



**CHRIS CHRISTIE**  
Governor

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Lt. Governor

# New Jersey Office of the Attorney General

Division of Consumer Affairs  
Board of Pharmacy  
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## **BOARD OF PHARMACY PUBLIC SESSION MINUTES MONMOUTH CONFERENCE ROOM, 7<sup>TH</sup> FLOOR November 18, 2015**

### **I. CALL TO ORDER**

The Open Session of the New Jersey Board of Pharmacy was called to order by the Board President, Thomas F.X. Bender, at 124 Halsey Street, Monmouth Conference Room, 7<sup>th</sup> floor, on November 18, 2015 at 9:03 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- 9:40 a.m.
Edward G. McGinley, R.Ph.	
Mahesh Shah, R.Ph.	
Stephen Lieberman, R.Ph.	
Linda Witzal, R.Ph.	
Mitch Sobel, R.Ph.	Excused Absence

### **OTHERS IN ATTENDANCE**

Anthony Rubinaccio, R.Ph.	Executive Director
Megan Cordoma	Deputy Attorney General
Rachel Glasgow	Regulatory Analyst
Jessica Kelley	Board Staff
Jennifer Wasiewicz	Board Staff

### **IV. UPDATES BY EXECUTIVE DIRECTOR**

The Executive Director reported for the month of October, \$31,600 was collected in fines and penalties. The following permits, licenses, and registrations were issued during the month:

- Pharmacy Technicians registered – 269
- Pharmacists licensed – 57 ( 42 by examination/score transfer and 15 by reciprocity)
- Out-of-State Pharmacies registered – 8
- In-State Pharmacies licensed – 9
- Pharmacists receiving immunization approval – 78
- Interns (foreign graduates) licensed – 4

## V. OLD BUSINESS

### 1) Public Orders Filed

- a. Vladimir Kleyman, R.Ph. – Consent Order – Revocation (10/05/15)
- b. Prescriptions R US – Consent Order – Revocation of Permit (10/05/15)
- c. Brian Walters, R.Ph. – Consent Order – Reinstatement (10/22/15)
- d. Anthony Grzib, R.Ph. – Consent Order – Probation (10/22/15)
- e. Wedgewood Village Pharmacy, Inc. – Consent Order (10/22/15)

### 2) Trilogy Pharmacy – Dallas, TX – Out-of-state pharmacy applicant with PIC discipline

This application was originally reviewed by the Board on July 22, 2015. The Board requested additional information, which the pharmacy has provided.

Edward McGinley moved, seconded by Stephen Lieberman to approve the application. **Motion passed 6-0.**

### 3) Northmark Pharmacy, Blue Ash, OH – Out-of-state pharmacy applicant with sterile compounding

Edward McGinley moved, seconded by Richard Palombo to approve this application. **Motion passed 6-0.**

### 4) Dwight R. Montfort, R.Ph. – Collaborative practice pre-approval application

Richard Palombo moved, seconded Linda Witzal to approve this application. **Motion passed 6-0.**

### 5) Amit Sen – Active Pharmacy Technician, Finalization of POD

Edward McGinley moved, seconded by Linda Witzal to finalize the POD without modification by default. **Motion passed 6-0.**

6) **Nick Stamatiadis** – Request to terminate probation

The Board received and reviewed Mr. Stamatiadis' work history. Upon review the Board determined to bring Mr. Stamatiadis in for an Investigative Inquiry.

Thomas Bender moved, seconded by Stephen Lieberman to schedule an Investigative Inquiry with Mr. Stamatiadis. **Motion passed 5-0-1.** Mahesh Shah was recused due to his affiliation with Angelo Cifaldi.

7) **Nicole Ardite** – Request to terminate probation

The Board will issue a new Consent Order terminating Ms. Ardite's probation. She is allowed to accept the RPIC position immediately, prior to the filing of an Order of unrestricted license. Ms. Ardite must also continue with PAP monitoring.

