

New Jersey State Board of Pharmacy

Minutes of The Open Session of December 11, 2002

I. CALL TO ORDER

The open meeting of the New Jersey State Board of Pharmacy was called to order by Board President, Anthony Alexander in the Hudson Room, 6th Floor at 124 Halsey Street, Newark, New Jersey on December 11, 2002 at 9:15 A.M. All members were duly notified of the time and place and all pertinent materials had been provided.

II. SUNSHINE LAW ANNOUNCEMENT

Anthony Alexander 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. 10:4-6.

III. ROLL CALL

PRESENT:

Anthony Alexander, President
Edward McGinley, RP, Treasurer
Robert Kowalski, RP
Edith Tortora Micale, RP
Pamela Allen, RP
Richard Palombo, RP
Sophie Heymann
Mona Doyle
Ira Katz

OTHERS IN ATTENDANCE

Marianne Greenwald, Deputy Attorney General
Debora Whipple, Executive Director
Marie Wondeh, Principal Clerk Stenographer

IV. 1. APPROVAL OF FINAL OF OPEN SESSION MINUTES OF OCTOBER 23, 2002

Mona Doyle moved, seconded by Edith Micale to accept the minutes of October 23, 2002. The motion passed unanimously.

IV. 2. APPROVAL OF DRAFT OF OPEN SESSION MINUTES OF NOVEMBER 13, 2002

Edith Micale moved, seconded by Edward McGinley to accept the November 13, 2002 minutes as amended. The motion passed unanimously.

IV.3. MINUTES OF NOVEMBER 28TH CONTINUOUS QUALITY IMPROVEMENT COMMITTEE

Mona Doyle moved, seconded by Sophie Heymann to accept the minutes of the Continuous Quality Improvement Committee. The motion passed unanimously.

V. SECRETARY'S REPORT AND RECOMMENDATION FOR REGISTRATION BY RECIPROcity

Sophie Heymann moved, seconded by Edith Micale, to approve the Secretary's Report and Recommendation for Registration by Reciprocity. The motion passed unanimously.

VI. MEMORANDUM OF FINES COLLECTED DATED DECEMBER 1, 2002

Edith Micale moved, seconded by Ira Katz, to approve the memorandum of fines collected and to continue attaching the letters of correction to the report and to advise licensees in the Uniform Penalty Letter that the letter of correction will be reviewed in Open Session. The Executive Director should follow up as to why everyone in this report had not sent in a letter of correction and to always insure there is nothing that has to be redacted in the letters before they are distributed as part of the Open Session. The motion passed unanimously.

VII. CONFERENCES

(1) NABP EDUCATIONAL WORKSHOP - Two dates: January 10, 2003, Crystal Gateway Marriott, Arlington, VA and February 21, 2003, Hyatt Regency, Dallas-Ft. Worth, TX

Edith Micale moved, seconded by Edward McGinley that Richard Palombo attend the February 21, 2003 session as a representative of the Board. The motion passed unanimously.

(2) CONFERENCE REPORT ON CITIZEN ADVOCACY CENTER MEETING, NOVEMBER 11-13, 11-15, SAN FRANCISCO, CA - by Sophie Heymann

The Board accepted Sophie's report for informational purposes.

(3) ASAP CONFERENCE - January 16-18, 2003

Pamela Allen moved, seconded by Richard Palombo, to recommend Edward McGinley attend the ASAP Conference as a representative of the Board. Sophie Heymann was recommended as an alternate. The motion passed unanimously.

VIII. NEW BUSINESS

(1) Capitol Health System - Chester Lau, Director of Pharmacy, Re: Request for clarification of IV Law, NJAC 13:39-11.12

Pamela Allen moved, seconded by Ira Katz to inform Mr. Lau that (a) & (b) apply to both retail and institutional pharmacies while (c) is limited to institutional pharmacies. For a sterile product prepared in a clean room, it may be given an expiration date recommended by either the manufacturer or supported in current literature. For example, if the manufacturer states that a product is stable for a period greater than 24 hours (e.g. 60 days) and the product is prepared in a clean room, then the product may be labeled with the expiration date (i.e., 60 days) recommended by the manufacturer. The motion passed unanimously.

(2) MedImpact Healthcare Systems, Inc. - Re: Request for Board's determination on whether or not their form constitutes a valid prescription in New Jersey as it is intended for use in their MedPreferred program

Edward McGinley moved, seconded by Mona Doyle that this does not constitute a valid prescription in New Jersey as per NJAC 13:35-7.2(d) and the proposed electronic regulations (NJAC 13:39-5.8A, (b) and (d). The motion passed unanimously.

(3) Eckerd Drugs - Re: Confirmation that the privacy screen does not constitute a pharmacy remodeling application

Pamela Allen moved, seconded by Richard Palombo that the installation of the privacy screens does not constitute a remodeling of the pharmacy since the pharmacy footprint is not affected. The motion passed unanimously.

(4) ASHP - "Outsourced Compounding Can Be Problematic"

The chair directed that this article be referred to the Enforcement Committee to develop a compounding survey/questionnaire for distribution to all permit holders. The motion passed unanimously.

(5) Legislative Liaison

Ira Katz moved, seconded by Edward McGinley to appoint Robert Kowalski and Pamela Allen as the Legislative Liaisons for the Board should a Board position be needed for response. The motion passed unanimously.

(6) Rabin Ghostal - Waiver of FPGEE

Edward McGinley moved, seconded by Edith Micale to accept the recommendation of the Waiver Committee to deny his request for a waiver. The motion passed unanimously.

(7) Dr. Joseph A. Wolf - Waiver of fees for Reinstatement of his License

This item will be re-agendized for the next meeting after legal review by the DAG.

(8) James J. Holot, King Pharmaceuticals - Clarification of our Regs

The Chair directed that this item be referred to the Drug Utilization Review Council for an official response.

IX. OLD BUSINESS

(1) Larry Hacker - Re: Request for Reinstatement of His License - Florida Board of Pharmacy response with information by New Jersey Board of Pharmacy

Mona Doyle moved, seconded by Sophie Heymann to request the DAG draft an Order for Reinstatement for the Board to review at a future meeting. The motion passed unanimously.

(2) Epstein, Becker & Green, P. C. - Requesting attached letter be accepted in lieu of flying to New Jersey for appearance per the October 23rd Board meeting

Edith Micale moved, seconded by Mona Doyle that representatives from PromptCare appear before the Board. The motion passed unanimously.

X. LEGISLATION

(1) A-2264 - Requires criminal history record background checks for health care professionals as condition of initial licensure

This bill requires that a professional and occupational licensing board within the Division of Consumer Affairs in the Department of Law and Public Safety, or the Director of the Division of Consumer Affairs, as applicable, who regulates the practice of a health care professional shall not issue an initial license or other authorization to practice a health care profession that is regulated by that board or the director to any applicant therefor unless the board or director, as applicable, first determines, consistent with the requirements of the bill, that no criminal history record information exists on file in the Federal Bureau of Investigation (FBI) Identification Division, or in the State Bureau of Identification in the Division of State Police, which would disqualify that person from being licensed or otherwise authorized to practice as a health care professional.

Edward McGinley moved, seconded by Sophie Heymann to support this bill as written. The motion passed

unanimously. It was later determined that this bill was signed into law on November 22 of this year.

(2) A-2990 - An act concerning prescription drug-related errors and supplementing Chapter 14 of Title 45 of the Revised Statutes

This bill, which is designated the "Pharmacy Quality Assurance and Error Prevention Act," is intended to strengthen protections against the occurrence of medication-related errors by requiring that pharmacies adopt systematic measures to address this critical health care issue.

The Chair directed that the Board members e-mail their comments to the Executive Director to be considered at the CQI meeting.

(3) Comments on Prescriptions and Medication Orders Transmitted by Technological Device in an Institution; Prescriptions Transmitted by Facsimile; Electronically Transmitted Prescriptions

Edward McGinley moved, seconded by Richard Palombo to accept the comments and responses submitted. The Board also complimented MaryAnn Sheehan, Regulatory Analyst for work on this regulation. The motion passed unanimously.

XI. FYI

(1) NABP - FPGEE Exam halted due to security breach

It was determined that this does not require any action regarding anyone licensed by this Board. This item was accepted for informational purposes.

XII. ADDITIONS TO THE AGENDA

(1) Deepak Suresh, School of Pharmacy student - Re: Self-monitoring of blood glucose - whether pharmacists are allowed to perform the finger sticking themselves

Chair directs to inform Mr. Suresh that this activity is not prohibited pursuant to the practice of pharmacy but there are no pharmacy regulations currently that address this scope of practice. The Board noted that he should be made aware that although there are no regulations prohibiting him from this activity, he could be subject to a civil action or lawsuit.

(2) John Paul Dizzia, Attorneys at Law, Cranford, NJ - Re: Application of Kenneth Enemu for Reinstatement of License to Practice Pharmacy

Pamela Allen moved, seconded by Richard Palombo to schedule him for an Investigative Inquiry. The motion passed unanimously.

XIII. RECESS TO EXECUTIVE SESSION

At 11:00 A.M., Pamela Allen moved, seconded by Ira Katz, for the Board to enter into Open Session to review II retail and IV permits and 13 spot check inspections and 4 complaints. The motion passed unanimously.

XIV. ADJOURNMENT

Richard Palombo moved, seconded by Robert Kowalski to adjourn the meeting at 2:45 P.M. The motion passed unanimously.

Respectfully submitted,

Debra C. Whipple
Executive Director