

**NEW JERSEY STATE BOARD OF PHARMACY  
MINUTES OF THE OPEN SESSION  
October 14, 2009**

**I. CALL TO ORDER**

Edward McGinley in the Somerset Room, 6th Floor at 124 Halsey Street, Newark, New Jersey on October 14, 2009 at 9:05 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**

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  
Peter Halecky, R.Ph.  
Marc Sturgill, R.Ph. (Left at 2:25 p.m.)  
Margherita LaFragola, R.Ph. (Arrived at 10:45 am)  
Elvy T. Paiva, R.Ph.

**OTHERS IN ATTENDANCE**

Joanne Boyer, R.Ph. Executive Director  
Megan Cordoma, Esq. Deputy Attorney General  
Maria Bertorelli Administrative Assistant

**EXCUSED**

Richard Palombo, R.Ph.

**IV. UPDATE BY EXECUTIVE DIRECTOR**

The Executive Director reported that \$37,408.08 was collected in fines and penalties during September 2009.

The following permits/licenses/registrations were issued during the month of September 2009:

- Technicians - 174
- Pharmacists - 100 (84 by examination/score transfer, 16 by reciprocity)
- Out of state pharmacies - 15
- In state pharmacies - 10
- Pharmacists receiving immunization approval - 298
- Interns - 3

**Rule Adoptions:**

October 5, 2009, Adopted Amendments to: N.J.A.C. 13:39-1.2, 4.9, 4.18, 6.5, 7.6, 7.12, 7.19, 9.11, 9.19, 9.21, 10.2, 10.4, 11.9, 11.10 and 12.2

On November 16, 2009 Collaborative Practice Agreement regulations will be posted for public comments

in the New Jersey Register.

At the 2009 Annual Meeting of the New Jersey Pharmacists Association Meeting held October 5 – 8, 2009 in Atlantic City , two Board Members received awards. Peter Halecky was awarded the William H. McNeil Award for outstanding community service work in the past year and Richard Palombo was awarded the Bowl of Hygeia Award for outstanding record of community service that, apart from the practice of pharmacy, reflects well on the profession.

At the 2009 District I & II Meeting of the National Association Boards of Pharmacy Meeting held September 24 –26, 2009 in Providence, RI, Board president Edward McGinley was elected to be the nominee for District II for the open position on the Executive Committee of the association.

## V. OLD BUSINESS

N/A

## VI. NEW BUSINESS

1) Sharon Brady, R.Ph., – Regarding the ability to perform as on-call pharmacist in Ohio for long term care pharmacies in New Jersey.

This matter was tabled for further review.

2) Angelo Cifaldi, Esq. representing Morabito’s Pharmacy, Kenilworth, NJ – Requesting Board opinion regarding potential mail order operation.

Elvy T. Paiva moved, seconded by Marc Sturgill to send a letter to Angelo Cifaldi, Esq., requesting further information from his client regarding operational procedures of the potential mail order pharmacy component of their business. The following information is to be submitted for Board review:

- is the mail order service for out of state consumers or in state consumers
- will the pharmacy be billing third party payors
- are they contracting with any entity to facilitate the set up of the business
- copy of screen consumer will be completing on line
- will the site be VIPPS certified
- lists of drugs available
- how would they handle CDS requests
- will the pharmacy only contact the physician identified by the consumer
- will they suggest a physician to the consumer
- how do they facilitate consumer/physician relationship
- will there be advertising and where
- would correspondence with the consumer be via email or interactive web page

The motion passed unanimously.

3) Steven Hoffman, Chief Pharmacy Officer, McKesson, Scottsdale, AZ – Regarding the McKesson Pharmacy-based Patient Recruitment Program.

Board accepted material as informational.

4) Deborah L. Sadowski, R.Ph., Director of Pharmacy Services, Deborah Heart & Lung Center, Browns Mills, NJ – Requesting a waiver of NJAC 13:39 – 5.3(a), (b), (c) & 5.8(a)2, 17 &18.

