

**NEW JERSEY STATE BOARD OF PHARMACY  
MINUTES OF THE OPEN SESSION  
September 9, 2009**

**I. CALL TO ORDER**

Edward McGinley in the Somerset Room, 6th Floor at 124 Halsey Street, Newark, New Jersey on September 9, 2009 at 9:09 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  
Peter Halecky, R.Ph. (Left at 1:30 pm)  
Margherita LaFragola , R.Ph.  
Elvy T. Paiva, R.Ph.  
Richard Palombo, R.Ph.  
Marc Sturgill, R.Ph.  
Pamela Allen, R.Ph. (Left at 12 Noon)

**OTHERS IN ATTENDANCE**

Joanne Boyer, R.Ph. Executive Director  
Megan Cordoma, Esq. Deputy Attorney General  
Jodi Krugman, Esq. Deputy Attorney General  
Maria Bertorelli Administrative Assistant

**COMMENTS FROM BOARD PRESIDENT EDWARD MCGINLEY**

This date is significant not only because it is 09/09/09; but because this is the last meeting date that Pam Allen will serve as a member of the Board of Pharmacy. Pam has resigned from the Board effective September 11, as she is moving back to her home state of Ohio. I'd like to publicly thank Pam for all that she has done to move the practice of pharmacy forward in this State over the past decade. Her tremendous wealth of knowledge, attention to detail, and willingness to defend her convictions were key qualities that helped me personally, and the entire Board, to be better in our work. Pam is very passionate about the profession of pharmacy.

Our Board, the licensees, and, most importantly, the citizens of New Jersey have all benefitted immensely from Pam's hard work. Thank you Pam for your many years of dedicated service, and we wish nothing but the best as you start a new phase of your professional career.

**IV. UPDATE BY EXECUTIVE DIRECTOR**

The Executive Director reported that \$20,150.00 was collected in fines and penalties during August, 2009. The following permits/licenses/registrations were issued during the month of August, 2009:

- Technicians – 191
- Pharmacists – 160 (149 by examination/score transfer, 11 by reciprocity)

- Out of state pharmacies – 11
- In state pharmacies – 9
- Pharmacists receiving immunization approval – 189

## V. OLD BUSINESS

1) Mitch Sobel, R.Ph., System Director of Pharmacy Services, St. Joseph Health Care Systems, Paterson, NJ – Regarding an automated prescription dispensing machine for the emergency department This matter was last before the Board on 6/10/09 at which time the Board approved to allow a pilot program pending review and approval of a Draft Pilot Program Agreement

At 9:27 am, Elvy Paiva moved, seconded by Peter Halecky to go into Executive Session for advice of counsel on this matter. The motion passed unanimously.

At 10:54 am, Peter Halecky moved, seconded by Elvy Paiva to move back into Open Session. The motion passed unanimously.

Thomas Bender moved, seconded by Marc Sturgill that Mr. Sobel is to provide the Board with the following:

- Policy & Procedure manual for the entire program
- the specific location of the InstyMed system in the emergency department
- the security measures for the InstyMed system
- the final, signed contract with InstyMed

The Board also noted that the pilot agreement will be only for the InstyMed system in the emergency department and not in any other location within St. Joseph's Healthcare System and that any modifications to the agreement would have to be approved by the Board. The Board reserves the right to reject their proposal. The motion passed unanimously.

2) Daniel Sbrilli, R.Ph. – Requesting waiver of balance of penalty for failure to complete the required continuing education credits

Thomas Bender moved, seconded by Marc Sturgill to deny Mr. Sbrilli's request for a waiver. The motion passed unanimously.

## VI. NEW BUSINESS

1) John L. Sisto, Sr. Director of Regulatory Affairs, Medco Health Solutions, Franklin Lakes, NJ – Request for approval to have a pharmacy technician contact the prescriber in cases where a prescription, with refills, is written for a quantity smaller than allowed by a prescription benefit plan, for authorization to dispense the larger quantity Richard Palombo was recused due to his affiliation with Medco Health Solutions.

