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Governor

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# New Jersey Office of the Attorney General

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Board of Pharmacy  
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## **BOARD OF PHARMACY PUBLIC SESSION MINUTES MONMOUTH CONFERENCE ROOM, 7th FLOOR September 30, 2015**

### **I. CALL TO ORDER**

The Open Session of the New Jersey Board of Pharmacy was called to order by the Board President, Mr. Thomas Bender, at 124 Halsey Street, Monmouth Conference Room, 7<sup>th</sup> floor, on September 30, 2015 at 9:06 a.m. All members were duly notified of the time, place and all pertinent materials were provided to the members.

### **II. SUNSHINE LAW ANNOUNCEMENT**

President Thomas Bender 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, P.L.1975/C.10:4-8.

### **III. ROLL CALL**

Thomas F.X. Bender, R.Ph.	President
Richard Palombo, R.Ph.	Vice-President
Margherita Cardello, R.Ph.	Late Arrival- 9:13 a.m.
Edward G. McGinley, R.Ph.	
Mahesh Shah, R.Ph.	
Stephen Lieberman, R.Ph.	
Linda Witzal, R.Ph.	
Mitch Sobel, R.Ph.	Excused Absence

### **OTHERS IN ATTENDANCE**

Anthony Rubinaccio, R.Ph.	Executive Director
Jodi Krugman	Deputy Attorney General
Rachel Glasgow	Regulatory Analyst
Jessica Kelley	Board Staff

#### IV. UPDATES BY EXECUTIVE DIRECTOR

The Executive Director reported for the month of August, \$100,862 was collected in fines and penalties. The following permits, licenses, and registrations were issued during the month:

- Pharmacy Technicians registered – 349
- Pharmacists licensed – 182 ( 164 by examination/score transfer and 18 by reciprocity)
- Out-of-State Pharmacies registered – 10
- In-State Pharmacies licensed – 4
- Pharmacists receiving immunization approval – 120
- Interns (foreign graduates) licensed – 7

#### V. OLD BUSINESS

##### 1) Public Orders Filed

- a. Elizabeth Balon – Provisional Order of Discipline – Suspension (08/11/15)
- b. Jamieson Byrd – Provisional Order of Discipline – Suspension (08/11/15)
- c. Barbara Holmes – Provisional Order of Discipline – Suspension (08/11/15)
- d. Amit Sen – Provisional Order of Discipline – Suspension (08/11/15)
- e. Darryl Maddox – Provisional Order of Discipline – Suspension (08/11/15)
- f. Jeanne Castillo – Final Order of Discipline – Suspension (08/19/15)
- g. Lina Zangari (Ludwikowski) R.Ph. – Order Granting Unrestricted License – 08/19/15)
- h. East Orange Pharmacy and Surgicals – Consent Order – Suspension (07/22/15)

##### 2) Andy Kim – Request to take NAPLEX a 6<sup>th</sup> time

*On July 23, 2014, Edward McGinley moved, seconded by Stephen Lieberman to deny Mr. Kim's request based on lack of mitigating circumstance for the Board to consider.*

The Board reviewed additional information which was not provided at the July 23, 2014 review of Mr. Kim's request. Upon review, Mr. Kim was enrolled in a course prior to the Board's July 23, 2014 denial and continued to take a five day clinical class after the denial.

Richard Palombo moved, seconded by Linda Witzal to allow Mr. Kim to take the NAPLEX a 6<sup>th</sup> time as this was the first test administration since the initiation of NABP policy and Mr. Kim has taken a clinical review course in an attempt to further his preparedness. **Motion carried 5-1-1.** Thomas Bender was opposed and Edward McGinley was recused.

## VI. NEW BUSINESS

### 1) Review of PL2013 c 182 – Discussion

The Board's Regulatory Analyst, Rachel Glasgow, discussed with the Board P.L. 2013, c.182, which modifies the requirements for reinstatement of an administratively suspended license, reactivation of an inactive license, and licensure by reciprocity. The new law became effective on July 1, 2014. The Board will need to amend its rules to be consistent with the new law's requirements. The Division of Consumer Affairs and Division of Law are in the process of developing regulations and, once they are finalized, they will be presented to the Board for its consideration.

### 2) Mustafa Faraj, PharmD – Collaborative Practice Pre-Approval Application

Richard Palombo moved, seconded by Edward McGinley, to approve this application. **Motion carried 7-0.**

### 3) Pharmaceutical Prescription Service, LLC – Request for waiver of N.J.A.C. 13:39-5.3

The Board received and reviewed the pharmacy's request to waive the signage requirements as their current lease will not allow a sign on the exterior of the building.

