



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

New Jersey Office of the Attorney General

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



JOHN J. HOFFMAN
Acting Attorney General

ERIC T. KANEFSKY
Director

BOARD OF PHARMACY OPEN SESSION MINUTES MONMOUTH CONFERENCE ROOM, 7TH FLOOR JUNE 26, 2013

Mailing Address:
P.O. Box 45013
Newark, NJ 07101
(973) 504-6450

I. CALL TO ORDER

The Open Session Meeting of the New Jersey Board of Pharmacy was called to order by the Board President Edward McGinley in the Monmouth Conference Room at 124 Halsey Street, Newark, New Jersey on June 26, 2013, at 9:03 a.m. All members were duly notified of the time and place and all pertinent materials were provided to the Board Members.

II. SUNSHINE LAW

President 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, P.L.1975, C.10:4-8

III. ROLL CALL

Edward McGinley, R.Ph.	President
Thomas Bender, R.Ph.	Vice President
Margherita Cardello, R.Ph.	Excused Absence
Marc Sturgill, PharmD	
Richard Palombo, R.Ph.	
Mahesh Shah, R.Ph.	
Stephen Lieberman, R.Ph.	

OTHERS IN ATTENDANCE

Anthony Rubinaccio	Executive Director
Linda Brodie	Customer Service Rep.
Matthew Wetzel	Government Rep.
Jodi Krugman	Deputy Attorney General
Rachel Glasgow	Regulatory Analyst

IV. UPDATES BY EXECUTIVE DIRECTOR

The Executive Director reported for the month of May, \$5,325 in fines and penalties were collected. The following permits, licenses, and registrations were issued during the month of May:

- Technicians - 114
- Pharmacists - 25 (14 by examination/score transfer and 9 by reciprocity)
- Out-of-state pharmacies - 8
- In-state pharmacies - 8
- Pharmacists receiving immunization approval - 37
- Interns (foreign graduates) - 10

V. OLD BUSINESS

- 1) Orders Filed
 - a) Phillip L. Alvarez (5/29/13)
 - b) Maritza M. Mieles (5/29/13)
 - c) Harold A. Ross (5/29/13)
 - d) Tiffany Thomas (5/29/13)
- 2) **Jennifer Miller, Pharmacy Technician** - POD to be finalized

Jennifer Miller is a registered pharmacy technician in the State of New Jersey. On May 30, 2012 she was arrested for receiving stolen property. Ms. Miller was arrested again on September 8, 2012 for the possession of marijuana/hash under. Ms. Miller has refused to respond to the Board's request for information regarding the above criminal matters. A Provisional Order of Discipline (POD) was filed on December 19, 2012.

Stephen Lieberman moved, seconded by Marc Sturgill to finalize the POD by default. **Motion passed 6-0**

- 3) **Antoinette Wallace, R.Ph.** - POD to be finalized

Antoinette Wallace was licensed as a pharmacist in the State of New Jersey on April 2, 2012. On October 12, 2012, Ms. Wallace made a voluntary statement to her employer, CVS Pharmacy, in which she admitted to stealing Alprazolam, Zolpidem, and Zaleplon from multiple CVS Pharmacy locations where Ms. Wallace worked. A Provisional Order of Discipline (POD) was filed on March 25, 2013.

At 9:13 a.m. Thomas Bender moved, seconded by Mahesh Shah for the Board to go into Executive Session for the advice of counsel. At 10:55a.m. the Board entered into Executive Session for the advice of counsel. At 11:14 a.m. the Board moved back into Open Session. Edward McGinley moved, seconded by Marc Sturgill to table the finalization of the POD and instead authorized the Deputy Attorney General to attempt to resolve the matter via a Consent Order. **Motion passed 6-0**

- 4) **Mary Bishay, R.Ph.** - Reciprocity applicant, resume experience

At 9:18 a.m. Marc Sturgill moved, seconded by Stephen Lieberman for the Board to go into Executive Session for the advice of counsel. The Board entered into Executive Session at 11:14 a.m. for the advice of counsel. At 11:32 a.m. the Board moved back into Open Session. Marc Sturgill moved seconded by Mahesh Shah to have Mary Bishay complete 400 hours of an internship and take the MPJE as part of Ms. Bishay's application requirements to become licensed in New Jersey as a pharmacist. **Motion passed 6-0**

5) **Jeffrey Strougo, R.Ph.** - Request for reinstatement

Mr. Strougo is attempting to reinstate his New Jersey pharmacist license which is currently suspended due to a Consent Order that was filed on 2/22/2012 for the theft and diversion of Controlled Dangerous Substances (CDS). Mr. Strougo has completed his Pre-Trial Intervention as of 10/26/2011 and he is currently compliant with the PAPNJ one year rule out program. Also Mr. Strougo completed the PARE exam on 6/10/2013.

