

**NEW JERSEY STATE BOARD OF PHARMACY
OPEN SESSION MINUTES DECEMBER 14, 2005**

I. CALL TO ORDER

The open meeting of the New Jersey Board of Pharmacy was called to order by Board President Pamela Allen in the Essex Room, 7th floor at 124 Halsey Street, Newark, New Jersey on December 14, 2005 at 9:05 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 the 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
Margherita Lafragola, R.Ph
Thomas Bender, R.Ph
Marc Sturgill, Pharm. D
Elvy T. Paiva, R.Ph
Jennifer L. Barron Government Member

OTHERS IN ATTENDANCE:

Joanne Boyer Executive Director
Paula Alvarez Deputy Attorney General
Susan Flores Principal Clerk
Kiran Shamlall Clerk Typist

EXCUSED:

Ira Katz, R.Ph
Sy Larson, PH.D Public Member
Thomas Egan, Pharm.D
Axel Miranda
Marianne Greenwald Deputy Attorney General

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

Margherita Lafragola moved, seconded by Jennifer Barron to accept the Secretary's Report and Recommendation for Registration by Reciprocity, Examination and Grade Transfer. The motion passed unanimously.

V. CONTINUING EDUCATION REPORT

Margherita Lafragola moved, seconded by Elvy Paiva to accept the Continuing Education Report of December 14, 2005. The motion passed unanimously.

VI. VIOLATIONS PAID FOR THE MONTH OF NOVEMBER

Edward McGinley moved, seconded by Elvy Paiva to accept the report of Violations Paid for the month of

November. The motion passed unanimously.

VII. OLD BUSINESS

1) Brian Pucci – Request for reinstatement

This item was last before the Board on 7/13/05 at which time the Board requested proof of 6 months of witnessed urine screens

Thomas Bender moved, seconded by Elvy Paiva to reinstate Mr. Pucci's license and modify the Order to include support group attendance for three years as recommended by SARPH, six months of witnessed weekly urine screening as per the recommendations of SARPH, 3 months to divest any existing ownership, no ownership of a pharmacy, no pharmacist in charge or preceptor for two years and he must provide a copy of the Order to his employer if his employment changes, and/or new employment that allows any access to prescription medications. Mr. Pucci cannot request any changes in the terms or conditions of his reinstatement Order for 2 years. The motion passed unanimously.

2) Jared P. Hecker – Communication pertaining to the Board's decision in regards to the complaint filed

Margherita LaFragola was recused due to her affiliation with Rite Aid. Elvy Paiva moved, seconded by Jennifer Barron to send Ms. Sung's response to Mr. Hecker and advise Mr. Hecker that barring further evidence the Board considers this matter closed. The motion passed unanimously.

3) Burt Friedman – License revoked and is requesting a refund of his renewal fee

The Board accepted it as informational.

VIII. NEW BUSINESS

1) Deb Hurley, Government affairs Dept, Rite Aid Corp – Requesting Board review of fax from OnCallData

Margherita LaFragola was recused due to her affiliation with Rite Aid Edward McGinley moved, seconded by Marc Sturgill to obtain further clarification from OnCallData on the particulars of their product. Ms. Hurley is to be informed that all electronically transmitted prescriptions are to comply with the Board regulations as stated in N.J.A.C. 13:39-7.11 and N.J.A.C. 13:39-7.11(f) specifically addresses pharmacy requirements when there is a question regarding electronic prescriptions. The motion passed unanimously.

2) Guilaine Kossaras – Requesting a waiver of NJAC 13:39 – 3A.1(a), CE requirement for didactic instruction

Margherita Lafragola moved, seconded by Elvy Paiva to deny her request for waiver since she can obtain live CE credits via internet, telephone or in person. Ms. Kossaras also has the option of placing her license in an inactive status. The motion passed unanimously.

3) Arun Patel, R.Ph., Director of Pharmacy Administration, Duane Reade – Submission of Application to Conduct Centralized Prescription Handling Pharmacy Service

Elvy Paiva moved, seconded by Marc Sturgill to approve the application to conduct Centralized Prescription Handling Pharmacy Service. The motion passed unanimously.

4) Nadine McCarthy, R.Ph. – Correspondence regarding NJAC 13:39 – 6.2(f)1

Elvy Paiva moved, seconded by Edward McGinley to advise Ms. McCarthy that if she feels there is not adequate staffing, she must notify management, make her recommendations in writing and request a response in writing. If response is not acceptable, then she needs to make a decision regarding continuing on in the RPIC position and to notify the Board with details. The motion passed unanimously.

5) GS-POPS Program – Forwarded to Board from Director’s Office for review and comment

The Chair directs that the Executive Director is to inform the Director’s office that this is strictly a discount card and not a coupon and therefore is permissible.

