



**FINAL**

## **New Jersey State Board of Pharmacy Minutes of The Open Session of October 9, 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 October 9, 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  
Sophie Heymann  
Richard Palombo, RP - arrived at 9:35 A.M.  
Robert Kowalski, RP  
Ira Katz, RP - arrived at 10:15 A.M.  
Edith Tortora Micale, RP  
Mona Doyle

#### **OTHERS IN ATTENDANCE**

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

#### **EXCUSED**

Pamela Allen, RP

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

Sophie Heymann moved, seconded by Edith Micale to accept the minutes of September 18, 2002 as amended. The

motion passed unanimously.

## **IV. 2. APPROVAL OF DRAFT OF OPEN SESSION MINUTES OF SEPTEMBER 25, 2002 MINUTES**

Mona Doyle moved, seconded by Edward McGinley to accept the actions of the committee on the September 25, 2002 meeting. The motion passed unanimously.

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

## **V. SECRETARY'S REPORT AND RECOMMENDATION FOR REGISTRATION BY RECIPROACITY**

Edith Micale moved, seconded by Robert Kowalski, 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**

Sophie Heymann moved, seconded by Mona Doyle, 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 Robert Kowalski to approve the report for Grade Transfer. The motion passed unanimously.

## **VIII. VIOLATIONS PAID FOR THE MONTH OF JULY 2002 AND AUGUST 2002**

Sophie Heymann made comments regarding violations collected being the lowest amounts ever. She attributed this to fewer inspections being done as a result of a shortage of inspectors.

The Board asked the Executive Director to present the comparison of fines collected last year at this time to the Deputy Director.

Sophie Heymann moved, seconded by Ed McGinley to accept the violations paid for the month of July with comments. The motion passed unanimously.

Ed McGinley moved, seconded by Sophie Heymann to accept the violations paid for the month of August. The motion passed unanimously.

## **IX. CONFERENCES**

### **(I). PHARMACEUTICAL REGULATORY AND COMPLIANCE CONGRESS AND BEST PRACTICES FORUM - November 13-15, 2002, Marriott Hotel, Philadelphia, PA**

Edith Micale moved, seconded by Robert Kowalski to have Mona Doyle attend this conference. The motion passed unanimously.

Edith Micale raised the issue about the Board's limitations from higher offices as it is the present policy to allow only

one person to be officially permitted to attend a conference. She questioned if anyone could justify this is appropriate when in years prior, higher attendance was allowed and encouraged as the information, representation, involvement and contacts made were multifaceted. Since this appears to be an official decision, Ms Micale questioned if the Board could have control over it's own budget as relates to how and when the money is spent over the year. The Board was in agreement that this limited representation is crippling.

## **X. OLD BUSINESS**

### **(1) Jain Phillip - Waiver of TSE - Response from NABP received as to the Board's question regarding the waiver to his TSE affecting his eligibility for the NAPLEX and MPJE exams**

This item was moved to Executive Session for advice of counsel and moved back into Open Session for comments.

Sophie Heymann moved, seconded by Ed McGinley to accept the recommendations of the committee at the September 25, 2002 meeting and to deny the waiver at this time. The Board considered the waiver from many different perspectives which included the following: the documents he submitted were not grammatically correct and his spoken English was, unfortunately, not correct either; the Board attempted to understand all that he said but found his accent heavy and had great concern that it could lead to the misunderstanding of information that is given to a patient; he also made no representation to the Board that any formal effort to improve had been made; the Board requested at the meeting, that he contact NABP and provide the Board with the response as to NABP's position "if" the Board did grant the waiver. It appeared hard for him to understand and they repeated the request several times. This lack of comprehension of the spoke language was further evidenced by his thank-you card which read, "I would like to use this opportunity to thank you for taking a favorable decision for me to waive my TSE examination after consulting with NABP. Thank you again." The Board had made no decision at the time of his note; the Board members also reviewed his exam scores for other areas and found his scores were very low for those as were the scores for the TSE. The motion passed unanimously.

### **(2) Dipali Patel - Waiver of TSE score as unable to pass with score higher than 45 after numerous attempts**

Ms. Patel met with a committee of the Board and her explanations and responses given to questions posed were most informative; they found that she spoke the language well, she understood the questions and reasoned well and then she replied appropriately; the responses she gave were easy to understand; her exam results in other areas were consistently very high; the Board took note of the extra effort she exhibited through her use of additional study materials and classes for speaking English.

