

**BOARD MEMBERS**

*Dennis Lewis, President  
John J. Bernabei, Vice President  
Vicky Skaff, Secretary  
James Rucker \*  
Jenna Misiti\*  
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*

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**MINUTES OF THE WEST VIRGINIA BOARD OF PHARMACY**  
**APRIL 6, 2020**

On Monday, April 6, 2020, the West Virginia Board of Pharmacy (“the Board”) convened at the Board office in Charleston, West Virginia via teleconference for the Board’s quarterly meeting. The meeting was open to the public.

**Board Members present:**

Dennis Lewis, President  
John J. Bernabei, Vice President  
Vicky Skaff, Secretary  
Sam Kapourales  
David Bowyer  
James Rucker  
Jenna Misiti

**Board Members not present:**

N/A

**Board Staff present:**

Michael Goff, Executive Director and CSMP Administrator  
John Smolder, CFO/COO  
Ryan Hatfield, General Counsel  
Krista Capehart, Director of Professional and Regulatory Affairs  
Fred Wagoner, Investigator  
Dave Lucas, Investigator  
Donald Klamut, Inspector  
Tom Robinette, Chief Inspector  
Patrick Regan, Inspector  
Steve Boykin, Inspector

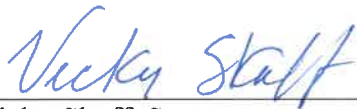
**Public present:**  
Ron Carrico, Marshall Public Health

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. Motion was made by Board Member Bowyer to approve the meeting minutes from December 15 and 16, 2019 as well as March 19, 2020. The motion was seconded by Board Member Skaff and passed unanimously without discussion.
2. The Executive Director then gave his report. The Executive Director gave a brief Board office update that included licensee issues and website modifications. He also summarized some improvements that included the ability to send out emails to all licensees by license type and the posting of new notices at the top of the landing page. He also mentioned various interactions and communications with various state and federal agencies, as well as with stakeholders regarding Board business. Motion was made by Board Member Skaff to accept the report. The motion was seconded by Board Member Rucker and passed unanimously without discussion.
3. The Chief Financial Officer next gave his report. Mr. Smolder gave FY2018 and FY2019 Year End Summaries then a FY2020 Year to Date Summary along with FY 2019 YTD comparison. Mr. Smolder then followed with the cash balance and remaining Fiscal Year Budget along with reports that are provided on a quarterly basis. He also discussed the need for a Budget Amendment to get the agency through the fiscal year. Mr. Smolder also stated that BOP Safety Committee was placed on hold due to COVID19. Motion was made by Board Member Skaff to accept the report. The motion was seconded by Board Member Rucker and passed unanimously without discussion.
4. The General Counsel then gave his report. The General Counsel gave an update on discipline and stated that everything is up to date with some hearings to be scheduled. A legislative committee meeting will be held to discuss rules due this summer. Motion was made by Board Member Bowyer to accept the report. The motion as seconded by Board Member Rucker and passed unanimously without discussion.
5. The Director of Professional and Regulatory Affairs then gave her report. The Director of Professional and Regulatory Affairs stated contacts with questions has gone significantly up with the COVID-19 pandemic. Average number contacts per month were two hundred seventy. Five COVID-19 memos plus a summary FAQ document have gone out to pharmacists and pharmacies throughout the state. Board Member Skaff motioned to accept the report. The motion was seconded by Board Member Bowyer and passed unanimously without discussion.
6. Board Member Skaff motioned to issue a waiver to West Virginia University to be able to have a technician provide medication pickup to patients in the Children's Hospital area that have been filled in the main hospital. It was determined that this would be permitted during COVID-19. After State of Emergency, it will be necessary for WVU Hospital to have a separate PIC for the ambulatory pharmacy and the main pharmacy as the separate pharmacies are operating with one PIC per their Inspector. The motion was seconded by Board Member Bernabei and passed unanimously without discussion.

