

BOARD MEMBERS

*David Bowyer, President
Jenna Misiti*, Vice President
James Rucker*, Secretary
Robert Duncan
Brian Sayre
Dennis Lewis
(*Public Member)*



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 14 AND 15, 2025, MEETING**

On Sunday, December 14, 2025, and Monday December 15, 2025, the West Virginia Board of Pharmacy (“Board”) convened for its regularly scheduled quarterly meeting at the Board’s offices, 1207 Quarrier St., 4th Floor, Charleston, West Virginia. The meeting was open to the public.

Board Members present:

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

Board Staff present:

Michael Goff, Executive Director and CSMP Administrator
John Smolder, CFO and COO
Matthew Morris, General Counsel, via videoconference
Krista Capehart, Director of Professional and Regulatory Affairs
Michael LeMasters, Chief Compliance Officer
Lindsay Acree, Director of Overdose Prevention and Patient Safety
Michael Smith, Investigator
Brandon Dolly, Inspector
Mark Rubin, Inspector
Earl Bennett, Inspector
Alyssa Starcher, Inspector

Public present:

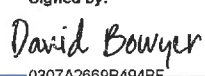
James Renner, December 15, only
Mariam Habib, December 15, only

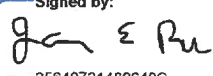
President Bowyer called the meeting to order at 4:02 p.m. (at 8:32 a.m. on December 15, 2025), recognizing that a quorum was present. Notice of the meeting was previously posted on the West Virginia Secretary of State's and the Board's website and the agenda was made available at the Board's office. The meeting was opened with a prayer.

1. Board Member Lewis motioned to approve the July 23 and September 7 and 8, 2025, Board Meeting Minutes, the September 5, 2025, Continuing Pharmacy Education Committee Meeting Minutes, and the December 2, 2025, Complaint Committee Meeting Minutes. Board Member Duncan seconded the motion, and it passed unanimously.
2. The Executive Director gave his report. Mr. Goff gave a brief office update, including plans for cross-training office staff, items for the upcoming Legislative Session and information from the recent multi-board meeting. Director Goff then discussed topics from the most recent NABP Executive Officer's call, including Alternative Funding Programs and Tandem Rx. Board Member Lewis motioned to approve the report. Board Member Bernabei seconded the motion, and it passed unanimously.
3. The Chief Financial Officer then gave his report. Mr. Smolder gave FY2018, 2019, 2020, 2021, 2022, 2023, 2024 and 2025, Year End Summaries along with FY 2026 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 stated the Safety Committee had no update and finalized his report with discussion of ½ day Holiday and to see if the board wanted to continue with providing the other ½ day off for the staff. The board stated that the decision for the ½ day would be determined by the Executive Director. Board Vice President Misiti motioned to approve the report. Board Secretary Rucker seconded the motion, and it 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 14% decrease in cases filed so far this year compared to last year. Next, Mr. Morris informed the Board that the Philip Michael II license denial matter was now ripe for decision before the Intermediate Court of Appeals, and he hopes to have a decision to report at the next meeting, if not before. Mr. Morris then informed the Board that 4th Circuit appeal relating to SB325 cases has not been decided, but he will communicate the opinion once it is handed down. Finally, Mr. Morris said he would discuss confidential complaint case information and litigation updates during the Executive Session. Board Member Lewis motioned to approve the report. Board Member Bernabei seconded the motion, and it passed unanimously.
5. The Director of Professional and Regulatory Affairs (DPRA) then gave her report. DPRA Capehart provided an update on recent CDC and ACIP actions related to immunizations and recent pharmacy open/closure summaries (15 Outpatients pharmacies have closed (2 independent and 13 "regional" chain) 7 outpatient pharmacies opened (all located in/with community health centers or hospitals) and 1 "inpatient" pharmacy/variation). Dr. Capehart attended the NABP Task Force to Examine the Use of the Test of English as a Foreign Language Internet-based Test (TOEFL iBT) as a Requirement for Foreign Pharmacy Graduate Examination Committee (FPGEC(r)) Certification meeting in November 2025. Dr. Capehart participated in the RHTP meetings stressing the importance of pharmacies and pharmacy services and provided 5 CE presentations. Board