Thomas Bender moved, seconded by Marc Sturgill to grant the request for a waiver of N.J.A.C. 13:39 – 5.3(a), (b), (c) & 5.8(a)2, 17. The Board requests That Ms Sadowski clarify her request for a waiver of

N.J.A.C. 13:39-5.8(a)18, since this regulation has nothing to do with Smoking Signs as noted in her correspondence. Regarding the waiver request of NJSA 45:14-81, the Board cannot waive any Statutory requirements. The motion passed unanimously.

5) Madhavi Duddella – Reciprocity candidate requesting a waiver of NJAC 13:39 – 2A.1(c)2

Thomas Bender moved, seconded by Peter Halecky to deny Ms. Duddella's request for a waiver of N.J.A.C. 13:39-2A.1(c)2, since she has not shown good cause for the waiver request. She has not demonstrated any type of disability, requested re-evaluation of her scores or been denied any request for additional accommodations to take the test. The motion passed unanimously.

6) Board Meeting Dates 2010

Elvy Paiva moved, seconded by Thomas Bender to approve the scheduled Board Meeting dates for calendar year 2010 as amended. In addition, the meeting date for November, 2009 has been changed from Wednesday, November 11th to Thursday, November 19th. This change was made due to the fact that November 11th is a State holiday. The motion passed unanimously.

## VII. MITIGATION/ HEARING REQUESTS

1) Henry Gialanella, RPIC/Owner, Medicine Shoppe Pharmacy, Andover, NJ

Mark Strugill moved, seconded by Edward McGinley to deny the request for mitigation of the \$500.00 fine imposed pursuant to NJAC 13: 39-7.19(c)1. The motion passed unanimously.

2) Joanne P. Lee, RPIC, Han Ah Reum Pharmacy, Ridgefield, NJ

Thomas Bender moved, seconded by Peter Halecky to deny the request for mitigation of the following:

- The \$50.00 fine imposed pursuant to NJAC13: 39-2.15
- The \$2,500.00 fine imposed pursuant NJAC13: 39-4.14(b)1
- The \$200.00 fine imposed pursuant to NJSA45: 14-48(a)10
- The \$200.00 fine imposed pursuant to NJAC13: 39-5.8(a)1
- The warning issued and the \$50.00 fine pursuant to NJAC13: 39-4.14(b)4
- The \$1,000.00 fine imposed pursuant to NJAC13: 39-7.6(c)
- The \$250.00 fine imposed pursuant to NJAC13: 39-7.12(a)13
- The warning issued pursuant to NJAC13: 39-6.2(f)2&3 and NJAC13: 39-1.2

The motion passed unanimously.

3) Sheldon I. Mednick, R.Ph., Edgewater Park, NJ

Thomas Bender moved, seconded by Elvy T. Paiva to deny the request for mitigation for the \$600.00 fine imposed pursuant to NJSA45: 14-54 and NJAC13: 39-3A.1(a). The Board notes that Mr. Mednick may choose to place his license in an inactive status but he is still responsible for payment of the fine. The motion passed unanimously.

4) Michael Searvance, R.Ph., Atlanta, Ga

Elvy T. Paiva moved, seconded by Thomas Bender to deny the request for mitigation for the \$300.00 fine imposed pursuant to NJSA45: 14-54 and NJAC13: 39-3A.1(a). The motion passed unanimously

5) Madhuri Ramineni, RPIC, Rite Aid, Lincoln Park, NJ

Margherita LaFragola was recused due to her affiliation with Rite-Aid.

Mark Strugill moved, seconded by Peter Halecky to mitigate the \$250 fine imposed pursuant to N.J.A.C. 13:39-7.6(e) and the \$250 fine imposed pursuant to N.J.A.C. 13:39 – 7.19(f). The motion passed unanimously.

#### VIII. COMMITTEE REPORTS

N/A

#### IX. APPROVAL OF MINUTES

1) September 9, 2009

Elvy T. Paiva moved, seconded by Mark Strugill to approve the minutes as amended. The motion passed unanimously.

#### X. ADJOURNMENT

At 10:15 a.m. Marc Strugill moved, seconded by Peter Halecky to move into Executive Session for the review of 17 Complaints, 2 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, conduct 1 Investigative Inquiry and approval of minutes. The motion passed unanimously