

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*

Office

*2310 Kanawha Blvd. East
Charleston, WV 25311*

Phone

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

MINUTES OF THE WEST VIRGINIA BOARD OF PHARMACY
SEPTEMBER 14, 2020

On Monday, September 14, 2020, the West Virginia Board of Pharmacy (“the Board”) convened at the Board office in Charleston, West Virginia via teleconference/Conference for the Board’s quarterly board meeting. The meeting was open to the public.

Board Members present via teleconference:

Dennis Lewis, President
John J. Bernabei, Vice President
Vicky Skaff, Secretary
David Bowyer
James Rucker (in person)
Jenna Misiti

Board Members not present:

Sam Kapourales

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
Jane Harrell, Executive Secretary
Thomas Robinette, Investigator
Fred Wagoner, Investigator
Donald L. Klarmet, Inspector
Patrick Regan, Inspector

Public present:

Bridget Lambert, WV Retailers Association

Scott Brown

Shannon Farris

Dakota & Rachael, WVU Students

Jessica Adams

Donna Cook, CEO Lincoln Mingo Health

Valerie Packard, Nurse Practitioner

Bill Shanver

Courtney Sweet, WVU Medicine Children's Hospital

Christian Miller, WVU Medicine Children's Hospital

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. Board President Lewis stated that September 15 was reserved for a continuation of the meeting if necessary.
2. Board Member Skaff requested to correct the July 15th and August 25th Board Meeting Minutes, by adding "Dr." in front of Krista Capehart's name. Motion was made by Board Member Misiti to approve the change. The motion as seconded by Board Member James Rucker and passed unanimously.
3. The Executive Director then gave his report. Director Goff gave an office updates, including his deposition in the opioid lawsuit and the progress of the document imaging project. He mentioned that Mark Rubin was in the process of being hired as the new inspector and that we were looking to hire another inspector for a short-term license and permit project. Director Goff also discussed the MAT workgroup that would be meeting before the next regular Board meeting. Motion was made by Board Member Skaff to approve the report. The motion was seconded by Board Member Rucker and passed unanimously.
4. The Chief Financial Officer next gave his report. Mr. Smolder gave FY2018, FY2019 and FY2020 Year End Summaries then a FY2021 Year to Date Summary along with FY 2020 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. Mr. Smolder also stated that BOP Safety Committee was placed on hold due to COVID19. Motion was made by Board Member Misiti to approve. The motion as seconded by Board Member Bowyer.
5. The General Counsel then gave his report. Mr. Hatfield stated that both subpoenas he had been working on were concluded. Mr. Hatfield stated that all legislative rules had been

submitted on time in accordance with the Secretary of State's requirements. Mr. Hatfield stated that discipline is up to date and there will likely be one to two hearings scheduled in the future. Motion was made by Board Member Rucker to accept the report. The motion was seconded by Board Member Skaff and passed unanimously.

6. The Director of Professional and Regulatory Affairs then gave her report. Dr. Capehart provided a summary of the work with the DHHR State COVID-19 Vaccinations Task Force to coordinate pharmacy involvement and access. She also is working with DHHR, National Guard and Retailer's Association to increase availability of COVID-19 testing at pharmacies if interest exists. There are opportunities for testing reimbursement and the need exists. Given the upcoming flu season and COVID-19 vaccine, Dr. Capehart presented that the American Heart Association has determined that their certifications are not to be extended past October 2020. Motion to accept the report was made by Board Member Skaff. The motion was seconded by Board Member Rucker and passed unanimously.
7. Dr. Capehart presented the ProTrainings CPR Program to the list of approved programs. Motion was made by Board Member Bernabei to approve the program. The motion was seconded by Board Member Misiti and passed unanimously.
8. Dr. Capehart presented the HHS amendment regarding vaccinating age 3 and up and the Workforce Study. Dr. Capehart fielded questions and suggestions about the HHS document and Workforce Study. Dr. Capehart will survey the pharmacies regarding immunizations provided and continue to evaluate the workforce survey with info provided. Motion to approve was made by Board Member Skaff. The motion was seconded by Board Member Bernabei and passed unanimously.
9. Motion was made by Board Member Skaff to approve AHA- compliant courses without hands-on component to count towards CPR Card during Covid-19 State of Emergency that would last for two-year period. Must renew within 90 days of September 14, 2020. The motion was seconded by Board Member Rucker and passed unanimously.
10. The Chief Inspector then gave his report. Mr. Robinette reported that due to COVID 19 inspections were suspended as of March 15, 2020. Inspections were restarted May 11, 2020 in concert with the Governor's phase in plan for businesses. Mr. Robinette reported that there were 210 inspections from March 11th through August 31st. Mr. Robinette reported that he reviewed a total of 179 suspicious order reports and followed up on 30 of them. Mr. Robinette reported that none of the follow-up inquiries suggested any concerns of diversion or other questionable or illegal practices.

