

(DRAFT/UNAPPROVED)
VIRGINIA BOARD OF PHARMACY
FORMAL HEARING

Thursday, August 29, 2024
Commonwealth Conference Center
Second Floor
Board Room 2

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

Orders/Consent Orders referred to in these minutes are available upon request

CALL TO ORDER: A meeting of a quorum of the Board of Pharmacy ("Board") was called to order at 9:03AM for the purpose of one possible summary suspension presentation.

PRESIDING: Cheri Garvin, Chairwoman

MEMBERS PRESENT: Ms. Michelle Hoffer
Ms. Kelley Hasty Kale
Dr. Derek Webb
Dr. Ling Yuan
Dr. Kris Ratliff
Dr. Shannon Dowdy
Dr. Wendy Nash

STAFF PRESENT: Caroline D. Juran, Executive Director
Mykl Egan, Discipline Case Manager
James Rutkowski, Sr. Assistant Attorney General
Sean Murphy, Sr. Assistant Attorney General
Christine Andreoli, Senior Adjudication Specialist
Rebecca Ribley, Adjudication Specialist
Sorayah Haden, Executive Assistant

QUORUM: With eight (8) members of the Board present, a quorum of the board was established.

PURPOSE: Sean Murphy, Sr. Assistant Attorney General, presented a summary of the evidence in this case. Mr. Murphy was assisted by Christine Andreoli, Senior Adjudication Specialist

CASE NO. 237298

CLOSED MEETING: Upon a motion by Dr. Yuan, and duly seconded by Ms. Hoffer, the Board voted 8-0, to convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia ("Code"), for the purpose of deliberation to reach a decision regarding the matter of Case No. 237298. Additionally, she moved that Mykl Egan, Caroline Juran, Jim Rutkowski, and Sorayah Haden attend the closed meeting.

- RECONVENE: Having certified that the matters discussed in the preceding closed meeting met the requirements of § 2.2-3712 of the Code, the Board reconvened an open meeting and announced the decision. (L. Yuan/D. Webb)
- DECISION: Upon a motion by Dr. Ratliff and duly seconded by Ms. Hoffer, the Board unanimously voted (8-0) that with the evidence presented, Chelsea Burns poses a substantial danger to the public; and therefore, the Board voted to summarily suspend Ms. Burns' pharmacist license and offer a pre-hearing consent order in lieu of a formal hearing.
- CONSENT ORDER Rebecca Ribley presented a consent order for Board consideration regarding Tyler Coffee, Pharmacist (0202-219563).
- MOTION** **Upon a motion by Ms. Hoffer, and duly seconded by Dr. Dowdy, the Board unanimously voted to accept the consent order for Tyler Coffee, Pharmacist (0202-219563)**
- CONSENT ORDER Rebecca Ribley presented a consent order for Board consideration regarding Dillon Breeding, Pharmacist (0202-217989).
- MOTION** **Upon a motion by Dr. Dowdy, and duly seconded by Dr. Nash, the Board unanimously voted to accept the consent order for Dillon Breeding, Pharmacist (0202-217989).**
- CONSENT ORDER Mykl Egan presented a consent order for Board consideration regarding Empower Pharmacy (0236-000034). Ms. Garvin did not participate in consideration of the Consent Order
- CLOSED MEETING: Upon a motion by Dr. Ratliff, and duly seconded by Dr. Dowdy, the Board voted 7-0, to convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia ("Code"), for the purpose of deliberation to reach a decision regarding the matter of Empower Pharmacy. Additionally, he moved that Mykl Egan, Caroline Juran, Jim Rutkowski, and Sorayah Haden

attend the closed meeting.

RECONVENE:

Having certified that the matters discussed in the preceding closed meeting met the requirements of § 2.2-3712 of the Code, the Board reconvened an open meeting and announced the decision. (K. Ratliff/D. Webb)

MOTION

Upon a motion by Dr. Nash, and duly seconded by Dr. Dowdy, the Board unanimously voted to reject the consent order for Empower Pharmacy (0236-000034) and offer a substitute Consent Order with certain terms and conditions.

FORMAL HEARINGS:

ALEXANDRIA COMPOUNDING
PHARMACY
Permit no. 0201-005087

A formal hearing was held in the matter of Alexandria Compounding Pharmacy ("ACP") to discuss allegations that the pharmacy may have violated certain laws and regulations governing the practice of pharmacy in Virginia as provided in the notice dated June 5, 2024, and amended by motion dated July 24, 2024 and was entered on August 23, 2024.

PRESIDING:

Cheri Garvin, Chairwoman

MEMBERS PRESENT:

Ms. Michelle Hoffer
Ms. Kelley Kale
Dr. Derek Webb
Dr. Ling Yuan, Vice Chair
Dr. Kris Ratliff
Dr. Shannon Dowdy
Dr. Wendy Nash

PANEL:

With eight (8) members of the Board present, a quorum of the board was established.

