

**BOARD MEMBERS**

*Dennis Lewis, President*  
*John J. Bernabei, Vice President*  
*Vicky Skaff, Secretary*  
*Everett Frazier \**  
*Chuck Jones\**  
*Sam Kapourales*  
*Kim Knuckles*  
*(\*Public Member)*



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**STAFF**

*David E. Potters,*  
*Executive Director &*  
*General Counsel*

*John P. Smolder,*  
*CFO/COO*

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**MINUTES OF THE WEST VIRGINIA BOARD OF PHARMACY**  
**CHARLESTON, WEST VIRGINIA, MAY 10, 2017**

The Board convened in the Board Office Conference Room, 2310 Kanawha Boulevard, East, Charleston, West Virginia, at 10:00 a.m., on Wednesday, May 10, 2017, with President Dennis Lewis presiding. Present at the meeting in person were Board members: Vicky Skaff and Chuck Jones; the following Board members were present by teleconference on speakerphone: President Lewis, John J. Bernabei, Everett Frazier, and Kim Knuckles. Sam Kapourales was unable to attend. Staff present in the office were Executive Director and General Counsel David Potters, CFO/COO John Smolder, and Chief Compliance Officer Buck Selby. Staff present on the conference call was Board Investigator Fred Wagoner.

Members of the public attending the meeting included Mark Polen of LGCR Government Solutions representing Rite Aid present in the office, and Mike Brown of the West Virginia PRN on the conference call.

President Lewis called the meeting to order and stated that a quorum was present. He then stated that proper notice of this meeting had been filed with the Secretary of State. The Agenda was also posted on the Board's website and made available through the Office. Mr. Lewis then opened the meeting with prayer.

First, the Board discussed Title 15, Series 2 suspicious order reporting rules drafting. Mr. Potters explained that the rules were modified from the original draft based upon input from the wholesalers through HDA. The Board reviewed that language. Mr. Potters also explained that HDA members are also now requesting that the Board consider adding some language on immunity for the wholesalers' for reporting as would be required. Chuck Jones discussed that this may not be something we should do by rule, and that we could wait for public comment to address that issue. Motion was made by Vicky Skaff and seconded by Chuck Jones to file the rules with the Secretary of State and Legislature for public comment. All in favor with no votes against, motion carried.

Next, the Board took up revisions to Title 15, Series 7 to make pharmacy technician trainee clarifications in the rules. After review of the rules revisions, motion was made by Vicky Skaff and seconded by JJ Bernabei to file the rules with the Secretary of State and Legislature for public comment. All in favor with no votes against, motion carried.

Following this, President Lewis called for consideration of the changes and updates to Title 15, Series 10 Pharmacy Recovery Network rules. Mr. Potters and Mike Brown explained the draft changes. Discussion revealed that the rules needed to be further amended to ensure that they covered “any other impairment” and not just drug and alcohol addiction in one paragraph, and that the WVPRN should be required to submit quarterly reports on individuals who are monitored by the PRN due to discipline ordered by the Board. Mr. Potters was directed to work with Mr. Brown to fine tune that language. Motion was then made by Kim Knuckles and seconded by JJ Bernabei to file the rules as amended with the Secretary of State and Legislature for public comment. All in favor with no votes against, motion carried.

Next, the Board reviewed the proposed changes to Title 15, Series 12 Immunizations rules. Vicky Skaff and Mr. Potters explained the changes. Some discussion focused on the requirements for basic life support training: the statute only permits for American Heart Association or American Red Cross training, but prior Board action had been to try to expand that to include other courses as approved by West Virginia Medicaid for training of providers in the BMS intellectual Development Disabilities Waiver Program. As such, the draft rules reference the Waiver Program’s expanded list of BLS courses, and a statutory change would need sought. Since these are joint rules with the Boards of Medicine and Osteopathic Medicine, they would have to agree as well. Further, Mrs. Skaff pointed out that in Section 15-12-6, the new language for immunizations to minors ages 11 to 18 per a prescription needed to be clarified to make sure that it applied only to when HPV and influenza vaccines are prescribed to minors of appropriate age under the statute. Motion was made by Vicky Skaff and seconded by Kim Knuckles to amend section 15-12-6 to add the words “HPV or influenza for” to the first phrase of the new sentence being added to the section, and to file the rules as amended with the Secretary of State and Legislature for public comment, and seek necessary statutory changes for other BLS courses. All in favor with no votes against, motion carried. Prior to filing with the Secretary of State and Legislature, since it is joint rulemaking, approval of the other two boards will have to be sought and granted.

The Board then discussed the draft of new series Title 15, Series 14, Central Fill rules. The original draft focused solely on a central fill model. However, language suggested by the National Association of Chain Drug Stores on behalf of its membership requested the Board to add additional new language on remote processing of prescriptions which the Board had not previously considered. After significant discussion, JJ Bernabei made a motion to table the discussion until the June Board meeting, and take no action at this time, seconded by Chuck Jones. All in favor with no votes against, motion carried.

Next, the Board took up draft changes to Title 15, Series 8, for Emergency Rules to make Gabapentin a reportable drug of concern. Mr. Potters explained that the legislation authorizing this rulemaking does not take effect until July 7, 2017, so there is time for the language to be refined. Several items of drafting clean-up were identified where the words “drugs of concern” and “opioid antagonist” needed added. As such, the Board asked that the language be cleaned up and brought back before the Board at its June meeting. Therefore, it took no action at this time on this item.

President Lewis then called for discussion of any future legislative ideas the Board may desire to be topics of future discussion. He raised the issue of provider status for pharmacists

at the state level, continuing to work to improve the Controlled Substances Monitoring Program, issues with Collaborative Practice, and expansion of Medication Assisted Therapy (MAT) in areas of the state where such services are unavailable. Vicky Skaff asked that the Board consider looking at models for different levels of pharmacy technicians and having expanded duties with specialization, and whether it is permissible for technicians to do medical reconciliation in which the technician collects the medical information of a patient and the pharmacist does the review. JJ Bernabei asked that such efforts also include looking at a category of technician or pharmacy employee where someone could have limited duties and not have to be a certified technician. He also suggested that there may need to be consideration given to who could make a delivery of drugs to patients and their qualifications. Kim Knuckles indicated that there is concern surrounding MAT and Suboxone, with Suboxone “pop-up clinics” becoming a reality and a concern for diversion, raising a real question as to identifying and providing legitimate MAT and properly taking care of the patient. Chuck Jones mentioned that it is apparent from Complaint Committee cases that a lot of diversion starts with a technician, and that the Board may need to look at making provisions so that the technicians really desire the position and take pride in it as a profession, which will help cut down on such diversion. Everett Frazier indicated concern that Suboxone is already abused, and more emphasis needs placed on the prescriber making the medication available.

Finally, Mr. Lewis made two announcements. First, he announced that the June meeting would have election of officers, and staff evaluations would be addressed. Next, he announced that he was having a conference call with a representative of NASPA at 10:00 the next day to discuss issues in other states, and that any board members wanting to participate are welcome.

Motion was then made by Vicky Skaff and seconded by Everett Frazier to adjourn. Mr. Lewis declared the meeting adjourned.

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President, Dennis Lewis  
West Virginia Board of Pharmacy