- Member Lewis motioned to approve the report. Board Vice President Misiti seconded the motion, and it passed unanimously. Dr. Capehart then provided that (7) pharmacy technician training programs (Valley Health Care Pharmacy, The Medicine Shoppe #2212, West Virginia United Health System, Inc DBA Enterprise Pharmacy Solutions, J.W. Ruby Memorial Hospital, WVU Medicine Golisano Children's Hospital, West Virginia University Hospital (WVUH) Cancer Center Pharmacy, West Virginia University Hospitals, Inc. d/b/a Fairmont Medical Center Pharmacy, and Chestnut Ridge Hosp (Phcy)) were recommended for approval. Board Member Lewis motioned to approve, and Board Member Bernebei seconded the motion, and it passed unanimously. Finally, Dr. Capehart informed the Board that (3) Collaborative practice Agreements were updated during the previous quarter.
6. Board Vice President Misiti motioned to enter Executive Session to discuss confidential complaint case information and receive litigation updates from the General Counsel. Board Member Lewis seconded the motion. The motion passed unanimously, and the Board entered Executive Session.
 7. Board Member Lewis motioned to exit Executive Session. Board 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 cases 2025-04-22 and the consolidated case 2025-05-28, 29, & 30; to find probable cause to pursue disciplinary action in Complaint Case Nos., 2024-10-104B, 2025-07-39B, 2025-08-48, 2025-08-49B, 2025-09-51, 2025-09-59B, and 2025-10-64B; to dismiss Complaint Case Nos. 2025-02-07, 2025-05-33, 2025-07-40B, 2025-07-44B, 2025-08-46, 2025-08-50, 2025-09-52B, 2025-09-53B, 2025-09-54B, 2025-09-55, 2025-09-56B, 2025-09-57, 2025-09-58, 2025-09-60, 2025-09-61, 2025-09-62, 2025-10-63, 2025-10-65B, and 2025-10-68; and to allow Mr. Morris to negotiate and offer consent agreements to settle cases where possible. Board Vice President Misiti seconded the motion, and it passed unanimously. The Board then received information related to David Whitehouse's application for licensure. Board Member Bernabei made a motion to deny David Whitehouse's application for licensure. Board Secretary Rucker seconded the motion, and it passed unanimously.
 8. DPRA Capehart then presented the Legislative update on the current status of proposed rule changes.
 9. The Chief Compliance Officer (CCO) then gave his report. CCO LeMasters stated that a total of 361 inspections were conducted during the period from August 16, 2025, through November 30, 2025. He stated that the Board received 1691 suspicious order reports, of which 293 were zero reports, during the period from August 16, 2025, through November 30, 2025, with 351 reports requiring further investigation. After inquiries into each, no further action was required, as all 351 reports were resolved. The CCO explained that over 250 inquiries were directly related to a pseudoephedrine inventory issue that triggered automatic product reorders at pharmacies that are part of a large national chain and that the inventory issue was the cause of the abnormally high number of inquiries for this period. The CCO stated that eight (8) reports were received which identified individuals licensed by other agencies in the State of West Virginia and that one of those reports was forwarded to the corresponding licensing agency, while the others resulted in site visits from the Chief Compliance Officer (CCO) and Inspectors from the Board of Pharmacy. Next, LeMasters discussed enrollment of the inspectors with the NABP Pulse program. The CCO then spoke about his attendance at several NABP events and the inspectors training session in

- November: To close his report, LeMasters spoke about several enhancements to the licensing process. Board Member Bernabei motioned to approve the report. Board Member Lewis seconded the motion, and it passed unanimously.
10. The Controlled Substances Monitoring Program Administrator then gave his report. Director Goff provided an overview of the yearly dispensed drug numbers, which will be included in the upcoming CSMP Annual Report. Mr. Goff also gave an update on the CSMP vendor transition and the plans for the transition from the old system to the new one. Board Member Bernabei motioned to approve the report. Board Member Lewis seconded the motion, and it passed unanimously.
 11. The Director of Overdose Prevention and Patient Safety then gave her report. DOPPS Acree provided an update regarding opioid antagonist distribution; specifically the TEVA 4mg nasal naloxone and the addition of several naloxone boxes throughout the state. Acree presented the number of trainings that occurred during the past quarter and reviewed buprenorphine suspicious order reports (SOR). SORs were overlaid on a map along with fatal and non-fatal overdoses during the same period. Lastly, Acree provided an update on the resource pages (12 additional since the last meeting) and the HALO Initiative. Board Member Duncan motioned to approve the report. Board Secretary Rucker seconded the motion, and it passed unanimously.
 12. Board Member Duncan then gave his CE Committee update.
 13. Board Member Bernabei then gave a brief Medical Cannabis Advisory Board update.
 14. Board Secretary Rucker then gave his NABP District Meeting report.
 15. Board Member Duncan then gave his NABP Board Member Forum report.
 16. Board President Bowyer then discussed the Uniform Multistate Pharmacy Jurisprudence Exam (MPJE) and adding a requirement for a West Virginia specific continuing education requirement. Board Member Lewis motioned to adopt the Uniform MPJE after necessary rules changes have been made. Board Member Bernabei seconded the motion, and it passed unanimously. Board Member Bernabei motioned to require a West Virginia specific continuing education requirement, to be completed within the first year of licensure, after adoption of the Uniform MPJE. Board Member Lewis seconded the motion, and it passed unanimously.
 17. Board President Bowyer then opened the floor to discuss any new announcements or receive new information. No announcements or new information were presented.
 18. The Board selected March 8 and 9, 2025, as the next quarterly Board meeting dates. The meeting location will be determined at a later date.
 19. Board Vice President Misiti moved to adjourn. Board Member Duncan seconded the motion, and it passed unanimously.

Signed by:

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 David Bowyer, President

Signed by:

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 James Rucker, Secretary