

BOARD MEMBERS

*John J. Bernabei, President
Dennis Lewis, Vice President
Dave Bowyer, Secretary
James Rucker *
Jenna Misiti*
Sam Kapourales
Robert Duncan
(*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
SEPTEMBER 17, 2023, AND SEPTEMBER 18, 2023, MEETING**

On Sunday, September 17, 2023, and Monday, September 18, 2023, the West Virginia Board of Pharmacy (“Board”) convened at the West Virginia Board of Pharmacy office in Charleston, West Virginia, for the Board’s regularly scheduled quarterly meeting. The meeting was open to the public.

Board Members present:

John J. Bernabei, President
Dennis Lewis, Vice President, in attendance on day one
David Bowyer, Secretary
Sam Kapourales
James Rucker
Jenna Misiti
Robert Duncan

Board Staff present:

Michael Goff, Executive Director, and CSMP Administrator
John Smolder, CFO, and COO
Matthew Morris, General Counsel
Krista Capehart, Director of Professional and Regulatory Affairs
Michael LeMasters, Chief Compliance Officer
Lindsay Acree, Director of Overdose Prevention and Patient Safety
Fred Wagoner, Investigator
Dave Lucas, Investigator
Thomas Robinette, Inspector
Stephen Boykin, Inspector
Earl Bennett, Inspector
Mark Rubin, Inspector
Donald Klamut, Inspector
Alyssa Starcher, Inspector

Public present:

None

President Bernabei called the meeting to order and recognized that a quorum was present. Notice of the meeting was previously posted on the West Virginia Secretary of State's website. The agenda for the meeting was also previously 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 11, and 12, 2023, Board Meeting Minutes, and the July 28, 2023, Board Meeting Minutes. The motion was seconded by Board Member Rucker. The motion passed unanimously without discussion.
2. The Executive Director gave his report. Mr. Goff welcomed Rob Duncan to his first regular Board meeting since being appointed to the Board. Director Goff then gave a brief office update, which included applicant criminal backgrounds, recent legislative/agency contacts and a number of items that would be elaborated on further in upcoming reports. Mr. Goff mentioned some NABP meetings that he, Board members and staff would be attending in the next months. Motion was made by Board Vice President Lewis to approve the report. The motion was seconded by Board Member Kapourales and passed unanimously.
3. The Chief Financial Officer then gave his report. Mr. Smolder gave FY2018, 2019, 2020, 2021, 2022 and 2023, Year End Summaries along with FY 2024 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 finalized his report with the Safety Committee Update meeting of no change since March for the new office. Motion was made by Board Vice President Lewis to approve the report. The motion was seconded by Board Secretary Bowyer and passed unanimously.
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 gave an update on the last legislative meeting he attended with DRPA Capehart. Mr. Morris then briefly discussed the deficient pharmacist continuing education problems that have been discovered recently during inspections and audits and offered that the issue would be discussed more in-depth about the issue during the executive session. Mr. Morris concluded his report by discussing the upcoming NABP meetings he would be attending in the coming months. Motion was made by Board Secretary Bowyer to approve the report. The motion was seconded by Board Member Misiti and passed unanimously.
5. The Director of Professional and Regulatory Affairs (DPRA) then gave her report. DPRA Capehart provided an update on the current state of COVID-19 in WV and COVID-19 vaccines, seven collaborative pharmacy practice agreement providers (Rachel Broschious-Schauble, Alice Mary Gahbauer, Angela Goodhart, Mary Ann Painter, Carrie Clutter, Briana Kocher, and Heather A. Johnson). Motion was made by Board Vice President Lewis to allow pharmacy technicians to register with a CPR class that does not have a "hands-on" component, but when the immunizing technician renews, he/she will need CPR with a hands-on component as is WVBOP policy. The motion was seconded by Board Member Duncan and passed unanimously. Motion was made by Board Vice President Lewis to approve the report. The motion was seconded by Board Member Kapourales and passed unanimously.