Stephen Lieberman moved, seconded by Richard Palombo to approve the waiver of N.J.A.C. 13:39-5.3 with the caveat that a sign needs to be placed on the entrance door of the pharmacy. **Motion carried 7-0.**

### 4) Priyanka Sharma – Request to accept intern hours earned out-of-state

Edward McGinley moved, seconded by Stephen Lieberman to accept 1,532 of the 1,634 intern hours earned in Florida, in accordance with N.J.A.C.13:39-2.6(b)1. **Motion carried 7-0.**

### 5) Value Drug Company – Request for clarification of N.J.A.C. 13:39-4.21(m)

*In the case of immunization programs implemented pursuant to a physician's standing order, a licensed pharmacist shall be supervised by the delegating physician. Supervision by the delegating physician shall be deemed adequate if the delegating physician: 1) Is responsible for formulating or approving a standing order, periodically reviewing the order and the services provided to patients under the order; 2) Is geographically located to be easily accessible to the pharmacy practice site and, if applicable, to the immunization location. Is available through*

*direct telecommunication for consultation, assistance, and direction; and 4) Receives annual status reports on the immunization program as administered by the pharmacist.*

The pharmacy asked the Board to define what is considered to be geographically easily accessible to the pharmacy practice site and, if applicable, to the immunization location. The pharmacy is seeking approval to utilize a state-wide supervising physician for a pharmacist immunization program modeled after programs they currently run in Pennsylvania, Ohio, and Delaware.

**Chair Direct:** Forward to the Board of Medical Examiners for their response.

**6) The Apothecary Shop, Dallas, TX – Out-of-State Pharmacy Applicant – Discipline**

*On or about March 2, 1994, the County Court of Law, Collin County, Texas, Semyon Narosov, the president of the The Apothecary Shop, received deferred adjudication for the misdemeanor offense of theft. The trial court placed Mr. Narosov on probation for a period of 180 days and assessed a \$400 fine.*

Edward McGinley moved, seconded by Mahesh Shah to approve this application  
**Motion carried 7-0.**

**7) Care Solutions, Inc., Nashville, TN – Out-of-State Pharmacy Applicant – Sterile Compounding, Change of Location**

Edward McGinley moved, seconded by Linda Witzal to approve this application pending the receipt of documentation that the deficiencies noted in the California inspection were corrected within 60 days of the inspection. **Motion carried 7-0.**

**VII. MITIGATION REQUEST**

**1) Teresa Febles, RPIC – Pathmark Pharmacy, Weehawkin, NJ**

Pathmark Pharmacy requested mitigation of N.J.A.C. 13:45H-5.7.

Richard Palombo moved, seconded by Linda Witzal to remove N.J.A.C. 13:45H-5.7 and the associated fine. **Motion carried 6-0-1.** Edward McGinley was recused due to a previously employment relationship.

**2) Riteshkumar P. Shah, RPIC – Ramtown Pharmacy, Howell, NJ**

Ramtown Pharmacy requested mitigation of the following citations: 1) N.J.A.C. 13:39-5.3(b); 2) N.J.A.C.13:39-3.1(b); 3) N.J.A.C.13:39-6.6(b)(c)(d); and 4) N.J.A.C. 13:39-6.3.

Edward McGinley moved, seconded by Stephen Lieberman to deny the mitigation for N.J.A.C. 13:39-5.3(b), N.J.A.C.13:39-3.1(b), and N.J.A.C. 13:39-6.3. **Motion carried 6-0-1.** Mahesh Shah was recused due to his affiliation with Angelo Cifaldi.

Edward McGinley moved, seconded by Stephen Lieberman to mitigate N.J.A.C.13:39-6.6(b)(c)(d) to a warning. **Motion carried 5-1-1.** Richard Palombo was opposed. Mahesh Shah was recused due to his affiliation with Angelo Cifaldi.

**3) John Brittin, RPIC**– Village Pharmacy, Marmora, NJ

Village Pharmacy, Inc. requested mitigation of N.J.A.C.13:39-10.14(c) and N.J.A.C.13:39-10.6(a)2.

Edward McGinley moved, seconded by Mahesh Shah to remove N.J.A.C.13:39-10.14(c) and N.J.A.C.13:39-10.6(a)2. **Motion carried 6-0-1.** Richard Palombo was recused as his family uses this pharmacy.

