

FINAL/APPROVED

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

June 6, 2022

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

CALL TO ORDER: A full board meeting was called to order at 9:12AM.

PRESIDING: Cheryl Nelson, PharmD, Chairman

MEMBERS PRESENT: Kristopher Ratliff, DPh
Dale St. Clair, PharmD
James Jenkins, Jr., RN
Cheri Garvin, RPh
Glenn Bolyard, RPh
William Lee, DPh
Patricia Richards-Spruill, RPh

MEMBERS ABSENT: Sarah Melton, PharmD
Bernard Henderson

STAFF PRESENT: Caroline Juran, RPh, Executive Director, Board of Pharmacy
Sorayah Haden, Executive Assistant, Board of Pharmacy
David Brown, DC, DHP Director
Erin Barrett, JD, DHP Senior Policy Analyst
James Rutkowski, JD, Assistant Attorney General
Ryan Logan, RPh, Deputy Executive Director, Board of Pharmacy
Beth O'Halloran, RPh, Deputy Executive Director, Board of Pharmacy
Annette Kelley, MS, CSAC, Deputy Executive Director, Board of Pharmacy
Delisa Turner, Licensing Specialist, Board of Pharmacy
Rose DeMatteo, MHSA, MPA, Compliance Manager, Board of Pharmacy

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

QUORUM: With 8 members present, a quorum was established.

APPROVAL OF AGENDA: The agenda was adopted as presented.

APPROVAL OF PREVIOUS
BOARD MEETING MINUTES

MOTION: The Board voted unanimously to adopt the minutes for the meetings held between March 15, 2022 and May 3, 2022 as presented. (Motion by Jenkins, seconded by Richards-Spruill)

PUBLIC COMMENT: Christina Barrille, Executive Director of VPhA, provided public comment thanking the chairman, vice-chairman, Dr. Brown, and Dr. Allison-Bryan for their service to the Virginia Board of Pharmacy and Commonwealth. She stated COVID-19 is still creating a strain on the profession and encouraged the Board to continue addressing pharmacy working conditions. She thanked Sen. Dunnivant for introducing SB632 and referenced the authority for new statewide protocol allowances for vaccines and tobacco cessation. She stated VPhA is supportive of a legislative proposal to add a pharmacy technician member to the Board of Pharmacy and commends efforts to address cannabis drug-drug interactions in the draft guidance document. VPhA invites all to their annual convention in Virginia Beach scheduled in August.

DHP DIRECTOR'S REPORT: Dr. David Brown provided an update regarding the change in administration. Appointment for DHP Director has not yet been determined, but a strong team across the Secretariat is being assembled. Supply chain issues has caused delays in upgrades to the AV system in the Conference Center located on the second floor. Dr. Brown anticipates the updates will take place this upcoming summer. He commented that DMAS is reviewing reimbursement rates for buprenorphine to address concerns with access.

LEGISLATIVE/
REGULATORY/GUIDANCE

CHART OF REGULATORY
ACTIONS Erin Barrett briefly reviewed the chart in the agenda packet and provided updated information regarding the length of time of each proposed regulation in the various stages of administrative review.

REPORT OF THE 2022
GENERAL ASSEMBLY Erin Barrett referenced the legislative report included in the agenda packet regarding relevant bills considered or passed by the 2022 General Assembly. Ms. Barrett reviewed and explained the requirements for emergency regulations, proposed regulations requiring exempt regulatory actions, and required non-regulatory actions.

ADOPTION OF FINAL

EXEMPT REGULATIONS TO
PLACE CERTAIN
CHEMICALS INTO
SCHEDULE I

MOTION:

The Board voted unanimously to adopt the final exempt regulations to place certain chemicals in Schedule I as presented. (Motioned by St. Clair, seconded by Bolyard)

ADOPTION OF PROPOSED
REGULATIONS FOR
CENTRALIZED
WAREHOUSER OR
WHOLESALE DISTRIBUTOR
TO VERIFY SCHEDULE VI
DRUGS FOR AUTOMATED
DISPENSING DEVICES IN
HOSPITALS:

The Board discussed expectations for scanning rate and offered an amendment to the draft language. Dr. Nelson stated that a “unit” as referenced in the amendment is intended to be an intact product, e.g., a loose individual unit dose or an intact blister card of 10 unit doses. It was mentioned that a guidance document capturing this understanding could be drafted in the future, if necessary, and if the proposed amendment becomes final. The adopted language will be published for public comment to ensure the proposed language is not problematic.

MOTION:

The Board voted 7-1 to adopt the proposed regulations as presented and amended to read “each unit should be scanned before placement” into the automated dispensing device. (motion by Nelson, seconded by Jenkins; opposed by Lee)

ADOPTION OF FINAL
REGULATIONS FOR
IMPLEMENTATION OF
LEGISLATION FOR
REGISTRATION OF
PHARMACY TECHNICIAN
TRAINEES:

Erin Barrett explained the proposed final regulations for implementation of legislation for registration of pharmacy technician trainees and requirement for accredited pharmacy technician training programs. Ms. Barrett also referenced the Frequently Asked Questions for Pharmacy Technician Training Program and Registration which was provided as a handout. Ms. Juran confirmed for Ms. Garvin that the board will stop renewing board-approval of pharmacy technician training programs as of July 1, 2022.