6. Motion was made by Board Member Kapourales to enter Executive Session to discuss complaint cases. The motion was seconded by Board Vice President Lewis and passed unanimously without discussion.
7. The Board exited Executive Session. Motion was made by Board Vice President Lewis to find probable cause to pursue disciplinary action in Complaint Case Nos. 2023-03-34B, and 2023-06-61, to dismiss Complaint Case No. 2023-05-50, and to accept the recommendations of the complaint committee in the remaining cases. The motion was seconded by Board Member Misiti and passed unanimously.
8. The Chief Compliance Officer (CCO) then gave his report. CCO LeMasters stated that a total of 211 inspections were conducted during the period from June 1, 2023, through August 31, 2023. The Board had received 1,309 suspicious order reports, of which 323 were zero reports, during the period from June 1, 2023, through August 31, 2023, with 31 reports requiring further investigation. After inquiries into each, no further action was required, as all 31 cases were resolved. LeMasters discussed the utilization of unscheduled inspections to aid in monitoring licensees throughout the period between annual/biennial inspection. The Chief Compliance Officer presented an update on the Drug Supply Chain Security Act (DSCSA) and continued methods to incorporate items into the inspection process to monitor for licensee compliance with the requirements of DSCSA. LeMasters then spoke of his visit to the Marshall University School of Pharmacy white coat ceremony, where he was the keynote speaker. Then he spoke about certification and training courses, which the inspectors and he had completed during the last quarter. To close his report, LeMasters discussed the topics covered during a meeting of the inspectors, which was held on September 5, 2023. Motion was made by Board Secretary Bowyer to approve the report. The motion was seconded by Board Member Rucker and passed unanimously.
9. DRPA Capehart then gave her update on the Legislative Session. DRPA Capehart summarized each of the rules that had changes that the Board approved in the July 2023 meeting, including, W. Va. CSR § 15-1, § 15-3, § 15-7, § 15-12, § 15-14, and § 15-15. DRPA Capehart then explained that these rules were reviewed by the Legislative Joint Rules Committee on September 13, 2023, and passed with minor modifications.
10. DRPA Capehart then gave her update on training programs, permits, and licensing. DRPA Capehart recommended for Board approval the following Technician Trainee Programs that meet the requirements for approval: Pill Box Pharmacy, BlueWells Family Pharmacy Db a Southview, Right way Drug, Inc., Mutual Drug, Hometown and Man Pharmacy, Rivers Health, Cabin Creek Health Systems, NEO Nuclear Pharmacy Technician Training Program, Hurley's Drug Pharmacy Technician Trainee Program, WVU Medicine, and Reynolds Memorial Hospital. Motion was made by Board Member Kapourales to approve the pharmacy programs listed above. The motion was seconded by Board Member Misiti and passed unanimously. Motion was made to approve the pharmacy technician training programs listed above by Board Secretary Bowyer. The motion was seconded by Board Member Rucker and passed unanimously. Motion was made to place a two-year limit on all pharmacy technician trainee training programs by Board Secretary Bowyer. The motion was seconded by Board Member Kapourales and passed unanimously. Two new Pharmacist Immunization Programs were recommended for Board approval including CE Impact Pharmacist Immunization Program and University of Wisconsin School of Pharmacy Immunization Program. Motion was made

- by Board Secretary Bowyer to approve the pharmacy technician training programs listed above. The motion was seconded by Board Member Rucker and passed unanimously.
11. The Controlled Substances Monitoring Program Administrator then gave his report. Mr. Goff gave a brief update of the CSMP contract and related grant funding. Director Goff also discussed some of the work performed by staff epidemiologists, including samples of data dashboards, stimulant flyers and other information. Motion was made by Board Member Kapourales to approve the report. The motion was seconded by Board Member Rucker and passed unanimously.
 12. The Directory of Overdose Prevention and Patient Safety then gave her report. DOPPS Acree provided an update to the new opioid antagonist products along with the updated Opioid Antagonist Protocol for the website (approved by the Bureau for Public Health). DOPPS Acree also provided a copy of the notification sent to licensees regarding the OTC naloxone trainings since the last Board Meeting for review. Lastly, buprenorphine access concerns were discussed. Berkeley County specifically experiencing difficulty with getting prescriptions filled for patients recently released from the ED with a prescription for buprenorphine/naloxone or buprenorphine alone. Motion was made by Board Member Misiti to approve the report. The motion was seconded by Board Member Duncan and passed unanimously.
 13. Board Secretary Bowyer then gave his CE Committee update.
 14. Board President Bernabei then gave a brief Medical Cannabis Advisory Board update.
 15. President Bernabei then opened the floor to discuss the West Virginia First Foundation.
 16. Executive Director Goff and DOPPS Acree then gave a progress update on pharmacy public service announcements.
 17. The Board selected December 3rd and 4th 2023, as the dates for the next quarterly board meeting. The meeting location will be determined at a later date.
 18. Motion to adjourn was made by Board Member Kapourales. The motion was seconded by Board Member Misiti and passed unanimously.

DocuSigned by:



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John J. Bernabei, President
West Virginia Board of Pharmacy



David Bowyer, Secretary
West Virginia Board of Pharmacy