

BOARD MEMBERS

John J. Bernabei, President
Dennis Lewis, 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

Matthew D. Morris,
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 18, 2022, AND SEPTEMBER 19, 2022

On Sunday, September 18, 2022, and Monday, September 19, 2022, the West Virginia Board of Pharmacy (“the Board”) convened at Oglebay Resort and Conference Center in Wheeling, 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:

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

Board Staff present:

Michael Goff, Executive Director, and CSMP Administrator
John Smolder, CFO, COO
Matthew Morris, General Counsel
Dr. Krista Capehart, Director of Professional and Regulatory Affairs
Dr. Michael LeMasters, Chief Compliance Officer
Fred Wagoner, Investigator
Dave Lucas, Investigator
Thomas Robinette, Inspector
Patrick Regan, Inspector
Thomas Bennett, Inspector
Mark Rubin, Inspector
Don Klamut, Inspector
Stephen Boykin, Inspector

President Bernabei 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 Vice President Lewis to approve the June 26, June 27, and July 29, 2022, Board Meeting Minutes. The motion was seconded by Board Secretary David Bowyer. The motion passed unanimously without discussion.
2. The Executive Director gave his report. Mr. Goff gave a brief status report for the new office project. Mr. Goff also gave an update for the upcoming Legislative audit review and the pending rule changes. Director Goff also discussed some recently discovered licensing issues that would likely require further investigation by Board staff. Motion was made by Board Vice President Lewis to approve the report. The motion was seconded by Board Member Rucker and passed unanimously without discussion.
3. The Chief Financial Officer then gave his report. Mr. Smolder gave FY2018, 2019, 2020, 2021, and 2022 Year End Summaries along with FY 2023 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. He also gave an update on the office move. Motion was made by Board Member Misiti to approve the report. The motion was seconded by Board Member Rucker and passed unanimously without discussion.
4. The General Counsel then gave his report. Mr. Morris thanked the Board staff for helping him acclimate to his new position. Mr. Morris stated that he had been reviewing and studying the laws and rules related to the practice of pharmacy, Chapter 30 Boards, and the Freedom of Information Act. Mr. Morris then stated that discipline was in good shape and current. Mr. Morris concluded with a review of the current lawsuits against the Board. Motion was made by Board Member Skaff to approve the report. The motion was seconded by Board Member Rucker and passed unanimously without discussion.
5. Motion was made by Board Member Skaff to enter Executive Session. The motion was seconded by Board Secretary Bowyer and passed unanimously without discussion.
6. Motion was made by Board Secretary Bowyer to accept the recommendations of the complaint committee with the following revision: Case Number 2022-04-31B – refer to the WV RN Board. The Board then voted to revoke in case numbers: 2022-06-41, 2022-07-42, 2022-07-44, and the PRN case. Also, probable cause to pursue discipline in case number 2022-07-45B. Board member Skaff recused from all Walgreen cases. The motion was seconded by Board Member Skaff and passed unanimously without discussion.
7. The Director of Professional and Regulatory Affairs then gave her report. DPRA Capehart provided an update on the WV COVID-19 vaccination and therapeutics program and future presentations she will be providing to the WV Public Health Nurses Association and Eastern Medicaid Pharmacy Association. The WV BOP Workload Task Force recommendations were fully incorporated into the rules submitted for notice and comment this past summer and will be heard by Joint Rules committee in October. The Collaborative Pharmacy Practice rule was heard before the Joint Rules Committee in September and passed and was made an emergency rule. It is now in effect and updates are being made to our system for electronic submission. A CPA summit Workshop was held September 18, 2022 at Mountain Health in Huntington, WV in conjunction with WVPA and Delegate Rohrbach. Proposed fines table, Communications, Contact report, and summary of the joint agency naloxone vending machine project with the Office of Drug Control Policy