7. Motion was made by Board Member Skaff to allow a waiver for Wheeling Health Right Hospital to allow a pharmacy technician to drive prescription drugs from the Wheeling Hospital to New Martinsville on a limited basis. The motion was seconded by Board Member Bernabei and passed unanimously without discussion.
8. The Chief Inspector then gave his report. The Chief Inspector proposed a new definition of “compounding” for the Board’s compounding rule. Motion was made by Board member Bernabei to accept the compounding rule recommendations and file it as an emergency rule. The motion was seconded by Board Member Misiti and passed unanimously without discussion.
9. The Chief Inspector then presented a request from Cabell Huntington Hospital to implement an IV management system. Motion was made by Board Member Skaff to approve a waiver allowing this practice for Cabell Huntington Hospital. The motion was seconded by Board Member Rucker and passed unanimously without discussion.
10. Motion was made by Board Member Bernabei to accept the compounding rule revisions recommended by the Chief Inspector and file an emergency rule. The motion was seconded by Board Member Kapourales and passed unanimously without discussion.
11. Motion was made by Board Member Skaff to approve a waiver for Cabell Huntington Hospital regarding remote pharmacist verification. The motion was seconded by Board Member Rucker and passed unanimously without discussion.
12. The Controlled Substances Monitoring Program Administrator then gave his report. The Controlled Substances Monitoring Program Administrator Goff provided an update of the CSMP/NarxCare workflow integration project, that included an average monthly utilization of over 7 million queries. He also mentioned a number of data projects being undertaken. Motion was made by Board Member Skaff to accept the report. The motion was seconded by Board Member Rucker and passed unanimously without discussion.
13. Motion was made by Board Member Skaff to give all Board employed epidemiologists raises in accordance with the Executive Director’s recommendation. The motion was seconded by Board Member Rucker and passed unanimously without discussion.
14. Motion was made by Board Member Misiti to approve Executive Director Goff’s recommendation to accept the PT Training Programs submitted by Moore’s Pharmacy, Blue Ridge Community Technical College, Reed’s Pharmacy and Main Street Pharmacy. Seconded by Board Member Rucker. Passed unanimously without discussion.
15. Next, the Legislative Committee gave a brief overview of bills that passed last session. The Legislative Committee was tasked with meeting in the coming weeks to review Board Rules.
16. Motion was made by Board Member Bernabei to accept pharmacy technician application without background checks but such applicants must submit background checks within thirty days of the end of the declared State of Emergency. The motion was seconded by Board Member Skaff and passed unanimously without discussion.
17. Motion was made by Board Member Skaff to waive license fees for all PT Trainee and Pharmacy Intern applications. Seconded by Board member Bernabei. The motion passed unanimously.
18. Motion was made by Board Member Skaff to waive fees for NABP Passport Program users. The motion was seconded by Board Member Bowyer and passed unanimously without discussion.

19. Next, an update was given about NABP. The annual conference will be available online only. NABP has been hosting weekly teleconference meetings during the national Covid-19 pandemic.
20. The next quarterly Board meeting was scheduled for June 7 and 8, 2020.
21. Motion was made by Board Member Bernabei to approve the pharmacy technician application for Christopher Walker but to deny the applications for Tori Walker, Leotardi, Visky, and Petry. The motion was seconded by Board Member Misiti and passed unanimously without discussion.
22. Motion was made by Board Member Bowyer to remove the restrictions on the pharmacist license of Yale Mendelson with a satisfactory letter of support from Mike Brown. The motion was seconded by Board Member Bernabei and passed unanimously.
23. Motion was made by Board Member Lewis to accept the recommendations of the Complaint Committee with the following changes: 2019-10-59 (one year suspension and require PRN support prior to reinstatement) and 2019-12-70 (Upon receipt and satisfactory analysis of court information from Kentucky, pursue summary suspension of pharmacist's license and fine pharmacy \$75,000.00). The Complaint Committee recommended revocation of license in case number 2018-01-04 following the prior hearing. The Complaint Committee found probable cause to pursue discipline in the following cases: 2020-01-04; 2019-10-59; 2019-11-67; 2019-12-70; and 2020-01-09. Board Member Skaff recused herself from 2019-09-55, 2020-01-01, and 2020-01-05. Board Member Bowyer recused himself from 2019-11-67. The motion was seconded by Board Member Bernabei and passed unanimously without discussion.
24. Board Member Bowyer motioned to adjourn. The motion was seconded by Board Member Kapourales and passed unanimously without discussion.



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Vicky Skaff, Secretary  
West Virginia Board of Pharmacy



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Dennis Lewis, President  
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