

(DRAFT/UNAPPROVED)

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

Tuesday, September 15, 2026

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

CALL TO ORDER: A full board meeting was called to order at 9:06AM.

PRESIDING: **Larry Kocot**, JD, Chairman

MEMBERS PRESENT: **Jay Agarwal**, RPh
Shannon Dowdy, PharmD, Vice Chairman
JoeMichael Fusco, PharmD
Kelly Hasty Kale, RPh
Nicara Neely, PharmD
Jade Ranger, PharmD
Derek Webb, PharmD
Michelle Hoffer Wilgus, JD

MEMBER ABSENT: **Brian Spoelhof**, PharmD

STAFF PRESENT: **Erin Barrett**, JD, DHP Director of Legislative and Regulatory Affairs
David E. Brown, DC, DHP Director
Sorayah Haden, Executive Assistant
Caroline Juran, RPh, Executive Director
Ryan Logan, RPh, Deputy Executive Director
Beth O'Halloran, RPh, Deputy Executive Director
Jim Rutkowski, JD, Senior Assistant Attorney General/Section Chief
Ellen Shinaberry, PharmD, Deputy Executive Director
Erin Weaver, JD, Assistant Attorney General

PHARMACISTS AWARDED
1-HOUR OF LIVE OR REAL-
TIME INTERACTIVE
CONTINUING EDUCATION
FOR ATTENDING MEETING: Stephanie Henry – 0202-206285

QUORUM: With 9 members present, a quorum was established.

APPROVAL OF AGENDA:	An amended agenda had been posted to Regulatory Town Hall in advance of the meeting and was shared with the Board and public on the day of the meeting.
MOTION:	The amended agenda was adopted as presented. (motion by Webb, seconded by Kale)
APPROVAL OF PREVIOUS BOARD MEETING MINUTES	Non-substantive grammatical amendments were offered to the draft minutes included in the agenda packet.
MOTION:	The Board voted unanimously to approve for posting the minutes for the meetings held between June 16, 2026 and September 2, 2026, as presented.
PUBLIC COMMENT:	Luke Priddy provided a public comment on behalf of the Virginia Society of Health-System Pharmacists. Mr. Priddy welcomed the new board members and expressed gratitude for continuing the collaboration throughout the workforce regarding strong quality systems and strong training. Brad Hamilton, RPh, NABP Chair, provided public comment thanking the Board for their continued efforts of being active board participants within the association. Jamie Fisher, Executive Director, provided written public comment on behalf of the Virginia Pharmacy Association (VPhA) in advance of the meeting.
DHP DIRECTOR’S REPORT:	Dr. Brown provided the DHP Director’s Report by welcoming the new board members and explaining the expectations of the board. Dr. Brown announced the proposed fee increase has been approved. Jim Rutkowski introduced Erin Weaver, JD, who will serve as the Board’s new counsel. At the request of the chairman and by acclamation, the Board expressed its appreciation to Mr. Rutkowski for his public service as board counsel for the Virginia Board of Pharmacy. (motion by Kocot, seconded by Dowdy)
<u>LEGISLATIVE/ REGULATORY/GUIDANCE</u>	
CHART OF REGULATORY ACTIONS	Ms. Barrett reviewed the Regulatory Chart included in the agenda packet and provided updates on any actions taken since the agenda was posted.
ADOPTION OF EXEMPT REGULATORY ACTION –	The Board reviewed and discussed the recommendations from the Virginia Department of Forensic Science to place certain chemicals into Schedule I.

ADDITION OF CHEMICALS TO SCHEDULE I

MOTION:

The Board voted unanimously to adopt the recommendation from the Virginia Department of Forensic Science to place the following chemicals into Schedule I:

The following compounds are classified as synthetic opioids. Compounds of this type have been placed in Schedule I (§ 54.1-3446(1)) in previous legislative sessions.