- were provided to the Board. Motion was made by Board Member Skaff to approve the report. The motion was seconded by Board Secretary Bowyer and passed unanimously.
8. At the request of the Board, Chief Compliance Officer LeMasters presented and discussed methods for the formulation of penalties for the discipline of licensees which are currently used by the Virginia Board of Pharmacy. After discussion, a motion was made by Board Member Bowyer and seconded by Board Member Skaff to for a sub-committee to investigate the topic for potential utilization by the West Virginia Board of Pharmacy. The motion passed unanimously.
 9. The Controlled Substances Monitoring Program Administrator then gave his report. Director Goff discussed the CDC grant funding, as well as some of the various related activities. Mr. Goff also mentioned some of the CSMP-related presentations and data projects they are involved with. Motion was made by Board Member Skaff to accept the report. The motion was seconded by Board Member Rucker and passed unanimously without discussion.
 10. Board Member Bowyer then gave a brief CE Committee update. Motion was made by Board Member Skaff to approve the report. The motion was seconded by Board Member Misiti and passed unanimously without discussion.
 11. DPRA Capehart then gave a brief update on training programs, permits, and licensing. Six entities submitted technician training programs: (1) Mon Health, (2) Weirton Medical, (3) Davis Health Systems, (4) Fritz's Pharmacy, (5) Black Bear Pharmacy, and (6) Gulf Coast Technical Institute Pharmacy Technician Program . DPRA Capehart stated that all facilities met statutory requirement. Motion was made by Board Vice President Lewis to approve those facilities. The motion was seconded by Board Secretary Bowyer and passed unanimously without discussion. DPRA Capehart then discussed Collaborative Practice Agreement (Brittany Messer). Motion was made by Board Member Skaff to approve Brittany Messer's CPA. The Motion was seconded by Board Vice President Lewis and passed unanimously without discussion. Motion was made by Board Vice President Lewis to approve the report. The motion was seconded by Board Secretary Bowyer and passed unanimously without discussion. DPRA Capehart then asked to amend her report to provide a Legislative Committee Update stating the joint pilot project with the Office of Drug Control Policy to evaluate the use of naloxone vending machines. Motion was made by Board Member Skaff to approve the amended report. The motion was seconded by Board Secretary Bowyer and passed unanimously without discussion.
 12. The Chief Compliance Officer then gave his report. Mr. LeMasters stated that a total of 148 inspections were conducted during the period from the end of the last Board meeting until September 13, 2022. The Board had received 321 suspicious order reports, of which 135 were zero reports, during the period from July through September 13, 2022, with nine reports requiring further investigation. After inquiries into each, no further action was required, as all nine issues were resolved. LeMasters reported to the Board that, at the end of July, work was completed on the new method for wholesalers and required reporters to submit suspicious order reports online to the Board. He stated that a memo was sent out to all wholesalers and required reporters on August 1, 2022, when the program went live, and that many wholesalers and required reporters are successfully using the new platform. LeMasters discussed the impact of revisions to the Suspicious Order Monitoring programs by wholesalers and a meeting with a representative from Healthcare Distribution Alliance with the Board. Next, Chief Compliance Officer LeMasters covered the opportunity he and an inspector had to be observers and accompany DEA Diversion Investigators on pharmacy

audits. He explained the benefits of the visits and ways that information learned on the audits can help pharmacy licensees be better prepared for such an audit. Then LeMasters talked about his continued efforts to enhance compliance with requirements of reporting to the Controlled Substance Monitoring Program by those required under state law and that communication with these entities continues to aid them with identifying areas of non-compliance and bringing their reporting status into compliance. To continue, LeMasters reported to the Board regarding a DEA Webinar on the topic of significant loss or theft and the application of this information to the filing of DEA Form-106. LeMasters and Investigator Fred Wagoner attended the webinar. Lastly, LeMasters presented details from a meeting of the inspectors on September 6, 2022. Board Vice President Lewis motioned to accept the report of the Chief Compliance Officer. The motion was seconded by Board Member Rucker and passed unanimously.

13. Board President Bernabei provided an update on medical cannabis.
14. DPRA Capehart provided an NABP update on the MPJE question review process. Workgroup established to discuss state of practice of pharmacy with Deans of School of Pharmacy Board Secretary and DPRA Capehart to lead.
15. The next Board meeting was scheduled for December 11 and 12, 2022.
16. Motion to adjourn was made by Board Member Skaff. The motion was seconded by Board Secretary Bowyer and passed unanimously.



John J. Bernabei, President
West Virginia Board of Pharmacy



David Bowyer, Secretary
West Virginia Board of Pharmacy