

**NEW JERSEY STATE BOARD OF PHARMACY
OPEN SESSION MINUTES OCTOBER 12, 2005**

I. CALL TO ORDER

The open meeting of the New Jersey Board of Pharmacy was called to order by Board President Pamela Allen in the Essex Room, 7th floor at 124 Halsey Street, Newark, New Jersey on October 12, 2005 at 9:36 a.m. All members were duly notified of the time and place and all pertinent materials had been provided.

II. SUNSHINE LAW ANNOUNCEMENT

Pamela Allen 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

Pamela Allen, R.Ph President
Edward McGinley, R.Ph Vice-President
Margherita Lafragola, R.Ph
Thomas Bender, R.Ph 10:15 a.m.
Sy Larson, PH.D Public Member
Elvy T. Paiva, R.Ph
Axel Miranda Public Member 10:15 a.m.
Jennifer Barron Government Member

OTHERS IN ATTENDANCE

Joanne Boyer Executive Director
John Hugelmeyer Deputy Attorney General
Susan Flores Principal Clerk
Kiran Shamlall Clerk Stenographer

EXCUSED:

Ira Katz, R.Ph
Thomas Egan, Pharm.D
Marc Sturgill, Pharm. D
Marianne Greenwald Deputy Attorney General

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, Examination and Grade Transfer. The motion passed unanimously.

V. CONTINUING EDUCATION REPORT

Edward McGinley moved, seconded by Margherita Lafragola to accept the Continuing Education Report for October 12, 2005. The motion passed unanimously.

VI. VIOLATIONS PAID FOR THE MONTH OF SEPTEMBER

Edward McGinley moved, seconded by Margherita Lafragola to accept the Violations Paid for the month of

September. Elvy Paiva questioned a penalty that was from 2002, Executive Director Boyer advised that the Board is still doing a clean up. The motion passed unanimously.

VII. OLD BUSINESS

N.J.A.C. 13:39-2.9(c) Waiver request

Edward McGinley moved, seconded by Elvy Paiva that a documented disability that effects communication skills shall constitute a good cause for requesting a waiver of the TSE. Failing to pass the TSE alone does not constitute good cause for a waiver. The Chair directed Elvy Paiva, as Chairman of the TOEFL/TSE Waiver Committee, to draft new regulatory language to reflect changes that have taken place at the NABP level in regards to TOEFL/TSE exams. The motion passed unanimously.

VIII. NEW BUSINESS

1) John Guercio, R.Ph. – Requesting a waiver of NJAC 13:39 – 4.10(a) and NJAC 13:39 – 6.2(f). The Board reviewed Mr. Guercio’s request for a waiver of N.J.A.C. 13:39-4.10.(a) and N.J.A.C. 13:39-6.2(f) and determined that they can not make a determination inasmuch as they do not have sufficient information and request additional information and they have the following questions:

- (1) What are the hours of operation?
- (2) What is the number of patients?
- (3) What is the breakdown of each type of patient?
- (4) What is the frequency of emergency needs?
- (5) How many prescriptions?
- (6) What prescriptions are filled?
- (7) What other facilities do they service?

The Chair directed to have John Guercio come in for a meeting and answer the above and any other questions the Board may have.

2) Keith Kirkland, Assistant Dean, Continuing Ed. & Campus Services, Essex County College – Seeking Board Approval of Pharmacy Technician Certificate course Copies of textbook will be available for Board Member review

Keith Kirkland and Harold Bobrow appeared before the Board. It was determined that the program presented will be considered a Pharmacy Technician Training Program as referenced in N.J.S.A. 45:14-80e(2). A Board member will review the submitted documentation and Mr. Bobrow will be notified of any additional information needed.

3) Applications to conduct a Centralized Prescription handling Pharmacy Service:

a) Submitted by SoluNet, Totowa, NJ & St. Joseph Wayne Hospital, Wayne, NJ Elvy Paiva moved, seconded by Jennifer Barron to approve the Application pending receipt of the organizational structure of Koram. The motion passed unanimously.

b) Submitted by SoluNet, Totowa, NJ & Hackensack University Hospital, Hackensack, NJ Elvy Paiva moved, seconded by Jennifer Barron to approve the Application pending receipt of the home address of the officers of Hackensack University Hospital. The motion passed unanimously.

c) Submitted by Solunet, Totowa, NJ & 15W Pharmacy, Inc., Edison, NJ Elvy Paiva moved, seconded by Jennifer Barron to approve the Application pending receipt of the accurate address of 15W Pharmacy, Inc. The motion passed unanimously.

4) Melinda Hoff – Regarding her exemption, dated November 4, 1988, from completing continuing education

credits

The Chair directs additional information be obtained such as her current military status and her employment history and when and if her military status has changed during the licensing period 2003-2005.

5) NABP Correspondence regarding NAPLEX/MPJE Fee Change

The Board accepted the NABP correspondence as informational.

6) DEA Document – Clarification of Existing Requirements under the Controlled Substances Act for Prescribing Schedule II Controlled Substances

The Board accepted the DEA document as informational.

7) Requests for waivers:

a) Cicil M. Ghobrial – Requesting a waiver of intern hours (Ms. Ghobrial is requesting that her hours of employment at Rite Aid prior to meeting all of the requirements of FPGEC be accepted)

Edward McGinley moved, seconded by Axel Miranda to deny the waiver of 1000 hours but to give a credit of hours from the date of June 25, 2005. The motion passed. Margherita Lafragola recused because Ms. Ghobrial worked at Rite Aid.

IX. MITIGATIONS

N/A

X. CONFERENCES

1) NABP Fall Education Conference, December 2-4, 2005, Sunny Isles, Fl

The Board accepted it as informational.

XI. COMMITTEE REPORTS

N/A

XII. APPROVAL OF MINUTES

1) September 28, 2005

Edward McGinley moved, seconded by Elvy Paiva to approve the September 28, 2005 as amended.

XIII. ADJOURNMENT

At 11:40 a.m., Edward McGinley moved, seconded by Axel Miranda to enter into the Executive Session to review (10) complaints, (3) New Business, (7) retail IV permits, (24) inspection reports and to conduct (2) Investigative Inquiries. The motion passed unanimously.