

New Jersey State Board of Pharmacy

Minutes of The Open Session of November 13, 2002

I. CALL TO ORDER

The open meeting of the New Jersey State Board of Pharmacy was called to order by Board President, Anthony Alexander in the Hudson Room, 6th Floor at 124 Halsey Street, Newark, New Jersey on November 13, 2002 at 9:15 A.M. All members were duly notified of the time and place and all pertinent materials had been provided.

Board President Anthony Alexander requested a moment of silence in memory and respect of the mother of Board Member Mona Doyle, who was recently deceased. The Board expressed it's sympathies and concerns.

II. SUNSHINE LAW ANNOUNCEMENT

Anthony Alexander 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. 10:4-6.

III. ROLL CALL

PRESENT:

Anthony Alexander, President
Edward McGinley, RP, Treasurer
Robert Kowalski, RP
Edith Tortora Micale, RP - left at 2:50 p.m. (Executive Session)
Pamela Allen, RP - arrived at 10:10 a.m.

OTHERS IN ATTENDANCE

Marianne Greenwald, Deputy Attorney General
Debora Whipple, Executive Director
Marie Wondeh, Principal Clerk Stenographer

EXCUSED

Richard Palombo, RP
Sophie Heymann
Mona Doyle
Ira Katz, RP

IV. 1. APPROVAL OF FINAL OF OPEN SESSION MINUTES OF OCTOBER 9, 2002

Edith Micale moved, seconded by Edward McGinley to accept the minutes of October 9, 2002 as amended. A committee of the Board unanimously approved the motion.

IV. 2. APPROVAL OF DRAFT OF OPEN SESSION MINUTES OF OCTOBER 23, 2002

Edward McGinley moved, seconded by Robert Kowalski to accept the October 23, 2002 minutes as a committee as amended. A committee of the Board unanimously approved the motion.

V. SECRETARY'S REPORT AND RECOMMENDATION FOR REGISTRATION BY

RECIPROCITY, EXAMINATION, AND GRADE TRANSFER

Edward McGinley moved, seconded by Robert Kowalski, to approve the Secretary's Report and Recommendation for Registration by Reciprocity, Reinstatement, Examination and Grade Transfer. A committee of the Board unanimously approved the motion.

VIII. NEW BUSINESS

(1) Memorandum from Bob Gonzalez, Maher Terminals, Inc. - Re: Over-the-counter Medication in First Aid Kits at Work Sites

The chair directed the Executive Director to inform Mr. Gonzalez that this issue does not fall under the Board's jurisdiction. He should be directed to OSHA.

(2) Henry Kozek, Department of Health and Senior Services - Re: Letter from Philip A. Scully, RPIC, Winslow's Pharmacy in regard to crediting of medications in Assisted Living Facilities

The chair directed the Executive Director to refer him to the October 23 minutes, p. 3, X-2. This issue was addressed at that meeting.

(3) Easy Pharmacy - Re: Request to mail prescriptions

The chair directed the Executive Director to advise Mr. Parvatrao that it is permissible as long as it complies with the laws of the state into which he is shipping and that he takes the appropriate steps to ensure that the products arrive in a timely manner .

IX. OLD BUSINESS

(1) Mona Doyle, Public Member, Consumer Network - Re: Proposed Readoption: NJAC 13:44B

This item was moved from Executive Session and is considered for information only.

X. ADDITIONS TO THE AGENDA

(1) Board of Medical Examiners, re: Certified Midwives, Proposed New Rules for NJAC 13:35-2A.1 through 2A.5, 2A.7, 2A.8, 2A.10, 2A.11, 2A.12, 2A.15, 2A.16 and 2A.17, Proposal Number: PRN 2002-354

The Board noted that this proposal will have an impact on the licensees because it addresses midwives prescribing. Our concern relates to how the authenticity can be verified in a community pharmacy setting.

(2) Division of Senior Benefits and Utilization Management, re: PAAD Proposed New Rules for NJAC 8:83-C-1.2 and 1.4, Proposal Number: PRN 2002-352

The Board commented that this proposal will have an impact on every pharmacy financially and as to reporting demands. Comments should be directed to Kathleen Mason.

(3) Department of Banking and Insurance, Division of Insurance, re: Pharmacy Benefit Cards, Proposed New Rules for NJAC 11:4-55, Proposal Number: PRN 2002-372

The Board commented that the time allowed to provide a card in both NJAC 11:4-55.3(a) and (b) should be changed from 60 days to 30 days. The time allowed in NJAC 11:4-55.3(c) should be changed from 180 days to 30 days. It is an imposition on both the consumer and the pharmacy to not provide required cards in a more timely fashion and shortening the period should not cause an undue hardship on the plan provider.

(4) Division of Consumer Affairs, State Board of Medical Examiners, re: Limitations on Prescribing, Administering or Dispensing of Controlled Substances; Special Exceptions for Management of Pain Implantable Infusion Pumps; Proposed Amendment: NJAC 13:35-7.6, Proposal Number: PRN 2002-355

The Board had no comment on this issue.

(5) Privacy & American Business Privacy Leadership Group Briefing and Workshop, December 5 & 6 in Washington, DC

Edith Micale moved, seconded by Pamela Allen, to recommend the Executive Director attend this conference. The motion passed unanimously.

(6) Approval of Committee Actions

All of the recommended actions taken during the Open Session were reviewed with Pamela Allen after her arrival. Ms. Allen agreed with all of the motions and, with her approval included, a quorum of the Board was present to finalize all motions of the committee.

XI. RECESS TO EXECUTIVE SESSION

At 11:07 a.m., Edward McGinley moved, seconded by Robert Kowalski, for the Board to enter into Executive Session to review II retail and IV permits and IO inspections. The motion passed unanimously.

XII. ADJOURNMENT

Edward McGinley moved, seconded by Pamela Allen, to adjourn the meeting at 3:40 P.M. The motion passed unanimously.

Respectfully submitted,

Debora C. Whipple
Executive Director