MOTION:

The Board voted 7-1 to adopt the final regulations for implementation of legislation for registration of pharmacy technician trainees as presented and recommended by the Regulation Committee. (opposed by Garvin)

CONSIDERATION OF
PETITION FOR
RULEMAKING
CONCERNING
AUTOMATED DISPENSING
DEVICES IN NURSING
HOMES EXCLUSIVELY
STOCKED WITH
EMERGENCY OR STAT

Erin Barrett explained the consideration of petition for rulemaking concerning automated dispensing systems. The Board discussed the petition to determine whether to accept the Regulatory Committee’s recommendation or take no action on the petition. Ms. Juran stated it has come to her attention recently that DEA requires pharmacist verification of a valid order prior to releasing the drug in the automated dispensing device intended for emergency or stat use. Therefore, the petitioner’s request appears to conflict with federal requirements for drugs in Schedules II-V. It could potentially be considered for Schedule VI drugs.

DRUGS:

MOTION:

The Board voted 7-1 to adopt a Notice of Intended Regulatory Action for possibly amending 18VAC110-20-555 regarding pharmacist verification of a valid order prior to a drug being obtained from an automated dispensing device stocking only drugs for emergency or stat use as recommended by the Regulation Committee. (opposed by Nelson)

ADOPTION OF FINAL
REGULATIONS FOR
PHARMACISTS INITIATING
TREATMENT:

Erin Barrett explained the adoption of the final regulations for implementation of 2020 legislation regarding pharmacists initiating treatment.

MOTION

The Board voted unanimously to adopt the final regulations for implementation of the 2020 legislation regarding pharmacists initiating treatment. (motion by Richards-Spruill, seconded by Jenkins)

CONSIDERATION OF
LEGISLATIVE PROPOSALS
FOR EXPANDING USE OF
TECHNOLOGY FOR
STORING AND DISPENSING
DRUGS IN CERTAIN
FACILITIES; AUTHORIZING
PHARMACY TECHNICIANS
TO ADMINISTER
VACCINES, AND
AUTHORIZING PHARMACY
TECHNICIANS TO CLARIFY
REFILLS AND QUANTITY
OF CERTAIN SCHEDULE VI
PRESCRIPTIONS

Ms. Juran reviewed a handout of a draft legislative proposal for 2023 that would expand allowances for certain facilities to stock a supply of drug and use various forms of technology to store, label, and dispense drugs for residents.

MOTION:

The Board voted unanimously to decline the Regulation Committee's recommendation to adopt the 2023 legislative proposal for expanding use of technology for storing and dispensing drugs in certain facilities as presented, because it wanted to amend the language in a separate motion. (motion by St. Clair, seconded by Richards-Spruill)

MOTION:

The Board voted unanimously to adopt the 2023 legislative proposal for expanding use of technology for storing and dispensing drugs in certain facilities as presented and amended by changing 54.1-3434.02 (A)(7) to read "Except as authorized in Board regulation," a pharmacy not located in the facility that provides services to the facility for use of an automated drug dispensing system or remote dispensing system shall first obtain a

controlled substances registration issued in the name of the pharmacy at the address of the facility and a registration from the Drug Enforcement Administration, if required, prior to stocking drugs in Schedules II through VI.” (motion by St. Clair, seconded by Garvin)

Ms. Juran reviewed the draft legislative proposal for 2023 included in the agenda packet authorizing pharmacy technicians to clarify refills and quantity of certain Schedule VI prescriptions. It was noted that because HB1323 was passed and includes authorization for pharmacy technicians to administer vaccines, there is no need to include this allowance in a 2023 legislative proposal.

MOTION:

The Board voted unanimously to adopt the 2023 legislative proposal authorizing pharmacy technicians to clarify refills and quantity of certain Schedule VI prescriptions as presented by the Regulation Committee and amended by striking the language for vaccine administration since that authority was recently passed by the General Assembly in HB1323.

CONSIDERATION OF
LEGISLATIVE PROPOSAL
TO ADD PHARMACY
TECHNICIAN MEMBER TO
BOARD OF PHARMACY

The Board reviewed the draft legislative proposal included in the agenda packet. It was discussed that any member of the Board has the same rights as any other Board member and therefore, may participate in disciplinary hearings or be elected as an officer. It was noted that this issue was discussed at the NABP annual meeting. Approximately twelve states have one pharmacy technician member on the Board; one of these states has two positions for pharmacy technicians. Additional states are considering the allowance given the discussions to expand the scope of duties for pharmacy technicians and the important role they play in the practice of pharmacy.

MOTION:

The Board voted unanimously to adopt the 2023 legislative proposal for adding one pharmacy technician member position to the Board of Pharmacy. (motion by Ratliff, seconded by Bolyard)

ADOPTION OF GUIDANCE
DOCUMENT REGARDING
CANNABIS DRUG-DRUG
INTERACTIONS:

The Board reviewed the draft guidance document included in the agenda packet which was prepared by Board Member Sarah Melton and associated students/residents.

