

**NEW JERSEY STATE BOARD OF PHARMACY
OPEN SESSION MINUTES NOVEMBER 9, 2005**

I. CALL TO ORDER

The open meeting of the New Jersey Board of Pharmacy was called to order by Board President Pamela Allen in the Union Room, 3rd floor at 124 Halsey Street, Newark, New Jersey on November 9, 2005 at 9:02 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 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

Pamela Allen, R.Ph President
Edward McGinley, R.Ph Vice-President
Margherita Lafragola, R.Ph
Thomas Bender, R.Ph
Marc Sturgill, Pharm. D
Sy Larson, PH.D Public Member
Elvy T. Paiva, R.Ph
Ira Katz, R.Ph
Jennifer L. Barron Government Member

OTHERS IN ATTENDANCE:

Joanne Boyer Executive Director
Olga Bradford Deputy Attorney General
Susan Flores Principal Clerk
Kiran Shamlall Clerk Typist

EXCUSED:

Axel Miranda
Thomas Egan
Marianne Greenwald Deputy Attorney General

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

Elvy Paiva moved, seconded by Jennifer Barron 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 Ira Katz to accept the Continuing Education Report for November 9, 2005. The motion passed unanimously.

VI. VIOLATIONS PAID FOR THE MONTH OF OCTOBER

Jennifer Barron moved, seconded by Margherita Lafragola to accept the violations paid for the month of October.

The motion passed unanimously.

VII. OLD BUSINESS

1) Ara Artinian – Regarding his request for reinstatement This item was before the Board on 9/14/05 at which time the Board determined to deny his request to modify the terms in his Consent Order. Mr. Artinian has submitted additional information from the Professional Assistance program of New Jersey for Board consideration

Elvy Paiva moved, seconded by Sy Larson to modify the terms of the Consent Order to remove paragraph 4 only if the rules of AA/NA prohibit him from attending due to his lack of an appropriate diagnosis and to remove from paragraph 5 the phrase "alcohol and". The order will go into effect once all signatures have been obtained and the Board office has filed the Consent Order. The motion passed unanimously.

2) Medco Health – Report to Board of error rate for PVSV Process

The Board had previously requested that Medco provide an error rate of the PVSV system six months after implementation

Edward McGinley moved, seconded by Jennifer Barron to accept the report as submitted. The motion passed unanimously.

3) Jack Folson, R.Ph. – Communication regarding his fine for failure to complete CE credits

The Board accepted it as informational.

4) Michael Wolf, R.Ph. – Regarding proposed storefront drop-off proposal

This item was before the Board on 12/1/04, 7/13/05 and 8/10/05. Mr. Wolf has submitted an application and information from the DEA regarding CDS in this type of set up

The Chair directs Executive Director Joanne Boyer to get an opinion from the Director's office regarding this concept and to also have Mr. Wolf provide Standard Operating Procedures that will be utilized for these locations.

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

This item was originally before the Board on 10/26/05 Tom Bender moved, seconded by Jennifer Barron to modify the Board's previous decision and not have K-Mart keep a log book containing the day, date, time, name of person, age, the prescription number and reason for gift card. The motion passed 8-1.

VIII. NEW BUSINESS

1) Review of technician training program – Margherita LaFragola

The Chair directs that a letter be sent to Essex County College to notify them of the training program criteria items that were found to be deficient and to resubmit the missing information for review.

2) Request for waivers

a) Tanya Nelson – Requesting a waiver of NJAC 13:39 – 3.2(a)3

Edward McGinley moved, seconded by Marc Sturgill to approve Ms. Nelson's request for waiver based on practical experience gained during and prior to the past 2 year time period. The motion passed 7 to 2.

b) Chandrasekharam Chittiprolu – Requesting a waiver of NJAC 13:39 – 2.9(a) (FPGEC Certificate)

Elvy Paiva moved, seconded by Edward McGinley to deny Mr. Chittiprolu request for waiver and advise him he must take the IBT exam. The motion passed unanimously.

c) Ashfaq Hussain – Requesting a waiver of TSE

Edward McGinley moved, seconded by Jennifer Barron to deny Mr. Hussain's request for waiver and advise him he must take the IBT exam. The motion passed unanimously.

d) Rajeshkumar J. Kaneria – Requesting a waiver of TSE

Thomas Bender moved, seconded by Elvy Paiva to deny Mr. Kaneria's request for waiver and advise him to take the IBT exam. Margherita Lafragola recused because of her employment at Rite Aid. The motion passed.

3) Brian McBride, R.Ph. – Communication requesting Board review and formal response regarding continuing education

Edward McGinley moved, seconded by Ira Katz to deny his request to accept ACCME sponsored lectures accredited for AMA Category 1 PRA continuing education credit as Board approved CE programs. To obtain approval consideration for such courses, Mr. McBride may complete the CE request approval form and submit to the Board along with the \$10 processing fee. The motion passed unanimously.

4) Thomas F. Turco, PharmD., Corporate Director of Pharmacy, Our Lady of Lourdes Medical Center, Camden, NJ – Requesting Board opinion of expiration dating to be used when repackaging bulk pharmaceuticals into a unit dose package

The Chair directs a letter be sent to Mr. Turco informing him that we do not have specific language in our law regarding unit dose packaging and to refer him to USP 661 Standards.

IX. MITIGATIONS

1) Salvatore Rappa, RPIC, Wilpage Pharmacy, Hawthorne, NJ

Thomas Bender moved, seconded by Edward McGinley to accept the mitigation of the \$250.00 if Mr. Rappa can provide proof that his floor exceeded the standard requirement and that he had a floor that met those specifications. The motion passed unanimously.

2) Nicole Mistichelli, RPIC, Little Silver Family Pharmacy, Little Silver, NJ

Ira Katz moved, seconded by Jennifer Barron to deny her request for mitigation since the prescription was filled. The motion passed 8 to 1.

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

Edward McGinley moved, seconded by Thomas Bender to deny his request for mitigation. Margherita Lafragola recused because they sold the prescription files to Rite Aid. The motion passed.

The Chair directs that documentation be obtained on how the chemicals were disposed.

4) Lydia DeFranco, Walgreens, Freehold, NJ

Edward McGinley moved, seconded by Thomas Bender to deny her request for mitigation. Elvy Paiva recused because of her employment at Walgreens. The motion passed.

X. CONFERENCES

N/A

XI. COMMITTEE REPORTS

N/A

XII. APPROVAL OF MINUTES

1) October 26, 2005

Elvy Paiva moved, seconded by Thomas Bender to approve October 26, 2005 Open Minutes as amended. The motion passed unanimously.

XII. ADJOURNMENT

At 11:02 a.m. Marc Sturgill moved, seconded by Margherita Lafragola to enter into Executive Session to review (7) consumer complaints, (1) New Business, (12) Retail IV Permits, (18) Inspection reports and (2) Investigative Inquiries. The motion passed unanimously.