

BOARD MEMBERS

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



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STAFF

Michael L. Goff,
Acting Executive Director &
CSMP Administrator

John P. Smolder,
CFO/COO

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General Counsel

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MINUTES OF THE WEST VIRGINIA BOARD OF PHARMACY
CHARLESTON, WEST VIRGINIA, DECEMBER 10 & 11, 2017

On Sunday, December 10, 2017, the West Virginia Board of Pharmacy (“the Board”) convened at the Board office, located at 2310 Kanawha Boulevard East, Charleston, West Virginia for the Board’s quarterly meeting and completed items one through eight of the meeting agenda. On the following day, Monday, December 11, 2017, the Board reconvened at the Board office to complete the meeting. The meeting was open to the public. For efficiency purposes, the minutes from both days have been combined into the present document.

Board Members present:

Dennis Lewis, President
John J. Bernabei, Vice President
Vicky Skaff, Secretary
Chuck Jones
Sam Kapourales
David Bowyer

Board Members not present:

Everett Frazier

Board Staff present:

Michael Goff, Acting Executive Director and CSMP Administrator
John Smolder, CFO/COO
Charles “Buck” Selby, Chief Compliance Officer
Ryan Hatfield, General Counsel
Fred Wagoner, Investigator
Dave Lucas, Investigator
Donald Klamut, Inspector
Tom Robinette, Inspector
Patrick Regan, Inspector

Roger Shallis, Inspector

Public present December 10, 2017:

Mark Polen, LGCR Government Solutions
Bradley Henry, WV State Medical Association

Public present December 11, 2017:

John Long, CVS Health
Mark Polen, LGCR Government Solutions
Brent Slaughter, Mutual Wholesale Drug Co.
Krista Capehart, WVU SOP
Glen Palmer, Pharmalogic
Bridget Lambert, WVRA
Dr. Rahul Gupta, Board of Medicine

On each of the two days, President Lewis called the meeting to order and stated that a quorum was present. The agenda for the meeting had previously been posted on the Board's website and made available through the Board's office. The meeting was opened with a prayer. However, because notice of the meeting was not adequately provided, all items discussed on December 10 and December 11 were not voted on until December 13, 2017.

1. The first item the Board took up was approving the meeting minutes for the Board's meeting on September 17 and 18, 2017. There were no changes.
2. The Chief Financial Officer, John Smolder then gave his report and the Board's budget was presented. It is projected that the Board's funds will not be swept by the Legislature at the end of the fiscal year.
3. The Acting Executive Director, Mike Goff, then gave his report. Mr. Goff stated that Board staff is currently working on providing additional data for the Board's licensing database that is under construction. The online service fee of 2.5% for online license renewals was discussed. It was proposed that the licensee will pay this 2.5% fee directly to the vender. This proposal would be voted on at the Board's meeting on December 13, 2017.
To do: Mr. Goff and Mr. Hatfield will look into potentially requiring identification to be checked when controlled substances are delivered via mail order. Additionally, Mr. Goff and Mr. Hatfield will look into purchasing exemptions for large expenditures. Board Member Jones suggested looking at BRIM legislation which provides for such exemption.
4. Dr. Brad Henry, President of the WV Medical Association then gave a brief presentation. Dr. Henry stated that he believes it is widely believed that Gabapentin should be a scheduled drug. Dr. Henry further stated that he believes controlled substance prescriptions should be limited to thirty (30) day supplies.

5. Replacing Dr. Robert Turner on the Controlled Substance Monitoring Program Advisory Committee with Dr. Edward Eskew was discussed.
6. Board Member Bowyer gave the Continuing Education Committee's update. Board member Skaff suggested removing outdated Continuing Education seminars from the Board's website. The process for approving Continuing Education seminars was discussed.
7. Board Member Skaff gave a complaint status update. According to Board Member Skaff's handout, from the period of January 1, 2017 to December 10, 2017 there were six (6) revocations of pharmacy technician and pharmacy technician trainee licenses; nineteen (19) dismissals; seven (7) letters of caution; six (6) reprimands; five (5) reprimands/suspensions; three (3) suspension referrals; two (2) denials of licensure; and one (1) pending disciplinary decision.
8. The Board then went into Executive Session to discuss disciplinary cases.
9. The General Counsel, Ryan Hatfield, then gave his report. Mr. Hatfield gave a disciplinary case overview. Mr. Hatfield proposed a new complaint form which meets all legal requirements. Finally, Mr. Hatfield updated the Board on pending litigation. The Board stated that Mr. Hatfield and Mr. Goff will use their discretion in referring Board licensees' discipline from other jurisdictions to the Complaint Committee.
10. Dr. Rahul Gupta, West Virginia State Health Officer, then gave a brief presentation. Dr. Gupta stated that post mortem autopsies were being performed on the bodies of all individuals who overdose from opioids in the state to determine the profile those individuals to determine risk factors. Dr. Gupta stated that the results from these inspections would be presented on December 15, 2017. Dr. Gupta further stated that a meeting would occur on December 21, 2017 for a panel to produce steps for preventing deaths.
11. Buck Selby, Chief Inspector, then gave his Inspector's report. Mr. Selby suggested that pharmacies should be inspected each year. Mr. Selby also suggested that the Board hire a full-time pharmacist to work in-house at the Board office.
To do: Mr. Goff will work with Walgreens on applications related to in state purchases and new registrations.
12. Board Member Bowyer and Mr. Selby then presented a draft of the Disaster Response and Mitigation Protocol.
13. Mr. Goff then presented the Controlled Substances Monitoring Program report. Currently, the information is protected by law. Mr. Goff stated that he is researching ways to expand the law to allow for greater disclosure.
14. Requests for second extensions of time for PT training/retraining was discussed by Mr. Goff. Mr. Goff stated that he will provide the names for the extensions when the Board

votes on December 13, 2017. Mr. Goff further stated that all three applications meet the required criteria for extensions.

15. Collaborative Pharmacy Practice applications for the following individuals were considered: Lisa Garavaglia; Ashley Modany; and Prashanth Iyer.
16. Board Member Bernabei then discussed USP 800. Board Member Bernabei stated that the deadline for implementation had been extended from July 2018 until December 2019.
17. The Legislative Rule governing Central Fill was then discussed. The Board discussed changing “originating pharmacy” to “originating or dispensing pharmacy” throughout the rule. This change will be voted on at the Board’s December 13, 2017 meeting.
18. Board Member Skaff and Mr. Hatfield then discussed the following legislation: Renal Dialysis Products; Pharmacy Technician Exemption for cashiers; Pharmacy Technician Reciprocity; Licensing Fee Change; pending legislation; and possible new legislation. Updating rules governing collaborative practice was discussed. Enhancing the Practice Act to help get services reimbursed by insurance like the State of Washington does was also discussed.
To do: Mr. Goff and Mr. Hatfield will look into possible legislation creating a felony for the diversion of drugs less than one thousand dollars (\$1,000).
19. The next meeting was scheduled for March 18 and 19, 2018, in Morgantown, West Virginia.

Vicky Skaff, Secretary
West Virginia Board of Pharmacy

Dennis Lewis, President
West Virginia Board of Pharmacy