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NEW JERSEY STATE BOARD OF PHARMACY MINUTES OF THE OPEN SESSION December 9, 2009

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 December 9, 2009 at 9:15 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
Peter Halecky, R.Ph.	
Margherita LaFragola, R.Ph.	(Arrived at 9:25 a.m.)
Elvy T. Paiva, R.Ph.	(Arrived at 9:45 a.m.)
Richard Palombo, R.Ph.	
Marc Sturgill, R.Ph.	

OTHERS IN ATTENDANCE

Joanne Boyer, R.Ph.	Executive Director
Megan Cordoma, Esq.	Deputy Attorney General
Maria Bertorelli	Administrator Assistant

IV. UPDATE BY EXECUTIVE DIRECTOR

1. The Executive Director reported that \$11,166.54 was collected in fines and penalties during November, 2009.

The following permits/licenses/registrations were issued during the month of November, 2009:

- Technicians - 173
- Pharmacists - 46 (29 by examination/score transfer, 17 by reciprocity)
- Out of state pharmacies - 6
- In state pharmacies - 13
- Pharmacists receiving immunization approval - 31
- Interns (foreign graduates) - 10

2. On November 20, 2009, Act 799/S2550, which permits physicians to issue multiple

prescriptions for total of up to 90-day supply of Schedule II drugs was approved and signed by the Governor. This new rule becomes effective on March 1, 2010.

V. OLD BUSINESS

N/A

VI. NEW BUSINESS

1) Nino Paradiso, R.Ph. – Request for elimination of restriction as stated in Order of Reinstatement

Thomas Bender moved, seconded by Richard Palombo to eliminate the restrictions imposed on the Order of Reinstatement issued to Mr. Paradiso by the Board and filed on 11/28/07.

The motion passed unanimously

2) Paul Zamerowski – Request for modification to Consent Order

Margherita LaFragola moved, seconded by Thomas Bender to deny request to modified the Consent Order issued to Mr. Zamerowski by the Board and filed on 7/28/09. **The motion passed unanimously**

3) Aiad Saman – Request for reconsideration of Board's decision

This matter is to be rescheduled.

4) Hemin H. Patel – Request for reinstatement of license

Peter Halecky moved, seconded by Margherita LaFragola to deny Mr. Patel's request for the reinstatement of his license. The Board notes that although the State of Ohio reinstated his license to practice pharmacy, the same is deemed to be not in good standing until the successful completion of the probationary period. Mr. Patel can re apply for reinstatement of his New Jersey license at the completion of his 4 year probation with the State of Ohio. **The motion passed unanimously**

VII. MITIGATION/ HEARING REQUESTS

1) Robert S. Cappa, Alvin's Pharmacy, Teaneck, NJ

Thomas Bender moved, seconded by Margherita LaFragola to mitigate the \$50 fine imposed pursuant to NJAC 8:65-7.10(a) & (c) to a warning. **The motion passed 5 - 1.**

2) Larisa Lando, RPIC, Walgreens, Wyckoff, NJ

Elvy Paiva and Thomas Bender were recused due to their affiliation with Walgreens.

Richard Palombo moved, seconded by Peter Halecky to mitigate the \$500.00 fine imposed pursuant to NJAC 13:39-6.6(c) to a warning, the \$500.00 fine imposed pursuant to NJAC 13:39-6.6(e)2, the \$200.00 fine imposed pursuant to NJAC 13:39-6.6(f) & NJSA 45:14-80(f), the \$125.00 fine imposed pursuant to NJAC 8:65-7.5(a) & NJAC 8:65-7.13(a), the \$25.00 fine imposed pursuant to NJAC 13:39-1.2 and to deny mitigation to the \$200.00 fine imposed pursuant to NJAC13:39-7.19(c)1. **The motion passed unanimously**

VIII. COMMITTEE REPORTS

N/A

IX. APPROVAL OF MINUTES

1) November 19, 2009

Marc Sturgill moved, seconded by Elvy Paiva to approve the November 19, 2009 Open Session Minutes as amended. **The motion passed unanimously**

X. ADJOURNMENT

At 10:05 a.m., Marc Sturgill moved, seconded by Elvy Paiva to move into Executive Session for the review of 11 Complaints, 3 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, conduct 2 Investigative Inquiries and approval of minutes. **The motion passed unanimously.**