

DRAFT

**NEW JERSEY STATE BOARD OF PHARMACY
MINUTES OF THE OPEN SESSION OF DECEMBER 10, 2003**

I. CALL TO ORDER

The Open meeting of the New Jersey State Board of Pharmacy was called to order by Board President Edward McGinley in the Essex Room, 7th Floor at 124 Halsey Street, Newark, New Jersey on December 10, 2003 at 9:03 a.m. All members were duly notified of the time and place and all pertinent materials had been provided.

II. SUNSHINE LAW ANNOUNCEMENT

Edward McGinley 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

Present:

Edward McGinley, R.Ph. President
Edith Micale, R.Ph. Treasurer
Anthony Alexander, R.Ph. (Left 12:45 p.m.)
Pamela Allen, R.Ph.
Mona Doyle Public Member
Sophie Heymann Public Member
Ira Katz, R.Ph. (Arrived at 9:20 a.m.)
Robert Kowalski, R.Ph.

OTHERS IN ATTENDANCE:

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

EXCUSED:

Richard Palombo, R.Ph.

IV.1 APPROVAL OF DRAFT MINUTES OF NOVEMBER 19, 2003

Robert Kowalski moved, seconded by Edith Micale, to accept the draft minutes of November 19, 2003 as amended. The motion passed unanimously.

IV.2 APPROVAL OF FINAL MINUTES OF NOVEMBER 5, 2003

Robert Kowalski moved, seconded by Sophie Heymann, to accept the minutes of November 5, 2003 as amended. The motion passed unanimously.

V. SECRETARY'S REPORT AND RECOMMENDATION FOR REGISTRATION BY RECIPROcity, EXAMINATION AND GRADE TRANSFER

Anthony Alexander moved, seconded by Robert Kowalski, to grant Executive Director Joanne Boyer the ability to use her discretion to immediately authorize pharmacist licenses under the condition that the potential licensees have no criminal history. In the event that potential licensees have a criminal history, the Executive Director is to consult with the DAG for further instruction.

VI. VIOLATIONS PAID FOR THE MONTH OF NOVEMBER

Anthony Alexander moved, seconded by Edith Micale, to accept the Report of Violations Paid for the month of November 2003. The total amount paid was \$73,496.09. Joanne Boyer, Executive Director, commented that the increase in the collections was due to the collaborated efforts of the in- house staff and Board Members to alleviate the back log of inspection reports that need to be reviewed and acted upon. The motion passed unanimously.

VII. OLD BUSINESS

(1) United States Pharmacopeia General Chapter Chapter <797> , Pharmaceutical Compounding - Sterile Preparations

This chapter was recently revised.

(2) An Ounce of Prevention: Controlling Hazards in Extemporaneous Compounding Practices

Pamela Allen moved, seconded by Robert Kowalski, to move item VII-1 and VII - 2 to the Rules and Regulations Committee for review. Board member Pamela Allen, requested that USP Chapters 795 Pharmaceutical Compound Non-Sterile Preparation and USP Chapters 1075 Good Compounding PC be obtained to assist the Rules and Regulations Committee in their review. The motion passed unanimously.

VIII. NEW BUSINESS

(1) New Jersey Pharmacists Association

The association is requesting that a Board meeting be held during their convention 6/29/04 thru 7/1/04, Borgata Hotel, Atlantic City. Mr. Roney has suggested 6/30/04 as the actual date for the meeting.

Anthony Alexander moved, seconded by Edward McGinley to change the meeting date and venue to the Borgata Hotel in Atlantic City. The motion passed unanimously.

After discussion by the board additional changes were made to the 2004 Board meeting schedule. The Chair directed the Executive Director to provide an updated schedule at the January 14, 2004 meeting.