MOTION:

The Board voted unanimously to adopt the guidance document regarding cannabis drug-drug interactions as presented. (motion by Jenkins, seconded by Garvin)

NEW BUSINESS:

AMEND 2022 PHARMACIST
WORKFORCE SURVEY

The Board reviewed the amended questions in the agenda packet for the 2022 pharmacist healthcare workforce survey regarding additional medical

conditions authorized for statewide protocols.

MOTION:

The Board adopted the amended questions for the 2022 pharmacist healthcare workforce survey regarding collaborative practice agreements and the additional medical conditions authorized for statewide protocols. (motion by St. Clair, seconded by Garvin)

ELECTIONS OF CHAIRMAN
AND VICE-CHAIRMAN

Mrs. Richards-Spruill recommended Dale St. Clair for 2022-2023 Chairman of the Virginia Board of Pharmacy. Term is for July 1, 2022 through June 30, 2023. No other nominations were recommended.

MOTION:

The Board voted unanimously to close nominations for election of the 2022-2023 Chairman of the Virginia Board of Pharmacy. (motion by Lee, seconded by Bolyard)

MOTION:

The Board voted unanimously to elect Dale St. Clair as the 2022-2023 Chairman of the Virginia Board of Pharmacy.

Mr. James Jenkins, Jr. recommended Glenn Bolyard for Vice-Chairman of the Virginia Board of Pharmacy. Term is for July 1, 2022 through June 30, 2023. No other nominations were recommended.

MOTION:

The Board voted unanimously to close nominations for election of the 2022-2023 Vice-Chairman of the Virginia Board of Pharmacy. (motion by Richards-Spruill, seconded by Garvin)

MOTION:

The Board voted unanimously to elect Glenn Bolyard as the 2022-2023 Vice-Chairman of the Virginia Board of Pharmacy.

REPORTS:

CHAIRMAN'S REPORT

Dr. Nelson provided an update from the 2022 NABP annual meeting in Phoenix, AZ that she and Dr. St. Clair attended, along with Ms. Juran. She recognized Ms. Juran for her work serving as NABP President and congratulated her for transitioning to Chairman of NABP. She encouraged other board members to attend the NABP meetings, if able, to network with colleagues from other states grappling with similar issues. She also expressed appreciation for the Board's support while serving as Chairman.

BOARD OF HEALTH
PROFESSIONS

Ms. Juran provided a brief report on behalf of Dr. Melton from the last Board of Health Professions meeting.

LICENSURE OF
INDIVIDUALS AND IN-
STATE FACILITIES

Ryan Logan presented the Licensing Report of Individuals and In-State Facilities which included data from November 2020 through May 9, 2022. As of May 9, 2022, the Virginia Board of Pharmacy currently has 41,170 licensees.

LICENSURE OF
NONRESIDENT FACILITIES

Beth O'Halloran presented the Licensing Report of Nonresident Facilities which included data from November 2020 through May 3, 2022. As of May 3, 2022, the Virginia Board of Pharmacy has 2,366 licensed nonresident facilities.

INSPECTION PROGRAM

Melody Morton, Inspections Manager with the Enforcement Division presented the Inspections Report including data from March 2020 through March 2022.

PHARMACEUTICAL
PROCESSORS

Annette Kelley presented the Pharmaceutical Processors Report. As of May 3, 2022, the Virginia Board of Pharmacy currently has 827 registered practitioners, 50,935 registered patients, 260 registered parents/guardians, 172 registered agents, and 1,375 registered cannabis oil products. No additional cannabis dispensing facilities have been permitted during the last quarter. The Board receives an average of 1,000 applications per week. The Board has been developing regulations and procedures to address the 2022 legislative changes impacting the Pharmaceutical Processors Program.

DISCIPLINARY PROGRAM

Caroline Juran presented the Disciplinary Program Report on behalf of Dr. Ellen B. Shinaberry. As of May 5, 2022, the Virginia Board of Pharmacy currently has 373 open cases consisting of 215 patient care related cases and 158 non-patient care related cases.

EXECUTIVE DIRECTOR'S
REPORT

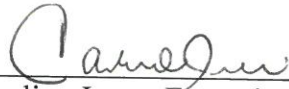
Caroline Juran provided an operational report of the board staff's teleworking allowance which will likely be restricted to one day per week effective July 5, 2022. The board is recruiting for a vacant licensing administrative assistant position. A Licensing Administrative Assistant and Licensing Supervisor were recently hired for the Pharmaceutical Processor Program.

There are ongoing efforts to acquire a new licensing software for the Pharmaceutical Processors Program. Board staff is also are preparing for digital disciplinary evidence packets and meeting agendas.

Mrs. Juran highlighted meetings she has recently attended and presentations offered at NASPA and JCPP.

MEETING ADJOURNED:

With all business concluded, the meeting adjourned at 12:48PM



Caroline Juran, Executive Director

9/6/2022

DATE: