

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,
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**MINUTES OF THE WEST VIRGINIA BOARD OF PHARMACY
MARCH 10, 2024, AND MARCH 11, 2024, MEETING**

On Sunday, March 10, and Monday, March 11, 2024, the West Virginia Board of Pharmacy (“Board”) convened at its office in Charleston, West Virginia, for its regularly scheduled quarterly meeting. The meeting was open to the public.

Board Members present:

John J. Bernabei, President
Dennis Lewis, Vice President
David Bowyer, Secretary
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 – In attendance on Sunday
Dave Lucas, Investigator
Michael Smith, Investigator
Thomas Robinette, Inspector
Earl Bennett, Inspector
Mark Rubin, Inspector
Donald Klamut, Inspector
Alyssa Starcher, Inspector
Stephen Boykin, Inspector

Public present:

Brooke Bowers, WVU School of Pharmacy
Taylor Barley, WVU School of Pharmacy
Heather Moles, CAMC – In attendance on Monday
Brian Sayre, CAMC – In attendance on Monday
Kristyn Rooke, CAMC – In attendance on Monday

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 previously posted on the Board's website and made available at the Board's office. The meeting was opened with a prayer.

1. Motion was made by Board Member Misiti to approve the December 3 and 4, 2023, Board Meeting Minutes. The motion was seconded by Board Vice President Lewis. The motion passed unanimously without discussion.
2. The Executive Director gave his report. Mr. Goff gave a brief update on the office and the recently concluded Legislative session. Director Goff also discussed an upcoming meeting with the staff of the Board of Medicine, the Board of Osteopathic Medicine and the Board of Registered Nurses, to be held at our office. Mr. Goff also mentioned the upcoming NABP National Meeting, which will be held in Fort Worth, Texas, this May. 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.
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, also stated the Budget would be due on May 1st, 2024, for FY 2025 and would have it ready in April for Board approval. Mr. Smolder finalized his report with the Safety Committee Update meeting of no change. Motion was made by Board Member Rucker to approve the report. The motion was seconded by Board Vice President Lewis 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 gave a detailed comparison analysis of all 2022 and 2023 complaint cases, explaining that while there was a 21% increase in the overall cases, the number of cases where probable cause was found was substantially the same. Mr. Morris further explained that the largest category increase in complaint cases related to customer service issues. Mr. Morris concluded by reporting that a "Recent Board Actions" tab has been added to the website under the "Public" tab, where all completed disciplinary actions will be reported for a rolling period of twelve months. Motion was made by Board Vice President Lewis to approve the report. The motion was seconded by Board Member Misiti and passed unanimously without discussion.
5. The Director of Professional and Regulatory Affairs (DPRA) then gave her report. DPRA Capehart updated the Board that NABP will no longer be providing the newsletters as part of NABP membership. There will be 3 levels of subscription service with WV still responsible for the content in the newsletter. Capehart to attend webinar in April for more information. At this time Board permits DPRA Capehart to determine direction regarding

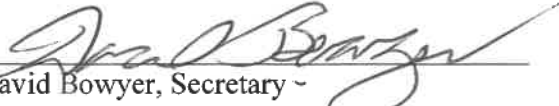
- newsletter and report back if subscription is needed. General update provided regarding Region III SAMHSA meeting on pharmacy access of buprenorphine in Charleston, WV in February 2024 and COVID-19 vaccines and therapeutics. Motion was made by Board Secretary Bowyer to approve the report. The motion was seconded by Board Member Rucker and passed unanimously without discussion.
6. Motion was made by Board Vice President Lewis to enter Executive Session to discuss complaint cases and license reinstatement applications/petitions. The motion was seconded by Board Secretary Bowyer 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. 2022-11-85, 2023-12-103B, 2023-12-105, and 2023-12-109, to table 2023-12-110 for further investigation, 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 Misiti and passed unanimously without discussion. Motion was made by Board Secretary Bowyer to deny Phillip E. Michael, II's petition for reinstatement of a pharmacist license, deny David M. Wasanyi's pharmacist reinstatement application, deny Jennie M. Burdette's pharmacist reinstatement application, and deny Michael L. Andria's request for pharmacist license reinstatement without retaking the West Virginia pharmacy law exam.
 8. The Chief Compliance Officer (CCO) then gave his report. CCO LeMasters stated that a total of 235 inspections were conducted during the period from November 30, 2023, through February 29, 2024. The Board had received 1,426 suspicious order reports, of which 292 were zero reports, during the period from November 30, 2023, through February 29, 2024, with 79 reports requiring further investigation. After inquiries into each, no further action was required, as all 79 reports were resolved. LeMasters discussed the updated NABP BluePrint Inspection forms which are ready to be used for inspections of applicable facilities in West Virginia. The CCO then spoke about the comments and praise that inspectors have received from local DEA team members and a meeting with counsel for OIG related to OHFLAC licensee issues. LeMasters went on to speak about the North Carolina Board of Pharmacy Compounding Summit, which was a conference that Tom Robinette, Assistant Chief Compliance Officer, and LeMasters had recently attended. To close his report, LeMasters discussed the topics covered during a meeting of the inspectors, which was held on February 26, 2024. 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.
 9. The Controlled Substances Monitoring Program Administrator then gave his report. Mr. Goff discussed the renewals of the annual CSMP and NarxCare contracts, and also the grant funding of both items. Director Goff also mentioned work being performed by staff epidemiologists, including updating various state data maps. Motion was made by Board Member Misiti to approve the report. The motion was seconded by Board Member Rucker and passed unanimously without discussion.
 10. The Directory of Overdose Prevention and Patient Safety then gave her report. DOPPS Acree discussed the available nonprescription opioid antagonists available as well as including a FAQ on the Board's website regarding both prescription and nonprescription opioid antagonists. Proposed legislation was presented to the group for discussed as well as sent to the ODCP, DoHS, WVOEMS, and the State Health Officer. Data from the SOR

