

**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**  
**JUNE 26, 2022 AND JUNE 27, 2022**

On Sunday, June 26, 2022, and Monday, June 27, 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

Joe Lavino, CVS

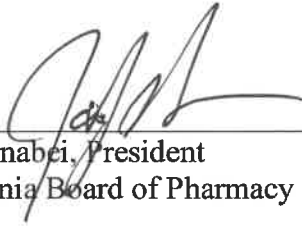
President Lewis called the meeting to order and stated that a quorum was present. The agenda for the meeting had previously been posted on the Board's website and made available through the Board's office. The meeting was opened with a prayer.

1. Motion was made by Board President Lewis to elect Board Member Bernabei President. The motion was seconded by Board Member Skaff. The motion passed unanimously without discussion.
2. Motion was made by Board Member Rucker to elect Board Member Lewis Vice President. The motion was seconded by Board Member Bernabei and passed unanimously.
3. Motion was made by Board Member Bowyer to approve the March 27 and March 29, 2022, meeting minutes, as amended to include recusals on discipline for Board Member Skaff. The motion was seconded by Board Member Misiti and passed unanimously with no discussion.
4. The Executive Director gave his report. Mr. Goff gave a brief office update, including the pending departures of Ryan Hatfield, Cindy Parsons and Nicki Hayes, and the subsequent search for replacements. Director Goff also gave a short summary of the various Board lawsuits, the Legislative Audit status and the latest development on the Budget. Motion was made by Board Member Skaff to approve the report. The motion was seconded by Board Member Bernabei and passed unanimously with no discussion.
5. 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 approve the report. The motion was seconded by Board Member Bowyer and passed unanimously with no discussion.
6. The General Counsel then gave his report. Mr. Hatfield stated that discipline was in a good place. Further, Mr. Hatfield stated that his last day with the Board will be in the end of July 2022. Mr. Hatfield offered to help onboard his replacement and be as much help as possible. Motion was made by Board Member Skaff to approve the report. The motion was seconded by Board Member Misiti and passed unanimously with no discussion.
7. The Director of Professional and Regulatory Affairs then gave her report. DPRA Capehart presented an update of the COVID-19 vaccination and therapeutics response. Pfizer 6months through 4 years and Moderna 6 mo. through 5 years is now available and pharmacists, pharmacy interns, and pharmacy technicians are able to administer under the federal PREP Act for ages 3 years and up. Pharmacies continue to dispense Paxlovid and molnupiravir. Hospitals provide bebtelovimab. The WVBOP Pharmacy Workload Task Force has continued to meet since November 2021. The final recommendations are presented in rules changes incorporated in in §15-1, §15-7, and §15-15. These changes were presented and discussed. Summaries of the communications to licensees/registrants, DPRA contact report, and newsletters were also provided. Motion was made by Board

Member Skaff to approve the report. The motion was seconded by Board Member Misiti and passed unanimously without discussion.

8. 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.
9. Motion was made by Board Member Skaff to accept the recommendations of the complaint committee, finding probable cause to pursue discipline in the following cases: 2021-10-66 and 2022-02-16, and revocations following hearings for 2019-05-30 and 2020-01-04.
10. The Chief Compliance Officer then gave his report. Mr. LeMasters stated that a total of 199 inspections were conducted during the past quarter. The Board had received 102 suspicious order reports during the last quarter with 3 requiring further investigation. After inquiries into each, no further action was required, as all three issues were resolved. Mr. LeMasters discussed a meeting held with DEA Diversion Group Supervisor, Jim Hischar, that focused on interprofessional communication and the development of process between agencies to make the review of suspicious order reports more efficient. LeMasters also said that he would be reviewing all DEA Form-106 reports to determine if action is required on behalf of the Board of Pharmacy and if a referral to other licensing agencies is necessary. Chief Compliance Officer reviewed a new process implemented using tools of the Controlled Substance Monitoring Program. The new process will enhance the reporting compliance of dispensers and remove an often-confusing portion of paperwork from the inspection process. A discussion was held regarding the license renewal application of a manufacturer/503B outsourcing facility. After a review of the information, a motion was made by Board Member Bernabei to deny the application for Hybrid Pharma at this time. The motion was seconded by Board Member Skaff, and the motion passed unanimously. Motion was made by Board Member Misiti to accept the report. The motion was seconded by Board Member Bowyer and passed unanimously without discussion.
11. The Chief Financial Officer then presented the Board's annual budget. Motion to approve the budget was made by Board Member Rucker. The motion was seconded by Board Member Bowyer and passed unanimously without discussion.
12. Motion to not renew the license of Ryan Cobb was made by Board Member Bernabei. The motion was seconded by Board Member Skaff and passed unanimously.
13. The Controlled Substances Monitoring Program Administrator then gave his report. Director Goff gave a brief summary of the current year dispensing numbers, which indicated a continued decline in most drug types. Mr. Goff also discussed continued CDC grant funding and mentioned various Board epidemiologist projects. Motion was made by Board Member Misiti to accept the report. The motion was seconded by Board Member Skaff and passed unanimously without discussion.
14. Board Member Bowyer then gave a brief CE Committee update.
15. Board Member Bowyer then gave a report on the NABP Annual Conference. Board Member Bernabei also provided an update on medical cannabis.
16. Motion was made by Board Member Skaff to approve the following programs: Adkins Pharmacy, Flat Iron Drug Store, Goodykoontz Drug Store and Mannington Pharmacy. The motion was seconded by Board Member Bernabei and passed unanimously with no discussion.
17. Motion was made by Board Member Skaff to approve the collaborative practice application for Alice Gahbauer. The motion was seconded by Board Member Bernabei and passed with Board Member Bowyer abstaining.

18. Motion was made by Board Member Skaff to give Dr. Capehart the authority to approve collaborative practice applications. The motion was seconded by Board Member Rucker and passed unanimously without discussion.
19. Motion to approve the following rules as presented was made by Board President Lewis: 15-20; 15-15; 15-7; and 15-1. The motion was seconded by Board Member Rucker and passed unanimously.
20. The next Board meeting was scheduled for September 18 and 19, 2022.
21. Motion to adjourn was made by Board Member Skaff. The motion was seconded by Board Member Bowyer and passed unanimously.



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John J. Bernabei, President  
West Virginia Board of Pharmacy



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David Bowyer, Secretary  
West Virginia Board of Pharmacy