

BOARD MEMBERS

*Dennis Lewis, President
John J. Bernabei, Vice President
Dave Bowyer, Secretary
James Rucker *
Jenna Misiti*
Sam Kapourales
Vicky Skaff
(*Public Member)*



www.wvboard.com

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) 558-0573 (Fax)*

**MINUTES OF THE WEST VIRGINIA BOARD OF PHARMACY
DECEMBER 12 AND 13, 2021**

On Sunday, December 12, 2021, and Monday, December 13, 2021, the West Virginia Board of Pharmacy ("the Board") convened at the Embassy Suites in Charleston, West Virginia, for the Board's quarterly board meeting. The following morning the Board completed its two-day meeting. The meeting was open to the public.

Board Members present (either in-person or electronically):

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

Board Staff present (either in-person or electronically):

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

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 Skaff to approve the September 26 and 27, 2021, meeting minutes with the correction to list Dave Bowyer as Secretary and not Vicky Skaff. The motion was seconded by Board Member Bowyer and passed unanimously with no discussion.
2. The Executive Director gave his report. Mr. Goff gave a brief office update, including plans for office modifications, progress of the document scanning project and continued response to various lawsuits. Director Goff discussed working with DHHR, ODCP and others to expand access to MAT and the related medications, and also issues with Naloxone distribution. Mr. Goff also mentioned the continuation of the PERD audit and the Workload Survey group. Motion was made by Board Member Bernabei to approve the report. The motion was seconded by Board Member Skaff and passed unanimously with no discussion.
3. The Chief Financial Officer then gave his report. Mr. Smolder gave FY2018, 2019, 2020 and 2021 Year End Summaries along with FY 2022 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. Motion was made by Board Member Bernabei to accept the report. The motion was seconded by Board Member Misiti and passed unanimously with no discussion.
4. The General Counsel gave his report. Mr. Hatfield stated that there have been three administrative hearings since the last Board meeting. Mr. Hatfield stated that Director Goff and he had been working on an audit with the legislative auditor. Mr. Hatfield stated that he has been working on responding to a large subpoena requesting certain documents. Mr. Hatfield stated that he had sent the Board's Collaborative Practice Bill proposals to both the Board of Medicine and the Board of Osteopathic Medicine. Finally, Mr. Hatfield stated that he has drafted a proposed rule to govern inspections to be presented to the Board in order to satisfy an audit. Motion was made by Board Member Bernabei to accept the report. The motion was seconded by Board Member Skaff and passed unanimously with no discussion.
5. The Director of Professional and Regulatory Affairs then gave her report. Dr. Capchart Dr. Capchart provided a summary report of COVID-19 vaccinations, the Omicron variant and the monoclonal antibody demand/supply. She provided introductory remarks about the WV BOP Pharmacist Workload Task Force and the work it is undertaking. All communications to licensees regarding COVID-19 updates and the wvbop.com FAQ section were discussed. Motion was made by Board Member Bowyer to accept the report. The motion was seconded by Board Member Skaff and passed unanimously with no discussion.
6. Motion was made by Board Member Bernabei to enter Executive Session. The motion was seconded by Board Member Misiti and passed unanimously with no discussion.
7. Motion was made by Board Member Skaff to accept the recommendations of the Complaint Committee with two changes as noted below, Ending probable cause to pursue discipline in the following cases: 2021-04-25; 2021-07-39 (Reprimand the facility permit holder, not the consultant); 2021-08-41; 2021-08-42; 2021-09-51; 2021-09-55 (Reprimand

- the facility permit holder); and 2021-10-59B. Board Member Bowyer recused from case number 2021-10-59B. Board Member Skaff recused herself from all cases involving Walgreens. The motion was seconded by Board Member Bowyer and passed unanimously.
8. Motion to deny the PT Trainee application of Ms. Shroyer due to felony drug conviction was made by Board Member Skaff. The motion was seconded by Board Member Bowyer and passed unanimously.
 9. The Chief Compliance Office gave his report. Mr. Robinette stated that 118 inspections were conducted in the last quarter. Mr. Robinette stated that the Board received 75 suspicious order reports between October 1, 2021 and November 30, 2021 with two reports requiring further investigation. In both instances of further investigation, evidence of valid prescription volume was evidenced. Mr. Robinette stated that inspectors have completed the work of identifying those facilities having a controlled substance permit, the type of service, and those that do not have a consultant pharmacist. Mr. Robinette stated that inspectors have begun inspecting pharmacies for compliance with USP 800. The inspectors have been writing Non-Compliance Reports for those facilities with seriously deficient compliance and giving them 30 days to meet compliance requirements. Mr. Robinette recommended that the Board approve biennial inspections of correctional facilities and have the consultant pharmacists provide copies of their inspection documents to the Board for inclusion in the database. Mr. Robinette recommended using the term "Long Term Care Facilities" in place of nursing homes and extended care facilities. Motion was made by Board Member Bowyer to accept the report and approve the recommendations of Mr. Robinette. The motion was seconded by Board Member Bernabei and passed unanimously.
 10. The Controlled Substance Monitoring Program Administrator then gave his report. Director Goff provided a brief summary of the 2021 CSMP Annual Report. Mr. Goff also gave an update of CDC grant funding and also mentioned the data projects being worked on by Board epidemiologists. Motion was made by Board Member Skaff to accept the report. The motion was seconded by Board Member Bernabei and passed unanimously with no discussion.
 11. The CE Committee Report was then given by Board Member Bowyer. Board Member Bowyer stated that there were 29.5 CE Hours received, with 9.25 being approved.
 12. The following Pharmacy Technician Training Programs were presented for approval: Pierpont Landing Pharmacy, Belldina's Health Mart Pharmacy, Preston Family Pharmacy, Champion Pharmacy and Wellness, Highland Pharmacy and Wellness and Key Pharmacy and Wellness. Motion was made by Board Member Skaff to approve the training program applications. The motion was seconded by Board Member Misiti and passed unanimously with no discussion.
 13. Mr. Hatfield gave a brief overview of the legislative agenda for the Board for the 2022 Legislative Session. Mr. Hatfield stated that the Legislative Committee will hold bi-weekly meetings to discuss legislative items.
 14. Mr. Hatfield then presented 15 CSR 19, Emergency Rule Governing Inspections, for consideration by the Board. The Board made the following changes to the proposed version: extend all 30 day timeframes to 90 days; not more than 10% of pop-in inspections; change 10 years of practice experience to 10 years of pharmacy practice experience; change two days to report inspection reports to "must be submitted in a timely manner;" change 6.3 to "submit" to allow flexibility in submitting electronic copies; and state clearly that noncompliance must be fixed pursuant to the inspector's timeline or will be referred to the

Complaint Committee. Motion to accept the rule as revised was made by Board Member Misiti. The motion was seconded by Board Member Skaff and passed unanimously.

15. The Board set the following goals for the 2022 calendar year: conduct public service announcements; make the chief compliance officer a full-time position with no inspection responsibilities; form better relationship with DEA; provide employment benefits to inspectors; provide scholarships to the Pharmacy Recover Network; complete revisions to collaborative pharmacy practice; and expand protocols.
16. The next quarterly Board meeting is scheduled for March 27, and March 28, 2021, with the location to be determined.



Dennis Lewis, President
West Virginia Board of Pharmacy



David Bowyer, Secretary
West Virginia Board of Pharmacy