

(DRAFT/UNAPPROVED)

**VIRGINIA BOARD OF PHARMACY  
MINUTES OF FULL BOARD MEETING**

July 6, 2021

Department of Health Professions  
Perimeter Center  
9960 Mayland Drive  
Henrico, Virginia 23233

**CALL TO ORDER:** A meeting of the Board of Pharmacy was called to order at approximately 9:05 AM.

**PRESIDING:** Kristopher Ratliff

**MEMBERS PRESENT:** Glenn Bolyard  
Bernard Henderson, Jr.  
James L. Jenkins, Jr.  
William Lee  
Patricia Richards-Spruill  
Dale St.Clair

**MEMBER ABSENT:** Sarah Melton  
Cheryl Nelson

**STAFF PRESENT:** Caroline D. Juran, Executive Director  
Ryan Logan, Deputy Executive Director  
Beth O'Halloran, Deputy Executive Director  
Ellen B. Shinaberry, Deputy Executive Director  
Elaine Yeatts, Senior Policy Analyst, DHP  
David E. Brown, D.C., Director, DHP  
James Rutkowski, Assistant Attorney General

**PHARMACISTS AWARDED  
1-HOUR OF LIVE OR REAL-  
TIME INTERACTIVE  
CONTINUING EDUCATION  
FOR ATTENDING MEETING:**

**QUORUM** With seven members participating, a quorum was established.

**APPROVAL OF AGENDA:** Hearing no additional items for consideration, Dr. Ratliff announced that the agenda was accepted as presented.

During introductions, Mr. Jenkins expressed appreciation for the agency’s leadership and all efforts of healthcare personnel during the pandemic.

**PUBLIC COMMENTS:**

Mrs. Horsley advocated for her deceased husband and began to express concern for the provider pharmacy servicing the Department of Corrections. Counsel and chairman interrupted her comments and advised that her comments would be more appropriately addressed by filing a complaint with the Department of Health Professions.

Jenn Michelle Pedini began offering comment on the proposed pharmaceutical processor regulations, but was interrupted and advised that comment could not be accepted on that subject since the comment period ended on July 5, 2021.

**ADOPTION OF PROPOSED  
REGULATIONS  
GOVERNING  
PHARMACEUTICAL  
PROCESSORS:**

Ms. Yeatts highlighted HB1988, HB2218, and SB1333 in the agenda packet, along with a summary of legislative amendments that may require regulatory action, and explained that the Board must adopt proposed regulations as a result of the passed legislation. She noted that page 4 of HB1988 was missing in the agenda packet and that these regulations shall be exempt from the Administrative Process Act. The bill required a 60-day notice of proposed regulations for receiving public comment which was held between May 6, 2021 and July 5, 2021. The legislation requires the regulations to be implemented no later than September 1, 2021. Ms. Yeatts acknowledged that while Ms. Kelley was unable to attend the meeting, she was instrumental in drafting the proposed regulations.

The board reviewed each proposed regulatory section while Ms. Juran noted comments received as indicated in the summary chart of comments included in the agenda packet. The board reviewed the draft amendments prepared by staff in response to the comments received and discussed in detail comments that required a policy decision from the board. The board offered amendments to the proposed regulations as necessary.

**MOTION:**

**The board voted 3:4 to amend proposed 18VAC110-60-110 to perform criminal background checks on applicants owning 1% or greater of a pharmaceutical processor, instead of the current 5% ownership standard. (Motion failed; Motion by Henderson, seconded by Jenkins; Opposed by Lee, St. Clair, Ratliff, and Bolyard)**

**MOTION:**

**Mr. Henderson moved to amend proposed 18VAC110-60-215 by requiring the facility to provide and maintain reliable data that at least 85% of the audience receiving advertisements is reasonably expected to be 18 years of age or older. Motion died for a lack of a second.**

**MOTION:**

**The board voted unanimously to amend proposed 18VAC110-60-215(B)(1) and (F)(7) to insert “current” and “substantial” regarding**

evidence-based clinical “evidence or data”. (motion by Jenkins, seconded by Richards-Spruill)

**MOTION:** The board voted unanimously to amend 18VAC110-60-215(C)(4) by inserting “or images of products” after “cannabis products”. (motion by St. Clair, seconded by Henderson)

**MOTION:** The board voted unanimously to amend 18VAC110-60-215(G) by inserting “the general public”. (motion by Lee, seconded by Jenkins)

**MOTION:** The board voted unanimously to amend 18VAC110-60-215(G) by inserting “other healthcare practitioners”. (motion by St. Clair, seconded by Richards-Spruill)

**MOTION:** The board voted 5:2 to amend 18VAC110-60-220(E) by inserting a second sentence that reads “Such administration shall be recorded and a file maintained for a period of two years.” (motion by Henderson, seconded by Jenkins; opposed by St. Clair, Lee)

Mrs. Richards-Spruill departed the meeting at 1:30pm.

**MOTION:** The board voted unanimously (6:0) to adopt the proposed regulations governing pharmaceutical processors as presented, amended, and further amended as outlined below:

- 18VAC110-60-10, “PIC”, change to read “means the pharmacist-in-charge whose name is on the pharmaceutical processor or cannabis dispensing facility application for a permit that has been issued and who shall have oversight of the processor’s dispensing area or cannabis dispensing facility”;
- 18VAC110-60-10, “Temporarily resides”, change “principle” to “principal”;
- 18VAC110-60-90, Insert in the beginning, “In addition to causes enumerated in 54.1-3316,” and strike “10. The ~~patient, parent, or legal guardian~~ registrant violated any federal or state law or regulation.”; and,
- 18VAC110-60-215(G), change “18VAC110-60-215 E” to 18VAC110-60-215 F. (motion by Jenkins, seconded by Bolyard)

**MOTION:** Upon a motion by St. Clair, and duly seconded by Lee, the board voted 6-0 to convene a closed meeting pursuant to § 2.2-3711(A)(27) to consider ratification of a consent order offered to Ricky Allan Chambers. Additionally, he moved that Juran, Shinaberry, and Rutkowski attend the closed meeting.

**MOTION:** Having certified that the matters discussed in the preceding closed meeting met the requirements of § 2.2-3711(A)(27), the board reconvened

**an open meeting. (motion by St. Clair, seconded by Bolyard)**

**MOTION:**

**The board voted 5:1 to ratify the consent order offered to and signed by Ricky Allan Chambers to reinstate his pharmacist license. (motion by St. Clair, seconded by Lee; opposed by Henderson)**

**MEETING ADJOURNED:**

Having completed all business on the agenda, the meeting was adjourned at 2:23PM.

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Chairman

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Caroline D. Juran, Executive Director

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DATE:

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DATE: