

BOARD MEMBERS

Dennis Lewis, President
David Bowyer, Vice President
Jenna Misiti, Secretary*
*James Rucker **
John J. Bernabei
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
MARCH 30 AND MARCH 31, 2025, MEETING

On Sunday, March 30, and Monday, March 31, 2025, 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

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
Dave Lucas, Investigator
Michael Smith, Investigator

Public present:

James Renner, CVS, March 31, only

President Lewis called the meeting to order at 5:00 p.m. (at 8:30 a.m. on March 31, 2025), 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. Board Member Bernabei made a motion to approve the December 8 and 9, 2024, Board Meeting Minutes, the January 30, 2025, Board Meeting Minutes, the March 13, 2025, Finance and Policy Committee Meeting Minutes, the March 14, 2025, Board Meeting Minutes, the March 18, 2025, Complaint Committee Meeting Minutes, and the February 6, 13, 20, and 27, 2025, Legislative Committee Meeting Minutes. Board Vice President Bowyer seconded the motion. The motion passed unanimously.
2. The Executive Director gave his report. Mr. Goff gave a general office update, including work being done on our various Executive Order responses and current Legislative action. Director Goff also discussed interaction with other agencies and state Boards and the related information he received while attending the Tri-Regulator Symposium earlier this month. Board Secretary Misiti made a motion to approve the report. Board Member Bernabei seconded the motion. The motion passed unanimously.
3. 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 and Board approval for the FY 2026 Budget. Board Member Bernabei made a motion to approve the budget. Board Secretary Misiti seconded the motion. The motion passed unanimously. Board Member Rucker made a motion to approve the CFO's report. Board Member Bernabei seconded the motion. The motion passed unanimously.
4. The General Counsel then gave his report. Mr. Morris updated the Board on licensee discipline, stating that all complaint cases were up-to-date and statutorily compliant. Mr. Morris then explained that after normalizing the complaint case data, there was a 70% decrease in cases filed so far this year compared to last year. Mr. Morris then discussed that he was working on a detailed review of all 2024 complaint cases compared to 2023 and would provide the analysis of that review to the Board at the next meeting. Finally, Mr. Morris said he would discuss confidential complaint case information and litigation updates during the Executive Session. Board Member Rucker made a motion to approve the report. Board Member Bernabei seconded the motion. The motion passed unanimously.
5. The Director of Professional and Regulatory Affairs (DPRA) then gave her report. DPRA Capehart updated the federal changes happening to Vaccines and Related Biologic Products Advisory Committee (VRBPAC) and that Advisory Committee on Immunization Practices (ACIP), including the impact to pharmacist authority to immunize. According to Board database reports there have been 3 newly opened pharmacies and 3 closed pharmacies in the 9/23/2024-12/1/2024 reporting period. The Drug Enforcement Administration has issued two final rules and one proposed rule. Board Vice President Bowyer made a motion to approve the report. Board Secretary Misiti seconded the motion. The motion passed unanimously.
6. Board Member Bernabei made a motion to enter Executive Session to discuss confidential complaint case information and receive litigation updates from the General Counsel. Board