**4) David Lee, R.Ph.**– Shop Rite Pharmacy, Somerset, NJ

Shop Rite Pharmacy requested mitigation of N.J.A.C.13:39-4.15(b)1.

Edward McGinley moved, seconded by Margherita Cardello to mitigate N.J.A.C.13:39-4.15(b)1 to a warning. **Motion carried 6-0-1.** Thomas Bender was recused as the pharmacy is owned by his brother-in-law.

**5) Franklin Matarazzo, RPIC** – Walgreens Pharmacy, Williamstown, NJ

Walgreens Pharmacy, Inc. requested mitigation of N.J.A.C.13:45H-5.5 and N.J.A.C.13:45H-5.7.

Edward McGinley moved, seconded by Mahesh Shah to remove N.J.A.C.13:45H-5.5 and N.J.A.C.13:45H-5.7. **Motion carried 6-0-1.** Thomas Bender was recused due to his affiliation with Walgreens.

**6) Yun “Wayne” Chen, RPIC**, – Walgreens Pharmacy, West New York, NJ

Walgreens Pharmacy requested mitigation of N.J.A.C.13:45H-1.2(c)

Stephen Lieberman moved, seconded by Linda Witzal to deny mitigation. **Motion carried 6-0-1.** Thomas Bender was recused due to his affiliation with Walgreens.

## VIII. INFORMATIONAL

**1) Pharmacists Pledge** – NABP AWA<sup>R</sup>x<sup>E</sup> News

*NABP President Edward G. McGinley, MBA, RPh, announced his goal of encouraging fellow pharmacists to take more steps to prevent prescription drug abuse among patients and in local communities during his speech at the NABP 111th Annual Meeting in May 2015. McGinley invited pharmacists to reevaluate all that their job entails and take advantage of the educational resources that the AWARe® Prescription Drug Safety Program offers. In order to further spread this important message, McGinley created a pledge that pharmacists can sign to show their support for making meaningful changes within the profession.*

*The pledge reads, "I pledge that I will make a difference, as a pharmacist and member of my community to help with the drug abuse epidemic. I will provide information about prescription drug abuse in my pharmacy, office, or other practice setting to make my patients and colleagues aware of the epidemic facing our nation. I will address prescription drug abuse as a pharmacist should by applying my knowledge, skills, and experience. I will be involved. I will take action. I will be a pharmacist who saves peoples' lives!"*

*The pledge is a wonderful way to reinforce AWARe's main goal of reaching consumers through education. The hope is that these powerful words will encourage positive changes in the practice of pharmacy. AWARe has made getting involved easy, simply visit the Pharmacists page on the AWARe website at [www.AWARe.ORG](http://www.AWARe.ORG) to sign the pledge.*

## **2) NABP PARE Item Development Workshop**

*The National Association of Boards of Pharmacy (NABP) will host a Pharmacist Assessment for Remediation Evaluation (PARE) Item Development Workshop on November 12-13, 2015, at NABP Headquarters in Mount Prospect, IL. The two-day meeting will begin with an overview of the PARE examination, followed by an instructional session on item writing led by NABP staff. Participation of Board members and staff is encouraged. Edward McGinley will attend from New Jersey.*

## **IX. COMMITTEE REPORTS**

Thomas Bender participated in a NABP pharmacist prescriptive authority task force on September 1<sup>st</sup> and 2<sup>nd</sup> of 2015. Mr. Bender stated that the discussion was fruitful and informative. The information discussed has not yet been approved by the NABP executive committee, but details will follow.

Mr. Bender thanked Margherita Cardello, Stephen Lieberman, and Edward McGinley for their assistance in reviewing 3,000 MPJE questions.

## **X. APPROVAL OF MINUTES**

Linda Witzal moved, seconded by Margherita Cardello to approve the September 2, 2015 Public Session Minutes as amended. **Motion carried 7-0.**

## **XI. ADJOURNMENT**

Stephen Lieberman moved, seconded by Mahesh Shah for the Board to move into the Executive Session for review of 4 Complaints, 9 Old Business Item, 18 New Business Items, the Secretary's Report and Recommendation for Inspection Reports, 1 Investigative Inquiry, and the approval of the September 2, 2015 Executive Session Minutes. **Motion carried 7-0.**

At 11:34 a.m., Margherita Cardello moved, seconded by Mahesh Shah, to adjourn the Public Session. **Motion passed 7-0.**