

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
December 7, 2020

On Monday, December 7, 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
Sam Kapourales
James Rucker (in person)
Jenna Misiti

Board Staff present:

Michael Goff, Executive Director and CSMP Administrator
John Smolder, CFO, COO
Ryan Hatfield, General Counsel
Dr. Krista Capehart, Director of Professional and Regulatory Affairs
Jane Harrell, Executive Secretary
Thomas Robinette, Investigator
Fred Wagoner, Investigator
Dave Lucas, Investigator
Patrick Regan, Inspector
Thomas Bennett, Inspector
Mark Rubin, Inspector
Don Klamut, Inspector

Public present:

Scott Brown
Jessica Adams
Chris Miller
Dana Gress
Nichole Cover
John Long, CVS
Nicholas Johnson
Perry Ayoob
Dale Masten
Donna Cook, CEO Lincoln Mingo Health
Valarie Patrick, Nurse Practitioner
Phil Shimer

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 Dave Bowyer to approve the September 14, 2020 Board Meeting Minutes with one name correction and by adding "as provided by the WV BOP" to number 15. The motion was seconded by Board Member James Rucker and passed unanimously.
2. Motion was made by Sam Kapourales to pass a resolution recognizing Richard Stephens for his contributions to the practice of pharmacy in the State of West Virginia, as he is retiring from the West Virginia Pharmacist Association. The motion was seconded by Board Member Vicky Skaff and passed unanimously.
3. The Executive Director then gave his report. Director Goff gave an office update, including staff creating training/procedures manuals for their positions, a Board confidentiality agreement, and the introduction of the two new Board inspectors, Mark Rubin and Tom Bennett. Director Goff also discussed looking into certain licensees more closely to ensure compliance with state law and rules. Director Goff mentioned that in the near future, hiring a full-time pharmacist to supplement the current inspection program would be very beneficial. Director Goff also provided information regarding the initial meeting of the MAT workgroup. Motion was made by Board Member Vicky Skaff to approve the report. The motion was seconded by Board Member Jenna Misiti and passed unanimously.
4. The Chief Financial Officer next gave his report. Mr. Smolder gave FY2020 Year End Summaries then a FY2020 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 advises purchases of three new tablets for Inspectors and new camera. Office furniture for four positions downstairs and for Jane's new desk upstairs was also purchased. Maintenance for AC Unit

and of building was purchased. Lastly, Glade Springs holding a \$1k deposit (meeting cancelled due to Covid), in hopes to have another meeting there. They will hold for one year. Motion was made by Board Member Sam Kapourales to approve the report. The motion as seconded by Board Member Vicky Skaff and passed unanimously.

5. The General Counsel then gave his report. Mr. Hatfield stated that we have one hearing coming up on February 1, 2021 for a PT, if she reapplies. Mr. Hatfield stated that he has been working on responding to a very broad subpoena. Mr. Hatfield presented a Confidentiality Agreement he had created for all Board Members and staff. The Board suggested two minor revisions. Motion was made by Board Member Dennis Lewis to accept the report. The motion was seconded by Board Member Sam Kapourales and passed unanimously.
6. Motion was made to approve the Confidentiality Agreement provided by Mr. Hatfield with two amendments by Board Member Dave Bowyer. The motion was seconded by Board Member Skaff and passed unanimously without discussion.
7. Motion was made by Board President Dennis Lewis to give Mr. Hatfield and the Complaint Committee discretion to decide whether or not a particular inspector should be invited to the Complaint Committee meeting. The motion was seconded by Board Member Sam Kapourales and passed unanimously.
8. The Director of Professional and Regulatory Affairs then gave her report. Dr. Krista Capehart provided a summary of the work with the DHHR State COVID-19 Vaccinations Task Force to coordinate pharmacy involvement and access. The program will be launched Dec 14, 2020. Continue to work with groups to increase pharmacy COVID-19 testing access and availability.
9. Motion was made by Board Member Dave Bowyer that under the State of Emergency and the WV VACS teams program, pharmacy interns may give immunizations under supervision of another licensed healthcare provider other than a pharmacist. The motion was seconded by Board Member Vicky Skaff and passed unanimously.
10. Motion was made by Board Member Vicky Skaff to allow continuation of licenses as Dr. Capehart laid out. Reactivate temporary COVID-19 permit for RPh, tech, intern and pharmacies. If Rph is licensed to vaccinate in another state and has a temporary COVID-19 permit in WV, the pharmacist may immunize in WV. The motion was seconded by Board Member Misiti and passed unanimously.
11. The Chief Inspector then gave his report. Mr. Robinette reported that there had been 121 inspections completed in the last quarter but that the inspectors were still catching up on the backlog created due to Covid. Mr. Robinette reported that the Board had received 204 suspicious order reports. None of the reports suggested that there was any untoward activities. Mr. Robinette recommended that a small working group be established to review the FDA MOU. The working group will be comprised of Board Member J.J. Bernabei, Chief Inspector Robinette, Dr. Capehart, and Mr. Hatfield. Mr. Robinette reported that a letter will be sent to the 133 non-resident mail order pharmacies advising that the next