Mahesh Shah moved, seconded by Richard Palombo to approve this request. **Motion passed 6-0.**

**VI. NEW BUSINESS**

1) **Senate Bill S3236:**

Summary:

*Permits pharmacists to prescribe self-administered hormonal contraceptives under certain circumstances; clarifies certain health insurance coverage requirements for contraceptive prescriptions*

Edward McGinley moved, seconded by Richard Palombo to support the proposed bill.

2) **2016 Board meeting dates for review and approval**

January 27, 2016  
February 24, 2016  
March 23, 2016  
April 27, 2016  
May 25, 2016  
June 22, 2016  
July 27, 2016  
August 24, 2016  
September 28, 2016  
October 26, 2016  
November 16, 2016

December 14, 2016

Thomas Bender motioned, seconded by Stephen Lieberman to accept. **Motion passed 6-0.**

- 3) **Jody Beach, R.Ph.** – Collaborative practice pre-approval application

Edward McGinley moved, seconded by Linda Witzal to approve this application. **Motion passed 6-0.**

- 4) **Jennifer Schwarz, R.Ph.** – Collaborative practice pre-approval application

Stephen Lieberman motioned, seconded by Mahesh Shah to approve this application. **Motion passed 6-0.**

- 5) **Edward Dix R.Ph.** – Collaborative practice pre-approval application

Richard Palombo motion, seconded by Linda Witzal to approve this application. **Motion passed 6-0.**

- 6) **Plumstead Apothecary, Inc.** – Request for guidance on student shadow experience

Edward McGinley moved, seconded by Stephen Lieberman to approve with a letter of advice, cautioning the RPIC that he/she is responsible for the student. The student should not be left unattended and is there solely to observe and in no way assist the Pharmacist. The RPIC is to be aware of HIPAA concerns and ensure they are compliant with law. **Motion passed 6-0.**

- 7) **Elizabeth Balon** – Active Pharmacy Technician, Finalization of POD

Edward McGinley moved, seconded by Mahesh Shah to accept the recommendation of the Attorney General's office, to finalize the POD with the modification to only assess a \$250 fine, and removing the suspension. **Motion passed 6-0.**

- 8) **Neelima Malgireddy** – Request to take NAPLEX a 6<sup>th</sup> time

Linda Witzal moved, seconded by Mahesh Shah to allow Ms. Malgireddy to take the NAPLEX for the sixth time due to an illness during her second attempt. **Motion passed 5-1.** Thomas Bender was opposed.

9) **Sheena Mascolo** – Request to take NAPLEX an 8<sup>th</sup> time

Edward McGinley moved, seconded by Stephen Lieberman to deny this request as the previous scores were very low, she had graduated six years ago, and there was no compelling reason presented to allow another attempt. **Motion did not pass 4-1-1.** Mahesh Shah was opposed. Thomas Bender was recused due to his affiliation with Walgreens.

Margherita Cardello joined the meeting. Discussion resumed.

Edward McGinley moved, seconded by Stephen Lieberman to deny this request as the previous scores were very low, she had graduated six years ago, and there is no compelling reason presented to allow another attempt. **Motion passed 5-1-1.** Mahesh Shah was opposed. Thomas Bender was recused due to his affiliation with Walgreens.

10) **John Hollis Pharmacy – Nashville, TN** – Out-of-state pharmacy applicant with discipline

The Pharmacy's hours of operation do not meet the minimum requirements in the New Jersey Board of Pharmacy regulations.

Edward McGinley moved, seconded by Margherita Cardello to deny this application. **Motion passed 7-0.**

11) **CareKinesis, Inc. – Boulder, CO** – Out-of-state pharmacy applicant with discipline

Dr. Greene, on behalf of CareKinesis, addressed the Board clarifying that the New Jersey CareKinesis pharmacy had discipline, not the Colorado CareKinesis pharmacy. There was some confusion since CareKinesis is corporately owned, discipline for all locations needed to be stated on the application.