Elvy Paiva moved, seconded by Marc Sturgill that in cases where a prescription, with refills, is written for a quantity smaller than allowed by a prescription benefit plan, the technician may contact the prescriber for authorization to dispense the larger quantity with the appropriate reduction in refills. The Board approves this action for all practice settings. The motion passed unanimously.

Peter Halecky moved, seconded by Thomas Bender that after a conversation with the patient ( and in accordance with the patient's wishes), a technician may contact the prescriber and request that a generic be allowed to be dispensed. The motion passed unanimously.

2) John L. Sisto, Sr. Director of Regulatory Affairs, Medco Health Solutions, Franklin Lakes, NJ – Request for approval for a Technician Work at Home Program Richard Palombo was recused due to his affiliation with Medco Health Solutions.

Elvy Paiva moved, seconded by Pamela Allen to approve the concept of having a Technician Work at Home Program. An addendum will be drafted to the current Pharmacist Work at Home Program pilot program previously approved by the Board. When this draft is completed it will be placed before the Board for final approval. To be included in the draft are the necessary additions to Medco's Policy & Procedure Manuals, the reporting of those technicians participating in the program and quality assurance monitors. The motion passed unanimously.

3) Helen Kim Yun – Reciprocity candidate requesting a waiver of NJAC 13:39 – 3.2(a)3

Thomas Bender moved, seconded by Marc Sturgill that Ms. Yun is to complete a 500 hour internship instead of the required 1,000 hours due to her work experience. The motion passed 6 – 2.

4) Sriramakamal Jonnalagadda – Foreign Graduate requesting a waiver of NJAC 13:39 – 8.4 (1,000 hour internship) due to his work experience as a Associate Professor of Pharmacy at the University of the Sciences, Philadelphia, Pa.

Richard Palombo moved, seconded by Marc Sturgill that Ms. Jonnalagadda is to complete a 500 hour internship instead of the required 1,000 hours due to her work experience. The motion passed unanimously.

## VII. MITIGATION/ HEARING REQUESTS

1) Richard T. Erler, RPIC, Drug Fair, Ramsey, NJ Edward McGinley was recused due to his affiliation with Drug Fair at the time of the inspection.

Richard Palombo moved, seconded by Elvy Paiva to administratively close the matter since Drug Fair has filed for bankruptcy and the debt is not collectable. The motion passed unanimously.

2) Kimberly A. Jacques, RPIC, Millstone Family Pharmacy, Perrineville, NJ

Margherita LaFragola moved, seconded by Thomas Bender to fine the permit holder, Anthony DeBlasio, R.Ph., \$75 for violation of NJAC 13:39 – 7.18. The motion passed unanimously.

3) Nicholas Lombardi, RPIC, Rite Aid, Rivervale, NJ

Margherita LaFragola was recused due to her affiliation with Rite Aid.

Thomas Bender moved, seconded by Pamela Allen to mitigate the \$250 fine issued pursuant to NJAC 13:39 – 4.14(b)3. The motion passed unanimously.

## VIII. COMMITTEE REPORTS

Rules & Regs Committee chairperson Edward McGinley stated that the committee will not meet the month of September. In the future, this committee may meet the first Wednesday of the month instead of the third Wednesday of the month.

## IX. APPROVAL OF MINUTES

1) August 5, 2009

Pamela Allen moved, seconded by Marc Sturgill to approve the minutes. The motion passed unanimously.

## X. ADJOURNMENT

At 11:40 am Pamela Allen moved, seconded by Elvy Paiva to move into Executive Session for the review of 10 Complaints, 2 Old Business item, 5 New Business item, Secretary's Report and Recommendation on

Retail and Institutional Permits, Secretary's Report and Recommendation on Inspection Reports, and approval of minutes. The motion passed unanimously.