While dealing with an issue related to a mail order sterile compounding permit renewal, Dr. Capehart discovered that no non-resident mail order pharmacy that performed sterile compounding had been evaluated and been licensed for sterile compounding according to Board rules. Following a lengthy discussion, it was decided that all non-resident mail order pharmacies performing sterile compounding must obtain a sterile compounding

permit and must be inspected in strict accordance with the inspection standards for West Virginia or have an NABP Verified Pharmacy Program (VPP) inspection. Mr. Robinette will work with Dr. Capehart and Michelle Pauley in notifying the affected pharmacies.

Mr. Robinette reported on an inspection of the Logan Mingo Area Mental Health Centers (LMAMHC) upon recognition that controlled substance permits were issued to each of the 3 facilities in the network but there was no consulting pharmacist of record as required by law. It was determined that there were several procedural practices associated prescription dispensing that were in conflict with Board of Pharmacy Legislative Rules and State Code. Donna Cooke, CEO for LMAMHC and Scott Brown RPh addressed the Board and presented a description of the patient population, the associated challenges, and an explanation of the dispensing policies and procedures. Following a lengthy discussion, Mr. Robinette would coordinate efforts to develop a revised set of policies and procedures for prescription dispensing to the remote centers and would provide a report to the Board at its December 2020 meeting.


Dr. Capehart, Don Klamut, and Mr. Robinette met at the Board office on September 4th for the NABP 2020 MPJE State Specific Review & Pretest Item Selection.

Seven candidates were interviewed for the inspector position. Mark Rubin was selected for the position and will begin his training.

Motion was made by Board Member Skaff to approve the report. The motion was seconded by Board Member Misiti and passed unanimously.

11. Motion was made by Board Member Bowyer to require all out of state sterile compounding facilities to provide a copy of the universal NABP sterile compounding form or be VPP certified by renewal. The motion was seconded by Board Member Rucker and passed unanimously.
12. The Controlled Substances Monitoring Program Administrator then gave his report. Director Goff explained that he was in the process of renewing the CSMP/NarxCare workflow integration contract with Appriss. He also mentioned a number of data projects being undertaken, including Covic-19 related prescribing. Motion to accept the report was made by Board Member Skaff. The motion was seconded by Board Member Rucker and passed unanimously.
13. Motion was made by Board Member Bowyer to approve the PT Training Programs for Greggs Pharmacy and Blue Ridge Community and Technical College. The motion was seconded by Board Member Misiti and passed unanimously.
14. Motion was made by Board member Lewis to approve the collaborative practice agreements for Samantha Wright and Lisa Garavoglia. The motion was seconded by Board Member Skaff and passed unanimously.

15. The Board then heard a presentation from WVU Hospital Pharmacy. Motion was made by Board Member Bernabei to approve the drop-off location in the exact form presented by WVU for use by WVU only. The motion was seconded by Board Member Skaff and passed unanimously.
16. Motion was made by Board Member Bowyer to provide for a waiver regarding IV compounding which is needed for workflow changes to limit movement of personnel. The motion was seconded by Board Member Skaff and passed unanimously.
17. As part of his NABP update, Board Member Bowyer stated he was elected on Resolution Committee for NABP. One resolution to be considered would be requiring all states to use the NABP form regarding sterile compounding facilities.
18. The Legislative Agenda for next session was then discussed. The Board would like to address technological advancements in the practice of pharmacy. The Board needs to ensure the controlled drugs schedule bill passes next session. Finally, the Board would like to pursue changes to collaborative practice. Mr. Hatfield will schedule a meeting with BOM and BOOM and then hold a Legislative Committee meeting.
19. The next Board meeting will be held December 7 and 8, 2020. The next Complaint Committee meeting will be held November 17, 2020.
20. Motion to go into executive session was made by Board Member Skaff. The motion was seconded by Board Member Bernabei and passed unanimously.
21. Motion was made by Board Member Lewis to accept the recommendations of the Complaint Committee with changes to Complaints 2020-06-41, 2020-05-35, and 2020-03-24. The changes were as follows: 2020-06-41 shall be a Letter of Caution; 2020-05-35 shall be an indefinite suspension of not less than one year with PRN blessing prior to reinstatement; and 2020-03-24 shall be a reprimand for red flag violations. Probable cause to pursue discipline was found in the following cases: 2020-05-35; 2020-03-24; 2020-07-44; 2020-07-46; and 2020-07-50 and 51. The motion was seconded by Board Member Misiti and passed unanimously.
22. Board Member Bernabei will be an alternate on the Complaint Committee.
23. Board Member Rucker motioned to adjourn. The motion was seconded by Board Member Jenna Misiti and passed unanimously.



Dennis Lewis, President
West Virginia Board of Pharmacy



Vicky Skaff, Secretary
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