Richard Palombo moved, seconded by Mahesh Shah to approve this application. **Motion passed 7-0.**

12) **Armour Pharmacy, Conshohocken, PA** – Out-of-state pharmacy applicant with discipline

Edward McGinley moved, seconded by Linda Witzal to approve this application. **Motion passed 7-0.**

## VII. MITIGATION REQUEST

1. **Baxter Renal Pharmacy** – Swedesboro, NJ (tabled from 09/02/15 meeting)

Christy Kim, RPh, Manager of Baxter Pharmacy and Frank Breve, RPIC attended the meeting to present their mitigation request. Ms. Kim explained that the records are locked in an office where Mr. Breve performs his duties. Mr. Breve was not present during the inspection, and it appears that the worker provided the inspector with incorrect information regarding where Mr. Breve performed his work (at cubicles on the warehouse floor, outside of his locked office), rather than indicating the office where Mr. Breve stated he worked and stored documents.

Richard Palombo moved, seconded by Linda Witzal to approve the mitigation request. The Pharmacy is to provide an updated schematic of the facility indicating the offices and drug storage area, a document outlining the business model and a description of how security of the documents will be enforced while Mr. Breve is working on the warehouse floor and in his office. This additional information will be useful in facilitating future inspections. **Motion passed 6-1.** Thomas Bender was opposed.

2. **Monica Garton, RPIC** – Rite Aid Pharmacy, Vineland, NJ (tabled from 10/28/15 meeting)

Richard Palombo moved, seconded by Linda Witzal to mitigate N.J.A.C. 13:39-10.3(b)(2), N.J.A.C. 13:39-10.6(a)(2) and N.J.A.C. 13:39- 6.7(b). **Motion did not pass 4-2-1.** Edward McGinley and Stephen Lieberman were opposed. Margherita Cardello was recused due to her affiliation with Rite Aid.

Edward McGinley moved, seconded by Linda Witzal to mitigate the fine for violation of N.J.A.C. 13:39- 6.7(b) from \$250 to \$50 and remove the citations for violations of N.J.A.C. 13:39-10.3(b)(2) and N.J.A.C. 13:39-10.6(a)(2). **Motion passed 5-1-1.** Stephen Lieberman was opposed. Margherita Cardello was recused due to her affiliation with Rite Aid.

## VIII. INFORMATIONAL

- 1) NABP- Critical Point, LLC Qualified Person Credentialing Program

The Board accepted this as informational

- 2) NABP- Internet Drug Outlet Identification Program

The Board accepted this as informational

- 3) Roadrunner Pharmacy, Inc. – FDA Guidance for Industry-Compounding Animal Drugs from Bulk Drug Substances

The Board accepted this as informational.

## IX. COMMITTEE REPORTS

Edward McGinley participated in a two day writing workshop for the PARE exam, along with eighteen other people at NABP. During the course of the workshop, they generated over 300 questions covering a wide range of topics related to the competencies of practice.

## X. APPROVAL OF MINUTES

- 1) Public session minutes for September 30, 2015

Edward McGinley moved, seconded by Richard Palombo to approve the September 30, 2015 Public Session Minutes as amended. **Motion passed 7-0.**

- 2) Public session minutes for October 28, 2015

Mahesh Shah moved, seconded by Richard Palombo to approve the October 28, 2015 Public Session Minutes as amended. **Motion passed 7-0.**

## XI. ADJOURNMENT

At 10:52 a.m., Margherita Cardello moved, seconded by Stephen Lieberman, to adjourn the Public Session. **Motion passed 7-0.**

Margherita Cardello moved, seconded by Stephen Lieberman, to move into the Executive Session for review of 5 Complaints, 3 Old Business Items, 22 New Business Items, the Secretary's Report and Recommendation on Inspection Reports from, and the approval of the Executive Session Minutes. **Motion passed 7-0.**