

**NEW JERSEY BOARD OF PHARMACY
OPEN SESSION MINUTES OCTOBER 25, 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 25, 2006 at 9:30 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.
Pamela Allen, R.Ph.
Jennifer Barron Government Member
Peter Halecky, R.Ph. Arrived 9:50 a.m.
Margherita Lafragola, R.Ph. Arrived 9:40 a.m.

OTHERS IN ATTENDANCE

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

EXCUSED

Marc Sturgill, PharmD
Thomas Egan, Pharm.D
Axel Miranda

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

Elvy Paiva moved, seconded by Thomas Bender, to accept the Secretary's Report and Recommendation for Registration by Reciprocity. The motion passed unanimously.

V. CONTINUING EDUCATION REPORT

Pamela Allen moved, seconded by Jennifer Barron, to accept the Continuing Education report for October 25, 2006. The motion passed unanimously.

VI. VIOLATIONS PAID FOR THE MONTH OF SEPTEMBER

N/A

VII. OLD BUSINESS

1) Satish Shah, R.Ph. – Requesting clarification of Board’s decision at the 1/11/06 Board Meeting The Chair directs that DAG Marianne Greenwald will do further research on the RX 2000 file and will bring the results of her search back to the Board.

2) Howard Wertheim – Request for reinstatement

Thomas Bender moved, seconded by Jennifer Barron, that Mr. Wertheim must continue to comply with the terms of the Order until November 18, 2006 and after that time, the Board will schedule him in for an Investigative Inquiry. The motion passed unanimously.

Ratification of Committee Actions at the October 25, 2006 Board Meeting Thomas Bender moved, seconded by Elvy Paiva, to accept the actions made as a Committee in Item IV, V, VI and VII(1). The motion passed unanimously.

3) Sony Alex - Candidate for Licensure

Mr. Alex was interviewed by a committee of the Board. Upon recommendations by the committee, Thomas Bender moved, seconded by Elvy Paiva, to recommend that Mr. Alex must complete an additional 250 hours of internship focusing on over the counter medications. The internship is to be completed under the supervision of one preceptor. The motion passed unanimously.

4) Wen Lu - Candidate for Licensure

Ms. Lu was interviewed by a committee of the Board. Upon recommendations by the committee, Elvy Paiva moved, seconded by Jennifer Barron, to approve Ms. Lu’s application for licensure. The motion passed unanimously.

VIII. NEW BUSINESS

1) Thomas S. Moffatt, Senior Legal Counsel, CVS – Notification of CVS Restructuring Plan Elvy Paiva moved, seconded by Margherita Lafragola, to send a letter to them requesting them to file a detailed affidavit regarding the restructuring given that they are a publicly traded company pursuant to NJAC 13:39-4.6. The motion passed unanimously.

2) Kathleen M. Mason, Assistant Commissioner, Division of Senior Benefits & Utilization Management – Regarding performing criminal background checks on pharmacy owners Peter Halecky moved, seconded by Thomas Bender, to notify them that we do not do criminal history background checks on pharmacy owners, but we do ask if they have any criminal history when they apply for their permit. The motion passed unanimously.

3) Vijaykumar Patel – Request for waiver of TSE requirement

Pamela Allen moved, seconded by Jennifer Barron, to deny request for waiver of TSE since he did not show good cause and direct Mr. Patel to take the IBT exam. The motion passed unanimously. Elvy Paiva was recused due to her employment with Walgreens.

4) Olukemi Oyem – Request for waiver of speaking segment of IBT TOEFL

Jennifer Barron moved, seconded by Pamela Allen, to advise the applicant that before the Board can evaluate her request for waiver, she has to demonstrate competency in the other three areas of the IBT. The motion passed 6 to 1.

5) Patel Shilpaben Kanaiyalal – Request for waiver of TSE requirement

Elvy Paiva moved, seconded by Peter Halecky, to deny request for waiver of TSE since she did not show good cause and direct her to take IBT exam. The motion passed unanimously.

6) Patel Kanaiyalal - Request for waiver of TSE requirement

Thomas Bender moved, seconded by Jennifer Barron, to deny his request for waiver of TSE since he did not show good cause and direct him to take IBT exam. The motion passed unanimously.

7) Gehane Mohamed – Request for waiver of TSE requirement

Pamela Allen moved, seconded by Elvy Paiva, to deny her request for waiver of TSE since she did not show good cause and direct her to take IBT exam. The motion passed unanimously.

8) Sudhirkumar Patel – Request for waiver of TSE requirement

Pamela Allen moved, seconded by Thomas Bender, to deny his request for waiver of TSE since he did not show good cause and direct him to pass IBT exam. The motion passed unanimously.

9) Sajjad Haider – Request for waiver of TSE requirement

Thomas Bender moved, seconded by Peter Halecky, to deny his request for waiver of TSE since he did not show good cause and direct him to take IBT exam. The motion passed unanimously.

10) Ki-jeong Park – Regarding transfer of internship hours to the state of Pennsylvania Thomas Bender moved, seconded by Pamela Allen, to deny Ms. Park’s request for approval of internship hours to the state of Pennsylvania since Ms. Kowlessar is not a qualified preceptor. The motion passed unanimously.

11) Robert Rossi, President, & Kathie Simpson, Director of Operations, SARPH, Irwin, Pa – Presentation regarding their pharmacy peer assistance program Robert Rossi & Kathie Simpson made a presentation regarding their programs capabilities and a description on how they work with the Pennsylvania Board of Pharmacy.

12) David Stahlberger, R.Ph., Pompton Pharmacy, Pompton Plains, NJ – Request to maintain same permit number upon transfer of ownership Pamela Allen moved, seconded by Jennifer Barron, to approve their request to maintain the same permit number upon transfer of ownership. The motion passed unanimously.

13) Pathmark Pharmacy, Carteret, NJ & Medco Health Solutions, Franklin Lakes, NJ –Submission of Joint Application to Conduct a Centralized Prescription Handling Pharmacy Service Pamela Allen moved, seconded by Elvy Paiva, to approve the Joint Application to Conduct a Centralized Prescription Handling Pharmacy Service upon receipt of an amended Attachment A from Medco Health Solutions. The motion passed unanimously. Edward McGinley recused due to his employment at Pathmark Pharmacy.

14) Doug Derry, Licensing Coordinator, Petnet Pharmaceuticals, Knoxville, TN Pamela Allen moved, seconded by Jennifer Barron, that Petnet is to submit the proper ownership and name change forms and pay the necessary fee. Petnet may retain the same permit number and an inventory of CDS will not have to be conducted. The motion passed unanimously.

IX. MITIGATIONS

N/A

X. FILED ORDERS FOR THE MONTHS OF SEPTEMBER

N/A

XI. COMMITTEE REPORTS

N/A

XII. APPROVAL OF MINUTES

1) October 11, 2006

Elvy Paiva moved, seconded by Jennifer Barron, to approve the Open Session Minutes of October 11, 2006 as amended. The motion passed unanimously.

XIII. ADJOURNMENT

At 12:15 p.m., Pamela Allen moved, seconded by Elvy Paiva to enter into Executive Session to review (9) consumer complaints, (2) New Business items, (11) Retail IV Permits and (13) Inspection reports. The motion passed unanimously.