

**NEW JERSEY STATE BOARD OF PHARMACY
MINUTES OF OPEN SESSION
NOVEMBER 10, 2004**

I. CALL TO ORDER

The Open meeting of the New Jersey State Board of Pharmacy was called to order by Board President Pamela Allen in the Somerset Room, 6th Floor at 124 Halsey Street, Newark, New Jersey on November 10, 2004 at 9:14 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 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
Anthony Alexander, R.Ph
Mona Doyle Public Member
Sophie Heymann Public Member
Ira Katz, R.Ph
Edith Tortora Micale, R.Ph
Richard Palombo, R.Ph (Left at 1:00 p.m.)

OTHERS IN ATTENDANCE:

Marianne Greenwald Deputy Attorney General(Left at 12:45 p.m.)
Nancy Costello-Miller Deputy Attorney General (Stand-in for Ms. Greenwald)
Joanne Boyer, R.Ph Executive Director
Shonnette Messiah Principal Clerk Stenographer
Kiran Shamlall Assistant Clerk Stenographer

EXCUSED:

Robert Kowalski, R.Ph Government Member

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

Anthony Alexander moved, seconded by Mona Doyle to accept the Secretary's Report and Recommendation for Registration by Reciprocity, Examination and Grade Transfer. The motion passed unanimously.

V. CONTINUING EDUCATION REPORT

Edward McGinley moved, seconded by Sophie Heymann to accept the Continuing Education Report. The motion passed unanimously.

VI. VIOLATIONS PAID FOR THE MONTH OF OCTOBER

Sophie Heymann moved, seconded by Anthony Alexander to accept the Violations Paid for the month of October. The motion passed unanimously.

VII. OLD BUSINESS

1) Sunset Regs – Board review and approval of responses to comments

Edward McGinley moved, seconded by Mona Doyle to accept the Sunset Regulations as amended. The motion passed unanimously.

2) Brenda Nero – Communication to the Board regarding her complaint

Chair direct to distribute the complaint for review before the Board again.

3) Diane Stricker – Communication to the Board regarding her complaint

Sophie Heymann moved, seconded by Richard Palombo to refer this item to CQI. The motion passed unanimously.

Anthony Alexander was recused due to his affiliation with Rite Aid Pharmacy.

4) Charles C. Eliot – Communication to the Board regarding his complaint

Edward McGinley moved, seconded by Ira Katz that the Board will investigate and make a reasonable ruling based on all facts presented. The motion passed unanimously.

Richard Palombo was recused due to his affiliation with Medco Health.

5) LeeAnne McPherson – Regarding completion of Consent Order

Mona Doyle moved, seconded by Sophie Heymann that she has satisfied all conditions of the consent order and is no longer on probation. The motion passed with a 7 to 1 vote.

6) Response to editorial in US Pharmacist (Angel D'Angelo)

Sophie Heymann moved, seconded by Richard Palombo to send a copy of Ms. D'Angelo's letter to the U.S. Pharmacist present editor and to the N.J. Pharmacy Association with appropriate changes. The motion passed unanimously.

Ira Katz was recused because, he recused himself from this issue at Atlantic City meeting.

7) TSE Waivers

Sreelatha Vattimilli- Edith Micale moved, seconded by Mona Doyle to grant a waiver for the TSE exam. The motion passed unanimously.

Marsele Aziz-Massak - Edith Micale moved, seconded by Mona Doyle to wait for her final scores and grant waiver if she does not achieve a passing score. The motion passed unanimously.

Maria Teresa Tonio - Edith Micale moved, seconded by Mona Doyle to grant a waiver for the TSE exam. The motion passed unanimously.

8) January 2005 Newsletter

Ira Katz, Edward McGinley, Pamela Allen and Richard Palombo have volunteered to do the newsletter.

VIII. NEW BUSINESS

1) Walgreens Robotic Vial Filling Automation – Requesting Board opinion on whether this is to be considered an Automated Medication System

Sophie Heymann moved, seconded by Mona Doyle to deem the Yuyama Robot an automated medication system and Walgreens may continue to use the robots in their 6 locations, for 6 months during which inspections can be completed and reviewed by the Board. The motion passed unanimously.

2) NACDS meeting report –Richard Palombo

This item was treated as an FYI.

3) JCAHO 2005 National Patient Safety Goals

This item was treated as an FYI and will be included in a future newsletter.

4) DEA Controlled Substance Registration Certificate

This item was treated as an FYI.

5) NABP Communication regarding Ari Heller, Pharmaceutical Clinical Technology Project

This item was treated as an FYI.

6) Colleen M. Faddick – Regarding licensure requirements for free standing dialysis facilities

The Chair directed to find out the DHSS rules and to have the Executive Director follow-up on this matter.