- was presented in reference to MOUD (buprenorphine products) to demonstrate the issue of access within the state. Four previously created (NABP and CDC) PSA's were presented for potential for use. Discussion was made regarding permissions (DOPPS will provide this during the next meeting in June). Lastly, progress on the Halo Initiative was provided to the group for discussion. Motion was made by Board Secretary Bowyer to approve the report. The motion was seconded by Board Member Duncan and passed unanimously without discussion.
11. The Board then received information from representatives of CAMC regarding drone delivery of prescriptions between two buildings at their Teays Valley location. The Board asked CAMC to provide complete process and procedure documents for its review.
 12. Training programs, permits, licensing: DPRA Capehart presented Pharmacy Technician Trainee Citizen's Drug Store, Ore's Clendenin Pharmacy, Clay Family Pharmacy, and Anile Pharmacy. All are on-the-job training programs. Collaborative Practice applications and/or notifications received from RPhs Painter, Clutter, Hogue, and Llayton. Motion was made by Board Vice President Lewis to approve the report. The motion was seconded by Board Member Misiti and passed unanimously without discussion. ProACT, Marshall Pharmacy and Dr. Zach Hansen have been selected to participate in a study designed by Dr. David Fiellin and Dr. Paul Joudrey, and other researchers at the Yale School of Medicine and other academic centers participating in the National Institutes of Health – National Institute on Drug Abuse (NIH-NIDA) Clinical Trials Network (CTN). The funded study was designed to compare the effectiveness of methadone versus buprenorphine in patients at high risk for leaving treatment. Participation in this study requires them to dispense methadone for Opioid Use Disorder (OUD). DEA has issued an exception to 21 CFR 1306.07(a) and 1306.04(c) by the DEA. WV BOP to issue a letter of acknowledgement of their participation in the study for the dates of the study. Motion was made by Board Secretary Bowyer to approve the letter. The motion was seconded by Board Member Misiti and passed unanimously without discussion.
 13. Board President Bernabei then gave a brief Medical Cannabis Advisory Board update.
 14. Board Member Duncan then gave his CE Committee update.
 15. Board Secretary Bowyer then gave a brief NABP update.
 16. The Legislative Report was then presented by DPRA Capehart. The Legislative Update 2024 table was provided for the benefit of the group. All of the WV BOP Proposed Rules passed and once signed will be filed with the WV Secretary of State. The following bills have passed but are awaiting signature: HB 5105 passed to eliminate vaccine requirements in virtual public schools and parochial/private schools. SB 475 relating to recovery residences; SB 668 increasing the annual amount of pseudoephedrine to be purchased OTC; SB 679 relating to hemp derivatives and kratom; SB 453 PEIA/PBM transparency reimbursement bill; SB 325 340b bill.
 17. President Bernabei and Board Member Duncan then discussed the problems currently impacting pharmacies related to pharmacy reimbursements and how these problems may further develop over time.
 18. President Bernabei then opened the floor to discuss any new information not previously discussed. No new information was received.
 19. The Board selected June 2nd and 3rd, 2024, as the dates for the next quarterly board meeting. The meeting location will be determined at a later date.

20. Board Vice President Lewis moved to adjourn. Board Secretary Bowyer seconded the motion, which passed unanimously without discussion.



John J. Bernabei, President
West Virginia Board of Pharmacy



David Bowyer, Secretary -
West Virginia Board of Pharmacy