6) 2006 Board Meeting dates

The Board reviewed the 2006 Board meeting dates and changed the April 12, 2006 Board meeting to April 5, 2006 due to the NABP annual meeting being held from April 8, 2006 through April 11, 2006.

7) Communication from NABP regarding Medicare Program; E-Prescribing and the Prescription Drug program; Final Rule

Edward McGinley moved, seconded by Jennifer Barron to refer this matter to the New Jersey Prescription Blank Committee for review and action. The Board expressed concern that the Medicaid population will be treated differently than the Medicare population if New Jersey requirements are not modified to CMS electronic standards. The motion passed unanimously.

8) Comments submitted by NABP to ACPE regarding Draft Revised Accreditation Standards and Guidelines for the Professional program Leading to the Doctor of Pharmacy Degree

This item was accepted as an FYI.

9) Chandrasekharam Chittiprolu – Reciprocity candidate requesting a waiver of TSE

Marc Sturgill moved, seconded by Elvy Paiva to deny his request for waiver of TSE and to advise him he must take the IBT exam. The motion passed anonymously.

10) Latha R. Rajakumari – Applicant requesting waiver of TSE

Jennifer Barron moved, seconded by Edward McGinley to deny request for waiver of TSE and to advise her she should take English as a second language and that she must take the IBT exam. The motion passed unanimously.

11) Dharini Shah – Applicant requesting waiver of TSE

Marc Sturgill moved, seconded by Jennifer Barron to deny his request for waiver of TSE and advise him he must take the IBT exam. The motion passed unanimously.

12) Iliia Efraimovich – Applicant requesting waiver of TSE

Marc Sturgill moved, seconded by Thomas Bender to deny his request for waiver of TSE and advise him he must take the IBT exam. The motion passed unanimously.

13) Hesham S. Fekry – Applicant with different names on passport and social security card

Margherita Lafragola moved, seconded by Edward McGinley to advise him to obtain a court order to indicate what his official name is. The motion passed unanimously.

14) David L. Czyzyk, Medicis, Northeast National account Manager – Requesting Board opinion regarding incentive programs by generic drug manufacturers

The Chair directed the Executive Director to obtain more specific information from Mr. Czyzyk regarding the incentive programs by generic drug manufacturers.

15) Edward McGinley – Submission of report from NABP District Meeting

The Board accepted it as informational.

16) Bill Review – A4444 - Regulates pharmacy Benefits Management Companies

Thomas Bender moved, seconded by Elvy Paiva to support the bill's intent to protect the public through regulation and certification of pharmacy benefits management companies that currently are allowed to operate with little or no oversight by the State. The Board, however, notes that many companies that currently offer prescription discount cards to consumers in the State would be excluded from the definition of a PBM as proposed in the bill. The Board believes that consumers should be afforded the same level of protection when dealing with these companies, as when they deal with PBMs as defined in the bill. The Board recommends that the definition of PBM be amended to include providers of prescription discount cards. In addition, the Board believes that the phrase "chemical equivalent" in section 10.b.(1) of the bill should be amended to refer to "therapeutic equivalent" as the latter term is more appropriate. The motion passed unanimously.

17) Bill Review – A4452 and S2879; adds two members to the Board of Pharmacy and specifies type of employer of three of the members

Jennifer Barron moved, seconded by Edward McGinley to support the Bill as written. The motion passed 6 to one. Thomas F. X. Bender, Jr. was not in favor.

IX. MITIGATIONS

1) Bharah Shah, RPIC, Shop Rite Pharmacy, Passaic, NJ

Marc Sturgill moved, seconded by Jennifer Barron to deny his request for mitigation. The motion passed unanimously

2) Charles Silverman, RPIC, Drug Fair, West Long Branch, NJ

Margherita LaFragola moved, seconded by Jennifer Barron to deny his request for mitigation. The motion passed unanimously.

X. CONFERENCES

1) 2006 Annual Industry & Technology Issues Conference, January 26 - 28, 2006, The Don Cesar St. Pete Beach, Florida

This item was accepted as an FYI

XI. COMMITTEE REPORTS

N/A

XII. APPROVAL OF MINUTES

1) November 9, 2005

Elvy Paiva moved, seconded by Thomas Bender to approve the November 9, 2005 Open Minutes as amended. The motion passed unanimously.

2) November 30, 2005

Elvy Paiva moved, seconded by Jennifer Barron to approve the November 30, 2005 Open Minutes as amended. The motion passed unanimously.

XII. ADJOURNMENT

At 11:58 a.m., Thomas Bender moved, seconded by Marc Sturgill to enter into Executive Session to review (4) consumer complaints, (10) New Business, (14) Retail IV Permits, (8) Inspection Reports and to conduct an Investigative Inquiry. The motion passed unanimously.