STAFF PRESENT:

Caroline D. Juran, Executive Director
Mykl Egan, Discipline Case Manager
James Rutkowski, Sr. Assistant Attorney General
Sorayah Haden, Executive Assistant
Rebecca Ribley, Adjudication Specialist

Rebecca Ribley, Adjudication Specialist, presented the

case for the Commonwealth. No representative for ACP was present at the hearing and the pharmacy was not represented by counsel.

WITNESSES:

Carrie Ngo, former Pharmacist-in-Charge of ACP, testified in person on behalf of the Commonwealth.

Victoria McGhee, DHP Pharmacy Inspector, testified in person on behalf of the Commonwealth

Melissa Pope, DHP Senior Investigator, testified in person on behalf of the Commonwealth

Bria Williams, Pharmacy Technician Trainee, testified in person on behalf of the Commonwealth

CLOSED MEETING:

Upon a motion by Dr. Yuan, and duly seconded by Dr. Dowdy, the Board voted 8-0, to convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia ("Code"), for the purpose of deliberation to reach a decision regarding the matter of ACP. Additionally, she moved that Mykl Egan, Caroline Juran, Jim Rutkowski, and Sorayah Haden attend the closed meeting.

RECONVENE:

Having certified that the matters discussed in the preceding closed meeting met the requirements of § 2.2-3712 of the Code, the Board reconvened an open meeting and announced the decision. (Yuan/Hoffer)

DECISION:

Upon a motion by Ms. Hoffer, and duly seconded by Dr. Nash, the Board voted 8-0 to accept the Findings of Fact and Conclusions of law as presented by the Commonwealth.

Upon a motion by Ms. Hoffer, and duly seconded by Dr. Nash, the Board voted 8-0 to revoke the pharmacy permit of ACP.

At 3:00 p.m., Dr. Yuan departed the meeting.

LAUREN BOSTJANICK
Registration No.: 0230-027606

A formal hearing was held in the matter of Lauren Bostjanick to discuss allegations that she may have

violated certain laws and regulations governing the practice of pharmacy technician in Virginia as provided in the notice dated May 24, 2024.

Rebecca Ribley, Adjudication Specialist, presented the case on behalf of the Commonwealth. Board member Ling Yuan left for this proceeding.

With seven (7) members of the Board present, a panel of the board was established.

Ms. Bostjanick was present at the hearing and was not represented by counsel.

WITNESSES:

Amber Gray, DHP Senior Investigator, testified in person for the Commonwealth.

Ms. Bostjanick testified on her behalf.

CLOSED MEETING:

Upon a motion by Dr. Ratliff, and duly seconded by Dr. Dowdy, the Board voted 7-0, to convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia ("Code"), for the purpose of deliberation to reach a decision regarding the matter of Lauren Bostjanick. Additionally, he moved that Mykl Egan, Caroline Juran, Jim Rutkowski, and Sorayah Haden attend the closed meeting.

RECONVENE:

Having certified that the matters discussed in the preceding closed meeting met the requirements of § 2.2-3712 of the Code, the Board reconvened an open meeting and announced the decision. (Ratliff/Nash)

DECISION:

Upon a motion by Dr. Dowdy, and duly seconded by Ms. Hoffer, the Board voted 7-0 to accept the Findings of Fact and Conclusions of Law as presented by the Commonwealth and amended by the Board.

Upon a motion by Dr. Dowdy, and duly seconded by Ms. Hoffer, the board voted 7-0 to suspend the pharmacy technician registration of Lauren Bostjanick but stay the suspension under certain terms and conditions.

PROPOSED SETTLEMENT

James Rutkowski, Sr. Assistant Attorney General

DISCUSSION presented a proposed settlement from CVS for Board consideration regarding CVS Pharmacy #8302 (0201-004432).

CLOSED MEETING: Upon a motion by Dr. Ratliff, and duly seconded by Ms. Hoffer, the Board voted 7-0, to convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia (“Code”), for the purpose of deliberation to discuss a proposed settlement from CVS for Board consideration regarding CVS Pharmacy #8302 Pharmacy. Additionally, he moved that Mykl Egan, Caroline Juran, Jim Rutkowski, and Sorayah Haden attend the closed meeting.

RECONVENE: Having certified that the matters discussed in the preceding closed meeting met the requirements of § 2.2-3712 of the Code, the Board reconvened an open meeting and announced the decision. (Ratliff/Hoffer)

MOTION **The Board authorized Mr. Rutkowski to continue negotiations with CVS.**

ADJOURNED: 5:50 PM

Caroline D. Juran, Executive Director

Date