

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
DECEMBER 3, 2023, AND DECEMBER 4, 2023, MEETING**

On Sunday, December 3, 2023, and Monday, December 4, 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, in attendance via video conference
Dennis Lewis, Vice President
David Bowyer, Secretary, in attendance on Sunday
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
Earl Bennett, Inspector
Mark Rubin, Inspector
Donald Klamut, Inspector
Alyssa Starcher, Inspector

Public present:

None


Vice President Lewis 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 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 Member Rucker to approve the September 17, and 18, 2023, Board Meeting Minutes. The motion was seconded by Board Member Misiti. The motion passed unanimously without discussion.
2. The Executive Director gave his report. Mr. Goff gave a brief office update, including a list of items to be discussed in more detail within other agenda items. Director Goff then provided an overview of recent NABP and NASCSA meetings he attended. Mr. Goff also discussed a number of recent matters involving the Medical Boards, CE's and medical spas. Motion was made by Board Member Misiti to approve the report. The motion was seconded by Board Secretary Bowyer and passed unanimously without discussion.
3. The Chief Financial Officer then gave his report. Mr. Smolder 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 Secretary Bowyer to approve the report. The motion was seconded by Board Member Duncan 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 explained that he would be reviewing all discipline cases for 2024, comparing those cases to 2023 cases, and providing an analysis of that comparison at the next Board meeting. Mr. Morris then reported that all system updates were complete and that after a brief test period, a link to recent board actions would be placed on the Board's website for public viewing. Mr. Morris then asked the Board if they wanted to report discipline in the Board's newsletter. A motion was made by Board Secretary Bowyer to report discipline in the newsletter in the form of Name, License Number, City/State of Licensee, Date of Action, and Action Taken. The motion was seconded by Board Member Rucker and passed unanimously without discussion. Mr. Morris concluded his report by asking for Board permission to modify Board minutes after they had been signed to include attachments related to settlements. A motion was made by Board Member Misiti to allow Mr. Morris to modify signed Board Minutes to include attachments related to settlements. The motion was seconded by Board Member Rucker and passed unanimously without discussion. Motion was made by Board Member Duncan to approve the report. The motion was seconded by Board Member Kapourales and passed unanimously without discussion.
5. The Director of Professional and Regulatory Affairs (DPRA) then gave her report. DPRA Capehart including a summary of the changes that have occurred with COVID-19 vaccines and the transition of COVID-19 therapeutics from US government provided to the traditional commercial market. DPRA provided two meetings with health systems for establishing CPAs. The NABP Survey of Pharmacy Law for WV was completed and

- returned. The WV Pharmacy Law Book 2023 was completed and distributed. Closing pharmacy statistics will be examined in the coming months. A request from CAMC Teays Valley was presented to use drone delivery. There were questions and a policy procedure manual will be requested to be addressed at the next meeting. Motion was made by Board Member Misiti to approve the report. The motion was seconded by Board Secretary Bowyer and passed unanimously without discussion.
6. Board President Bernabei then gave a brief Medical Cannabis Advisory Board update.
 7. Motion was made by Board Member Kapourales to enter Executive Session to discuss complaint cases. The motion was seconded by Board Secretary Bowyer and passed unanimously without discussion.
 8. The Board exited Executive Session. Motion was made by Board Member Misiti to find probable cause to pursue disciplinary action in Complaint Case Nos. 2022-10-71B, 2023-07-66B, 2023-09-76, 2023-09-79, 2023-09-80, to accept the recommendations of the complaint committee in the remaining cases, and to allow Mr. Morris to negotiate and offer consent agreements to settle the cases where possible. The motion was seconded by Board Member Duncan and passed unanimously without discussion.
 9. The Chief Compliance Officer (CCO) then gave his report. CCO LeMasters stated that a total of 212 inspections were conducted during the period from September 1, 2023, through November 29, 2023. The Board had received 1,208 suspicious order reports, of which 285 were zero reports, during the period from September 1, 2023, through November 29, 2023, with 139 reports requiring further investigation. After inquiries into each, no further action was required, as all 139 reports were resolved. LeMasters explained that the large increase in inquiries was directly related to the 110 SOR which were generated when a large health system in the state changed its primary wholesaler. LeMasters discussed inspection report updates and continued work with those licensees which hold Controlled Substance Permits from the Board of Pharmacy. The Chief Compliance Officer then spoke about the revised USP 795 and 797 Chapters, which are now official, and the efforts to educate both the team of inspectors and licensees of the changes in the revised chapters. LeMasters went on to speak of his attendance at the 2023 NABP Executive Officer, Compliance Officer, and Legal Counsel Forum. To close his report, LeMasters discussed the topics covered during a meeting of the inspectors, which was held on November 13, 2023. Motion was made by Board Member Duncan to approve the report. The motion was seconded by Board Member Kapourales and passed unanimously without discussion.
 10. The Controlled Substances Monitoring Program Administrator then gave his report. Mr. Goff provided a brief overview of some CSMP stats and information that would be included in the CSMP Annual Report. Director Goff also mentioned a number of projects being worked on by staff epidemiologists. Motion was made by Board Member Misiti to approve the report. The motion was seconded by Board Member Rucker and passed unanimously without discussion.
 11. The Directory of Overdose Prevention and Patient Safety then gave her report. DOPPS Acree provided an overview of new opioid antagonists and presented the updated standing orders for organizations and pharmacy. DOPPS provided the number of trainings between September and December of 2023, which included the Save a Life Day. Also discussed issues with access to buprenorphine products, potential PSA, and the offer of CE programs through the BOP website. Lastly, the Halo Initiative will be a focus in the coming months

to begin to put together toolkits for each county. Motion was made by Board Member Duncan to approve the report. The motion was seconded by Board Member Misiti and passed unanimously without discussion.

12. DPRA Capehart presented Pharmacy Technician Trainee programs recommended for approval to the Board. These include: Cardinal Health - Nuclear Pharmacy Technician Training Guide and PharmCon/FreeCE: Pharmacy Technician Bootcamp as Didactic only programs, Big Four Drug Store as an On the job training program and Fred Eberle Technical Center's Allied Health and Therapeutic Services from the WV Department of Education. Motion made by Board Member Kapourales and seconded by Board Member Duncan and passed unanimously without discussion. Request for a fee waiver submitted by NIH StrokeNet Pharmacy who provides NIH funded clinical trial medications only. This motion for waiver for pharmacy application fee was made by Board Member Duncan Seconded by Board Member Misiti and passed unanimously without discussion.
13. Board Member Duncan then gave his CE Committee update.
14. Legislative Report presented by DPRA Capehart. Legislative Rules will proceed through the legislature this session. Session starts January 10 and continues through March 10, 2024. Other topics of interest anticipated include: test and treat, white bagging, 340b, immunizations, and reimbursement. Motion made to accept report by Board Member Misiti and seconded by Board Member Duncan and passed unanimously without discussion.
15. Vice President Lewis then opened the floor to discuss any new information not previously discussed. No new information was received.
16. The Board selected March 10th and 11th, 2024, as the dates for the next quarterly board meeting. The meeting location will be determined at a later date.
17. Motion to adjourn was made by Board Member Misiti. The motion was seconded by Board Member Duncan and passed unanimously without discussion.



John J. Bernabei, President
West Virginia Board of Pharmacy



David Bowyer, Secretary
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