

BOARD MEMBERS

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



STAFF

Michael L. Goff,
Acting Executive Director &
CSMP Administrator

John P. Smolder,
CFO/COO

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MINUTES OF THE WEST VIRGINIA BOARD OF PHARMACY
CHARLESTON, WEST VIRGINIA, JULY 26, 2017

The Board convened in the Board Office Conference Room, 2310 Kanawha Boulevard, East, Charleston, West Virginia, at 9:00 a.m., on Wednesday, July 26, 2017, with President Dennis Lewis presiding. Present at the meeting in person were Board members: Dennis Lewis, Vicky Skaff, David Bowyer, Chuck Jones and Sam Kapourales; the following Board members were present by teleconference on speakerphone: John J. Bernabei and Everett Frazier. Staff present in the office were Acting Director and CSMP Administrator Michael Goff, CFO John Smolder, and Board Inspector Buck Selby. Staff present on the conference call were Board Inspectors, Roger Shallis, David Gerkin and Don Klamut; and Board Investigators Fred Wagoner and David Lucas.

Members of the public attending the meeting were Mark Polen of Rite Aid/LGCR Gov't Solutions, Betsy Wright of Kroger, John Long of CVS Health, Justin Taylor of Bailey & Wyant and Michael Taylor of Bailey & Wyant.

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

First, Mr. Lewis wanted to make an adjustment to the agenda by moving Item 10 (Review previous meeting minutes) and making it the first item for discussion. The minutes from the June 11 & 12 and June 26 were reviewed by board members, and minor corrections were suggested. Motion was made to approve the minutes with corrections by Everette Frazier and seconded by Sam Kapourales. All in favor with no votes against, motion carried. David Bowyer recused himself on this vote.

Next, Mr. Lewis introduced the newest board member, David Bowyer followed by his swearing in.

Then the Board discussed several Title 15 Rules:

- Series 1, Centralized Prescription Processing, due to no public comments, a motion was made by Vicky Skaff to move forward with the next steps in filing this rule, seconded by Chuck Jones. All in favor with no votes against, motion carried.

- Series 8, CSMP reporting related to drugs of concern/Gabapentin, comment was made by NACDS requesting an 18-month grace period be considered by the board. Board concluded not to accept this proposal and a motion was made by Vicky Skaff to move forward with the next steps in filing this rule, seconded by David Bowyer. All in favor with no votes against, motion carried.
- Series 12, Immunizations, comment was made by the WV Board of Medicine which concurred with the proposed updates to the rule. A motion was made by Sam Kapourales to move forward with the next steps in filing this rule, seconded by Vicky Skaff. All in favor with no votes against, motion carried.
- Series 14, Centralized Prescription Processing, comment was made by NACDS requesting the board to consider several language changes related to centrally filled prescription must be returned to the original pharmacy and not shipped directly to the patient from the central fill location. Board concluded not to accept this proposal and a motion was made by Vicky Skaff to move forward with the next steps in filing this rule, seconded by Chuck Jones. All in favor with no votes against, motion carried.

A PT Training Program was submitted to the Board by Village Pharmacy. After review, David Bowyer made a motion to approve their PT training program. Seconded by JJ Bernabei. All in favor with no votes against, the motion carried.

The Board discussed Pharmacy Technician (PT) Training Programs. A motion was made by Sam Kapourales, that future PT Training Program submissions be reviewed by the Acting Executive Director, Michael Goff, and then he recommend the training program for approval if they meet all established criteria. Seconded by Vicky Skaff. All in favor with no votes against, motion carried.

The Board reviewed the amended Complaint Handling Procedures, and a motion was made by Vicky Skaff and seconded by Chuck Jones to accept the proposed changes. All in favor with no votes against, the motion carried.

Acting Executive Director Michael Goff presented information regarding a part-time attorney, compared to a full-time position. After discussion, the Board concluded that a full-time attorney would be better suited to address their future goals. A motion was made by Vicky Skaff and seconded by David Bowyer to proceed with the hiring process for a full-time attorney. All in favor with no votes against, the motion carried.

Acting Executive Director Michael Goff gave a brief discussion about how the office is taking a more proactive approach to the Suspicious Order reporting process. For a number of months, Suspicious Order reports have been collected until the end of the month, and then a representative from the AG's office would pick them up, take them to their office, scan them, and return us the paper copies with a digital copy of the scanned documents. Beginning two weeks ago, the reports are scanned at the Board office and a digital version is forwarded to the AG, while another digital copy is sent to our Chief Compliance Officer to begin evaluating the reports. He will be providing feedback about his findings so we can better understand the reporting process, and to determine ways to address them going forward, working with both the wholesale distributors and pharmacies. Charles "Buck" Selby discussed his review of the initial suspicious orders for two wholesalers. He reported that some of the suspicious orders were "suspicious" themselves, and that it appears that a large number of the suspicious orders were

insignificant in actual quantities involved, and that there appeared to be several reports for the same order being repeated for days. Mr. Selby also suggested that Michael LeMasters' Best Practice Guidelines for MAT be placed on the agenda to be considered at the next Board meeting, and that the Board should consider addressing the issue of pharmacies being cut off by distributors for ordering MAT products to fill patient orders. No action was taken since this was for informational purpose.

Motion was made by Vicky Skaff and seconded by David Bowyer to go into Executive Session to discuss wholesale litigation and other matters. All in favor with no votes against, the motion carried.

President Dennis Lewis declared the Board back into public session. John J. Bernabei and Sam Kapourales are no longer present.

A motion was made by Chuck Jones, and seconded by Vicky Skaff, to accept the offer related to Complaint 2016-08-61. All in favor with no votes against, the motion carried. David Bowyer recused himself on this vote.

Motion was made by David Bowyer to adjourn. Seconded by Everett Frazier. All in favor with no votes against, the motion carried.

President Dennis Lewis declared the meeting adjourned.

Vicky Skaff, Secretary
West Virginia Board of Pharmacy

Dennis Lewis, President
West Virginia Board of Pharmacy