

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,
Executive Director &
CSMP Administrator

John P. Smolder,
CFO/COO

Ryan L. Hatfield
General Counsel

Office

2310 Kanawha Blvd. East
Charleston, WV 25311

Phone

(304) 558-0558
(304) 558-0572 (fax)

MINUTES OF THE WEST VIRGINIA BOARD OF PHARMACY
CHARLESTON, WEST VIRGINIA, DECEMBER 9 AND 10, 2018

On Sunday, December 9, 2018, 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 six of the meeting agenda. On the following day, Monday, December 10, 2018, 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
Everett Frazier

Board Members not present:

None

Board Staff present:

Michael Goff, Executive Director and CSMP Administrator
John Smolder, CFO/COO
Ryan Hatfield, General Counsel
Krista Capehart, Staff Pharmacist
Fred Wagoner, Investigator
Dave Lucas, Investigator
Donald Klamut, Inspector
Tom Robinette, Inspector

Patrick Regan, Inspector
Roger Shallis, Inspector

Public present September 9, 2018:

Bridget Lambert, WVRA
Ronald Carico, Jr.

Public present September 10, 2018:

Tim DeRose, Walgreens Pharmacy
Bridget Lambert, WVRA
Brian Sayre, CAMC
Ronald Carico, Jr.

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.

1. The first item the Board took up was approval of the Board Minutes for meetings held on September 9 and 10, 2018 and October 11, 2018. Board Member Bowyer motioned to accept the minutes. Board Member Frazier seconded this motion. The motion passed unanimously without discussion.
2. Executive Director Michael Goff gave his report. Director Goff gave a brief Board office update, that included how the new staff pharmacist is being integrated into normal office functions, as well as the compliance process. Director Goff discussed how he had been interacting and communicating with a number of other agencies and groups regarding Board business. He also mentioned how he and the staff were preparing for the upcoming regular legislative session. Board Member Bernabei motioned to accept the Director's report. Board Member Skaff seconded the motion. The motion passed unanimously without discussion.
3. Chief Financial Officer John Smolder gave his report. Mr. Smolder gave FY 2019 to FY2018 Year to Date comparison and noted that the Reimbursement from DHHR for Controlled Substance Grant has yet to be received. Mr. Smolder then followed with the cash balance as of 11/30/18 along with reports that are provided on a quarterly basis. Board Member Skaff motioned to accept the report. Board Member Jones seconded the motion. The motion passed unanimously without discussion.
4. General Counsel Ryan Hatfield gave his report. Mr. Hatfield stated that he has submitted a request to the WV Attorney General's office seeking a definition for "pharmacy setting." Mr. Hatfield stated that all rules were now out of the Rulemaking Committee and part of the rules bundle. Mr. Hatfield stated that the Sunrise Application was complete and the Board should receive the results sometime in December. Finally, Mr. Hatfield gave an update on Board hearings. There had been several hearings since the last meeting. Every hearing has resulted in a favorable outcome for the Board. Board Member Skaff motioned to accept the report. Board Member Bowyer seconded the motion. The motion passed unanimously without discussion.

5. Staff Pharmacist Krista Capehart then gave her report. Mrs. Capehart stated that she was still working with other Board staff to integrate herself into the office workflow. Mrs. Capehart briefly mentioned some of the projects she has been working on, including the new legislation and reviewing and updating rules. Board member Skaff motioned to accept the report. Board Member Frazier seconded the motion. The motion passed unanimously without discussion.
6. The hearing examiner found probable cause to proceed with discipline in the Matter of Leslie Kovach, case number 2017-12-55. The Complaint Committee recommended the final discipline of a reprimand, one year suspension, sixty hour CPE requirement, auditing of Respondent's CPE hours for a period of two years, a monetary fine of \$1,000.00, and administrative costs of \$1,694.90. Board Member Bowyer motioned to accept the Complaint Committee's recommendation. Board Member Bernabei seconded the motion. The motion passed unanimously.
7. The Complaint Committee found probable cause and recommended discipline in the following cases: 2018-07-35; 2018-07-38; and 2018-10-53. Board Member Skaff recused herself from case number 2018-07-38. Board Member Frazier motioned to accept the recommendations of the Complaint Committee. Board Member Bernabei seconded the motion. The motion passed unanimously.
TO DO: Send Scott Tingler's Consent Agreement to PA Board of Pharmacy.
8. Inspector Tom Robinette then gave the Inspector's Report. Mr. Robinette stated that all inspections are up-to-date. Mr. Robinette stated that Big Picture Software was going to update inspector's sheets. Mr. Robinette stated that on November 19, 2018 the inspectors held a meeting and recommended to use four inspectors and redraft the state. Mr. Robinette stated that a committee is being formed to interview a replacement for Inspector Roger Shallis. Mr. Robinette recommended that the Board write a letter supporting NABP's comment on FDA's draft MOU regarding compounded drug products. Board Member Jones made a motion to accept the Inspector's Report along with writing a letter in support of NABP's comments. Board Member Bowyer seconded the motion. The motion passed unanimously.
9. Executive Director Goff then gave the Controlled Substances Monitoring Program Report. Director Goff Board Member Skaff motioned to accept the report. Board Member Frazier seconded the motion. The motion passed unanimously without discussion.
10. General Counsel Ryan Hatfield gave the Legislative Committee Report. Mr. Hatfield stated that a bi-weekly update will be provided to the Board tracking relevant legislation. Board Member Jones made a motion to accept the report. Board Member Frazier seconded the motion. The motion passed unanimously.
TO DO: Mr. Hatfield will provide a legislative update to the Board every other week during the legislative session.
11. Board Member Bowyer then gave the Continuing Education Committee Report. Board Member Bowyer stated that for the period from September 1 to November 30, 2018, the Committee met three times and reviewed seven continuing education programs totaling seven hours. Board Member Bowyer stated that all of the hours submitted were approved by the Committee.
12. Motion was made by Board Member Skaff to allow the PT Training hours of Kelly Dodsworth to count toward the requirement. The motion was seconded by Board Member Frazier. The motion passed unanimously.

TO DO: Develop a process to address the numerous PT Trainees extension requests

13. Motion was made by Board Member Bowyer to approve the PT Training Program of Willow Drug. Board Member Skaff seconded the motion. The motion passed unanimously.
14. Motion was made by Board Member Skaff to allow the PT Training hours previously obtained by Kelly Dodsworth at WVU to be counted toward her new application. Board Member Bowyer seconded the motion. The motion passed unanimously.
15. The 2019 legislative session was then discussed. The Board intends to make it a felony to steal controlled substances from a pharmacy. The Board will research requiring one year experience to act as a pharmacist-in-charge. Motion was made by Board Member Bernabei to allow the Board to work with third party providers to have limited access the Controlled Substances Monitoring Program. Board Member Frazier seconded the motion. The motion passed unanimously.
16. Board Member Skaff motioned to create a new staff position. Board Member Bernabei. The motion passed unanimously.
17. Board Member Bernabei motioned to pursue the purchase of the home next door to the Board office. Board Member Bowyer seconded the motion. The motion passed unanimously.
18. The next Board meeting was scheduled for March 10 and 11 at the Board's office in Charleston, WV. The Complaint Committee will meet at 8:00 a.m. at the Board's office on February 19, 2019.

Vicky Skaff, Secretary
West Virginia Board of Pharmacy

Dennis Lewis, President
West Virginia Board of Pharmacy