7) Rutgers University Health Services Nurses, New Brunswick/Piscataway – Correspondence regarding dispensing of medications at Rutgers University Health Centers

Sophie Heymann moved, seconded by Edith Micale to have the enforcement bureau interview the author of the letter and inspect all 3 sites. The motion passed unanimously.

8) Medco Health – Requesting clarification of NJSA 45:14 – 80(e)

The Chair directed the Executive Director to respond to Medco Health and inform them that the pharmacy technician ratio does not change and all the technicians have to be PTCB certified.

Richard Palombo was recused due to his affiliation with Medco Health.

9) Medco Health – Requesting clarification of NJAC 13:39 – 5.9

The Chair directed the Executive Director to inform Medco Health that the expiration date can be on a permanently affixed auxiliary label and it may be on a secondary label.

Richard Palombo was recused due to his affiliation with Medco Health.

10) Felice M. Cappello– Regarding proposal of utilizing a Pyxis StarterRX unit in a physician's office

The Chair directed to have this item moved to the Executive Session of the 11/17/04 meeting.

11) Ronald Krych, RPH, MPA, Director of Pharmacy, Valley Hospital, Ridgewood, NJ – Requesting a waiver of NJAC 13:39-11.21(b)1

This item has been re-agendized.

12) Kamal Abdou – Requesting waiver of FPGEE

Anthony Alexander moved, seconded by Edward McGinley to deny Mr. Abdou's request and as cited in 13:39-3.11(c), Mr. Abdou needs to obtain the certificate. The motion passed unanimously.

13) Folasade Osotimehin – Requesting waiver of FPGEE

Mona Doyle moved, seconded by Ira Katz to inform Ms. Osotimehin that she is not required to take the FPGEE because she received a degree from Albany College, received a Pharmacy degree, and an ACPE accredited degree. Ms. Osotimehin must supply documentation. The motion passed unanimously.

14) Eunice Miller – Correspondence regarding the ability to purchase insulin without a prescription

The Chair directs that we inform Ms. Miller that the FDA and states, but not the New Jersey Board of Pharmacy, decide what will be a prescription item. The Board thanks Ms. Miller for corresponding with the Board.

15) NABP – Communication regarding 2005 MPJE Time and Task Schedule

Ira Katz and Richard Palombo will attend the Jan 21-23, 2005 State-specific Review meeting.

The June and April 2005 MPJE Time and Task Schedule will be discussed during the February Open Session meeting.

16) Robert Fusco, R.Ph. – Correspondence regarding verbal orders

The Chair directed to re-agendize this item for a later date after this is further researched.

17) Irving Fang – Reinstatement candidate requesting a waiver in regards to MPJE Exam

Anthony Alexander moved, seconded by Mona Doyle to deny Mr. Fang's request for a waiver. The motion passed unanimously.

18) Assembly Bill No. 3280 – Deletes State registration requirement to dispense controlled dangerous substances

Sophie Heymann moved, seconded by Anthony Alexander to support the Assembly Bill No. 3280 because the Board believes the state's registration is a redundancy and in a small way it will help healthcare cost. The motion passed unanimously.

19) Medco work at home draft agreement

Ira Katz moved, seconded by Sophie Heymann to approve this draft as amended. The motion passed. Richard Palombo was recused due to his affiliation with Medco Health.

20) Sophie Heymann's Report

This report was accepted as an FYI.

The Board thanked Sophie Heymann for her commitment to the Board by her uncompensated attendance at the CAC (Citizens Advocacy Center) ASCP (American Society of Consulting Pharmacists) meeting. Her report of the issues discussed at the meeting brought valuable information to the Board.

IX. CONFERENCES

N/A

X. COMMITTEE REPORTS

(1) Pharmacy Practice Act – Technician Workgroup

Anthony Alexander

Anthony Alexander moved, seconded by Edward McGinley pursuant to approval by the division to accept as presented by the Board and to allow the Executive Director to review the training manual based on the presented criteria pursuant to approval by the Division. The motion passed with a 6 to 2 vote.

(2) Pharmacy Practice Act – Collaborative Practice Workgroup

Pamela Allen

This item has been re-agendized.

(3) Pharmacy Practice Act – Immunization Workgroup

Ira Katz

This item has been re-agendized.

XI. APPROVAL OF MINUTES

1) October 13, 2004

Anthony Alexander moved, seconded by Ira Katz to approve the October 13, 2004 open minutes as amended. The motion passed unanimously.

XII. ADJOURNMENT

At 2:45 p.m., Edith Micale moved, seconded by Sophie Heymann to adjourn the open session meeting. The motion passed unanimously.

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