

NEW JERSEY STATE BOARD OF PHARMACY  
MINUTES OF THE OPEN SESSION  
OCTOBER 8, 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 October 8, 2008 at 9:10 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  
Peter Halecky, R.Ph. (Left at 12:10 pm)  
Margherita Lafragola, R.Ph.  
Elvy T. Paiva, R.Ph. (Left at 11:50 am)  
Marc Sturgill, R.Ph.  
Richard Palombo, R.Ph.

**OTHERS IN ATTENDANCE**

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

**EXCUSED**

Pamela Allen, R.Ph.

**IV. UPDATE BY EXECUTIVE DIRECTOR**

The Executive Director announced that \$30,662.50 was collected in fines and penalties during September, 2008. There were 95 pharmacists licensed during the month of September, 2008. Five by reciprocity and 90 by examination/score transfer. There were 751 pharmacy technicians registered during the month of September, 2008. There were 13 pharmacy permits issued during the month of September, 2008. These were issued as the result of transfer of ownership or new pharmacies opening. There were 31 out of state pharmacies registered during the month of September, 2008.

Many of the technician applicants have not completed the criminal history background check portion of the application process. Registration cannot be granted until the applicant is fingerprinted and the results forwarded to the Board office for review.

On January 4, 2008 Governor Corzine signed PL 2007, c244 into law, amending the New Jersey Controlled Dangerous Substances Act (NJSA 24:21-1 et seq) and NJSA 45:12-59, which requires the Division of Consumer Affairs to establish the format for New Jersey prescription blanks. The new law requires prescription blanks for each prescriber and healthcare facility to be numbered consecutively and to include the prescriber or healthcare facility NPI number, if applicable. This was to be effective as of October 1, 2008. All prescribers in New Jersey were notified of this via a letter that was sent out in March, 2008 from

the Division of Consumer Affairs. A follow-up letter was sent out this month informing prescribers that the consecutive numbers and NPI numbers may be pre-printed, stamped on or written on the New Jersey prescription blanks at this time. Once the regulations regarding this issue are promulgated, only preprinted NPI and consecutive numbers will be permissible.

## **V. OLD BUSINESS**

N/A

## **VI. NEW BUSINESS**

1) Ghada Abu Kuwaik – Requesting waiver of TOEFL IBT

Thomas Bender moved, seconded by Peter Halecky to deny Ms. Kuwaik's request for a waiver of the TOEFL IBT for failure to show good cause. The motion passed unanimously.

2) Denise Fahmie – Request for reinstatement

Peter Halecky moved, seconded by Thomas Bender to reinstate Ms. Fahmie's license to practice pharmacy in the State of New Jersey without any restrictions. The motion passed 6 – 1.

3) Melissa Coffman, Senior Manager, Compliance Monitoring, Rite Aid, Harrisburg, Pa – Regarding request for a waiver of inspection for remodeling of 40 Rite Aid pharmacy locations into pharmacy departments. Margherita LaFragola was recused due to her affiliation with Rite Aid.

Elvy Paiva moved, seconded by Peter Halecky to approve Rite Aid's request for the waiver pending validation by the Enforcement Bureau that all of the pharmacies involved have been inspected within the past 12 months. An inspection is to occur if the pharmacy has not been inspected in this time frame. The motion passed unanimously.

## **VII. MITIGATION/ HEARING REQUESTS**

1) Alan Zampieri, RPIC/Owner, Bi-State Pharmacy, Old Tappan, NJ

Thomas Bender moved, seconded by Peter Halecky to mitigate the \$50 fine imposed pursuant to NJSA 45:14 – 57. The motion passed unanimously.

## **VIII. COMMITTEE REPORTS**

N/A

## **IX. APPROVAL OF MINUTES**

1) September 24, 2008

Thomas Bender moved, seconded by Elvy Paiva to approve the minutes as amended.

## **X. ADJOURNMENT**

At 9:37 am Richard Palombo moved, seconded by Peter Halecky to move into Executive Session for the review of 5 Complaints, 2 Old Business items, 2 New Business items, Secretary's Report and Recommendation on Retail and Institutional Permits, Secretary's Report and Recommendation on Inspection Reports, conduct 1 Investigative Inquiry and approval of minutes. The motion passed unanimously