated Dispensing initial inspection A copy of the Remote Automated Dispensing agreement is at the end of the Inspection Report along with a letter from Mr. Schwed regarding the issues identified at the time of the inspection.

David Schwed appeared before the Board to discuss the initial inspection. The Board referred this to Executive session for advice of counsel.

6) Continuing Education Audit Fines

VIII. NEW BUSINESS

1) Daniel K. Buchner, MS, RPh – Requesting a waiver of NJAC 13:39 –11.21(b)1 Ira Katz moved, seconded by Marc Sturgill to deny his waiver of NJAC 13:39- 11.21(b)1 to not have a sink in the ante room unless he can provide evidence that USP chapter 797 does not require it. The motion passed unanimously.

2) Request for waiver

a) Pravin Bommisetty – Request for waiver of TSE

Marc Sturgill moved, seconded by Ira Katz to deny Mr. Bommisetty’s request for waiver because he doesn’t

show good cause and advise him to take the IBT or pass TOEFL and TSE. The motion passed unanimously.

b) Mitesh S. Patel – Request for waiver TSE

Marc Sturgill moved, seconded by Ira Katz to deny Mr. Patel's request for waiver because he doesn't show good cause and advise him to either take the TOEFL and TSE or the IBT. The motion passed. Margherita Lafragola and Elvy Paiva recused because Mr. Patel worked at Rite Aid and Walgreen's, their employers respectively.

c) Wagdy Nagiub – Request for waiver of TSE

Marc Sturgill moved, seconded by Ira Katz to deny the request for waiver of TSE because he doesn't show good cause and advise him to either take the TSE or the IBT. The motion passed. Margherita Lafragola and Elvy Paiva because Mr. Nagiub worked at Rite Aid and Walgreen's, their employers respectively.

d) Mainuddin Al Mahmud – Request for waiver to begin internship prior to having met all requirements for FPGEC (NJAC 13:39 – 8.4(a)1

Edward McGinley moved, seconded by Ira Katz to deny his request for waiver since it is not consistent with our rules and important to complete the FPGEC certification prior to the internship. The motion passed unanimously.

e) Ankit Shah – Request for waiver of TSE (reciprocating license from Florida)

Edward McGinley moved, seconded Ira Katz to deny his request for waiver of TSE because he doesn't show good cause and to direct him to either take the TSE or IBT. The motion passed unanimously.

f) Maria Arole – Reciprocating and requesting a waiver of NJAC 13:39 – 3.2(a)3

Ira Katz moved, seconded by Marc Sturgill to deny her request in that her recent experience was not applicable to pharmacy practice and her job did not require that she be licensed. The motion passed unanimously.

3) Gary Puzio, R.Ph. – Requesting Board approval to utilize 7 day dosing regimen card in a retail setting

Samples of the regimen card will be available for Board Member review at the meeting

The Chair directed that the Executive Director notify him there are no requirements in our law regarding the type of package that may be used for dispensing medication.

4) Readoption of 13:45C; Duty to Cooperate Regulation Edward McGinley moved, seconded by Elvy Paiva to support readoption of 13:45C without additional comment. The motion passed unanimously.

5) Gregg Jones, Senior Manager of Pharmacy Support Services, Stop & Shop Pharmacy – Requesting to maintain same pharmacy permit numbers when Super G Pharmacies convert to stop & Shop Pharmacies Edward McGinley moved, seconded by Elvy Paiva to allow them to maintain the same license number. The motion passed unanimously.

6) Ronald Sorr – Filed Complaint and Answer to Complaint

Marianne Greenwald to discuss DAG Joyce Brown was in attendance for Marianne Greenwald and counseled the Board to refer the matter to OAL. Elvy Paiva moved, seconded by Edward McGinley to refer the matter to OAL and to clarify the language in the first paragraph. The motion passed unanimously.

7) Cynthia Critchfield – Filed complaint and Answer to Complaint

Marianne Greenwald to discuss DAG Joyce Brown was in attendance for Marianne Greenwald and counseled the Board to refer the matter to OAL. Elvy Paiva moved, seconded by Edward McGinley to refer the matter to OAL. The motion passed unanimously.

8) John Sisto, R.Ph., Director of Regulatory Affairs, Medco Health – Requesting a waiver of 13:39 –7.4(a) in order to service customers affected by Hurricanes Katrina and Rita. Mr. Sisto is requesting approval to ship a 30 day emergency supply. Ira Katz moved, seconded by Edward McGinley to approve the waiver for a one time 30 day emergency supply for existing patients in their system. The motion passed unanimously.

IX. MITIGATIONS

N/A

X. CONFERENCES

N/A

XI. COMMITTEE REPORTS

Elvy Paiva stated a Committee meeting has been scheduled for October 11, 2005 to discuss the Collaborative Practice and to review the latest draft from 9:00 a.m. - 2:00 p.m.

Marc Sturgill stated a Committee meeting has been scheduled for October 17, 2005 to discuss CQI organizational meeting from 9:00 a.m. - 12:30 p.m. Marianne Sheehan is not needed to attend this meeting.

XII. APPROVAL OF MINUTES

1) August 10, 2005

Edward McGinley moved, seconded by Ira Katz to approve the August 10, 2005 Public Session Minutes as amended. The motion passed unanimously.

2) September 14, 2005

Edward McGinley moved, seconded by Ira Katz to approve the September 14, 2005 Public Session Minutes as amended. The motion passed unanimously.

XII. ADJOURNMENT

At 11:43 a.m., Elvy Paiva moved, seconded by Thomas Bender to break for lunch. At 1:45 p.m. Elvy moved, seconded by Marc Sturgill to go into Open Session. The motion passed unanimously.

At 2:00 p.m. Elvy Paiva moved, seconded by Marc Sturgill to enter into the Executive Session to review (11) complaints, (1) New Business, (13) retail IV permits, (29) inspection reports and to conduct (2) Investigative Inquiries. The motion passed unanimously.