



New Jersey State Board of Pharmacy

Published to promote voluntary compliance of pharmacy and drug law.

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124 Halsey St, 6th Floor
Newark, NJ 07101

Important Reference Information

Pharmacy Board Members

Here are the current members of the Board of Pharmacy:

- Anthony J. Alexander, Jr, RP** Community (Chain) Pharmacist
- Pamela Allen, RP** Hospital Pharmacist
- Mona Doyle** Public Member
- Sophie Heymann** Public Member
- Ira Katz, RP** Community Pharmacist
- Robert Kowalski, RP** Government Member
- Edward G. McGinley, RP** Community (Chain) Pharmacist
- Edith Micale, RP** Hospital Pharmacist
- Richard A. Palombo, RP** Community Pharmacist

The Board is part of the Division of Consumer Affairs within the Department of Law and Public Safety. An executive director, who is a professional administrator, is assigned to handle all of the day-to-day operations of the Board. The executive director is assisted by a clerical staff. In addition, a director of pharmacy is assigned to handle all of the professional pharmacy practice issues.

Board Office Staff Roster

Here is who to call when you need assistance. The phone number is 973/504-6450.

- ◆ **Lois Johnson**, Executive Director
- ◆ **H. Lee Gladstein, RP**, Director of Pharmacy
- ◆ **Yvonne Summers**, reciprocal licensure transfers, certifications, and verifications
- ◆ **Marie Wondeh**, complaints, continuing education applications
- ◆ **Sherryl Kemp**, renewals, reinstatements, duplicate applications, duplicate licenses, change of name, address, or employment

- ◆ **Gloria Bush**, permit applications, pharmacy permits, renewal of pharmacy licenses, payment of penalties, opening and closing of pharmacies, notice of change in registered pharmacist-in-charge forms, updates to pharmacy data base (changes in hours of operation, name changes, etc)
- ◆ **Mary Roe**, license verifications

Web Site Reference List

1. New Jersey State Board of Pharmacy e-mail: consumeraffairs@stmp.lps.state.nj.us.
2. Board of Pharmacy: www.state.nj.us/lps/ca/boards.htm then click on "List of Professional and Occupational Boards," then click on "Board of Pharmacy." From the Board's Web site, you can access the Pharmacy licensee directory, statutes, regulations, Board meeting dates, consumer alerts, and other topics.
3. New Jersey Department of Health and Senior Services: www.state.nj.us/health (for Title 8 rules and regulations for long-term care, hospice, etc).
4. Drug Utilization Review Council/Generic Formulary Updates: www.state.nj.us/health/mgmt/drugutil.htm.
5. Consumer Affairs' Rule Proposals: www.state.nj.us/lps/proposal/proposal.htm.
6. Rule Adoptions: www.state.nj.us/lps/ca/adoption/adopt.htm.
7. Drug Enforcement Administration (DEA): www.DEAdiversion.usdoj.gov. From this site, you can link to other DEA areas.
8. Food and Drug Administration (FDA) recalls, consumer alerts: www.fda.gov/.
9. FDA Title 21 Food and Drugs Regulations (Code of Federal Regulations): www.access.gpo.gov/nara/cfr.
10. Federal Register: www.fda.gov/oc/health/physlabel.html
Please utilize these sites for reference and clarification of statutes and regulations.

The Role of the Board

The New Jersey State Board of Pharmacy, the oldest professional licensing board in the state, was established in 1877. It was established to protect the public by regulating the dispensing of drugs. This purpose has evolved and expanded over the past century. Today, the Board functions to protect the health, safety, and welfare of the people of New Jersey by promulgating regulations that set standards of practice; determine the qualifications of applicants for examination; establish licensing and continuing education requirements; test for competence; investigate consumer complaints; and discipline those who do not practice according to established standards.

Keeping Pace with Change

The Board has been receiving an increasing number of inquiries about the regulation of out-of-state pharmacies, Internet pharmacies, legality of prescriptions generated by computers or Palm Pilots, centralized prescription processing and fulfillment, and electronic signature.

The practice of pharmacy is changing dramatically. The challenge for the Board is to keep pace with this changing environment. When formulating new or changing existing regulations, the Board is always mindful of its duty to protect the health, safety, and welfare of New Jersey consumers. Recently, the Board completed its work on regulations concerning continuing education, technicians, and electronic transmission of prescriptions in the retail setting.

