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BOARD OF PHARMACY PUBLIC SESSION MEETING MINUTES MONMOUTH CONFERENCE ROOM, 7TH FLOOR October 28, 2015

I. CALL TO ORDER

The Open Session of the New Jersey Board of Pharmacy was called to order by the Board President, Mr. Thomas F.X. Bender, at 124 Halsey Street, Monmouth Conference Room, 7th floor, on October 28 at 9:05 a.m. All members were duly notified of the time, place and all pertinent materials were provided to the members.

II. SUNSHINE LAW ANNOUNCEMENT

President Thomas F.X. Bender 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, PL1975/C.10:4-8.

III. ROLL CALL

Thomas F.X. Bender, R.Ph.	President
Richard Palombo, R.Ph.	Vice-President
Margherita Cardello, R.Ph.	Late Arrival- 9:23 a.m.
Edward G. McGinley, R.Ph.	
Mahesh Shah, R.Ph.	
Stephen Lieberman, R.Ph.	
Linda Witzal, R.Ph.	Excused Absence
Mitch Sobel, R.Ph.	Excused Absence

OTHERS IN ATTENDANCE

Jodi Krugman	Deputy Attorney General
Rachel Glasgow	Regulatory Analyst
Jessica Kelley	Board Staff
Jennifer Wasiewicz	Board Staff

IV. UPDATES BY EXECUTIVE DIRECTOR

Jessica Kelley reported for the month of September, \$49,625 was collected in fines and penalties. The following permits, licenses, and registrations were issued during the month:

- Pharmacy Technicians registered – 378
- Pharmacists licensed – 111 (95 by examination/score transfer and 16 by reciprocity)
- Out-of-State Pharmacies registered – 12
- In-State Pharmacies licensed – 11
- Pharmacists receiving immunization approval – 100
- Interns (foreign graduates) licensed – 7

V. OLD BUSINESS

1) Public Orders Filed

- a. Lena Congtang (Lasher), R.Ph. – Consent Order – Revocation (09/30/15)
- b. Custom Meds Compounding Pharmacy – Consent Order – Probation (09/10/15)
- c. Danielle D. Carter, Pharmacy Technician – FOD – Suspension (09/10/15)

VI. NEW BUSINESS

1. Kennara Sok, R.Ph. – Collaborative practice pre-approval application

Edward McGinley moved, seconded by Richard Palombo, to approve this application. **Motion passed 5-0.**

2. Dwight R. Montfort, R.Ph. – Collaborative practice pre-approval application

Chair Direct: The Board requested supplemental documentation to include certificates of completion of courses relating to the area of expertise.

3. Vinita Vyas – Request to extend intern license

Richard Palombo moved, seconded by Mahesh Shah, to extend the internship based on medical reason/good cause. The applicant will need to complete the required 1,440 hours. **Motion passed 5-0.**

4. Vimit Patel – Request for waiver of TOEFL requirement for FPGEC Certification

Edward McGinley moved, seconded by Stephen Lieberman, to deny the waiver request based on the response, there is no demonstration of specific hardship or mitigating circumstances. **Motion passed 5-0**

5. Nuclear Diagnostic Products – Request for wavier of N.J.A.C. 13:39-11.21

Chair Direct –The Board office is to request a better explanation as to the concern and reason for the waiver request. Also, the permit holder is to supply a clarification as to the process of labeling with examples of labels currently being

used.

6. Princy Varghese John – Request to take NAPLEX a 4th time

Richard Palombo moved, seconded by Stephen Lieberman, to allow Ms. John to take the NAPLEX for the 4th time with a letter that she be more prepared as to the content of the exam and advise that she may want to contact her Pharmacy school to aid in her preparation. **Motion passed 5-0.**

7. Jamieson Byrd – Active Pharmacy Technician, Finalization of POD

Edward McGinley moved, seconded by Stephen Lieberman, to finalize the POD as written. **Motion passed 5-0.**

8. Marvin L. Davis – Active Pharmacy Technician, Finalization of POD

Stephen Lieberman moved, seconded by Richard Palombo, to finalize the POD as written. **Motion passed 5-0.**

9. Howard Dukes – Active Pharmacy Technician, Finalization of POD

Stephen Lieberman moved, seconded by Mahesh Shah, to finalize the POD as written. **Motion passed 5-0.**

10. Barbara M. Holmes – Active Pharmacy Technician, Finalization of POD

Richard Palombo moved, seconded by Edward McGinley, to finalize the POD as written. **Motion passed 5-0.**

11. Darryl Charles Maddox – Active Pharmacy Technician, Finalization of POD

Mahesh Shah moved, seconded by Stephen Lieberman to finalize the POD as written. **Motion passed 5-0.**

12. Amit Sen – Active Pharmacy Technician, Finalization of POD

Item tabled pending verification that a response was received from the licensee.

