



**CHRIS CHRISTIE**  
Governor

**KIM GUADAGNO**  
Lt. Governor

# New Jersey Office of the Attorney General

Division of Consumer Affairs  
Board of Pharmacy  
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## **BOARD OF PHARMACY PUBLIC SESSION MINUTES HUDSON CONFERENCE ROOM, 6th FLOOR OCTOBER 25, 2017**

### **I. CALL TO ORDER**

The Open Session of the New Jersey Board of Pharmacy was called to order by the Board President, Mr. Thomas F.X. Bender, at 124 Halsey Street, Hudson Conference Room, 6<sup>th</sup> floor, on October 25<sup>th</sup>, 2017 at 9:10 a.m. All members were duly notified of the time, place and all pertinent materials were provided to the members.

### **II. SUNSHINE LAW ANNOUNCEMENT**

President Thomas F.X. Bender 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, PL1975/C.10:4-8.

### **III. ROLL CALL**

Thomas F.X. Bender, R.Ph.	President
Linda Witzal, R.Ph.	Excused Absence
Robert Di Dio	
Andrew Kessler, R. Ph.	
Stephen Lieberman, R.Ph.	
Richard Palombo, R.Ph	
Mahesh Shah, R.Ph.	Excused Absence
Jeffrey Sinko R.Ph.	
Mitch Sobel, R.Ph.	

### **OTHERS IN ATTENDANCE**

Anthony Rubinaccio, R.Ph.	Executive Director
Megan Cordoma	Deputy Attorney General
Vanessa Coleman	Deputy Attorney General
Jennifer Wasiewicz	Board Staff
Sukaina Barlas	Board Staff

President Thomas Bender's word on Edward McGinley's departure from the Board of Pharmacy.

As I have recently remarked, departure from the Board of Pharmacy is never ceremonious. Ed's departure from the Board of Pharmacy creates within us feelings of loss and sadness. It creates a void which will be almost impossible to fill. We all feel it. To say that Ed will be missed is grossly mischaracterizing our feelings of disappointment and loss.

But rather than mourn Ed's departure from the Board of Pharmacy let us celebrate all that he has accomplished and contributed to the citizens of New Jersey, the New Jersey Board of Pharmacy, the National Association of Boards of Pharmacy and to the profession of Pharmacy.

Ed served on the NJ BOP for over 17 years. Serving as Vice President and for 9 years as President. He served on numerous committees. As chairman of the Rules and Regulations committee he has guided the Board of Pharmacy through three sunsets. He has been instrumental in promulgating rules and regulations for collaborative practice, Pharmacist administration of immunizations, sterile and non-sterile compounding, and temperature monitoring and packaging standards.

His leadership of the NJ BOP has been guided by wisdom of thought, eloquence of tongue and integrity of heart. His demeanor has always been one of patience, understanding and fairness. Preparedness and attention to detail are his most admired and respected traits.

Respect and admiration for Ed is not limited to New Jersey. Ed has made numerous contributions to the NABP. He began his service to NABP by becoming the district two representative on the Executive Committee. He then served NABP in the capacities of treasurer, president elect, president and chairman of the board. Wherever he traveled throughout the country, and internationally as well, he conducted himself in a dignified manner which resulted in universal respect and admiration for his leadership.

My thoughts here do not adequately address our sense of admiration and thanks to Ed for his many contributions. They merely provide a suggestion of the magnitude of his accomplishments, his work ethic and his leadership.

I know I speak for the entire Board of Pharmacy in wishing Ed well in all of his future endeavors. We thank him for making the New Jersey Board of Pharmacy the respected body that it is. We have all benefited by our association with him. We are proud and fortunate to have been able to serve with him. We constantly remind ourselves of the purpose of the BOP, to protect the public. Ed's legacy, as a member of the BOP, will be that during his tenure on the board the citizens of the State of New Jersey were more than adequately protected in matters pertaining to the practice of Pharmacy.

So we will miss Ed and all of his contributions. More importantly we will cherish and

celebrate our association and friendship with him.

Introduction/Swearing in of new Board member, Andrew Kessler, R.PH.