Mr. Strougo was in attendance for the Board Meeting. Marc Sturgill moved, seconded by Stephen Lieberman to have the Board office schedule Mr. Strougo for an Investigative Inquiry. **Motion passed 6-0**

6) **Susan Schatzle, R.Ph.** - Request for reinstatement

Ms. Schatzle is attempting to reinstate her New Jersey pharmacist license after her 2011 reinstatement application was placed on hold due to a shoplifting charge, Ms. Schatzle's lack of compliance with the PAPNJ, and her failure to submit all necessary medical documentation to the Board.

Ms. Schatzle and her attorney were in attendance for the Board Meeting. **Chair Direct:** Ms Schatzle will be scheduled for an Investigative Inquiry, and before such time Ms. Schatzle is required to submit to the Board office: an updated psychological evaluation which must include the two year gap in treatment from 2011 thru 2013; Pre-Trial Intervention urine screen reports which were conducted in conjunction with her probation requirements; and any treatment history from 2011 thru the present.

7) **Pharmcare USA of Edison** - Mitigation follow-up, for GroMed logs

At the March 27, 2013 Open Session Meeting, the Board reviewed and found Pharmcare USA's GroMeds logs hard to read and requested that Pharmcare forward an original copy of the GroMed logs, to the Board office, along with the logs for the immediate past year, ending in April 2012.

Pharmcare submitted GroMed logs to the Board. Thomas Bender moved, seconded by Stephen Lieberman to deny Pharmcare's mitigation request based on the fact that the submitted GroMed logs were undated after April 2010 and immediate preceding year of logs was not included in the re-submitted packet.

Motion passed 6-0

VI. NEW BUSINESS

1) **Pharmcare USA of Edison** - Pharmacy Technician Training Manual

Pharmcare submitted their pharmacy technician training manual along with the checklist for the Board to review.

Chair Direct: Marc Sturgill will evaluate the training manual and report his findings at the July Board Meeting.

2) **Bill Comment Request - A4046** (Asm. Coughlin) Naturopathic Doctors

Assembly Bill A-4046 provides for the licensure of naturopathic doctors and establishes the State Board of Naturopathic Examiners within the Division of Consumer Affairs in the Department of Law and Public Safety.

Thomas Bender moved, seconded by Stephen Lieberman for the Board to accept Bill A-4046 as informational only. **Motion passed 6-0**

3) **Surf City Pharmacy** - Requesting waiver for RPIC work hours

The owner and Pharmacist-in-Charge (PIC) Robert Schmidt, passed away suddenly. The pharmacy is now owned by his wife Michon Schmidt, who plans on selling the business by the end of September 2013. Daniel Koppa, P.Rh., will be the interim PIC but he can only work between twenty-four (24) and thirty-five (35) hours per week. Mr. Koppa cannot work the minimum requirement of thirty-five (35) hours per week for a PIC. Mr. Koppa is requesting a waiver of the hours required of him as PIC to work at the pharmacy, until the store is sold.

Richard Palombo moved, seconded by Stephen Lieberman to grant Daniel Koppa, a waiver of the required hours as a PIC, until the end of September 2013. At which time, if the circumstances concerning the sale of Surf City Pharmacy change, then the pharmacy will be required to petition the Board for an extension to the current waiver.

Motion passed 6-0

4) **Apothecary by Design** - Out-of state pharmacy applicant, with sterile compounding and self-insured

At 9:48 a.m. Thomas Bender moved, seconded by Marc Sturgill for the Board to go into Executive Session for the advice of counsel. At 11:33 a.m. Board moved into Executive Session for the advice of counsel. At 11:45 a.m. the Board moved back into Open Session. **Chair Direct:** The Board has determined that additional information will be needed with regards to the pharmacy's compounding operations. The Board office is directed to send out a detailed questionnaire to the applicant.

