

**NEW JERSEY STATE BOARD OF PHARMACY
MINUTES OF THE OPEN SESSION
OCTOBER 10, 2007**

I. CALL TO ORDER

The Open Meeting of the New Jersey Board of Pharmacy was called to order by Board President Edward McGinley, R.Ph. in the Somerset Room, 6th Floor at 124 Halsey Street, Newark, New Jersey on October 12, 2007 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
Pamela Allen, R.Ph.
Margherita Lafragola, R.Ph.
Elvy T. Paiva, R.Ph. (Arrived at 9:35 am)
Peter Halecky, R.Ph.
Marc Sturgill, R.Ph.

OTHERS IN ATTENDANCE

Joanne Boyer, R.Ph. Executive Director
Jodi Krugman, Esq. Deputy Attorney General
Adele L. Stacey Typist/Clerk

EXCUSED

Jennifer DeVenio Government Member
Richard Palombo, R.Ph.
Axel Miranda Public Member

IV. UPDATE BY EXECUTIVE DIRECTOR

There were 73 pharmacists licensed during the month of September, 2007. Three by reciprocity, 70 by examination/score transfer. There were 9 pharmacy permits issued during the month of September, 2007. These were issued as the result of transfer of ownership or new pharmacies opening. The Director's office has agreed to allow NABP to issue the Board's newsletter via the NABP website. Newsletters will no longer be mailed to active licensees. A mailing will be sent by the Board office alerting pharmacists of the new process. NABP has resumed the administration of the NAPLEX exam effective October 5, 2007.

V. CONTINUING EDUCATION REPORT

Pamela Allen moved, seconded by Peter Halecky to accept the continuing education report. The motion passed unanimously.

VI. OLD BUSINESS

1) Thomas Clancy, R.Ph. – request for modification of item "L" (counseling) on his Consent Order This item was last before the Board on 6/13/07 at which time the Board request additional information

Thomas Bender moved, seconded by Pamela Allen to approve Mr. Clancy's request to discontinue the twice a month counseling with an addiction counselor. The motion passed unanimously.

2) Alan E. Lubel, Special Assistant Attorney General, State of Georgia, Representing Board of Regents of the University System of Georgia – Correspondence regarding NABP news release

This was presented as an FYI to the Board.

VII. NEW BUSINESS

1) Suzan Roufaeal – Requesting a waiver of TOEFL iBT

Pamela Allen moved, seconded by Marc Sturgill to deny Suzan Roufaeal's request for a waiver of TOEFL iBT due to insufficient cause. The motion passed unanimously.

2) Thomas J. Bunz, R.Ph. – Inquiring whether his work experience at Thomas Jefferson University & Medical College meet the requirements of NJAC 13:39 -3.2(a)3

Pamela Allen moved, seconded by Peter Halecky to determine that Mr. Bunz's work experience at Thomas Jefferson University & Medical College meet the requirements of NJAC 13:39 – 3.2(a)3. The motion passed 6 –1.

3) Wanka A. Ndifor – Request for a waiver of TOEFL iBT

Margherita LaFragola moved, seconded by Marc Sturgill to deny Wanka Ndifor's request for a waiver of TOEFL iBT due to insufficient cause. The motion passed 6 – 1.

4) Milton Barasch – Request for reinstatement

Elvy Paiva moved, seconded by Margherita LaFargola to schedule Mr. Barasch for an Investigative Inquiry. The motion passed unanimously.

5) Brian F. McBride, R.Ph. – Correspondence regarding the sale of cigarettes and other related tobacco products in pharmacies

Pamela Allen moved, seconded by Thomas Bender to inform Mr. McBride that the Board does not propose legislation and he may contact a legislator with his concerns , and the Board does not have jurisdiction over the non-pharmacy area of a retail establishment. The motion passed unanimously.

6) John D. Fanburg, Wolf Block, Roseland, NJ – Correspondence questioning whether it is acceptable for a pharmacist to accept authorization from a nurse to renew prescriptions

Elvy Paiva moved, seconded by Thomas Bender to inform Mr. Fanburg that the nurse must receive authorization from the prescriber. However, the Board does not interpret this to mean that the prescriber must be on the phone with the pharmacist, which is consistent with NJAC 13:39 – 7.10(b) and 7.11(b). If Mr. Fanburg has any questions regarding prescriptive authority, he should contact the Board of Nursing and the Board of Medical Examiners. The motion passed unanimously.

Peter Halecky moved, seconded by Elvy Paiva to refer this matter to the Rules & Regulations Committee of the Board to harmonize with NJAC 13:39 – 6.6 &7.3(a) The motion passed unanimously.

7) Department of Health & Senior Services Proposed Readoption with Amendments; NJAC 8:65; Proposed Repeal and New Rule; NJAC 8:65 – 10.1; Proposed Repeals NJAC 8:65 – 10.2 thro 10.5

This item is to be rescheduled for the 10/24/07 Board meeting.

VIII. MITIGATION/ HEARING REQUESTS

1) Milton X. Frantz, R.Ph., Sterling Pharmacy, Statford, NJ

Thomas Bender moved, seconded by Marc Sturgill to deny Mr. Frantz's request for mitigation of the \$200 fine issued in regards to the medication error. The motion passed unanimously.

2) Kirk S. Stephan, RPIC, Walgreens, Bridgeton, NJ

This item is to be rescheduled.

IX. COMMITTEE REPORTS

N/A

X. APPROVAL OF MINUTES

1) September 26, 2007

Elvy Paiva moved, seconded by Thomas Bender to approve the minutes as amended. The motion passed unanimously.

XI. ADJOURNMENT

At 10:35 am Elvy Paiva moved, seconded by Margherita LaFragola to move into Executive session for the review of 7 complaints, 3 Old Business items, 5 New Business items, Secretary's Report and Recommendation on Retail and Institutional Permits, Secretary's Report and Recommendation on Inspection Reports, approval of minutes, and to conduct 1 Investigative Inquiry. The motion passed unanimously.