1. **5-nitro-2-[2-(4-propoxyphenyl)ethyl]-1H-1,3-benzimidazole** (other names: **N-pyrrolidino ethylene protonitazene, ethylene protonitazepyne**) its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation.

Based on their chemical structure, the following compounds are expected to have hallucinogenic properties. Compounds of this type have been placed in Schedule I (§ 54.1-3446(3)) in previous legislative sessions.

2. **1-(1,3-benzodioxol-5-yl)-2-(sec-butylamino)butan-1-one** (other names: **3,4-Methylenedioxy-alpha-sec-butylaminobutiophenone; N-sec butyl butylone**), its salts, isomers, (optical, position, and geometric), and salt of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within chemical designation.
3. **3-[2-(methyl(propyl)amino)ethyl]-1H-indol-4-yl] acetate** (other names: **4-acetoxy-N-methyl-N-propyltryptamine, 4-acetoxy-MPT-, 4-AcO-MPT**) its salts, isomers, (optical, position, and geometric), and salt of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within chemical designation.
4. **3-[2-[methyl(propan-2-yl)amino]ethyl]-1H-indol-4-yl] acetate** (other names: **4-acetoxy-MiPT, 4-AcO-MiPT**) its salts, isomers, (optical, position, and geometric), and salt of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within chemical designation.

Based on their chemical structure, the following compounds are expected to have depressant properties. Compounds of this type have been placed in Schedule I (§ 54.1-3446(4)) in previous legislative sessions.

5. **1-ethyl-7-nitro-5-phenyl-3H-1, 4-benzodiazepin-2-one** (other name: **N-ethyl Nitrazepam**) its salts, isomers, (optical, position, and geometric), and salt of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within chemical designation.
6. **Ethylflualprazolam** (other name: **8-chloro-1-ethyl-6-(2-fluorophenyl)-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine**) its

salts, isomers, (optical, position, and geometric), and salt of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within chemical designation.

Based on their chemical structure, the following compounds are expected to have cannabimimetic properties. Compounds of this type have been placed in Schedule I (§ 54.1-3446(6)) in previous legislative sessions.

- 7. Methyl N-([5-bromo-1-(4-penten-1-yl)-1H-indazol-3-yl]carbonyl)-3-methyl-valinate (other name: MDMB-5'Br-4en-PINACA) its salts, isomers, (optical, position, and geometric), and salt of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within chemical designation. (Motion by Dowdy, seconded by Fusco)**

ADOPT DRAFT
REGULATIONS FOR
OPTOMETRIST DISPENSING

The Board reviewed and discussed SB212 (2026, Boysko) and draft regulatory amendments adding optometrists to practitioners authorized to obtain a limited-use license to sell and dispense controlled substances.

MOTION:

The Board voted unanimously to adopt the draft regulations for optometrist dispensing as presented. (motion by Webb, seconded by Neely)

RESCIND GUIDANCE
DOCUMENT 110-12 AND
ADOPT BYLAWS AS A
POLICY DOCUMENT

The Board discussed the administrative processes regarding guidance documents and policy documents.

MOTION:

The Board voted unanimously to rescind Guidance Document 110-12 (motion by Wilgus, seconded by Kale).

The Board voted unanimously to adopt a replacement policy regarding the bylaws and to post the policy on the board website effective on the date that Guidance Document 110-12 is officially rescinded. (motion by Dowdy, seconded by Webb)

AMEND GUIDANCE
DOCUMENT 110-17

The Board reviewed the proposed amendments in Guidance Document 110-17 regarding Instructions for Graduates of Foreign Schools of Pharmacy.

MOTION:

The Board voted unanimously to amend Guidance Document 110-17 as presented (motion by Agarwal, seconded by Ranger)

AMEND GUIDANCE
DOCUMENT 110-24

The Board reviewed the proposed amendments in Guidance Document 110-24 regarding Competency Examination and Jurisprudence Examination Required for Licensure as a Pharmacist.