#### IV. UPDATES BY EXECUTIVE DIRECTOR

- During the Month of September, we collected **\$20,753** in fines and penalties.
- Pharmacy Technicians registered – 207
- Pharmacists licensed –177 (167 by examination/score transfer and 10 by reciprocity)
- Out-of-State Pharmacies registered –14
- In-State Pharmacies licensed – 6
- Pharmacists receiving immunization approval – 127
- Interns (foreign graduates) licensed – 4

#### V. OLD BUSINESS

##### 1) Public Orders Filed

- a) Walgreens Pharmacy Dept. # 13720 - Consent Order filed on 9-21-17
- b) Thomas Clancy - Order Granting Unrestricted License filed on 9-21-17
- c) Jung-Hea Oh - Final Order Withdrawing Provisional Order of Discipline filed on 9-21-17
- d) Glen Hartung - Final Order of Discipline filed on 9-21-17
- e) Dora Yakubova - Final Order of Discipline filed on 9-21-17
- f) Anthonia Ajao - Final Order of Discipline filed on 9-21-17
- g) Josephine Chan - Final Order Withdrawing Provisional Order of Discipline filed on 9-21-17
- h) Anita Schweizer - Final Order of Discipline
- i) Kun Yi You - Final Order of Discipline filed on 9-21-17
- j) Stacie Re - Final Order of Discipline filed on 9-21-17
- k) Akin Adusola - Final Order of Discipline filed on 9-21-17
- l) Pantelis Demestihias - Final Order of Discipline filed on 9-21-17
- m) Suiwan Lo - Final Order of Discipline filed on 9-21-17

##### 2) Genoa a Qol Healthcare Pharmacy - waiver request

Stephen Lieberman moved, seconded by Robert Di Dio to grant the waiver request for compounding scales. **Motion passed 7-0.**

Stephen Lieberman moved, seconded by Robert Di Dio to grant the waiver request for sample medication. Jeffrey Sinko was opposed. **Motion passed 6-1.**

RPIC, Iman Badaway will provide a complete list of medication for the waiver to Executive Director Rubinaccio regarding sample medication.

3) **C3 Healthcare RX** – Out of State pharmacy application with discipline

Richard Palombo moved, seconded by Robert Di Dio to allow this application to proceed. **Motion passed 7-0.**

4) **Jason Appel** – review of previous decision regarding CE Audit POD

Stephen Lieberman moved, seconded by Thomas Bender to sustain the motion to remove the POD from the July 26th, 2017 Board meeting. Jeffrey Sinko, Richard Palombo and Andrew Kessler opposed. **Motion failed 4-3.**

Richard Palombo moved, seconded by Jeffrey Sinko to rescind motion from the July 26<sup>th</sup>, 2017 to withdraw the POD. Stephen Lieberman, Thomas Bender and Robert Di Dio opposed. **Motion failed 3-4.**

Stephen Lieberman moved, seconded by Mitch Sobel to have Mr. Appel submit to the Board for consideration, the credits he took from Palm Beach County Pharmaceutical Association on a Board furnished and approved form. **Motion passed 7-0.**

## VI. NEW BUSINESS

1) **Assembly Bill, A5117**

Thomas Bender moved, seconded by Mitch Sobel at a previous Board meeting the Board determined to not support a similar Bill because it is unnecessary. In accordance with existing substitution laws, prescribers can already indicate on a prescription that substitutions are not permissible and brand name medications can be designated as medically necessary. **Motion passed 7-0.**

2) **Pravin Patel, 28RI02326000** – request to remove restrictions

Mitch Sobel moved, seconded by Robert Di Dio to deny request for early removal of restrictions. **Motion passed 7-0.**

3) **Ji Youn Choi** – request to take MPJE for 6<sup>th</sup> time

Mitch Sobel moved, seconded by Andrew Kessler to allow her request to take the MPJE for the 6th time. **Motion passed 7-0.**

4) **Tracey Williams** – Reciprocity applicant – request to take MPJE for 6<sup>th</sup> time

Mitch Sobel moved, seconded by Robert Di Dio to allow her request to take the MPJE for the sixth time. **Motion passed 7-0.**

- 5) **Julie Willard** – Reciprocity applicant – requesting a waiver of intern hours

Richard Palombo moved, seconded by Stephen Lieberman to grant the waiver request based on Ms. Willard's 18 years of prior experience. Jeffrey Sinko was recused due to his affiliation with CVS. **Motion passed 6-0-1.**

- 6) **Sharon Rosal** – Reciprocity applicant – no work experience

Thomas Bender moved, seconded by Mitch Sobel to allow Ms. Rosal 30 days to withdraw her application, otherwise it will be denied. **Motion passed 7-0.**