13. Notice of requirements to be permitted as a pharmacy in NJ – draft letter for board approval

Richard Palombo moved, seconded by Edward McGinley, to approve the letter with modifications, which will be posted on the website and in the newsletter. **Motion passed 6-0.**

14. Out of compliance clean room draft

Richard Palombo moved, seconded by Edward McGinley, to approve the letter as written, which will be posted on the website and in the newsletter. **Motion passed 6-0.**

15. Law banning sale of products containing dextromethorphan to individuals under the age of 18

As of February 1, 2016, the sale of products containing dextromethorphan will be prohibited to all minors without a prescription.

The Board accepted this as informational. The Board office will provide notice to the associations and send an eblast to stakeholders and the pharmacy community.

VII. MITIGATION REQUEST

1. Sheldon Siev, RPIC – Shop Rite Pharmacy, Parlin, NJ

Following an inspection revealing a violation related to the backup security system, a UPL was issued seeking a fine for this, other violations, and a letter of corrective action.

Sheldon Siev, RPIC requested mitigation of citation N.J.A.C. 13:39-4.15(b)1.

Mahesh Shah moved, seconded by Richard Palombo, to remove N.J.A.C.13:39-4.15(b)1. **Motion passed 6-0.**

2. L. Clark Boyd III, R.Ph. – Boyd’s Pharmacy Department, Bordentown, NJ

Following an inspection revealing a violation related to outdated and misbranded medications, a UPL was issued seeking a fine for this, other violations, and a letter of corrective action.

L. Clark Byod III, R.Ph. provided an explanation as well as a letter of corrective action on behalf of Boyd’s Pharmacy Department.

Stephen Lieberman moved, seconded by Margherita Cardello, to deny all mitigation requests. The Board would be willing to remove the citation for misbranded bottles if they were actually stored in a cabinet, with the labels blacked out. **Motion passed 5-1.** Edward McGinley was opposed.

3. Nirali S. Parikh, RPIC – Quick Mart Pharmacy & Convenience, Milltown, NJ

Edward McGinley moved, seconded by Stephen Lieberman, to deny mitigation for all citations, as all actions taken were corrective. **Motion passed 6-0.**

4. **Raymond Louis, RPIC** – Acme d/b/a Sav-on Pharmacy, Burlington, NJ

Following an inspection revealing a violation related to recording a patients refusal to accept a pharmacist offer to counsel, a UPL was issued seeking a fine for this, other violations, and a letter of corrective action.

Chair Direct: The DAG is to contact the RPIC.

5. **Sanjaykuma Bhojani, RPIC** – Rite Care Pharmacy, East Orange, NJ

Following an inspection revealing a violation related to the backup security system, a UPL was issued seeking a fine for this, other violations, and a letter of corrective action.

Sanjaykuma Bhojani, RPIC, requested mitigation for citation N.J.A.C. 13:39-4.15(b)1.

Edward McGinley moved, seconded by Richard Palombo, to deny the mitigation as all actions taken were corrective. **Motion passed 6-0.**

6. **Monica Garton, RPIC** – Rite Aid Pharmacy, Vineland, NJ

Margherita Cardello was recused due to her affiliation with Rite Aid. Thomas Bender was recused due to his affiliation with Walgreens.

The item was tabled due to the lack of a quorum. DAG Krugman is to discuss recusals with a DCA Ethics officer as to which recusals are necessary.

VIII. INFORMATIONAL

1) **Patient Safety & Medication Error Prevention Course for Pharmacists -**

The Board accepted this as informational.

2) **Proposed Revisions to USP <797>**

The Board will convene a subcommittee, to meet prior to the January deadline, inviting stakeholders to discuss the changes. LDT has reviewed the chapter, highlighting changes, and will submit a .pdf document to the Board for assistance in reviewing changes.

IX. COMMITTEE REPORTS

N/A

X. **APPROVAL OF MINUTES**

Item tabled to edit and resubmit at the November Board meeting.

ADJOURNMENT

Stephen Lieberman moved, seconded by Mahesh Shah, to move into the Executive Session for review of 3 Complaints, 4 Old Business Items, 30 New Business Items, the Secretary's Report and Recommendation on Inspection Reports from, and the approval of the Executive Session Minutes. **Motion passed 6-0.**

At 10:25 a.m., Stephen Lieberman moved, seconded by Mahesh Shah, to adjourn the Public Session. **Motion passed 6-0.**