

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
DECEMBER 8 AND DECEMBER 9, 2024, MEETING**

On Sunday, December 8, and Monday, December 9, 2024, the West Virginia Board of Pharmacy ("Board") convened for its regularly scheduled quarterly meeting at the Board's offices at 1207 Quarrier St, 4th Floor, Charleston, West Virginia. The meeting was open to the public.

Board Members present:

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

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 – via videoconference
Dave Lucas, Investigator
Michael Smith, Investigator
Thomas Robinette, Inspector
Earl Bennett, Inspector
Brandon Dolly, Inspector
Donald Klamut, Inspector
Mark Rubin, Inspector

Alyssa Starcher, Inspector
Danielle Floyd, Inspector

Public present:

Danny Schwaber – In attendance December 8 only
Blake Humphrey – In attendance December 8 only
Paul Saluja – Present for Agenda Item 1 only
Philip Michael, II – Present for Agenda Item 1 only
Lilah Michael - Present for Agenda Item 1 only

President Lewis called the meeting to order, recognizing 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. Philip E. Michael II provided a statement in support of his Petition for Reinstatement of his pharmacist license, which he surrendered as part of an agreement to settle Complaint Case Nos. 2019-07-39 and 2019-12-70 on March 3, 2021. After his statement, Mr. Michael made himself available for questions from the Board. During two Executive Sessions, the Board considered his Petition, supporting documents, statements, and the relevant law and unanimously voted to deny Mr. Michael's Petition for Reinstatement.
2. Board Member Bernabei made a motion to approve the September 29 and 30, 2024, Board Meeting Minutes and the November 19, 2024, Complaint Committee Meeting Minutes. Board Member Rucker seconded the motion. The motion passed unanimously.
3. The Executive Director gave his report. Mr. Goff introduced the newest Board Inspector, Danielle Floyd, and gave a general office and Board member update. Director Goff also provided a brief report on the upcoming Legislative session and licensing season, as well as preparing to meet with representatives from OHFLAC. Board Vice President Bowyer made a motion to approve the report. Board Member Bernabei seconded the motion. The motion passed unanimously.
4. The Chief Financial Officer then gave his report. Mr. Smolder gave FY2018, 2019, 2020, 2021, 2022, 2023 and 2024, Year End Summaries along with FY 2025 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 with no update. Board Secretary Misiti made a motion to approve the report. Board Member Bernabei seconded the motion. The motion passed unanimously.
5. 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 there had been a 34% increase in cases so far this year, which was attributed to complaints related to SB 325. Mr. Morris then discussed his intent to conduct a detailed review of all 2024 complaint cases compared to 2023 and provide the analysis of that review to the Board at the next meeting. Finally, Mr. Morris explained that he would discuss confidential complaint case information and litigation updates during Executive Session. Board Member Rucker made a motion to approve the report. Board Member Bernabei seconded the motion. The motion passed unanimously.

6. The Director of Professional and Regulatory Affairs (DPRA) then gave her report. DPRA Capehart provided an update on CDC/ACIP 2025 Immunization Recommendations, NABP Survey of Pharmacy Law 2025, newly opened and closed pharmacies in the quarter, and DEA telehealth e-prescribing updates extended to December 31, 2025. Board Member Bernabei made a motion to approve the report. Board Member Duncan seconded the motion. The motion passed unanimously.
7. Board Member Bernabei made a motion to enter Executive Session to discuss Mr. Michael's Petition for Reinstatement, confidential complaint case information, and receive litigation updates from the General Counsel. Board Member Duncan seconded the motion. The motion passed unanimously, and the Board entered Executive Session.
8. The Board exited Executive Session. Board Member Bernabei made a motion to deny Mr. Michael's Petition for Reinstatement. Board Member Rucker seconded the motion. The motion passed unanimously. Board Member Bernabei made a motion to find probable cause to pursue disciplinary action in Complaint Case Nos. 2024-08-64, 2024-08-67, 2024-08-70B, 2024-09-71B, 2024-09-81, 2024-09-82, 2024-09-83, 2024-09-84, 2024-10-85B, 2024-10-86, 2024-10-87, 2024-10-88, 2024-10-89, 2024-10-90, 2024-10-91, 2024-10-92, 2024-10-93, 2024-10-94, 2024-10-95, 2024-10-96, 2024-10-97, 2024-10-98, 2024-10-99, 2024-10-100, 2024-10-102B, and consolidate Complaint Case Nos. 2024-07-50, 204-07-54, and 2024-07-55. Board Secretary Misiti seconded the motion. The motion passed unanimously. Board Member Bernabei made a motion 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 cases where possible. Board Member Duncan seconded the motion. The motion passed unanimously.
9. Board Member Bernabei made a motion to enter Executive Session to discuss Mr. Michael's Petition for Reinstatement further. Board Member Misiti seconded the motion. The motion passed unanimously, and the Board entered Executive Session.
10. The Board exited Executive Session. No motions were made after exiting Executive Session.
11. The Chief Compliance Officer (CCO) then gave his report. CCO LeMasters stated that a total of 208 inspections were conducted during the period from September 16, 2024, through November 30, 2024. The Board received 859 suspicious order reports, of which 189 were zero reports, during the period from September 16, 2024, through November 30, 2024, with 71 reports requiring further investigation. After inquiries into each, no further action was required, as all 71 reports were resolved. The CCO stated that five (5) reports were received which identified individuals licensed by other agencies in the State of West Virginia and that those reports were forwarded to the corresponding licensing agency. LeMasters discussed his recent visits to the University of Charleston School of Pharmacy and the Marshall University School of Pharmacy where he was a guest lecturer. The CCO then spoke about the addition of Danielle Floyd, Pharm.D., 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 December 8, 2024. Board Vice President Bowyer made a motion to approve the report. Board Secretary Misiti seconded the motion. The motion passed unanimously.
12. The Controlled Substances Monitoring Program Administrator then gave his report. Mr. Goff provided a brief update of the current CSMP contracts and some of the staff projects. Director Goff also provided the yearly stats that will be included in the upcoming annual

