



**CHRIS CHRISTIE**  
Governor

**KIM GUADAGNO**  
Lt. Governor

# New Jersey Office of the Attorney General

Division of Consumer Affairs  
Board of Pharmacy  
124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102



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## **NEW JERSEY STATE BOARD OF PHARMACY MINUTES OF THE OPEN SESSION April 14, 2010**

**Mailing Address:**  
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### **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 Monmouth Room 7<sup>th</sup> Floor at 124 Halsey Street, Newark, New Jersey on April 14, 2010 at 9:10 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
Margherita LaFragola, R.Ph.	
Elvy T. Paiva, R.Ph.	
Richard Palombo, R.Ph.	
Marc Sturgill, R.Ph.	
Peter Halecky, R.Ph.	

### **OTHERS IN ATTENDANCE**

Joanne Boyer, R.Ph.	Executive Director
John Hugelmeyer	Deputy Attorney General
Maria Bertorelli	Administrator Assistant

### **IV. UPDATE BY EXECUTIVE DIRECTOR**

1. The Executive Director reported that \$4,816.54 was collected in fines and penalties during the month of March 2010.

The following permits/licenses/registrations were issued during the month of March 2010:

- Technicians - 258
- Pharmacists - 58 ( 40 by examination/score transfer, 18 by reciprocity)
- Out of state pharmacies - 3
- In state pharmacies - 8
- Pharmacists receiving immunization approval - 36
- Interns (foreign graduates) - 13

**V. OLD BUSINESS**

- 1) Matthew D’Oria, Acting Commissioner, Department of Health & Senior Services – Regarding Board’s decision at 6/9/09 regarding an authorized agent of the physician**

Thomas Bender moved, seconded by Margherita LaFragola to defer judgement on this matter at this time and seek input from the Board of Medical Examiners and the Board of Nursing. The Board would expect a response from both Boards within 60 days from the request. It is noted that in the communication from Mr. D’Oria that “authorized agent” is not defined. The Board realizes that patients do need a channel to receive medications in a timely manner. **Motion passed unanimously.**

- 2) Kimberly Naylor, R.Ph. – POD Filed in Board office 3/1/2010; 30 days have lapsed with no response from Ms. Naylor.**

Elvy Paiva moved, seconded by Margherita LaFragola to issue a Final Order of Discipline with the same conditions as in the Provisional Order of Discipline. **The motion passed unanimously.**

- 3) Zulma Zoe Bonelli, Applicant. – POD Filed in Board office 3/1/2010; 30 days have lapsed with no response from Ms. Bonelli.**

Elvy Paiva moved, seconded by Margherita LaFragola to issue a Final Order of Discipline with the same conditions as in the Provisional Order of Discipline. **The motion passed unanimously.**

**VI. NEW BUSINESS**

- 1) Robert J. Schenk Jr., RPh, CCP, Manager, Meridian Ambulatory Pharmacy Services, Meridian Health, Neptune, NJ – Regarding use of ScriptCenter by Asteres, Inc. for patient pick up of prescriptions**

Elvy Paiva moved, seconded by Richard Palombo to approve the concept regarding use of ScriptCenter by Asteres, Inc. for patient pick up of prescriptions. Mr. Schenk is to submit a draft agreement for a pilot program which will then be placed before the Board for review and approval. The draft agreement is to include policies and procedures that outline the program, formulary to be utilized, contract agreement between Meridian Health and ScriptCenter by Asteres. **Motion passed unanimously.**

- 2) Review of Sunset Regulations public comments**

Richard Palombo moved, seconded by Elvy Paiva to approve the draft response for publication on comments received. **Motion passed unanimously.**

Elvy Paiva moved, seconded by Thomas Bender to approve for proposed adoption as amended. **Motion passed unanimously.**

- 3) Kevin Fearon, VP of Best Practices, Millennium, Cranberry Twnshp, Pa (pharmacy**

**located in Northvale, NJ) – Regarding use of customized packaging**

Richard Palombo moved, seconded by Peter Halecky to refer Mr. Fearon to NJAC 13:39 – 6.2(f)9 which states that the licensee is to comply with all federal and state statues, rules and regulations regarding the practice of pharmacy. In this matter, USP 681 would provide him guidance regarding packaging. **Motion passed unanimously.**

**4) Elizabeth Simonetti – Reciprocity candidate requesting that her employment at Hoffmann-LaRoche satisfy the requirement in NJAC 13:39 – 2A.1(b)3**

Thomas Bender moved, seconded by Margherita LaFragola to deny her request. The Board determined that Ms. Simonetti’s most recent work history is not related to the practice of Pharmacy. **Motion passed unanimously.**

## **VII. MITIGATION/ HEARING REQUESTS**

N/A

## **VIII. COMMITTEE REPORTS**

N/A

## **IX. APPROVAL OF MINUTES**

**1) March 10, 2010**

Elvy Paiva moved, seconded by Marc Sturgill to approve the March 10, 2010 Open Session Minutes as amended. **Motion passed unanimously.**

## **X. ADJOURNMENT**

At 10:32 a.m. Margherita LaFragola moved, seconded by Marc Sturgill to move into Executive Session for the review of 14 complaints, 5 Old Business items, 2 New Business items, the Secretary’s Report and Recommendation on Retail and Institutional Permits, the Secretary’s Report and Recommendation on Inspection Reports and the Approval of minutes.