

**NEW JERSEY STATE BOARD OF PHARMACY
MINUTES OF OPEN SESSION
December 1, 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 Morris Room, 6th Floor at 124 Halsey Street, Newark, New Jersey on December 1, 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 (Left at 3:45 p.m.)
Sophie Heymann, Public Member
Ira Katz, R.Ph (Arrived at 9:45 a.m., Left at 3:30 p.m.)
Robert Kowalski, R.Ph Government Member (Left at 3:25 p.m.)
Edith Tortora Micale, R.Ph
Richard Palombo, R.Ph (Left at 4:15 p.m.)

OTHERS IN ATTENDANCE:

Marianne Greenwald ,Deputy Attorney General
Joanne Boyer, R.Ph Executive Director
Shonnette Messiah, Principal Clerk Stenographer
Kiran Shamlal,l Assistant Clerk Stenographer

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

Robert Kowalski moved, seconded by Sophie Heymann to accept the Secretary's Report and Recommendation for Registration by Reciprocity, Examination and Grade Transfer. The motion passed unanimously.

V. CONTINUING EDUCATION REPORT

Robert Kowalski moved, seconded by Anthony Alexander to accept the Continuing Education Report as amended. The motion passed unanimously.

VI. VIOLATIONS PAID FOR THE MONTH OF NOVEMBER

Robert Kowalski moved, seconded by Edith T. Micale to accept the Violations Paid For The Month of November. The motion passed unanimously.

VII. OLD BUSINESS

1) John J. Womble – Communication to the Board regarding his complaint

This item was moved to the Executive Session, for protection of patient information in compliance with HIPAA and the Open Public Records Act.

2) David Klein – Follow-up regarding MedAccess proposal

This item was originally before the Board at the 10/13/04 meeting at which time the Board requested additional information

At the request of Mr. Klein, this item was tabled.

3) Mary Cook – Communication regarding her complaint

This item was moved to the Executive Session, for protection of patient information in compliance with HIPAA and the Open Public Records Act.

4) Haresh Patel – Requesting waiver of TSE

Mr. Patel was interviewed by Mr. Kowalski and Mr. Alexander prior to the 11/17/04 Board meeting.

Anthony Alexander moved, seconded by Robert Kowalski to grant a waiver of the TSE. The motion passed unanimously.

5) Clarification of NABP designation of "foreign graduate"

NABP has found a multitude of foreign graduates had submitted falsified documents to obtain a license.

The Board is asking NABP for a written response in regards to when a candidate receives their initial degree from a foreign school and a subsequent pharmacy degree from an ACPE accredited college, is that student still considered a foreign graduate.

6) Sunset Regulations

This adoption was approved by the Governor. It was noted that in NJAC 6.6(d) "not including cashiers, stocking and clerical help" was deleted since it was felt that including this was redundant based on the amendment to the definition of pharmacy technician.

The Rules and Regs committee will address the issue involving cashiers, stocking and clerical help.

VIII. NEW BUSINESS

1) Michael Wolf, R.Ph., Ph.D., President, Wald Drugs – Regarding a store front drop off location

Edward McGinley moved, seconded by Sophie Heymann to recommend that Mr. Wolf complete an application for remodeling to be reviewed by the Board and the application should address security, staffing and dispensing issues.
The motion passed unanimously.

2) Michael Harris, Northern Business Systems – Regarding digital document management

The Chair directed that this be forwarded to the Rules and Regs committee to determine what image resolution is acceptable, since the quality of the digital imaging can vary.

3) Joseph Piacentile, HealthRamp Corp– Regarding pharmacist receiving payment to switch a patient's drug from one manufacturer to another

The Chair directed that the Executive Director respond to Mr. Piacentile and make him aware that there is no

pharmacy regulation that addresses this issue.

4) Louis E. Baxter, Sr., M.D., FASM, Physicians' Health Program –Drug detection in dilute urine screens

This item was accepted as an FYI.

5) NABP – Comments on the Medicare Modernization Act proposed regulations
Board of Pharmacy

This item will be referred to the rules and regulations committee to review current statutes and regulations to determine what the status of Medication Therapy Management Programs might be in N.J.

6) America's Pharmacist, October, 2004 – Article regarding HIPPA security rule that takes effect April 20, 2005

This item was treated as an FYI.

7) NABP – Communication regarding dietary supplements

This item was treated as an FYI.

8) NABP – Notification of new address and phone numbers

This item was treated as an FYI.

9) Petra Khoury –Requesting clarification from Board regarding internship hours if a graduate of a foreign ACPE accredited college

The Chair directed that since Mr. Khoury is graduating from an ACPE accredited college, internship is not required.

IX. CONFERENCES

1) 2005 Annual Industry & Technology Issues Conference, January 20-22, 2005, Amelia Island, Fl.

Anthony Alexander and Pamela Allen are interested in attending this conference. However, all out of state travel has been canceled due to budgetary restraints.

X. COMMITTEE REPORTS

(1) Pharmacy Practice Act – Technician Workgroup

Anthony Alexander

Anthony Alexander moved, seconded Edith Micale pursuant to approval by the Director to accept as amended by the Board, the presented technician training criteria, and to have the Executive Director review the training manuals based on these criteria. The motion passed unanimously.

(2) Pharmacy Practice Act – Collaborative Practice Workgroup
Pamela Allen

The Chair is waiting on the B.M.E.'s response to this item.

(3) Pharmacy Practice Act – Immunization Workgroup

Ira Katz

Ira Katz is waiting on the B.M.E.'s response to this item.

XI. APPROVAL OF MINUTES

1) November 10, 2004

Robert Kowalski moved, seconded by Mona Doyle to accept the November 10, 2004 open minutes as amended. The motion passed unanimously.

XII. ADJOURNMENT

At 12:15 p.m., Sophie Heymann moved, seconded by Robert Kowalski to move into the executive session to review (9) complaints, (10) inspection reports, (8) retail and IV permits. The motion passed unanimously.

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