

FINAL

**NEW JERSEY STATE BOARD OF PHARMACY
OPEN SESSION MINUTES OCTOBER 26, 2005**

I. CALL TO ORDER

The open meeting of the New Jersey Board of Pharmacy was called to order by Board Vice President Edward McGinley in the Hudson Conference Room, 6th floor, Newark, New Jersey on October 26, 2005 at 9:08 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 Vice President
Thomas Bender, R.Ph
Margherita Lafragola, R.Ph
Sy Larson, Ph.D Public Member
Elvy T. Paiva, R.Ph
Axel Miranda Public Member

OTHERS IN ATTENDANCE

Joanne Boyer Executive Director
Joyce Brown Deputy Attorney General
Susan Flores Principal Clerk
Kiran Shamlall Clerk Stenographer

EXCUSED

Pamela Allen, R.Ph President
Jennifer Barron Government Member
Ira Katz, R.Ph
Thomas Egan, R.Ph
Marc Sturgill, Pharm. D

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

Elvy Paiva moved, seconded by Sy Larson to accept the Secretary's Report and Recommendation for Registration by Reciprocity, Examination and Grade Transfer. The motion passed unanimously.

V. CONTINUING EDUCATION REPORT

Elvy Paiva moved, seconded by Sy Larson to accept the Continuing Education Report for October 26, 2005. The motion passed unanimously.

VI. VIOLATIONS PAID FOR THE MONTH OF SEPTEMBER

N/A

VII. OLD BUSINESS

1) Heidi Stokes, Director of Government Affairs, Independent Pharmacy Alliance of America, Inc – Requesting Board to reconsider their position on Senate Bill 1884

The Chair directs that more information be obtained such as who are the co-sponsors of the bill, the status of the bill and is there a corresponding Assembly bill.

2) Frequently asked questions about the new TOEFL Internet-based Test (TOEFL IBT) This item is placed on the agenda at the request of Elvy Paiva

The Board accepted it as informational.

3) Albert Krause – Request for reinstatement

Thomas Bender moved, seconded by Elvy Paiva to obtain a copy of the Enforcement Bureau report regarding Lesser's Pharmacy and to schedule Mr. Krause for an Investigative Inquiry. The motion passed unanimously.

4) Narendra Dalal – Request for modification or dismissal of Provisional Order of Discipline

Thomas Bender moved, seconded by Margherita Lafragola to propose a Consent Order for revocation until successful completion of the court imposed period of probation. Mr. Dalal can then petition the Board for reinstatement. The motion passed unanimously.

5) Kenneth Rizzo – Request for modification of Provisional Order of Discipline

Thomas Bender moved, seconded by Margherita Lafragola to table this matter pending receipt of the status of his New York license and his probationary status. The motion passed unanimously.

6) Nisha Rana – Regarding her application for licensure

Axel Miranda moved, seconded by Sy Larson to have Ms. Rana enroll in a Board approved ethics program and to undergo individualized short term psychotherapy as recommended by Dr. Norman Polansky. Upon successful completion of both of these items she may appear before the Board for reconsideration of her application for licensure. The motion passed unanimously.

VIII. NEW BUSINESS

1) Brooke R. Knighton, Hospiscript Services, Jacksonville, FL – Regarding ordering bulk supply narcotics from Liberty Drug & Surgical, Chatham, NJ

On the advice of counsel, this is not within the Board's jurisdiction and should be referred to the DEA.

2) Rob Kennedy, National Manager, Managed Care Programs, Target Pharmacy – Requesting Board review of implementing a program with Pfizer to implement a retail prescription delivery program for Pfizer employees

Based on the information submitted and explanation provided, the Board finds that no regulations would be violated regarding the retail prescription delivery program for Pfizer employees.

3) Howard Kramer, R.Ph., K-Mart Resource Center – Requesting Board opinion of gift card

Thomas Bender moved, seconded by Axel Miranda to advise K-Mart that the distribution of the gift card is permissible for those prescriptions that are not ready to those persons who are 60 and older as per N.J.S.A. 45:14-65(e) and to keep a log book containing the day, date, time, name of person, age, the prescription number, and

reason for gift card. The motion passed unanimously.

4) Proposed readoption of Amendment NJAC 13:38, New Jersey State Board of Optometrists for Board review and comments, if necessary

Elvy Paiva moved, seconded by Margherita Lafragola that there are no additional comments. The Board accepted it as informational. The motion passed unanimously.

5) Angela Stewart, Reporter, Star Ledger – Requesting Board of Pharmacy response to article published in The Journal of Pain, "Differences in Prescription Opioid Analgesic Availability: Comparing Minority and White Pharmacies Across Michigan

Thomas Bender moved, seconded by Axel Miranda to table this item until receipt of a final version of the actual study was made available to the Board. The motion passed unanimously.