- 7) **Robyn Tyler** – Reinstatement application – review of work history

Stephen Lieberman moved, seconded by Mitch Sobel to accept Ms. Tyler's work history as the practice of pharmacy and require the completion of 200 hours of internship and passing of the MPJE. Jeffrey Sinko was recused due to his affiliation with CVS. **Motion passed 6-0-1.**

- 8) **Claudia Assaf** – request to accept intern hours earned out of state

Richard Palombo moved, seconded by Stephen Lieberman to accept intern hours earned out of state and require the successful completion of the MPJE. Thomas Bender was recused due to his affiliation with Walgreens. **Motion passed 6-0-1.**

- 9) **ASPN Pharmacy, 28RS00728600** – waiver request

Thomas Bender moved, seconded by Mitch Sobel to move in to executive session at 12:17 pm for advice of counsel. **Motion passed 7-0.**

Mitch Sobel moved, seconded by Jeffrey Sinko to move back in to open session at 12:37 pm. **Motion passed 7-0.**

Thomas Bender moved, seconded by Mitch Sobel to grant the request for a waiver of N.J.A.C. 13:39-4.19(d)2 based upon the information provided by ASPN. ASPN has represented that they will keep a full list of all of their clients to whom they are providing services, and that list will be available to the Board upon request. In the event that ASPN expands its business model beyond what has been presented to the Board, they will need to return to the Board for appropriate approvals. **Motion passed 7-0.**

**10) PromptCare Pharmacy, 28RS00545700 – waiver request**

Richard Palombo moved, seconded by Mitch Sobel to grant the waiver requests for outdoor signage and posting of hours for this closed door pharmacy. **Motion passed 7-0.**

**11) Omnicare Clinical Intervention Center, 2116412 - Out of State pharmacy Reinstatement application – provides non-dispensing clinical pharmacy services**

Richard Palombo moved, seconded by Andrew Kessler to allow this application to proceed. As business is conducted in New Jersey, they must comply with New Jersey central fill requirements. Jeffrey Sinko recused due to his affiliation with CVS. **Motion passed 6-0-1.**

**12) PharMerica Drug Systems, LLC dba PharMerica, 28RO00029800 – Out of State Pharmacy – sterile compounding application**

Thomas Bender moved, seconded by Stephen Lieberman to allow this application to proceed. **Motion passed 7-0.**

**13) Foundation Care, LLC, 28RO00007500 - Out of State Pharmacy – change of ownership, sterile compounding application**

**Chair Direct:** The Board of Pharmacy is requesting clarification on the exact name of the operation and answers to questions 3&4 in regards to batch testing. This item will be reagendaized until the BOP receives a response to the FDA 483.

**14) SPRX, Inc, 2148044 - Out of State Pharmacy application with discipline**

Stephen Lieberman moved, seconded by Jeffrey Sinko to allow this application to proceed. **Motion passed 7-0.**

**15) Fresenius USA Manufacturing, Inc. dba Fresenius Medical Care North America, 2075685 - Out of State Pharmacy application with discipline**

Thomas Bender moved, seconded by Stephen Lieberman to allow this out of State application to proceed. **Motion passed 7-0.**

**16) Continuing Education Verification 2013-2015 – responses**

a) Shawn Leland

Jeffrey Sinko moved, seconded by Thomas Bender that Mr. Leland must submit the CME courses for evaluation on Board of Pharmacy supplied forms within 30 days for initial review by CE committee. **Motion passed 6-1.**

b) Marilyn Chi

Thomas Bender moved, seconded by Stephen Lieberman to finalize the POD with modification, imposing a civil fine of \$1000, suspension is no longer necessary. **Motion passed 7-0.**

c) Rosemarie Confrancesco

Robert Di Dio moved, seconded by Richard Palombo to finalize the POD with modification, imposing a civil fine of \$200, suspension is no longer necessary. **Motion passed 7-0.**

d) Joan Rosenbaum

Robert Di Dio moved, seconded by Stephen Lieberman to finalize the POD with modification, imposing a civil fine of \$200, suspension is no longer necessary. **Motion passed 7-0.**

e) Mark Benedetti

Stephen Lieberman moved, seconded by Robert Di Dio to finalize the POD with modification a reprimand and \$1600 penalty imposed, suspension is no longer necessary. **Motion passed 7-0.**

f) Terence Marcus

Stephen Lieberman moved, seconded by Richard Palombo to finalize the POD with modification, imposing a civil fine of \$200, suspension is no longer necessary. **Motion passed 7-0.**

