

**NEW JERSEY STATE BOARD OF PHARMACY  
MINUTES OF OPEN SESSION  
OCTOBER 13, 2004**

**I. CALL TO ORDER**

The Open meeting of the New Jersey State Board of Pharmacy was called to order by Board President Pamela Allen in the Somerset Room, 6th Floor at 124 Halsey Street, Newark, New Jersey on October 13, 2004 at 9:00 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 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  
Anthony Alexander, R.Ph  
Mona Doyle Public Member(Left 2:50 p.m.)  
Sophie Heymann Public Member  
Ira Katz, R.Ph (Left at 3:20 p.m.)  
Robert Kowalski, R.Ph Government Member (Left at 3:30 p.m.)  
Edith Micale, R.Ph  
Richard Palombo, R.Ph (Left at 4:00 p.m.)

**OTHERS IN ATTENDANCE:**

Marianne Greenwald Deputy Attorney General  
Joanne Boyer, R.Ph Executive Director  
Shonnette Messiah Principal Clerk Stenographer  
Kiran Shamlall Assistant Clerk Stenographer

**IV. SECRETARY'S REPORT AND RECOMMENDATION FOR REGISTRATION BY RECIPROCITY, EXAMINATION AND GRADE TRANSFER**

Edith Micale moved, seconded by Anthony Alexander 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 Edith Micale to accept the Continuing Education Report. The motion passed unanimously.

**VI. VIOLATIONS PAID FOR THE MONTH OF SEPTEMBER**

Mona Doyle moved, seconded by Edith Micale to accept the Violations Paid for the Month of September which totaled \$37,900.00. The motion passed unanimously.

**VII. OLD BUSINESS**

1) Randa Abbo – Regarding her issue with NABP

Ms. Abbo was present and answered questions from the Board members.

Sophie Heymann moved, seconded by Robert Kowalski to waive the requirements for the FPEC certificate given that good cause has been demonstrated because of her inability to provide the documentation that NABP requires. Ms. Abbo will be required to meet all of the other requirements for reciprocity. The motion passed with a vote of 7 to 2.

2) Joseph Okulski – Correspondence to Board concerning action taken by Board in regards to his complaint

This item was treated as an FYI..

3) Alvin L. Lacefield – Correspondence to the Board concerning action taken by the Board in regards to his complaint

This item is to be re-agendized in an Executive Session so that the Board can review the details of the original complaint.

4) Bienvenido A. Vidal – Foreign graduate currently licensed in New York requesting waiver of NJAC 13:39 – 3.11(a), 9(b) and (c).

This item was originally before the Board in January 2000 at which time the waiver was denied. This item was moved to the Executive Session for advice of counsel.

5) Anthony Pezzulo – Reciprocity candidate who is requesting a waiver of NJAC 13:39 – 3.9(a)1

Edward McGinley moved, seconded by Mona Doyle to deny waiver of 13:39-3.9(a)1 and Mr. Pezzulo must complete a 500 hour practicum in order to meet 13:39-3.9(a)2. The motion passed unanimously.

6) Pharmacy Kiosk System by Duane Reade – Board review and approval of final draft agreement

Anthony Alexander moved, seconded by Edward McGinley to approve the final draft agreement as amended and forward the agreement to Duane Reade for signature. The motion passed unanimously. Robert Kowalski was recused due to his son's employment with Duane Reade.

7)NABP Education Fall Conference

Marianne Greenwald will attend as the Board representative and Richard Palombo will be attending as a NABP Executive Council member.

8) Adoption of Central Fill Regulations

The Chair stated that the adoption of new Central Fill and Labeling Requirement Regulations became effective as of Monday October 4, 2004, with the exception of the section related to labeling, which is effective April 2, 2005. Currently there are no regulations in place for out-of-state pharmacies regarding the application or fees. Therefore, Anthony Alexander will schedule a conference call or meeting with the Licensing and Permit Committee members to discuss this matter.