6) Michelle Diamond-Sirota – Reinstatement candidate whose license has lapsed more than five years and is requesting a waiver from taking the NAPLEX exam as stated in NJAC 13:39 – 2.17(b) and 45:1 – 7.1(d) The attachments referenced in Ms. Diamond-Sirota's letter will be available for Board review

Elvy Paiva moved, seconded by Margherita Lafragola to deny her request for waiver of the NAPLEX exam based on N.J.A.C. 45:1-7.1(d). The motion passed unanimously.

7) Herbert R. Henney III, PharmD, Vice President, Medical Affairs, Acorda Therapeutics, Hawthorne, NY – Communication regarding safety concerns of Zanaflex capsules and Zanaflex tablets

The Board accepted it as informational and will be referred to the Newsletter Committee.

IX. MITIGATIONS

1) Margarita Galler, Drug Fair, Sayreville, NJ

Elvy Paiva moved, seconded by Margherita Lafragola to deny her request for mitigation. The motion passed unanimously.

2) Francisco Lobelle, RPIC, Drug Fair, Florham Park, NJ

Elvy Paiva moved, seconded by Margherita Lafragola to deny his request for mitigation. The motion passed unanimously.

3) Andrew Bakunas, A.J.'s Pharmacy, Cliffside Park, NJ

Elvy Paiva moved, seconded by Margherita Lafragola to deny his request for mitigation. The motion passed unanimously.

4) Rajesh Desai, Ethical Prescriptions Service Pharmacy, East Orange, NJ

This item was tabled. Margherita Lafragola recused because they sold to Rite Aid. Thomas Bender moved, seconded by Axel Miranda to accept the Committee's recommendation to deny his request for mitigation and the Board will ratify at the November 9, 2005 meeting.

5) Paschel Ibekwe, CVS Pharmacy, Union, NJ

Elvy Paiva moved, seconded by Margherita Lafragola to deny his request for mitigation. The motion passed unanimously.

6) Kavita Kunjappan, Drug Fair, Sayreville, NJ

Elvy Paiva moved, seconded by Margherita Lafragola to deny her request for mitigation. The motion passed unanimously.

7) Anthony Demeola, RPIC, Neighborcare, Whippany, NJ Please note that they cannot identify the pharmacist responsible!!

Elvy Paiva moved, seconded by Margherita Lafragola to modify the penalty letter based on Mr. Demeola's statements to include N.J.A.C. 13:39-62 (f) 2 and 3 and 13:39-7.6(d); and to have entire staff of pharmacists successfully complete four (4) hours of continuing education modules on medication errors; and to show proof of completion. The motion passed unanimously.

8) Lydia DeFranco, Walgreens, Freehold, NJ

This item was tabled. Elvy Paiva recused because she is employed by Walgreens. Thomas Bender moved, seconded by Axel Miranda to accept the Committee's recommendation to deny her request for mitigation and the Board will ratify at the November 9, 2005 meeting.

9) Inna Shafir, RPIC, Garden Pharmacy, Fair Lawn, NJ

Elvy Paiva moved, seconded by Margherita Lafragola to deny his request for mitigation. The motion passed unanimously.

AT 9:59 a.m. Elvy Paiva moved, seconded by Sy Larson to go into Executive Session for advice from counsel to discuss under Old Business, items 3 through 6 and all of Mitigations. At 11:21 a.m., Elvy Paiva moved, seconded by Margherita Lafragola to come out of Executive Session to record their votes in Public Session.

X. CONFERENCES

N/A

XI. COMMITTEE REPORTS

N/A

XII. APPROVAL OF MINUTES

1) October 12, 2005

Axel Miranda moved, seconded by Thomas Bender to approve the October 12, 2005 Minutes as amended. The motion passed unanimously.

XII. ADJOURNMENT

At 11:30 a.m. Axel Miranda moved, seconded by Margherita Lafragola to enter into Executive Session to review (2) complaints, (6) New Business, (19) retail IV permits, and (17) inspection reports. The motion passed unanimously.

At 3:25 p.m., Elvy Paiva moved, seconded by Margherita Lafragola, to adjourn the Executive Session. The motion passed unanimously.

At 3:25 p.m., Elvy Paiva moved, seconded by Thomas Bender, to return to the Open Session for the purpose of addressing items IX.4 and IX. 8. The motion passed unanimously.

At 3:28 p.m., Axel Miranda moved, seconded by Sy Larson to adjourn the Open session. The motion passed unanimously.

