

**NEW JERSEY STATE BOARD OF PHARMACY
OPEN SESSION MINUTES SEPTEMBER 13, 2006**

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 September 13, 2006 at 9:25 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 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

Edward McGinley, R.Ph President
Thomas Bender, R.Ph. Vice President
Elvy T. Paiva, R.Ph.
Pamela Allen, R.Ph.
Peter Halecky, R.Ph.
Thomas Egan, Pharm.D
Axel Miranda Public Member

OTHERS IN ATTENDANCE

Joanne Boyer Executive Director
Marianne Greenwald Deputy Attorney General
Susan Flores Principal Clerk
Kiran Shamlall Clerk Typist

EXCUSED

Jennifer Barron Government Member
Margherita Lafragola, R.Ph.
Marc Sturgill, PharmD

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

Pamela Allen moved, seconded by Thomas Bender, to accept the Secretary's Report and Recommendation for Registration by Reciprocity. The motion passed unanimously.

V. CONTINUING EDUCATION REPORT

Elvy Paiva moved, seconded by Peter Halecky, to accept the Continuing Education Report of September 13, 2006. The motion passed unanimously.

VI. VIOLATIONS PAID FOR THE MONTH OF JULY AND AUGUST

Thomas Egan moved, seconded by Axel Miranda to accept the Violations Paid for the Month of July, 2006. The motion passed unanimously.

Thomas Egan moved, seconded by Peter Halecky to accept the Violations Paid for the Month of August, 2006. The motion passed unanimously.

VII. OLD BUSINESS

1) Richard Serbin, R.Ph. - Regarding his licensure

Elvy Paiva moved, seconded by Thomas Egan, to grant his request for a mitigation hearing. The motion passed 6 to 1.

2) Kay Hanson, R.Ph., Professional Services, Target Pharmacy – Requesting Board opinion of providing flavorings to liquid medications at no charge and advertising as such This item was last before the Board on 7/12/06 at which time the Board requested documentation as to why this would not be offered to Medicaid or Medicare patients Thomas Egan moved, seconded by Elvy Paiva to approve their request to offer flavoring as a free service available to all patients without charge. The motion passed unanimously.

VIII. NEW BUSINESS

1) Jennifer L. Halikman, R.Ph. – Regarding request for reinstatement

As per Marianne Greenwald, Deputy Attorney General, the Division of Law has reviewed the matter of Jennifer Halikman and has determined that given that her New Jersey pharmacy license had expired and that she was required to obtain an original license in the State of Florida that she may in fact consider her Florida license to be now the original state of licensure and may reciprocate from Florida to New Jersey.

Pamela Allen moved, seconded by Peter Halecky, that based on advise of counsel to approve Ms. Halikman's application for reciprocation of her Florida license to New Jersey assuming she meets all the requirements of reciprocation. The motion passed unanimously.

2) Rajesh Krishnan – Requesting a waiver of TOEFL iBT

Pamela Allen moved, seconded by Elvy Paiva, to deny his request for waiver of the TOEFL IBT. He must take and pass the TOEFL IBT. The motion passed unanimously.

3) Shalini Hede – Reciprocity candidate requesting a waiver of NJAC 13:39 – 3.2(a)3 Elvy Paiva moved, seconded by Peter Halecky to approve her request for waiver of NJAC 13:39-3.2(a)3 since she has demonstrated proof of acceptable professional experience for the previous two years. The motion passed unanimously.

4) Craig H. Stevens, RPH, MBA, Vice President Operations, PrairieStone Pharmacies, Plymouth, MN – Regarding provision of DailyMed to residents of New Jersey Elvy Paiva moved, seconded by Axel Miranda, that based on advise of counsel Mr. Stevens is to follow Federal(USP) regulations for repackaging and State (Board of Pharmacy) regulations for labeling. The motion passed unanimously.

5) FDA Medication Guides – Verbal inquiry from Congressman Michael Ferguson's office requesting Board opinion on pharmacy's responsibility in regards to distribution of guides as stated in CFR 21 – 208.24(e)

The Chair directs that the Board will notify all of our licensees via the quarterly newsletter of the need to distribute Medication Guides. The ED will communicate this information to the Enforcement Bureau and request that the inspectors include this as part of their routine inspection.

DAG Marianne Greenwald is to research whether this is applicable to physicians and other prescribers and those medications administered in a hospital setting.

6) MPJE Review Meeting, January 18-21, 2007, Austin, TX

Board President Edward McGinley announced that the Multistate Pharmacy Jurisprudence Examination (MPJE)

State-specific Review Meeting will be held January 18-21, 2007, at the Marriott Austin at the Capitol in Austin, TX. Elvy Paiva and Tom Bender expressed an interest in volunteering to attend this meeting.

7) NABP/AACP District I & II Meeting, October 12-14, 2006, Baltimore, Maryland

Board President Edward McGinley announced that the NABP/AACP meeting will be held October 12-14, 2006, at the Renaissance Harborplace Hotel, Inner Harbor - Baltimore, MD. Elvy Paiva and Edward McGinley will seek Division approval to attend.

IX. MITIGATIONS

1) Ilana Ostrovsky, RPIC, CVS, Garwood, NJ

Pamela Allen moved, seconded by Elvy Paiva, to deny their request for mitigation of NJAC 13:39-4.14(b)8 since at the time of inspection they were not open 24 hours. The motion passed unanimously.

2) Ralph H. Alfors, Jr., RPIC, Alfors Pharmacy, Tabernacle, NJ

Pamela Allen moved, seconded by Peter Halecky to mitigate the penalty to \$100.00 for NJSA 45:14-16 & NJAC 13:39-6.2(f)2 & 3. The motion passed unanimously.

3) Richard Lambert, RPIC, Lamberts Pharmacy, Cherry Hill, NJ

Thomas Egan moved, seconded by Elvy Paiva to deny his request for mitigation of NJAC 8-65-5.5(a); NJAC 8:65-5.5(d) & NJAC 13:39-6.2(f)9. The motion passed unanimously.

X. FILED ORDERS FOR THE MONTHS OF JULY AND AUGUST

The Board accepted this as informational.

XI. COMMITTEE REPORTS

Board President McGinley announced that there is a Rules & Regulations Committee meeting scheduled for 9:00 a.m., September 20, 2006.

Compounding Committee Chairperson Tom Bender reported that the committee met on 8/2/06. In attendance were two representatives from USP who provided the committee with an overview of the USP revision process and USP Chapter 797 updates.

XII. APPROVAL OF MINUTES

1) July 12, 2006

Pamela Allen moved, seconded by Elvy Paiva to approve the Open Session Minutes of July 12, 2006 as amended. The motion passed unanimously.

2) July 26, 2006

Pamela Allen moved, seconded by Thomas Bender to approve the Open Session Minutes of July 26, 2006 as amended. The motion passed unanimously.

XIII. ADJOURNMENT

At 11:10 a.m., Pamela Allen moved, seconded by Elvy Paiva to enter into Executive Session to review (11) consumer complaints, (4) New Business items, (23) Retail IV Permits, (30) Inspection Reports and (2) Investigative Inquiries. The motion passed unanimously.