- Member Rucker seconded the motion. The motion passed unanimously, and the Board entered Executive Session.
7. Board President Lewis motioned to exit Executive Session. Board Vice President Bowyer seconded the motion. The motion passed unanimously, and the Board exited Executive Session. Board Member Bernabei made a motion to reduce the fine in Complaint Case No. 2024-08-64B, to find probable cause to pursue disciplinary action in Complaint Case Nos. 2024-09-73, 2024-10-103B, 2024-11-106, 2024-11-107, 2024-11-108, 2024-11-109, 2024-11-111B, 2024-12-115, 2024-12-116, 2024-12-117, 2024-12-118, 2024-12-119, 2024-12-120, 2024-12-121, 2024-12-122, 2024-12-123, 2024-12-124, 2024-12-125, 2024-12-126, 2024-12-127, 2024-12-128, 2024-12-129, 2024-12-130, 2024-12-131, 2024-12-132, 2024-12-133, 2024-12-134, 2024-12-135, 2024-12-136, 2024-12-137, 2024-12-138, 2024-12-139, 2024-12-140, 2024-12-141, 2024-12-142, 2025-01-02, 2025-01-03, 2025-01-04, 2025-01-05, 2025-01-06, and dismiss Complaint Case Nos. 2024-10-105B, 2024-11-110B, 2024-11-112, 2024-11-113, 2024-11-114B, 2024-12-143, 2024-12-144B, 2024-12-146B, 2024-01-01B, and to allow Mr. Morris to negotiate and offer consent agreements to settle cases where possible. Board Secretary Misiti seconded the motion. The motion passed unanimously.
 8. Board Member Bernabei then motioned to enter Executive Session to discuss confidential personnel issues and pay raises. Board Member Bernabei made a motion to accept the pay raises proposed by Director Goff. Board Member Rucker seconded the motion. The motion passed unanimously.
 9. The Chief Compliance Officer (CCO) then gave his report. CCO LeMasters stated that a total of 267 inspections were conducted during the period from December 1, 2024, through March 15, 2025. The Board received 1,462 suspicious order reports, of which 451 were zero reports, during the period from December 1, 2024, through March 15, 2025, with 46 reports requiring further investigation. After inquiries into each, no further action was required, as all 46 reports were resolved. The CCO stated that eight (8) 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 the topic of errors in data which is reported to the Controlled Substance Monitoring Program and how he and the inspectors are working to educate licensees and assist them with correcting and preventing this issue. The CCO then spoke about the attendance of both he and several inspectors at two training conferences and at the West Virginia Pharmacists Association annual meeting to interact with licensees. To close his report, LeMasters mentioned the next meeting of the inspectors which will occur at a later date. Board Member Bernabei made a motion to approve the report. Board Secretary Misiti seconded the motion. The motion passed unanimously.
 10. The Controlled Substances Monitoring Program Administrator then gave his report. Director Goff gave a brief overview of current contract status. Mr. Goff also discussed the current work being done by staff epidemiologists and provided the most current county specific drug data mapping. Vice President Bowyer made a motion to approve the report. Board Member Rucker seconded the motion. The motion passed unanimously.
 11. The Directory of Overdose Prevention and Patient Safety then gave her report. DOPPS Acree provided an update regarding the Office of Drug Control Policy Opioid Antagonist training and documents. The training has been approved with the new DoH logo. DOPPS also provided information regarding bills pertinent to opioid antagonists and

agonists/partial opioid agonists including SB109, SB 204, SB726, and HB3385. DEA/HHS 21 CFR Part 1306 was presented with details regarding the pharmacist responsibility with this new rule. CFR Title 42, Chapter I, Subchapter A, Part 8 was also discussed regarding final updates for Medications for the Treatment of Opioid Use Disorder. Lastly, DOPPS discussed blocked orders for buprenorphine over the past quarter and compared the amount of doses blocked to the previous quarter and same quarter last year. Board Secretary Misiti made a motion to approve the report. Board Member Duncan seconded the motion. The motion passed unanimously.

12. DPRA Capehart then presented training programs, permits, and licensing information. DPRA Capehart Michel's Drug and Bond's Drug were recommended for approval as on-the-job training programs and the WV Board of Education approved the Highlander Health Science Therapeutic Services Career and Technical Education (CTE) program at Webster County High School program. Board Secretary Misiti made a motion to approve the technician training programs. Board member Rucker seconded the motion. The motion passed unanimously. DPRA Capehart presented that Eleven new Collaborative Pharmacy Practice applications were received. One of them also submitted the notification. Board Vice President Bowyer made a motion to approve the proposed collaborative practice agreements. Board Member Bernabei seconded the motion. The motion passed unanimously.
13. Board Member Duncan then gave his CE Committee update. Board Member Bernabei made a motion to accept the report. Board Secretary Misiti seconded the motion. The motion passed unanimously.
14. 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.
15. Board Vice President then discussed proposed National Association of Boards of Pharmacies resolutions and asked if anyone wished to propose changes. No changes were proposed.
16. Board Member Bernabei then gave a brief Medical Cannabis Advisory Board update.
17. DPRA Capehart then presented the Legislative update relating to current position of bills that impact the practice of pharmacy and Board Member Bernabei made a motion to accept the report. Board Member Duncan seconded the motion. The motion passed unanimously. DPRA Capehart reported on the current status of the Legislative Committees review of legislative rules in accordance with Executive Order 6-25. Board President Lewis made a motion to pursue rule changes to correct the ambiguous language in W. Va. Code R. § 15-1-19.3. Board Secretary Misiti seconded the motion. The motion passed unanimously.
18. Board President Lewis then opened the floor to discuss any new announcements or receive new information. No announcements or new information were presented.
19. The Board selected June 29 and 30, 2025, as the next quarterly Board meeting dates. The Executive Director will determine the meeting location at a later date.
20. Board Member Bernabei moved to adjourn. Board Member Duncan seconded the motion, which passed unanimously.

Signed by:

Dennis Lewis

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Dennis Lewis, President
West Virginia Board of Pharmacy

Signed by:

Jenna Misiti

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Jenna Misiti, Secretary
West Virginia Board of Pharmacy