

**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*

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**MINUTES OF THE WEST VIRGINIA BOARD OF PHARMACY  
DECEMBER 11, 2022, AND DECEMBER 12, 2022**

On Sunday, December 11, 2022, and Monday, December 12, 2022, the West Virginia Board of Pharmacy (“the Board”) convened at the West Virginia Board of Pharmacy office in Charleston, West Virginia, for the Board’s quarterly 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 via video conference on both days  
Sam Kapourales  
James Rucker  
Jenna Misiti

**Board Staff present:**

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

**Public present:**

Robert Duncan

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.

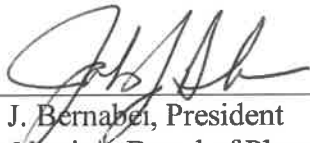
1. Motion was made by Board Vice President Lewis to approve the September 18, and 19, 2022, Board Meeting Minutes. The motion was seconded by Board Member Skaff. The motion passed unanimously without discussion.
2. The Executive Director gave his report. Mr. Goff welcomed the Board to the new office and gave a brief overview of the move and the process getting it furnished. Mr. Goff then discussed the recent PERD audit that was finalized earlier in the month. Mr. Goff then outlined the plans to hire a grant funded pharmacist, whose primary goal would be to coordinate and monitor various patient safety overdose prevention efforts. Mr. Goff also provided a summary of a recent NABP executive officer meeting, which included recent MPJE issues, various state PRN activities, opioid lawsuits, grant concerns and various other emerging topics. Mr. Goff also announced Inspector Pat Regan's retirement from his position and recognized him for his years of service to the Board. Motion was made by Board Vice President Lewis to approve the report. The motion was seconded by Board Member Skaff 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. 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.
4. The General Counsel then gave his report. Mr. Morris gave an update on discipline stating that all complaint cases were up-to-date and statutorily compliant. Mr. Morris then briefed the Board on the legislative meeting where PERD reported its audit results. Mr. Morris concluded his report with a proposal about using DocuSign for digital signatures to reduce the need for postal mail and expedite board member signatures. Motion was made by Board Member Skaff to allow Board staff to contract with DocuSign. The motion was seconded by Board Member Kapourales. Motion was made by Board Secretary Bowyer to approve the report. The motion was seconded by Board Member Rucker and passed unanimously without discussion.
5. Motion was made by Board Vice President Lewis to enter Executive Session. The motion was seconded by Board Member Misiti and passed unanimously without discussion.
6. Motion was made by Board Member Misiti to accept the recommendations of the complaint committee with the following revision: The Board tabled Case No. 2022-09-64 until the next Board Meeting. The Board voted to find probable cause for discipline for Case No. 2022-07-49B and 2022-08-51B. The Board voted to assess maximum fines for 2022-09-65. The motion was seconded by Board Vice President Lewis and passed unanimously without discussion.
7. The Director of Professional and Regulatory Affairs then gave her report. Dr. Capehart presented the current status of the COVID-19 pandemic and the BOP role along with Governor Justice's ending of the WV COVID-19 State of Emergency on December 31, 2022. The Workload Task Force rules recommendations were updated and are proceeding to the 2023 Legislative session along with the other WV BOP Rules. Dr. Capehart reported

on the update of the WV BOP website update for Collaborative Practice and a meeting held with the WV Board of Nursing to clarify their intent related to APRN prescribing Schedule II prescriptions. The National Association of Boards of Pharmacy reported a scoring malfunction with the NAPLEX. Dr. Capehart reported that the joint pilot program policy with the WV Office of Drug Control Policy for Naloxone Vending Machines is complete and ready to receive applicants. Motion was made by Board Member Skaff to approve the report. The motion was seconded by Board Vice President Lewis and passed unanimously.

8. The Chief Compliance Officer then gave his report. Dr. LeMasters stated that a total of 140 inspections were conducted during the period from September 15, 2022, through November 30, 2022. The Board had received 774 suspicious order reports, of which 274 were zero reports, during the period from September 13, 2022, through November 30, 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 a meeting was held with representatives from Boswell Pharmacy Services and Wexford Health, companies involved with pharmacy services at correctional facilities, to aid these companies with understanding the rules and regulations governing the practice of pharmacy in West Virginia. He stated that the topics of the meeting revolved around the rules directly impacting their business operations pertaining to product acquisition, licensing, and pharmacy staff management. LeMasters stated that those in attendance from the Board of Pharmacy team were Michael LeMasters, Chief Compliance Officer, Krista Capehart, Director of Professional and Regulatory Affairs, Matthew Morris, General Counsel, and Tom Robinette, Assistant Chief Compliance Officer. Next, the Chief Compliance Officer reported to the Board that he and Tom Robinette, Assistant Chief Compliance Officer, attended a webcast training on November 15<sup>th</sup> through November 17<sup>th</sup> which covered revisions and updates to USP Chapters 795, 797, and 800. LeMasters then stated that he and Robinette held a meeting with a member of the Diversion Investigator Team from the Charleston, West Virginia DEA office to discuss the use of the DEA registrant certificate of a Medical Director for a certain subset of facilities in the state. The Chief Compliance Officer continued his report by discussing how he has held several calls with key members of the WV DEP team to gain a better understanding of the rules being enforced by DEP upon the Board of Pharmacy licensees. He stated that he had identified several important informational documents to assist pharmacies with compliance of DEP requirements. LeMasters went on to say that he worked with a Board of Pharmacy licensee to test the research and information learned from DEP representatives to obtain an EPA ID number, complete the notification process as required by DEP, and prepare for a DEP inspection. LeMasters reported to the Board that these efforts were successful. To close his report, LeMasters discussed the topics covered from a meeting of the inspectors, which was held on November 28, 2022. A motion was made by Board Member Lewis to accept the report of the Chief Compliance Officer. The motion was seconded by Board Member Rucker and passed unanimously.
9. The Discipline Sub-Committee gave an update. Dr. LeMasters stated that it was the consensus of the sub-committee that the current process utilized by the Board for disciplinary matters is adequate and that no change or reform is suggested at this time. No motion was required on this matter.
10. The Controlled Substances Monitoring Program Administrator then gave his report. Mr. Goff discussed the final CSMP stats, data mapping, query volume, and other information that would be included in the annual report. Mr. Goff then gave a brief summary of some

of the grant-related projects that epidemiologists are working on, especially one related to stimulants. Motion was made by Board Vice President Lewis to accept the report. The motion was seconded by Board Member Skaff and passed unanimously without discussion.

11. Board President Bernabei then gave a brief Medical Cannabis Advisory Board update.
12. Board Secretary Bowyer then gave his report on NABP updates. In his report, Secretary Bowyer stated that the Division 1 and 2 meetings would be in October, and generally outlined what would likely be on the agenda – possibly including a discussion about the impact on pharmacy practice by the Dobbs v. Jackson decision. Secretary Bowyer concluded his report by explaining that the NABP was accepting applications for national awards. Motion was made by Board President Bernabei to accept the report. The motion was seconded by Board Vice President Lewis and passed unanimously without discussion.
13. The next Board meeting was scheduled for March 19, and 20<sup>th</sup>, 2023, location to be determined.
14. Motion to adjourn was made by Board President Bernabei. The motion was seconded by Board Secretary 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