## VIII. NEW BUSINESS

1) Drugstore.com, Swedesboro, NJ – Requesting a waiver to NJAC 13:39 - 3.18(a)

The Chair directed the Executive Director to obtain a copy of the contract between Drugstore.com and Direct Pharmacy Services in order to properly evaluate this matter. Anthony Alexander was recused from this item due to his affiliation with Rite Aid and Rite Aid's affiliation with Drugstore.com.

2) JFK Medical Center, Pharmacy Department, Edison, NJ – Requesting a waiver to perform a 10% cart check of robot medications and a 100% check of the manual picks for their automated medication system (ROBOT-RX)

Edward McGinley moved, seconded by Edith Micale to approve the requested 10% daily sampling check by a pharmacist. The motion passed unanimously.

3) Mallinckrodt Pharmacy, Pine Brook, NJ – Requesting clarification of NJAC 13:39 – 12.2(e)4

Richard Nickel from Mallinckrodt was in attendance and answered questions from the Board members regarding this issue. The Board and the DAG need to research this issue further so this item will be re-agendized at a future meeting.

4) Candidates to serve on Advisory Panel for the Board of Optometrists

- a) Linda Houle, Pharm.D. – Submitted by Dean Colaizzi
- b) Robert Zadra, R.Ph. – Submitted by Stephen Brandt, R.Ph., GSPO
- c) Thomas Egan, Pharm.D. – Submitted by Joe Roney, NJ Pharmacists Assn.

Robert Kowalski moved, seconded by Anthony Alexander to recommend Linda Houle to serve as a member of the Advisory Panel. The motion passed unanimously. The Board would like to thank Dean Colaizzi, Stephen Brandt and Joe Roney for submitting nominations.

5) NABP 2004-2005 Committee and Task Force Appointments

The Chair, on behalf of the Board, congratulated Board Members Edward McGinley, Anthony Alexander and Richard Palombo on their appointment to NABP committees and/or task forces.

6) NABP Report on Consumer Complaints of Online Pharmacies

The report states that NABP has received 115 consumer complaints from February 2003 through August 15, 2004 regarding online pharmacies. Consumers have alleged fraud totaling more than \$15,000.00 and/or receipt of medications that may not comply with all applicable laws. Several consumers claim that they did not experience the desired effects from the medications they received; others allege side effects or possible injury from the received medications. This item was treated as an FYI.

7) NABP – TOEFL Requirement for Foreign Pharmacy Graduate Examination Committee (FPGEC) Certification

Effective September 2005, a new form of the Test of English as a Foreign Language (TOEFL) will be available and will be administered over the Internet and will be available only at secure testing centers. As a result of this change, the Test of Spoken English (TSE) will no longer be required. This item was referred to the Rules and Regulations committee for any necessary change of regulations.

8) NABP – Updated NAPLEX Blueprint and New Passing Standard

Beginning in May 2005, two significant changes to the North American Pharmacist Licensure Examination (NAPLEX) will go into effect. These include an updated blueprint, which guides the content, and a new passing standard. The minimum passing score, a scaled score of 75, does not change however. This item was treated as an FYI.

9) David Klein – Proposal regarding MedAccess – NJ Project, Patient Assistance Program medications, and a pharmacy operation.

David Klein, Albert Head and Eric Galvez, who are all affiliated with this program, were in attendance and answered questions regarding this issue. This item is to be re-agendized. David Klein is to furnish the following additional information: A copy of the project grant application to the Health Care Foundation, information regarding the Community Healthcare Resource Center, information regarding the similar program in Maryland

(Med Bank). Ira Katz was recused because he has discussed possible business opportunities with Mr. Klein.

10) Elizabeth Curry-Gavin, DVM, Asst. Director, Scientific Activities, American Veterinary Medical Association – Questions regarding the filling of prescriptions by pharmacists for animals

Ira Katz moved, seconded by Robert Kowalski to answer yes to questions 1 & 2, to provide a general answer to questions 3, 4, and 5 that a pharmacy may fill a request for a non-commercially available compounded product prepared by the pharmacy if the product is to be administered by the veterinarian in his/her office. The product must be one that is to be used in an emergent situation or in cases where the use can not be planned in advance. These requests would not be patient specific and would not be filled pursuant to a prescription and may not be dispensed by the veterinarian to the patient. Question 6 requires further clarification from Dr. Curry- Gavin on the difference between approved and bulk drugs. The motion passed unanimously.