5) **Adelina Havesi, R.Ph.** - Reinstatement applicant through reciprocity

Ms. Havesi graduated from Long Island University Pharmacy School in 2006 and subsequently applied for licensure as a pharmacist by examination in New York and licensure as a pharmacist by score transfer in New Jersey. Ms. Havesi completed and passed the NAPLEX and the MPJE for both states. She opted to practice pharmacy in New York, her home state, and then upon renewal Ms. Havesi did not renew her pharmacist license in New Jersey. Ms. Havesi now wants to reinstate her pharmacist license in New Jersey.

Richard Palombo moved, seconded by Mahesh Shah to allow Ms. Havesi to proceed with her application for reinstatement via reciprocity and as part of the application process, Ms. Havesi must compete and pass the MPJE.

Motion passed 6-0

6) **Jyoti Patel, R.Ph.** - Reinstatement applicant through reciprocity

Ms. (Vaghani) Patel's New Jersey pharmacist license expired in April of 1997. She subsequently moved to Florida and has been working in that state from October 1997 through February 2013. Ms. Patel is now seeking to relocate back to New Jersey and would like to reinstate her pharmacist license.

Richard Palombo moved, seconded by Steven Lieberman to allow Ms. Patel to proceed with her application for reinstatement via reciprocity and as part of the application process, Ms. Patel must compete and pass the MPJE.

Motion passed 6-0

7) **Bill Comment Request - S-2875** (Sen. Singer) Prescription Drug Monitoring Program

Senate Bill S-2875 requires practitioners who prescribe and pharmacists who dispense, Schedule II Controlled Dangerous Substance (CDS) drugs, to check the information available through the State's Prescription Drug Monitoring Program (PDMP) prior to prescribing or dispensing CII medication to a patient.

Richard Palombo moved, seconded by Stephen Lieberman to oppose S-2875, because it removes the ability for professional judgement by the pharmacist and it could negatively impact patient care. (i.e. hospice and other cancer patients).

Motion passed 6-0

8) **Bill Comment Request - S2833** (Sen. Sarlo) Penalties for improper prescribing of drugs

Senate Bill S-2833 increases the penalties against practitioners for improperly

prescribing. Improper prescribing is defined as, the prescribing of a drug in an indiscriminate manner, or not in good faith, or without good cause, or otherwise in violation of any State or federal law or regulation, and which constitutes professional misconduct as determined by the applicable licensing board.

The Board supports S-2833 because it will help decrease the instances of indiscriminate prescribing. **Motion passed 6-0**

VII. MITIGATION/HEARING REQUEST

Humaira Sulehri, RPIC - City Rx Pharmacy, Paterson, NJ

Stephen Lieberman moved, seconded by Mahesh Shah to deny City Rx Pharmacy's mitigation request. In regards to violation N.J.A.C.13:39-5.8 (a)1 a reference text available online. **Motion passed 6-0.**

Chair Direct: Reference texts are to be placed in the Board's quarterly Newsletter and on the Board of Pharmacy website. Also reference texts are to be referred to the Rules and Regulations Committee for revaluation and update of the texts and online references.

VIII. INFORMATIONAL

- 1) Sterile Compounding - NABP is working with the Division of Consumer Affairs

Through a contract bid awarded to NABP, it is now assisting DCA/Enforcement Bureau inspectors on inspections involving facilities who produce sterile compounded product. The process is moving along.

- 2) Susan Gartland, Manager of the Drug Control Unit is retiring as of July 1st. Matthew Wetzel is assuming her duties with the Drug Control Unit, in addition to his responsibilities with the Board of Pharmacy.

- 3) Thomas Bender has been invited to assist NABP in the review of the TOFEL Program.

- 4) **General Election for Board Members**

Edward McGinley moved, seconded by Marc Sturgill to nominate Thomas Bender as Board President. **Motion passed 6-0.**

Edward McGinley moved, seconded by Thomas Bender to nominate Richard Palombo as Board Vice-President. **Motion passed 6-0.**

IX. COMMITTEE REPORTS

X. APPROVAL OF MINUTES

Thomas Bender moved seconded by Mahesh Shah to approved the May 29, 2013 minutes

as amended.

XI. ADJOURNMENT

At 11:56 a.m. Stephen Lieberman moved, seconded by Marc Sturgill, to adjourn the Public Session and for the Board to move into Executive Session for the review of 14 Complaints, 3 Old Business items, 11 New Business items, the Secretary's Report and Recommendation on Retail and Institutional Permits, the Secretary's Reports and Recommendation on Inspection Reports and the approval of May 29, 2013 Executive Session Minutes. **Motion passed 6-0**