Ira Katz moved, seconded by Richard Palombo to grant her a waiver due to the reasons given. The motion passed unanimously.

The chair directed the Executive Director to contact TSE and to ask a representative to appear before the Board with the test.

### **(3) Mohamed Saleem - Waiver of TOEFL**

Ira Katz moved, seconded by Richard Palombo to deny the waiver and accept the recommendation of the committee of the Board at the August 14, 2002 meeting that Mr. Saleem must take the TOEFL exam. The Board does not consider waivers until several attempts at passing and improvements are made. The motion passed unanimously.

## **XI. NEW BUSINESS**

### **(1) Stuart H. Feldman - Request reinstatement of his license**

Ed McGinley moved, seconded by Richard Palombo to have him provide documentation stating why he should be considered for re-licensure. The motion passed unanimously.

**(2) Jennifer Lynn Potter - Request to accept her residency hours in lieu of the 1,000 hours required for reciprocal licensure**

Edith Micale moved, seconded by Sophie Heymann, to accept her residency hours and upon receipt of an official letter requesting the Board to accept her residency, the Board will approve her reciprocation. The motion passed unanimously.

Mona Doyle moved, seconded by Robert Kowalski to institute that six-year students should receive accreditation for residency. The motion passed unanimously.

**(3) Singac Pharmacy - Letter from Betsy Gilman, RP, Pharm.D., requesting Board approval to give up part of the pharmacy permit so as not to include walk-in prescription business in the future**

This item was moved from Executive Session.

Richard Palombo moved, seconded by Ira Katz to approve her request. The motion passed unanimously.

## **XII. LEGISLATION**

**(1) Rite Aid Corporation - Letter from James Krahulec, VP, Government and Trade Relations - Regarding HIPAA Privacy Law**

The chair directed the Executive Director to write a letter extending our appreciation for the positive suggestions and inform him that we will keep it in mind as we proceed.

**(2) BME Proposed Regulations on Approved Non-Radioactive Materials Licensed Nuclear Medicine Technologists May Administer**

Richard Palombo moved, seconded by Mona Doyle to go on record that the Board supports the bill. The Board feels that it is logical and conforms to current practice standards. The motion passed unanimously.

**(3) BME Proposed Regulations on Examination of Patient's Condition Required Prior to Dispensing Drugs or Issuing a Prescription; Exceptions; Facsimile Transmitted Prescriptions; Electronically Transmitted Prescriptions**

Richard Palombo moved, seconded by Mona Doyle that the Board supports the bill. This is consistent with what the Board wants to do and works well with the Proposed Regulations the Board of Pharmacy. The motion passed unanimously.

## **XIII. ADDITIONS TO THE AGENDA**

**(1) CONTINUING EDUCATION REQUEST - OPERATION MEDICATION AWARENESS CONFERENCE - Edith Micale**

Edith Micale moved, seconded by Robert Kowalski to approve the program for five primary credits because of the importance of the subject, they ask that it be kept on future agendas. The motion passed unanimously.

**(2) NABP DISTRICT I CONFERENCE REPORT - Richard Palombo**

Mona Doyle moved, seconded by Sophie Heymann, to support the practice of immunization for pharmacists. The motion passed unanimously. (Report will be attached to the minutes.)

## **XII. RECESS TO EXECUTIVE SESSION**

At 11:05 A.M. Richard Palombo moved, seconded by Mona Doyle to move to Executive Session for advise of counsel

in relation to the requested waivers of Jain Philip, Dipali Patel and Mohammed Saleem. The motion passed unanimously.

At 11:55 A.M., Mona Doyle moved, seconded by Sophie Heymann to move back into Open Session at 12:10 P.M. The motion passed unanimously.

At 12:35 P.M., Richard Palombo moved, seconded by Edith Micale for the Board to enter Executive Session to review 6 retail and IV permits and 12 inspections and 2 investigative inquiries. The motion passed unanimously

### **XIII. ADJOURNMENT**

Richard Palombo moved, seconded by Ed McGinley, to adjourn the meeting at 3:05 P.M. The motion passed unanimously.

Respectfully submitted,

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Debra C. Whipple  
Executive Director

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*Posted November 2002*