

BOARD MEMBERS

Dennis Lewis, President
John J. Bernabei, Vice President
Dave Bowyer, Secretary
*James Rucker **
*Jenna Misiti**
Sam Kapourales
Vicky Skaff
*(*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
MARCH 27, & 28, 2022

On Sunday, March 27, 2022, and Monday, March 28, 2022, the West Virginia Board of Pharmacy (“the Board”) convened at the Four Points by Sheraton 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
Dr. Michael LeMasters, Chief Compliance Officer
Thomas Robinette, Investigator
Fred Wagoner, Investigator
Dave Lucas, Investigator
Patrick Regan, Inspector
Thomas Bennett, Inspector
Mark Rubin, Inspector
Don Klamut, Inspector

Public

John Long, CVS Health
Michaela Treaet, WVU Pharmacy School
Nicole Cover, Walgreens Corporate

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 December 12th and December 13th, 2021, meeting minutes, as amended to include recusals on discipline. The motion was seconded by Board Member Bernabei and passed unanimously with no discussion
2. The Executive Director gave his report. Mr. Goff introduced Michael LeMasters as the Board's new Chief Compliance Officer. Director Goff then gave a brief office update, including details of the search for a new office location, staff discussions and the current lawsuit status. Mr. Goff then mentioned some of the recent legislative items and budget concerns. Motion was made by Board Member Bowyer to approve the report. The motion was seconded by Board Member Kapourales 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. Mr. Smolder presented the cost of replacing the main water line due to the old water line leaking. Also Mr. Smolder presented a future cash balance analysis which the board asked for ideas to eliminate the cash sweep issue and to be presented at the next board meeting within a month. Motion was made by Board Member Skaff to accept the report. The motion was seconded by Board Member Bowyer and passed unanimously with no discussion.
4. The General Counsel gave his report. Mr. Hatfield stated that discipline was up to date and three hearings had been recently held. Mr. Hatfield stated that the previous legislative session went well for the Board, but that would be gone over in more depth at Monday's meeting. Mr. Hatfield stated that the Board is now being named in lawsuits regarding neonatal abstinence syndrome. Mr. Hatfield stated that the Board has been involved in responding to numerous subpoenas over the previous quarter. Additionally, Mr. Hatfield gave a brief update on the status of the PERD Audit that is to be presented in the Summer of 2022. Finally, Mr. Hatfield stated that the emergency rule governing inspections was posted for a 30 day comment period and the one comment received will be discussed at Monday's meeting. Motion was made by Board Member Skaff to accept the report. The motion was seconded by Board Member Misiti and passed unanimously with no discussion.
5. The Director of Professional and Regulatory Affairs then gave her report. Dr. Capehart provided an update on the WV COVID-19 vaccination plan, COVID therapeutics, and COVID cases. Dr. Capehart provided a summary of the numerous meetings (approximately every two weeks since November 2021) reviewing the survey from August 2021 and creating proposed recommendations. The proposed recommendations were provided to the Board for discussion and review. Dr. Capehart stated that a fraudulent prescription section has been added to the WVBOP website to alert pharmacists of identified fraudulent

prescriptions. Finally, Dr. Capehart stated that email blasts continue to be sent out and that the Board assisted the WV Bureau of Medical Services with a survey of pharmacy providers regarding certain pharmacy waivers. Motion was made by Board Member Misiti to accept the report. The motion was seconded by Board Member Bernabei and passed unanimously..

6. Motion was made by Board Member Kapourales to enter Executive Session. The motion was seconded by Board Member Bernabei and passed unanimously with no discussion.
7. Motion was made by Board Member Misiti to accept the recommendations of the Complaint Committee with the following revisions: table case number 2022-01-03. Board Member Skaff recused from all cases involving Walgreens. The Board voted to revoke for case number 2018-12-84. The Board voted to reinstate the license for case number 2019-10-59. Probable cause to pursue discipline was found in the following cases: 2021-10-68; 2021-10-69; 2021-11-71B; 2021-12-75; 2022-01-02B; and, that Board Member Skaff is hereby recused from all Walgreen cases. The motion was seconded by Board Member Lewis and passed unanimously.
8. Motion was made by Board President Lewis to give a 5% raise to all staff members excluding Executive Director Goff. The motion was seconded by Board Member Bernabei and passed unanimously.
9. Motion was made by Board Member Bowyer to give Executive Director Goff a 7.5% raise. The motion was seconded by Board Member Rucker and passed unanimously.
10. The Chief Compliance Officer gave his report. Mr. Robinette stated that a total of 196 inspections were conducted during the past quarter. The Board had received 115 suspicious order reports during the last quarter with 3 requiring further investigation. Once investigated further, no action was found to be needed as all three issues were resolved. The Board directed Chief Compliance Officer LeMasters to further investigate the USP 800 assessment of risk issue. Motion was made by Board Member Skaff to accept the report. The motion was seconded by Board Member Misiti and passed unanimously.
11. The Controlled Substance Monitoring Program Administrator then gave his report. Director Goff stated that drug overdose deaths are continuing at a high rate, and most deaths related to fentanyl and other illicit drugs. Mr. Goff also mentioned continued grant funding of the CSMP and related activities, and that Board epidemiologists were presenting at the Rx Drug Abuse & Heroin Summit in Atlanta. Motion was made by Board Member Kapourales to accept the report. The motion was seconded by Board Member Skaff. and passed unanimously with no discussion.
12. The CE Committee Report was then given by Board Member Bowyer. Board Member Bowyer stated that in the previous quarter there were 33.25 continuing education hours received and 20.25 were approved. This included 11 general hours, 2.25 consulting hours, and 7 drug diversion hours.
13. The following Pharmacy Technician Training Programs were presented for approval: United Hospital Center, 327 Medical Park Drive, Bridgeport, West Virginia; Kroger Pharmacy, 140 Eastshore Drive, Suite 300, Glen Allen, Virginia; Highlander Pharmacy, 117 Back Fork Street, Webster Springs, West Virginia; Green Bank Pharmacy, 50 Grapevine Circle, Gassaway, West Virginia; and Staats Pharmacy and Healthcare, Inc. The following Collaborative Pharmacy Practice Application was presented for approval: Carrie Clutter, RP0012811. Motion was made by Board Member Bowyer to approve the applications. The motion was seconded by Board Member Skaff and passed unanimously with no discussion.

14. Mr. Hatfield, Dr. Capehart, and Mr. Goff then gave a brief overview of the legislative agenda for the Board for the 2022 Legislative Session. The Board discussed relevant bills that passed last Legislative Session and bills that required rulemaking. Additionally, the Board discussed the Inspection Rule comment received. Motion was made by Board Member Skaff to change "shall" in 6.10 of the rule to "may." The motion was seconded by Board Member Bernabei and passed unanimously.
15. Motion was made by Board Member Bernabei to move forward on renting the Litton Building office space to house the Board. The motion was seconded by Board Member Bowyer and passed unanimously.
16. The next quarterly Board meeting is scheduled for June 26, and June 27, 2022, with the location to be determined.
17. Motion was made by Board Member Skaff to adjourn meeting. Motion was seconded by Board Member Bowyer and passed unanimously with no discussion.



Dennis Lewis, President
West Virginia Board of Pharmacy



David Bowyer, Secretary
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