

BOARD MEMBERS

*Dennis Lewis, President
David Bowyer, Vice President
Jenna Misiti*, Secretary
James Rucker *
John J. Bernabei
Sam Kapourales
Robert Duncan
(*Public Member)*



www.wvbop.com

STAFF

*Michael L. Goff,
Executive Director &
CSMP Administrator*

*John P. Smolder,
CFO/COO*

*Matthew D. Morris,
General Counsel*

Office

*1207 Quarrier Street, 4th Floor
Charleston, WV 25301*

Phone

*(304) 558-0558
(304) 558-0572 (Fax)*

**MINUTES OF THE WEST VIRGINIA BOARD OF PHARMACY
JUNE 2, 2024, AND JUNE 3, 2024, MEETING**

On Sunday, June 2, and Monday, June 3, 2024, the West Virginia Board of Pharmacy (“Board”) convened at Oglebay Resort and Conference Center in Wheeling, 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:

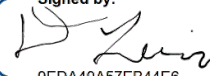
None

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

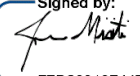
1. Motion was made by Board Member Rucker to elect Dennis Lewis, President, David Bowyer, Vice President, and Jenna Misiti, Secretary. The motion was seconded by Board President Bernabei. The motion passed unanimously without discussion.
2. Motion was made by Board President Bernabei to re-appoint James Rucker and David Bowyer to the Complaint Committee. The motion was seconded by Board Member Misiti. The motion passed unanimously without discussion.
3. Motion was made by Board President Bernabei to appoint Rob Duncan to the CPE committee. Board Member Rucker seconded the motion. The motion passed unanimously without discussion.
4. Motion was made by Board Secretary Bowyer to approve the March 10 and 11, 2024, Board Meeting Minutes and the April 15, 2024, Budget Board Meeting Minutes. The motion was seconded by Board Vice President Lewis. The motion passed unanimously without discussion.
5. The Executive Director gave his report. Mr. Goff gave a brief office update and mentioned that Mr. Tom Robinette was planning on retiring from pharmacy inspections later this year. He also discussed the recent joint meeting with staff from the Board of Medicine, the Board of Osteopathic Medicine and the Board of Nursing. 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. 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 that the office had on May 28, 2024. Motion was made by Board Vice President Lewis to approve the report. The motion was seconded by Board Member Misiti. The motion passed unanimously without discussion.
7. 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 he has been working with DPRA Capehart and the Legislative Committee preparing for the upcoming legislative session. Finally, Mr. Morris discussed a comparative report requested by Board Secretary Bowyer relating to discipline reported by all states to the NABP's clearinghouse compared to the Board's discipline cases. Motion was made by Board Member Rucker to approve the report. The motion was seconded by Board Vice President Lewis. The motion passed unanimously without discussion.
8. The Director of Professional and Regulatory Affairs (DPRA) then gave her report. DPRA Capehart updated the Board that articles and preparation for the mid-June/July Newsletter is in preparation at this time. Attended the NABP webinar regarding newsletter changes and still would prefer to try in-house at this time. COVID-19 vaccination type will be

- selected next week by FDA. DPRA Capehart presented the concept of the Universal Pharmacy Jurisprudence Exam (UPJE) being planned by NABP for launch 2026. Board requested regular updates on its progress. The participation in the self-administered hormonal contraceptive program is growing as Walmart pharmacies just launched the program state-wide. WV has had 6 pharmacies closed (2 Chain pharmacies, 4 “regional” chain pharmacies) and 6 pharmacies (3 Independent pharmacies, 3 pharmacies affiliated with FQHCs) open between December 2023 and April 2024. DPRA Capehart has provided multiple WV Pharmacy Law Update CEs throughout the spring and will continue into the fall. Finally, Dr. Ginger Scott is retiring from WVU School of Pharmacy and a letter of appreciation from the Board was provided for her service to WV and the Board since 2001. Motion was made by Board Member Duncan to approve the report. The motion was seconded by Board Member Misiti. The motion passed unanimously without discussion.
9. 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. The motion passed unanimously without discussion.
 10. 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. 2024-02-18B and 2024-04-30, and 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 accept the settlement offer in Complaint Case No. 2023-12-109. The motion was seconded by Board Member Rucker. The motion passed unanimously without discussion.
 11. The Chief Compliance Officer (CCO) then gave his report. CCO LeMasters stated that a total of 218 inspections were conducted during the period from March 01, 2024, through May 24, 2024. The Board had received 899 suspicious order reports, of which 291 were zero reports, during the period from March 01, 2024, through May 24, 2024, with 54 reports requiring further investigation. After inquiries into each, no further action was required, as all 54 reports were resolved. LeMasters discussed a meeting with representatives from the Accreditation Commission for Health Care in which the representatives agreed to enhance communication between their agency and the Board. The CCO then spoke about continued efforts with licensees that hold Controlled Substance Only permits with the Board. LeMasters went on to speak about working with licensees that may be experiencing reporting issues to the Controlled Substances Monitoring Program. The CCO continued his report with discussion about his recent attendance at the 2024 APhA national meeting, the recently announced upcoming retirement of Tom Robinette, Assistant Chief Compliance Officer and Inspector, and the addition of Brandon Dolly to the team of inspectors. To close his report, LeMasters discussed the topics that were covered during a meeting of the inspectors, which was held on May 20, 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.
 12. Motion was made by Board Vice President Lewis to accept and follow the guidance from USP as it relates to USP 800. The motion was seconded by Board Member Misiti. The motion passed unanimously without discussion.