- report. Board Member Duncan made a motion to approve the report. Board Secretary Misiti seconded the motion. The motion passed unanimously.
13. The Directory of Overdose Prevention and Patient Safety then gave her report. DOPPS Acree discussed changes to the WVOEMS Protocol that impact access to naloxone by first responders. She recommended changes to the protocol to the WVOEMS Medical Director that would allow WVOEMS to receive/ utilize grant funded naloxone within the state. The statewide Naloxone Protocol, which is currently available on the Office of Drug Control Policy's website, was updated to a new "Opioid Antagonist Protocol" and supplemental documents were updated to reflect all opioid antagonists rather than just naloxone. The document was intentionally updated to be less specific and refer to other documents that may be updated regularly (State Standing Order for Opioid Antagonists, Opioid Antagonist Protocol for pharmacists/ interns, and available FDA approved products). Acree reviewed a few new naloxone products that have been FDA approved. She also discussed issues with access to buprenorphine (mono-product and combination product) as well as the newly published NABP PhARM-OD Guidance Document. Both the guidance document and the AMA Press Release (call to remove barriers to MOUD) were provided to the board and briefly discussed. Board Member Duncan made a motion to approve the report. Board Vice President Bowyer seconded the motion. The motion passed unanimously.
 14. DPRA Capehart then presented training programs, permits, and licensing information. DRPA Capehart recommended adding the following Technician Immunization programs as approved: Georgia Pharmacy Association Immunization Delivery Training for Pharmacy Technicians, Kansas Pharmacy Association - Pharmacy Technician Immunization Training, New Mexico Pharmacist Association Pharmacy Technician Immunization Training, Pharmacy Society of Wisconsin Virtual Delivery for Pharmacy Technicians, Sullivan University Pharmacy Technician Immunization Training, UKHealthcare, University of Minnesota Immunization Delivery for Pharmacy Technicians, University of North Carolina Pharmacy Technician and Vaccinations: An Advanced Training Program, Washington State Pharmacy Association, Wayne State University/Detroit Medical Center, Board Vice President Bowyer made a motion to approve the technician training programs. Board member Rucker seconded the motion. The motion passed unanimously. DPRA Capehart reports Madelyn Harvey is qualified for a CPA and has submitted the notification. Member Bernabei made a motion to accept the report. Board Secretary Misiti seconded the motion. The motion passed unanimously.
 15. Board Member Duncan then gave his CE Committee update.
 16. Board Secretary Misiti and Board Vice President Bowyer discussed their separate attendance at recent NABP meetings. Board Vice President Bowyer further discussed that 2025's NABP District 1 and 2 Meeting would be held in Philadelphia, and West Virginia is scheduled to host the meeting in 2029.
 17. Board President Bernabei then gave a brief Medical Cannabis Advisory Board update.
 18. The Legislative update was then presented by DPRA Capehart, who discussed the new leadership in the Legislature and the expected upcoming legislative session dates.
 19. Board President Lewis then opened the floor to discuss any new announcements or receive new information. No announcements or new information were presented.
 20. The Board selected March 30 and 31, 2025, as the next quarterly board meeting dates. The meeting will be held at the Board's offices in Charleston.

21. Board Member Bernabei moved to adjourn. Board Member Rucker seconded the motion, which passed unanimously.



Dennis Lewis, President
West Virginia Board of Pharmacy



Jenna Misiti, Secretary
West Virginia Board of Pharmacy