(2) Mamdouh Emil Sous, RPIC, Dendrite Pharmacy, Totowa, NJ

Mr. Sous is requesting that he be excused from posting a sign outside the building, because all patients they serve do not come to the pharmacy. Filled prescriptions are mailed to patients. Pamela Allen moved, seconded by Robert Kowalski to grant Mr. Sous's request to be excused from posting a sign outside the building. The motion passed unanimously.

(3) Nancy A. Turner, RP

Ms. Turner is requesting a waiver of the 10 hours didactic continuing education credits due to hardship. Robert Kowalski moved, seconded by Anthony Alexander to deny Ms. Turner's request for a waiver of the 10 hours didactic continuing education credits. The Board's response to Ms. Turner shall include an explanation of N.J.S.A. 45:14-11.14, and advice that interactive continuing education is available online. The motion passed unanimously.

(4) Mark Weinstein, D.C., R.Ph.

Mr. Weinstein is requesting that medical/chiropractic approved CEUs be accepted for pharmacy CEUs.

The Chair directed the Joanne Boyer, Executive Director, to contact Mr. Weinstein for more information. The motion passed unanimously.

(5) Nicholas J. Laurora, RPIC CFI of New Jersey

Mr. Laurora is requesting Board approval to only perform prescription intake activities at its East Hanover location. No drugs will be stored, compounded or dispensed. Robert Kowalski moved, seconded by Sophie Heymann granted CFI-NJ a waiver from N.J.S.A. 45:14-33 (d). The motion passed unanimously.

(6) Senate, No. 2752

Comments needed in regards to above which establishes New Jersey Rx Program to reduce prescription drug prices.

While the Board supports the bill in theory, the implementation is seen as problematic. Issues include the administrative burden on pharmacies and pharmacists, reimbursement should be weekly and not "weekly or biweekly", the "Rx Program Advisory Council" does not include a manufacturer, and no appropriation for set-up and administration of program. Therefore, Robert Kowalski moved, seconded by Mona Doyle to oppose the bill in its current format. The motion passed unanimously.

(7) Senate Bill, No. 2793

The Board of Pharmacy voted to support this bill with amendments:

Section(c) should be amended to specifically include reference to pharmacies, as opposed to the broad reference to "health care facility." By definition, health care facility would not include pharmacies. Inclusion of pharmacies would capture more reportable events under the bill.

The Board is concerned that Section (f) means that information that must be reported under Section (c) is discoverable. The Board thinks that none of the information reported, mandatory or voluntary, should be discoverable in order to encourage reporting and to facilitate correction of systemic errors. The Board wants Section (f) further clarified to provide that all reported information shall be discoverable by the relevant professional Boards in the State.

The Board would like to see the bill amended to include a provision similar to the provision already contained in the BME statute which would make all actions taken by the Board based on the information reported a non-public record. Their concern is that if the Board gets access to non-discoverable information, and the information forms the basis of disciplinary action, any order entered by the Board would be discoverable as a public record. Such an outcome would hinder the intent of the bill.

Sophie Heymann moved, seconded by Mona Doyle to actively support the bill with the amendments made during the Board meeting. The motion passed unanimously.

(8) Controlled Dangerous Substances Schedule II - Prescribing Discussion

Anthony Alexander stated that there is confusion among licensees regarding which health care professionals (e.g. APN, NP, CNM, etc.) have CII prescriptive authority and under what circumstances. There needs to be an overall clarification on who possesses the authority to prescribe Controlled Dangerous Substances. Mr. Alexander asked that this confusion be addressed by requesting the other professional boards to provide clarification, and then published this information in a clear manner to our licensees.

IX. ADJOURNMENT

At 11:15 a.m., Robert Kowalski moved, seconded by Anthony Alexander, to move into Executive session to review (81) inspection reports, (19) retail IV permits (11) complaints, (2) mitigations and conduct (3) investigative inquiries. The motion passed unanimously.

At 5:22 p.m., Robert Kowalski moved, seconded by Ira Katz to adjourn the Executive session. The motion passed unanimously.