These new proposals are in various stages of the review, approval, publication, and adoption process. You can watch for and track the publication and adoption process via the Web sites provided. This *Newsletter* will also be utilized to inform and advise licensees of statute and regulation changes.



From the Desk of the Director of Pharmacy – H. Lee Gladstein, RP

The following are questions frequently asked of the director of pharmacy:

Q: On a Schedule II prescription, when can I dispense more than 120 units or a 30-day supply of medication?

A: The Board of Medical Examiners Regulation N.J.A.C. 13:35-7.6(b) provides the answer:

“A practitioner may exceed the 120 dosage unit limitation for Schedule II controlled substances, if the practitioner follows a treatment plan designed to achieve effective pain management which has been tailored to the needs of a patient who is suffering from cancer, intractable pain or terminal illness....”

Remember this pertains only to Schedule II pain medications.

Q: What is required on the label of dispensed medications relating to expiration date?

A: Information that is required on a prescription label is detailed in N.J.A.C. 13:39-5.9. Part of the required information includes the expiration date. Specifically, 13:39-5.9 (a) – 12 reads:

“The expiration date, if dispensed in any packaging other than the manufacturer’s original packaging. For purposes of this paragraph, ‘expiration date’ means the earlier of one year from the date of dispensing or the expiration date on the manufacturer’s container.”

Q: Do I have to wear an identification tag?

A: N.J.A.C. 13:39-6.3 reads:

“Each licensee shall wear an identification tag which shall include at least the pharmacist’s first name, the first initial of his or her last name, and the designation ‘Pharmacist’.”

N.J.A.C. 13:39-6.7 (d) reads:

“Supportive personnel shall wear an identification tag, which shall include at least their first name, the first initial of their last name, and title.”

Q: Under what conditions can I dispense an emergency supply of medication?

A: N.J.A.C. 13:39-6.1 (b) reads:

“A pharmacist may dispense an emergency supply (no more than a 72 hour quantity) of a chronic maintenance drug (except controlled dangerous substances) or device in the absence of a current valid prescription, if, in his or her professional judgment, refusal would endanger the health or welfare of the patient.”

Some Helpful Tips and Reminders From Common Compliance Issues Noted During Inspections

- ◆ Both the original and renewal pharmacy permit are required to be displayed.
- ◆ Both the licensee’s original wall certificate and renewal certificate are required to be displayed.
- ◆ Drug Utilization Review Council placards must be displayed in two locations – at the entrance and in the dispensing area as per N.J.S.A. 24:6E-10.
- ◆ Medication present in the active stock inventory without lot and expiration dates on the label are considered misbranded and violate N.J.A.C. 13:39-7.13.

Prescriptions for Control Dangerous Substance medications must be filled within 30 days of issue.

Diversion of Oxycodone (Trade Names: Tylox, Percodan, OxyContin)

The abuse of the sustained-release formulation of oxycodone, known as OxyContin, has escalated over the last year. Oxycodone is abused for its opiate-like effects. In addition to its equipotency to morphine in analgesic effects, it is also equipotent to morphine in relieving abstinence symptoms from chronic opiate (heroin, morphine) administration.

A recent study comparing controlled release products containing oxycodone (OxyContin) and morphine (MS Contin) reported that Oxycontin was twice as potent as MS Contin. Oxycodone's co-formulation with acetaminophen has also increased the likelihood of acetaminophen-induced hepatic necrosis with chronic dosing.

Its availability in sustained release formulations has increased the dosage forms from 10 mg to 160 mg per tablet, making it more attractive than plain oxycodone to opiate abusers and doctor-shoppers. Opiate abusers extract the molecule from the polymer formula and inject or snort the dissolved tablets. Recently, Purdue Pharma LP, the makers of OxyContin discontinued the 160 mg tablet formulation due to their diversion concerns.

The criminal abuse of oxycodone is adversely impacting patients who rely on this medication to manage their pain and preserve their quality of life. Exercise professional judgment when you receive prescriptions for oxycodone. Proper medical use is something very different from diversion and abuse.

New List of Similar Drug Names Issued by USP

The United States Pharmacopeia (USP) has updated its compilation of similar sounding or looking drug names reported to the organization's Medication Errors Reporting Program.