11) Heidi Stokes, IPA – Regarding emergency contingency plan

Heidi Stokes was in attendance to answer questions from the Board members. The Chair directed that if a pharmacy has to relocate as a result of an emergency, the pharmacy may notify the Board of a change of location, in compliance with N.J.A.C. 13:39-4.6(a), and that they may request that they be allowed to retain their current permit number at the new address. The Chair also noted that the Board and the Bureau of Enforcement have, on many occasions in the past, responded to these types of requests in a timely fashion.

12) Editorial from US Pharmacist, August, 2004

The Chair will draft a response and ask for comments or discuss this topic in the next meeting.

13) Awad Ibrahim- Request for TSE waiver

Mr. Ibrahim was interviewed by Robert Kowaski and Sophie Heymann who moved and seconded, respectively, that the Board waive his obtaining the TSE certificate and permit him to proceed with his reciprocity application. The motion passed with a vote of 8 to 1.

14) Sophie Heymann and Ira Katz- Waiver Report

Sreelathat Vattimilli - Recommended for an interview.

Jolly Joseph - Recommended for an interview.

Sweetha Singireddy - Recommended for an interview.

Catherine J. Habib - Recommended she must take the test again.

Marie Farhat - Recommended she complete a 600 hour internship.

Svitlana Parnyuk - Recommended for an interview after she receives her test scores if she doesn't pass.

David Appel - The Executive Director will get more information on this applicant.

Ahmed Raza - Recommended Mr. Raza's request for a waiver be denied.

Marsele Aziz-Massak - Recommended for an interview.

Maria Tresa Tonio - Recommended for an interview.

Edward McGinley moved, seconded by Edith Micale to approve the above recommendations. The motion passed unanimously.

Richard Palombo moved, seconded by Mona Doyle that any applicant who asks for a waiver of the TSE must have taken the test a minimum of 3 times and must have scored at least a 45 on the test prior to being interviewed by the committee. The motion passed with a vote of 8 to 1.

## IX. CONFERENCES

1) 29th Annual FARB Forum, Scottsdale, AZ, February 4-6, 2005

Ed McGinley moved, Edith Micale seconded to send the Executive Director and the DAG to the 29th Annual FARB forum, pending approval by the respective Divisions and time permitting.

## X. COMMITTEE REPORTS

### (1) Pharmacy Practice Act – Technician Workgroup

Anthony Alexander

The Board discussed several possible options regarding technician ratios as they relate to PTCB certified technicians. On October 27th 2004, the Technician Workgroup will try to meet with Anthony Miragliotta, the Executive Director and the DAG to discuss issues regarding the Pharmacy Technician.

### (2) Pharmacy Practice Act – Collaborative Practice Workgroup

Pamela Allen

Nothing new to report at this time.

### (3) Pharmacy Practice Act – Immunization Workgroup

Ira Katz

Nothing new to report at this time.

## XI. APPROVAL OF MINUTES

Robert Kowalski moved, seconded by Anthony Alexander to accept the September 8th 2004 open minutes as amended. The motion passed unanimously.

## XII. ADJOURNMENT

At 12:22 p.m. Ira Katz moved, seconded by Robert Kowalski to enter into the executive session to review (10) complaints, (16) inspection reports and (11) retail and IV permits. The motion passed unanimously.

At 12:58 p.m. Mona Doyle moved, seconded by Sophie Heymann to enter into the open session to discuss Awad Ibrahim and Sophie Heymann & Ira Katz's waiver report. The motion passed unanimously.

At 1:25 p.m. Edward McGinley moved, seconded by Robert Kowalski to enter back into the executive session. The motion passed unanimously.

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