

**NEW JERSEY STATE BOARD OF PHARMACY  
MINUTES OF THE OPEN SESSION  
NOVEMBER 12, 2008**

**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 November 12, 2008 at 9:10 a.m. All members were duly notified of the time and place and all pertinent materials were provided to the members.

**II. SUNSHINE LAW ANNOUNCEMENT**

Edward McGinley, President read a statement to the effect that the newspapers and appropriate elected officials had been notified of the meeting according to the requirement of the Open Meetings Act N.J.S.A., Chapter 231, PL 1975,/C. 10:4-8

**III. ROLL CALL**

Edward G. McGinley, R.Ph. President  
Thomas Bender, R.Ph. Vice President  
Pamela Allen, R.Ph.  
Peter Halecky, R.Ph.  
Elvy T. Paiva, R.Ph. (Arrived at 9:15 am)  
Marc Sturgill, R.Ph.

**OTHERS IN ATTENDANCE**

Joanne Boyer, R.Ph. Executive Director  
Megan Cordoma, Esq. Deputy Attorney General

**EXCUSED**

Margherita LaFragola  
Richard Palombo

**IV. UPDATE BY EXECUTIVE DIRECTOR**

The Executive Director announced that \$24,362.50 was collected in fines and penalties during October, 2008.

The following permits/licenses/registrations were issued during the month of October, 2008:

- Technicians – 836
- Pharmacists – 62 (48 by examination/score transfer, 14 by reciprocity)
- Out of state pharmacies – 60
- In state pharmacies – 8

**V. OLD BUSINESS**

1) Jay Stuman, R.Ph., Renal Pharmacy Operations Manager, Baxter Healthcare Corp, Deerfield , Il. – Regarding request for a special permit for Baxter's Renal Dialysis Program This matter was last before the Board on 5/28/08 at which time the Board requested additional information; on 9/10/08 the Board determined that Mr. Stuman be present at Board Meeting to answer questions

Pamela Allen moved, seconded by Peter Halecky to approve Baxter's request for a special permit, with the waivers granted at the February 27, 2008 Board Meeting, pending a successful inspection. Mr. Stuman is to contact the Board office with a date when they will be ready for inspection. The motion passed unanimously.

2) Pamela Allen, Corporate Vice President and Chief Pharmacy Officer, St. Barnabas Health Care System, West Orange, NJ – Regarding the use of Intellifill IV Robot This matter was last before the Board on 6/25/08 at which time the Board requested additional information Pamela Allen was recused due to her affiliation with the Saint Barnabas Health Care System

Elvy Paiva moved seconded by Marc Sturgill to approve the Intellifill IV for use within the Saint Barnabas Health Care System as presented to the Board. Since the Intellifill IV will now be located in a Iso Class 6 room, the process is in compliance with Board regulations. All products will be labeled with patient specific information prior to being administered to the patient. If at a future date, Saint Barnabas decides to expand the use beyond their Health System, they will need to submit an additional Central Fill Application to the Board for review and approval. An inspection will be conducted upon completion of the remodeling. The motion passed unanimously.

## **VI. NEW BUSINESS**

1) Board Meeting Dates for 2009

Pamela Allen moved, seconded by Marc Sturgill to approve the Board Meeting dates for 2009. The Motion passed unanimously.

2) Denise Gonsbery – Request for reinstatement

Peter Halecky moved, seconded by Thomas Bender to schedule Ms. Gonsbery for an Investigative Inquiry. The motion passed unanimously.

## **VII. MITIGATION/ HEARING REQUESTS**

1) Mitesh G. Patel, RPIC, West End Pharmacy, Rutherford, NJ

Elvy Paiva moved, seconded by Thomas Bender to deny the request for mitigation for the following:

- \$25 fine imposed pursuant to NJAC 13:39 – 7.16(c) 2 & 3
- \$400 fine imposed pursuant to NJSA 45:14 – 48(a)10 & NJAC 13:39 – 5.8(a)1
- warning imposed pursuant to NJAC 8:65 — 7.5(a)

and to mitigate the following:

- \$1,000 fine imposed to NJAC 8:65 – 5.6(b)
- \$50 fine imposed pursuant to NJSA 45:14 – 57 to \$25 & a warning
- \$50 fine imposed pursuant to NJAC 8:65 – 7.5(a) to a warning
- \$1,000 fine imposed pursuant to NJAC 13:39 – 6.2(f)2 to a warning

The motion passed unanimously.

2) Henry Gialanella, RPIC, Medicine Shoppe Pharmacy, Andover, NJ

Pamela Allen moved, seconded by Peter Halecky to mitigate the following:

- \$5,000 fine imposed pursuant to NJAC 13:39 – 11.7(a) to a warning
- \$5,000 fine imposed pursuant to NJAC 13:39 – 11.7(b)3 & 11.7(c)
- \$750 fine imposed pursuant to NJAC 13:39 – 11.9(b), (c) & (d)
- \$250 fine imposed pursuant to NJAC 13:39 – 11.10(a)8 & NJAC 13:39 – 7.12(a)13

- \$2,500 fine imposed pursuant to NJAC 13:39 – 11.14(b)3
- \$1,000 fine imposed pursuant to NJAC 13:39 – 11.14(b)4
- \$200 fine imposed pursuant to NJAC 13:39 – 11.24

The motion passed unanimously.

3) Bernard Buck, R.Ph., Rite Aid, Camden, NJ

This matter was last before the Board on 9/10/08 at which time it was decided to reschedule this matter

Pamela Allen moved, seconded by Thomas Bender to send a copy of the prescription and redacted emergency records to Mr. Buck and give him an additional 15 days in order to respond. The Certification form must be signed by Mr. Buck. The motion passed unanimously.

## **VIII. COMMITTEE REPORTS**

N/A

## **IX. APPROVAL OF MINUTES**

1) October 8, 2008

Thomas Bender moved, seconded by Peter Halecky to approve the minutes as amended. The motion passed unanimously.

2) October 22, 2008

Pamela Allen moved, seconded by Peter Halecky to approve the minutes as amended. The motion passed unanimously.

## **X. ADJOURNMENT**

At 11:10 am Pamela Allen moved, seconded by Elvy Paiva to move into Executive Session for the review of 9 Complaints, 1 Old Business item, 4 New Business items, Secretary's Report and Recommendation on Retail and Institutional Permits, Secretary's Report and Recommendation on Inspection Reports, conduct 1 Investigative Inquiry and approval of minutes. The motion passed unanimously