MOTION:

The Board voted unanimously to amend Guidance Document 110-24 as presented (motion by Dowdy, seconded by Neely)

Old Business

ADOPT
GUIDANCE DOCUMENT ON
ARTIFICIAL INTELLIGENCE

The Board reviewed a drafted guidance document regarding use of artificial intelligence in practice. Routine review of the guidance document is requested by board members.

MOTION

The Board voted unanimously to adopt the guidance document on artificial intelligence as presented and amended to state, “However, AI should only be used as a support mechanism and not replace the pharmacist’s professional judgement, clinical decision making, patient counseling, final verification, or responsibility for direct patient care.” (motion by Ranger, seconded by Neely)

New Business

ANNUAL SUMMARY OF
REVENUE AND
EXPENDITURES

Mr. Chris Moore presented an annual summary of the board’s revenue and expenditure. The next expected review of the board’s revenue will be in fiscal year 2033. Annual reports will be provided to the board. A handout of the information was provided to the board members with copies available for the public.

ADOPT POLICY FOR ADA
EXMINATION
ACCOMMODATION
REQUESTS

The Board reviewed the current process regarding ADA examination accommodations requests.

MOTION:

The Board voted unanimously to allow staff to accept the NABP’s decision regarding an applicant’s request for an ADA testing accommodation. (motion by Neely, seconded by Wilgus)

Reports

LICENSURE PROGRAM

Mr. Logan provided an overview of the Licensure Program consisting of licensing data on Individuals and Facility licenses from Q2 2023 through Q3 2026 as presented in the agenda.

INSPECTIONS PROGRAM

Ms. O’Halloran provided an overview of the Inspections Program as presented in the agenda. The overview consisted of all inspections conducted and top five deficiencies reported during the period of April 1, 2026 through June 30, 2026.

DISCIPLINARY PROGRAM

Dr. Shinaberry reviewed the Disciplinary Report as presented in the agenda. The overview consisted of cases received, opened, and closed from Q3 of 2023 through Q4 of 2026.

2027 NABP/AACP DISTRICTS 1 & 2 MEETING

Dr. Webb informed the Board of the following updates regarding the 2027 NABP/AACP District 1 & 2 meeting to be hosted by the Virginia and West Virginia Boards of Pharmacy and Schools of Pharmacy:

- The meeting will be held in October 2027
- A lodging contract has been executed with the Williamsburg Lodge.
- Currently working on a “save-the-date” video.

CHAIRMAN’S REPORT

Mr. Kocot welcomed the new board members and thanked Jim Rutkowski for his service to the board. He informed the board of the upcoming ad hoc committees that will convene meetings in the fall.

EXECUTIVE DIRECTOR’S REPORT

Ms. Juran provided an update on the meetings that she attended or at which she provided presentations either in-person or virtually since the June board meeting and any upcoming meetings and presentations currently on her schedule.

CONSIDERATION OF CONSENT ORDERS

Chris Andreolli, Adjudication Specialist, presented information for consideration of a consent order regarding Kyle Webb.

DECISION:

Upon a motion by Dowdy and duly seconded by Webb, the Board voted unanimously (9-0) to accept the consent order regarding the licensure of Kyle Webb.

Jess Weber, Adjudication Specialist, presented information for consideration of a consent order for AnazaoHealth Corp. Dowdy and Kale were recused from the presentation and left the room.

DECISION:

Upon a motion by Agarwal and duly seconded by Ranger, the Board voted unanimously (7-0) accept the consent order regarding the licensure of AnazaoHealth Corp.

Mr. Egan provided information for the consideration of potentially offering a consent order for Epicur Pharmacy.

DECISION:

Upon a motion by Ranger and duly seconded by Wilgus, the Board voted unanimously (7-0) to offer a consent order regarding Epicur Pharmacy.

MEETING ADJOURNED:

12:10PM

Caroline Juran, RPh
Executive Director

Date

DRAFT