13. The Controlled Substances Monitoring Program Administrator then gave his report. Mr. Goff gave an update on the dispensed drug numbers, which included that most drug types continue to decrease, with the exception of stimulants. He also briefly discussed some of the projects staff epidemiologists were working on. Motion was made by Board Vice President Lewis to approve the report. The motion was seconded by Board Member Misiti. The motion passed unanimously without discussion.
14. Board President Bernabei then gave a brief Medical Cannabis Advisory Board update and invited a representative from The Foundry, a medical cannabis dispensary, to speak.
15. Training programs, permits, licensing: DPRA Capehart presented Pharmacy Technician Trainee Programs: Pharmalogic, Beckley Pharmacy #2, WVU Medicine Potomac Valley Hospital, Senior Life Rx Pharmacy, Bioscrip, Reed's Drug Store, Boone Memorial, and Reed's Pharmacy. All are on-the-job training programs. Collaborative Practice or notifications received from RPh Haileigh Hogue. Motion was made by Board Secretary Bowyer to approve the report. The motion was seconded by Board Vice President Lewis. The motion passed unanimously without discussion.
16. Board Member Duncan then gave his CE Committee update.
17. The Directory of Overdose Prevention and Patient Safety then gave her report. DOPPS Acree discussed legislative changes to the Access to Opioid Antagonist Act. Provided feedback received from WVDohS and WVODCP regarding opioid antagonist reporting/tracking. DOPPS Acree will continue to work with these two agencies until an agreed upon draft has been created. Blocked orders of buprenorphine (both mono-product and combo-product) were presented by month (Mar – May) showing an increase in doses blocked each month. Lastly DOPPS Acree provided a draft of resources for the state intended to be included on the BOP website with the intention of creating a resource for every county. A motion was made by Board Secretary Bowyer to approve the report. The motion was seconded by Board Member Duncan. The motion passed unanimously without discussion.
18. Motion was made by Board Vice President Lewis to create a committee to review the feasibility of creating a scholarship program funded by the Board. The committee members were to include Board Member Duncan, Board Secretary Bowyer, DPRA Capehart, and Mr. Morris. The motion was seconded by Board Member Misiti. The motion passed unanimously without discussion.
19. The Legislative Report was then presented by DPRA Capehart. The Board Legislative Committee will be meeting June 6, 2024 to continue discussion of necessary modifications to legislative rules for the upcoming session. Additionally, rules may be necessary for recently passed bills including SB 668 and SB 325. These proposed changes will be presented to the full Board for approval. The staff will be creating a long-range plan for necessary changes and updates. Motion was made by Board Secretary Bowyer to approve the report. The motion was seconded by Board Member Duncan. The motion passed unanimously without discussion.
20. President Bernabei then opened the floor to discuss any new information not previously discussed. No new information was received.
21. The Board selected September 29th and 30th, 2024, as the dates for the next quarterly board meeting. The meeting location will be determined at a later date.
22. Board Member Misiti moved to adjourn. Board Member Rucker seconded the motion, which passed unanimously without discussion.

Signed by:

9EDA49A57EB44E6...

Dennis Lewis, President
West Virginia Board of Pharmacy

Signed by:

F7D209137447497...

Jenna Misiti, Secretary
West Virginia Board of Pharmacy