license renewal will include the requirement of a sterile compounding permit. Mr. Robinette reported that since the last Board meeting, Dr. Capehart and he had meetings with officials from Logan Mingo Area Mental Health Centers and Genoa Healthcare and the consulting pharmacists to work on a suitable solution for the dispensing of prescriptions from a remote site from the filling pharmacy. Mr. Robinette stated that he and Director Goff met and agreed that there is a need for an additional inspector on a one to two year basis to help work on some special programs. Motion was made by Board Member Vicky Skaff to accept the report. The motion was seconded by Board Member Dave Bowyer and passed unanimously.

12. The Controlled Substances Monitoring Program Administrator then gave his report. Director Goff explained that grant money was moved from NarxCare fees to fund other CSMP improvements. Director Goff stated that he intends to run a bill in the upcoming legislative session to require pharmacists to check the CSMP. Motion to accept the report was made by Board Member James Rucker. The motion was seconded by Board Member Sam Kapourales and passed unanimously.
13. Dr. Krista Capehart then presented programs regarding pharmacy technician immunization programs. Presented HHS document for the PREP Act, APhA document and list of approved programs. Nationally certified pharmacy technician who is also licensed in WV and has completed an approved Immunization training program and CPR course as required by the HHS document and all of the requirements in the HHS document, may provide immunizations in WV during the COVID-19 State of Emergency as referenced and described in the HHS Amendment. Motion to approve the presentation was made by Board Member Vicky Skaff. The motion was seconded by Board Member Sam Kapourales and passed unanimously.
14. Dr. Krista Capehart will be presenting documentation on “electronic supervision” at next board meeting. Motion was made by Board Member Vicky Skaff to accept this recommendation. The motion was seconded by Board Member Dennis Lewis and passed unanimously.
15. Motion was made to approve the collaborative practice application as presented by Dr. Krista Capehart by Board President Dennis Lewis. The motion was seconded by Board Member Sam Kapourales and passed unanimously.
16. The next Board meeting will be held April 12, 2021. The next Complaint Committee meeting will be held March 29, 2021.
17. Motion to go into executive session was made by Board Member Jenna Misiti. The motion was seconded by Board Member Sam Kapourales and passed unanimously.
18. Motion to leave executive session was made by Board Member Sam Kapourales. The motion was seconded by Board Member Vicky Skaff and passed unanimously.
19. Motion was made by Board President Dennis Lewis to accept the recommendations of the Complaint Committee finding probable cause to pursue disciplinary actions for the

following cases: 2020-07-49; 2020-08-52; and 2020-09-58. The motion was seconded by Board Member Jenna Misiti and passed unanimously.


20. Motion was made by Board President Dennis Lewis to revoke the license after hearing for case number 2019-07-40. The motion was seconded by Board Member Dave Bowyer and passed unanimously.

21. Motion to reclassify an epidemiologist 1 to epidemiologist 2 was made by Board Member Vicky Skaff. The motion was seconded by Board President Dennis Lewis and passed unanimously.

22. Board Member Sam Kapourales motioned to adjourn. The motion was seconded by Board Member Dennis Lewis and passed unanimously.



Dennis Lewis, President
West Virginia Board of Pharmacy



Vicky Skaff, Secretary
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