About 60 new pairs of similar names have been added since last year. The compilation can be viewed at www.usp.org/reporting/review/qr76.pdf.

Message from the President

The Board of Pharmacy meets twice a month, usually on the second and fourth Wednesday. While the majority of the meetings are held in Newark, several other venues including Atlantic City and Rutgers University are also scheduled. On behalf of the entire Board, I encourage you to attend and participate in these open meetings. Consult the Board of Pharmacy Web site to see when and where we will be meeting and try to attend.

Board of Pharmacy Disciplinary Actions Suspensions

Wayne Ruben, RP – based on the receipt of information that, while enrolled in the Physicians Health Program of the Medical Society of New Jersey, he tested positive for morphine, a Schedule II Controlled Dangerous Substance; his license is suspended pending further order by the Board (filed and effective April 17, 2000).

Corrine Moran, RP – based on her testing positive at her workplace for alcohol in January 1999 and for phenobarbital, a Controlled Dangerous Substance, in June 1999; additionally, an in-depth psychological evaluation determined that she presents a danger to the public if she continues to practice as a registered pharmacist; her license is suspended until further order of the Board (filed and effective May 19, 2000).

Frank DeCandia, RP – based on the filing of a Complaint by the Attorney General alleging various violations of the statutes and regulations governing the practice of pharmacy; his license is suspended for two years, all of which will be stayed and served as a period of probation (filed and effective May 23, 2000).

Lynnee DeCandia, RPIC – based on the filing of a Complaint by the Attorney General alleging numerous violations of the statutes and regulations governing the practice of pharmacy; her license is suspended for 18 months, all of which will be stayed as a period of probation (filed and effective May 25, 2000).

Revocations

David Samuels, RP – based on his conviction for the crime of conspiracy to defraud the United States in Federal District Court in New Jersey, in that he purchased diverted drug samples from a pharmaceutical sales representative for a discounted price and thereafter sold the samples to the public as prescription drugs (filed and effective January 15, 2000).

Jack Saady, RP – based on his conviction in Federal Court, District of New Jersey, of the crime of conspiracy to defraud the United States, in that he purchased diverted drug samples from a pharmaceutical sales representative for a discounted price and thereafter sold the samples to the public as prescription drugs (filed and effective February 28, 2000).

Nitin Khandwala, RP – based on his conviction for the crime of Medicaid Fraud, in that he falsely represented on a medical supplier invoice that a quantity of pharmaceutical items had been purchased, knowing that the fraudulent invoice was being used to support claims for dispensing payments from Medicaid when, in fact, the dispensings had not occurred (filed and effective March 8, 2000).

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John Maiorano, RP – based on his conviction in Federal Court, District of New Jersey, for the crime of conspiracy to defraud the United States, in that he purchased diverted drug samples from a pharmaceutical sales representative for a discounted price and thereafter sold the samples to the public as prescription drugs (filed and effective March 24, 2000).

Festus Mgbeme, RP – based on findings of indebtedness which involve fraud, dishonesty, or misrepresentation, in that he was the subject of a Judgment filed in Superior Court, Essex County, by the Division of Medical Assistance and Health Services for failure to reimburse the State of New Jersey for incorrect payment of \$276,164.73 (filed and effective April 11, 2000).

Milton Barasch, RP – based on the receipt of information that, having been convicted of Medicaid Fraud in 1983 and having his pharmacy license suspended thereafter for one year, he had admitted to accepting fraudulent prescriptions and submitting claims for reimbursement to the Medicaid program without any drugs being dispensed pursuant to those claims (filed and effective May 25, 2000).

Nicholas Pirovolos, RP – based on his conviction in Federal District Court of New Jersey on May 25, 2000, for the crime of Conspiracy to Defraud the United States, in that he pleaded guilty to conspiring to defraud customers by buying and selling stolen drug samples (filed and effective June 27, 2000).

Harry Richman, RP – based on the five-count complaint filed on February 9, 1999, by the Attorney General, detailing his record of continuous disregard for the laws

and regulations governing the practice of pharmacy in the period from 1985 through 1998 (filed and effective July 17, 2000).

Joseph Demarinis, RP – based on his conviction in the Federal District Court of New Jersey on January 19, 2000, for the crime of Conspiracy to Defraud the United States, in that he pled guilty to conspiring to defraud customers by buying and selling stolen drug samples (filed and effective July 26, 2000).

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