

**NEW JERSEY STATE BOARD OF PHARMACY
MINUTES OF THE OPEN SESSION
NOVEMBER 28, 2007**

I. CALL TO ORDER

The Open Meeting of the New Jersey Board of Pharmacy was called to order by Board President Edward McGinley, R.Ph. in the Somerset Room, 6th Floor at 124 Halsey Street, Newark, New Jersey on November 28, 2007 at 9:07 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

Mr. 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.
Jennifer DeVenio Government Member
Margherita Lafragola, R.Ph.
Elvy T. Paiva, R.Ph.
Peter Halecky, R.Ph.
Richard Palombo, R.Ph.
Axel Miranda Public Member (arrived at 9:23 am)

OTHERS IN ATTENDANCE

Joanne Boyer, R.Ph. Executive Director
John Hugelmeyer, Esq. Deputy Attorney General

EXCUSED

Marc Sturgill, R.Ph.

IV. UPDATE BY EXECUTIVE DIRECTOR

N/A

V. CONTINUING EDUCATION REPORT

N/A

VI. OLD BUSINESS

1) Nevin Okay, RPIC, Medco Health Solutions, Franklin Lakes, NJ – Notification of additional pharmacists participating in Work-at-Home program Richard Palombo was recused due to his affiliation with Medco.

Ely Paiva moved, seconded by Margherita LaFragola to have Medco provide the phone number of the location at which the pharmacist is working remotely and the specific secured area in the residential premises where the workstation is located. Additionally, Medco is to provide a report detailing employee participation totals,

employee monitoring results, prescription processing totals, minimum and peak workload summaries, equipment and network performance results, a summary of pharmacist interventions and methods utilized, medication errors, quality of dispensing compared to Medco's traditional mail service pharmacies, and compliance with applicable laws and regulations. The motion passed unanimously.

2) Humberto Cedeno – Withdrawal of request for reinstatement of his license

The Board accepted this as an FYI

VII. NEW BUSINESS

1) Robin E. Van Cleave, Manager, legal Department, Option Care, Buffalo Grove, IL – Request to maintain same permit number upon transfer of ownership Elvy Paiva and Thomas Bender were recused due to their affiliation with Walgreens.

Richard Palombo moved, seconded by Jennifer DeVenio to approve the request for Option Care to maintain the same permit number upon transfer of ownership. The motion passed unanimously.

2) Samir Tammous, RPIC, part owner, Sheefa Pharmacy, Clifton, NJ – Request to maintain same permit number upon transfer of ownership

Elvy Paiva moved, seconded by Jennifer DeVenio to approve the request for Sheefa Pharmacy to maintain the same permit number upon transfer of ownership. The Executive Director is to verify the ownership information contained in "Transfer of ownership from" segment of the application since it appears to be in conflict with previously documented ownership information. An inspection is to be conducted and an inventory of controlled substances is to be taken. The motion passed unanimously.

3) Richard A. West, legal counsel for Pharmacy Creations, Randolph, NJ – Correspondence regarding compounding practices and the FDA

Pamela Allen moved, seconded by Thomas Bender to accept this correspondence as informational. The Board conducts independent inspections, and to date there has been no interference or intrusion by any Federal government entity with the Board of Pharmacy's ongoing duty to regulate compounding pharmacies. The Board is currently in the process of updating NJAC 13:39 Subchapter 11 in regards to sterile compounding. Once this process is completed the Board will then address non-sterile compounding. The role of the Board is to protect the public thru promulgation of regulations and the enforcement of statues and regulations relating to the practice of pharmacy. The motion passed unanimously.

4) James Melcon – Requesting clarification/consideration for the start date of his 3 month active suspension On July 27, 2007 board determined that the active suspension period was to begin on the date in which he signed the Order

Pamela Allen moved, seconded by Elvy Paiva to uphold the start date of Mr. Melcon's 3 month active suspension as stated in Item 1 of his Consent Order (The license of the respondent to practice pharmacy in New Jersey shall be suspended for two years from the date of the entry of this Order). The Order was filed on 9/5/07. The motion passed unanimously.

5) Larry DeMarzo, Acting Director, Division of Consumer Affairs – Appearing at the request of Board President, Edward McGinley to discuss NABP District II meeting to be held October 2008, update on pharmacy technician registration and Board office staffing

Edward McGinley reviewed with Mr. DeMarzo the New Jersey State Board of Pharmacy's responsibility to host the NABP District II meeting in 2008. Due to the travel restrictions currently in place, Mr. McGinley requested that the Board be given approval to move forward with the planning of the meeting with the understanding that the Board members and the Executive Director will be able to attend the meeting. Mr. DeMarzo will research this

matter and report back to the Board.

Mr. DeMarzo noted that the Division is still working on the ability to have the pharmacy technicians register with the Board online. He also stated that additional temps would be hired to handle those applications that are mailed to the Board. The Executive Director will pursue, through the division regulatory analyst, obtaining an extension to the time frame imposed in the regulations that all technicians must be registered with the Board.

Mr. McGinley expressed concern to Mr. DeMarzo regarding the ongoing staffing issues within the Board office.

At 1:25 pm Pamela Allen moved, seconded by Thomas Bender to move back into Executive Session. The motion passed unanimously.

VIII. MITIGATION/ HEARING REQUESTS

1) Cynthia Height, RPIC, Pathmark Pharmacy, Cherry Hill, NJ Edward McGinley was recused due to his affiliation with Pathmark Pharmacy.

Elvy Paiva moved, seconded by Jennifer DeVenio to mitigate the warning imposed pursuant to NJAC 13:39 – 2.10(b). The motion passed unanimously.

2) Sozan W. Samuel, RPIC, Drug Fair of Plainfield, Plainfield, NJ

Richard Palombo moved, seconded by Pamela Allen to mitigate:

- the warning imposed pursuant to NJAC 13:39 – 4.10
- the \$275 fine imposed pursuant to NJAC 13:39 – 4.14
- the \$1,000 fine imposed pursuant to NJSA 45:14 -69, 70 & 71
- the \$1,000 fine imposed pursuant to NJAC 8:65 — 5.7

The motion passed unanimously.

IX. COMMITTEE REPORTS

N/A

X. APPROVAL OF MINUTES

1) October 24, 2007

Pamela Allen moved, seconded by Jennifer DeVenio to approve the minutes, with the exception of items VII (4) and (5) as amended. Items VII (4) and (5) will be rescheduled. The motion passed unanimously.

XI. ADJOURNMENT

At 10:16 am Pamela Allen moved, seconded by Peter Halecky to move into Executive session for the review of 8 complaints, 2 Old Business items, 4 New Business items, Secretary's Report and Recommendation on Retail and Institutional Permits, Secretary's Report and Recommendation on Inspection Reports, approval of minutes, and to conduct 2 Investigative Inquiries. The motion passed unanimously.