g) Gabriela Castro

Mitch Sobel moved, seconded by Robert Di Dio to finalize the POD with modification imposing reprimand and \$2200 fine, suspension is no longer necessary. Payment plan pursuant to Division of Consumer Affairs policy is also approved. Thomas Bender was recused due to his affiliation with Walgreens. **Motion passed 6-0-1.**

h) Carla Antunes-Huzovic

Robert Di Dio moved, seconded by Richard Palombo to finalize the POD with modification and imposing a civil penalty of \$200, suspension is no longer necessary. **Motion passed 7-0.**

i) Julia Pelagatti

Stephen Lieberman moved, seconded by Mitch Sobel to finalize the POD with modification and impose a civil penalty of \$300, suspension is no longer necessary. **Motion passed 7-0.**

j) Patrick Murphy

Thomas Bender moved, seconded by Stephen Lieberman to finalize the UPL without modification. **Motion passed 7-0.**

k) Kathleen Murphy

Stephen Lieberman moved, seconded by Robert Di Dio to withdraw the POD. **Motion passed 7-0.**

l) Chirag Patel

Robert Di Dio moved, seconded by Andrew Kessler to finalize the POD with modification and impose a civil penalty of \$300, suspension is no longer necessary. **Motion passed 7-0.**

m) Robert Barell

Stephen Lieberman moved, seconded by Mitch Sobel to finalize the POD with modification, imposing a civil fine of \$900, suspension is no longer necessary. The Board denies the request to convert the POD to a UPL. Thomas Bender was recused due to his affiliation with Walgreens. **Motion passed 6-0-1.**

**17) Stephen Freedman – Request to reinstate Pharmacist license**

Thomas Bender moved, seconded by Mitch Sobel to request updated medical reports and recommendations from all treating physicians and counselors, a list of all medication and plan of treatment since his surrender of license, including an opinion if he can return to practice safely and with what conditions if any. The Board also requires a detailed narrative regarding his arrest. **Motion passed 7-0.**



**19) Puerto Rico Guidance Document**

- i. Thomas Bender moved, seconded by Stephen Lieberman to approve Guidance document. **Motion passed 7-0.**
- ii. Richard Palombo moved, seconded by Robert Di Dio to recommend expansion of coverage to the US Virgin islands and other affected US Territories. **Motion passed 7-0.**
- iii. Richard Palombo moved, seconded by Jeffrey Sinko to refer to rules and regulations to explore possibility of regulation. **Motion passed 7-0.**

**VII. MITIGATION REQUEST**

**1. Jayanthi Narayan, RPIC – Easy Pharmacy, Manville, NJ**

Thomas Bender moved, seconded by Stephen Lieberman to remove citation N.J.A.C.13:39-7.21(c). **Motion passed 7-0.**

**2. Lauren Strawser, RPIC – Rite Aid #1867, Edgewater Park, NJ**

Thomas Bender moved, seconded by Robert Di Dio to deny mitigation for citation N.J.A.C.13:39-7.19(b)9. **Motion passed 7-0.**

**3. Thomsa Dorsi, RPIC – Rite Aid #4962, Bernardsville, NJ**

Thomas Bender moved, seconded by Robert Di Dio to deny mitigation for citation NJAC 13:39-7.19(b)(a). **Motion passed 7-0.**

Richard Palombo moved, seconded by Thomas Bender to remove second citation because Rite Aid has an approved training module. **Motion passed 7-0.**

**INFORMATIONAL**

**1. Emily Pitts – comments on MPJE examination questions**

**The Board accepted this as informational.**

**2. USP 800 - delay in implementation to consider with the new version of USP 797 on Dec. 1<sup>st</sup> 2019.**

The Board accepted this as informational.

**3. Kingsway Pharmacy, 28RS00708600 – pharmacy closing**

The Board accepted this as an FYI.

**VIII. COMMITTEE REPORTS**

N/A

**IX. APPROVAL OF MINUTES**

Public Session minutes for September 20, 2017

Stephen Lieberman moved, seconded by Robert Di Dio to approve the September 20<sup>th</sup>, 2017 Public minutes as amended. **Motion passed 7-0.**

**X. ADJOURNMENT**

Mitch Sobel moved, seconded by Robert Di Dio, to adjourn the public session at 1:09 pm. **Motion passed 7-0.**