

**NEW JERSEY BOARD OF PHARMACY
OPEN SESSION MINUTES OCTOBER 11, 2006**

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 11, 2006 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

Edward McGinley 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

Edward McGinley, R.Ph President
Thomas Bender, R.Ph. Vice President
Elvy T. Paiva, R.Ph.
Marc Sturgill, PharmD
Jennifer Barron Government Member
Peter Halecky, R.Ph.
Axel Miranda Public Member Arrived 9:55 a.m.
Margherita Lafragola, R.Ph. Arrived 9:30 a.m.

OTHERS IN ATTENDANCE

Joanne Boyer Executive Director
Marianne Greenwald Deputy Attorney General
Susan Flores Principal Clerk
Kiran Shamlall Clerk Typist

EXCUSED

Pamela Allen, R.Ph.
Thomas Egan, Pharm.D

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. The motion passed unanimously.

V. CONTINUING EDUCATION REPORT

Marc Sturgill moved, seconded by Jennifer Barron, to accept the Continuing Education report for October 11, 2006. The motion passed unanimously.

VI. VIOLATIONS PAID FOR THE MONTH OF SEPTEMBER

Peter Halecky moved, seconded by Marc Sturgill, to accept the Violations Paid for the Month of September, 2006. The motion passed unanimously.

VII. OLD BUSINESS

1) Michael Stavitski ? Requesting modification of Consent Order

Elvy Paiva moved, seconded by Peter Halecky to move this item to Executive Session for advise of counsel. The motion passed unanimously.

2) Marc Greenberg ? Requesting approval to terminate his therapy with Arnold Washton, Ph.D. This item was last before the Board on 4/12/06 at which time the Board determined to have Mr. Greenberg undergo a final evaluation by Dr. Washton before they would consider this request Elvy Paiva moved, seconded by Marc Sturgill, to approve Mr. Greenberg's request to terminate his visits with Dr. Washton. The motion passed unanimously.

VIII. NEW BUSINESS

1) Daniel F. Luce, R.Ph., MBA, Manager, Pharmacy Affairs, Walgreens ? Submission of Joint Application to Conduct a Centralized Prescription Handling Service Jennifer Barron moved, seconded by Peter Halecky, to approve the Joint Application to Conduct a Centralized Prescription Handling Service. Elvy Paiva was recused due to her employment with Walgreens. The motion passed unanimously.

2) Shil Patel ? Applicant who graduated in 1999 and now proceeding with licensure Thomas Bender moved, seconded by Elvy Paiva, to have Mr. Patel complete 500 hours of internship to ensure competency and protect the health and welfare of the general public. The motion passed unanimously.

3) Pamela Mandel representing Jerusalem Pharmacy, Clifton, NJ ? Requesting that when permit approved to be allowed to remain closed Jennifer Barron moved, seconded by Margherita Lafragola, to move this item to Executive session for advise of counsel. The motion passed unanimously.

4) Timothy R. Koch, Director, Professional Services/Govt Relations, Wal-Mart Pharmacy ? Utilization of secured will-call bin technology Elvy Paiva moved, seconded by Peter Halecky, to approve the concept and formalize criteria that will at minimum capture the following items: an application to include the device as part of the permitted area when in use for new and refill prescriptions; the device must be physically attached and adjacent to the existing permitted area; the device must have the mechanism to provider the offer to counsel; patients must have access to a New Jersey licensed pharmacist for consultation; and the policies and procedures be available to the Board for review. The motion passed 6-1; Tom Bender opposed. 1 abstention.

5) Lance O. Hoxie, Executive Director, Commission for Certification in Geriatric Pharmacy ? Requesting granting of continuing education credits for CCGP certification examination Marc Sturgill moved, seconded by Thomas Bender, to deny the request since this is an exam and not a program. The motion passed unanimously.

6) Barbara Giacomelli, PharmD, MBA, RPIC, Shore Memorial Hospital, Somers Point, NJ ? Requesting approval to perform random 10% robot fill check instead of 100% Elvy Paiva moved, seconded by Margherita Lafragola, to approve their request and to refer this subject matter to the Rules & Regulations Committee for regulatory follow up. The motion passed unanimously.

7) James W. DeCoursin, President & CEO, Syncom Pharmaceuticals, Fairfield, NJ ? Regarding the processing of prescriptions for a brand of levothyroxine Margherita Lafragola moved, seconded by Thomas Bender, to request that Mr. DeCoursin appear before the Board to answer questions regarding their program. The motion passed unanimously.

8) Mary Alice Smith, TrialCard Inc, Cary, NC ? Regarding the use of a card to obtain medications from a pharmacy in place of traditional samples received via a physician The Chair directs to request that Ms. Smith appear before the Board to answer questions since a decision cannot be made based on the correspondence received.

IX. MITIGATIONS

1) Neil B. Brower, CVS Pharmacy, Somers Point, NJ

Marc Sturgill moved, seconded by Jennifer Barron, to accept the request for mitigation of the \$500.00 penalty for violation of NJAC 13:39-4.7(b). The motion passed unanimously.

2) Ankur Jetley, RPIC, Drug Fair, Fairfield, NJ

Jennifer Barron moved, seconded by Elvy Paiva, to accept the request for mitigation of the \$1,000.00 penalty for violation of NJAC 8:65-5.7. The motion passed unanimously.

X. FILED ORDERS FOR THE MONTHS OF SEPTEMBER

The Board accepted it as informational.

XI. COMMITTEE REPORTS

N/A

XII. APPROVAL OF MINUTES

1) September 13, 2006

Axel Miranda moved, seconded by Thomas Bender, to approve the Open Session Minutes of September 13, 2006 as amended. The motion passed unanimously.

2) September 27, 2006

Thomas Bender moved, seconded by Margherita Lafragola, to approve the Open Session Minutes of September 27, 2006 as amended. The motion passed unanimously.

XIII. ADJOURNMENT

At 11:15 a.m., Elvy Paiva moved, seconded by Margherita Lafragola, to enter into Executive Session to review (9) consumer complaints, (10) New Business items, (7) Retail IV Permits, (23) Inspection reports and (1) Investigative Inquiry. The motion passed unanimously.

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