FINAL/APPROVED

VIRGINIA BOARD OF PHARMACY
MINUTES OF FULL BOARD MEETING

Monday, May 19, 2025	Department of Health Professions Perimeter Center 9960 Mayland Drive Henrico, Virginia 23233
CALL TO ORDER:	A full board meeting was called to order at 9:05 AM.
PRESIDING:	**Cheri Garvin**, RPh, Chairman
MEMBERS PRESENT:	**Shannon Dowdy**, PharmD **Kelly Hasty Kale**, RPh **Larry Kocot**, JD **Wendy Nash**, PharmD **Kristopher Ratliff**, DPh **Derek Webb**, PharmD **Ling Yuan**, PharmD, Vice-Chairman
MEMBERS ABSENT:	**Patricia Richards-Spruill**, RPh **Michelle Hoffer**, JD
STAFF PRESENT:	**Jim Rutkowski,** JD, Senior Assistant Attorney General **Erin Barrett,** JD, Director of Legislative and Regulatory Affairs, DHP **Arne Owens**, DHP Agency Director (arrived at 9:40 AM) **Caroline Juran**, RPh, Executive Director, Virginia Board of Pharmacy (left at 11AM) **Sorayah Haden**, Executive Assistant, Virginia Board of Pharmacy **Ryan Logan**, RPh, Deputy Executive Director, Virginia Board of Pharmacy **Beth O'Halloran**, RPh, Deputy Executive Director, Virginia Board of Pharmacy **Mykl Egan**, JD, Discipline Case Manager (Arrived at 12:30 PM)
PHARMACISTS AWARDED 1-HOUR OF LIVE OR REAL-TIME INTERACTIVE CONTINUING EDUCATION FOR ATTENDING MEETING:	No requests received.
QUORUM:	With 8 members present, a quorum was established.
APPROVAL OF AGENDA:	An amended agenda was provided that included a new agenda item under the

Legislative/Regulatory/Guidance section entitled "Adoption of exempt regulatory action/fast-track to conform regulations to HB1582". Four handouts were also provided: a corrected version of the draft minutes from the April 25, 2025 meeting, an additional amendment of Guidance Document 110-9, information regarding the adoption of regulations to conform to HB1582, and written comments submitted by the Virginia Pharmacy Association. Hearing no comment, the amended agenda was approved as presented.

APPROVAL OF PREVIOUS BOARD MEETING MINUTES

Amendments were offered to the draft minutes included in the agenda packet.

Based on unanimous consent, the Chairman announced that the minutes for the meetings held between March 25, 2025 and April 25, 2025 were approved as presented and amended as follows:

- Amending Dr. Kale to state "Ms. Kale" on the second page of the Formal Hearing minutes held on April 15, 2025.
- Inserting an action item into the Educational Forum minutes for Board members and staff to develop a list of IT-related needs that are not currently met and submit it to relevant agency staff to determine if the Evoke software platform to be implemented in 2027/2028 can meet those needs.

PUBLIC COMMENT:

Dr. Natalie Nguyen, on behalf of the Virginia Society of Health-System Pharmacists (VSHP), thanked the board for its engagement and openness to conversation during the 2025 General Assembly session. In addition, she recognized the BOP's role in the EMS Medication Kit transition with being recognized as a 2025 PEMS Regional EMS Award Nominee. Regarding draft amendments to guidance document 110-20, she requested that the Board clarify how noncompliance with this law can be reported and the Board's authority to enforce this provision. Regarding the 2026 draft legislative proposal, she recommended the board provide talking points for how it plans to ensure checks and balances are in place to prevent incentivizing more disciplinary actions in order to increase collection of fees.

William Wynn, PharmD provided public comment on behalf of Indivior. Dr. Winn expressed his gratitude of the Boards' continued efforts to amend Guidance Document 110-44 to ensure other opioid antagonists are included in the allowance. He offered himself as a resource to the Board for any medical questions or concerns regarding nalmefene.

DHP DIRECTOR'S REPORT:

Arne Owens provided the DHP Director's Report consisting of the following updates:

- As of July 1, 2025, Beth O'Halloran, BOP Deputy Executive Director, will supervise the pharmacist inspectors, instead of the Enforcement Division.
- Mr. Owens reviews the agency's budget quarterly.

- The agency is preparing legislative proposals for the 2026 General Assembly session.
- Plans for disbanding the Board of Health Professions are underway based on passed legislation as the Board had outlived its usefulness.
- An agency efficiency workgroup continues to meet to identify cost-saving measures.

NEW BUSINESS

REVIEW OF CURRENT REVENUE AND EXPENDITURES

Ms. Juran provided an overview of the FY 2025 Budget and Current Expenditures included in the agenda packet. The overview explained the Direct Expenditures consisting of base budget expenses, other budget expenses, and salaries and benefits, along with Allocated Expenditures and Revenue. Postal services are reported as the largest base budget expense. The office building rental fee is reported as the largest other budget expense. As of February 2025, the largest allocated expenditures are from the Enforcement Division, Data Center, and Administrative Proceedings. In comparison of the projected expenses and the actual expenses, the Board is currently operating under budget.

ACTION ITEMS:

There was consensus that staff will ask the agency's Finance Department if they actively negotiate credit card fees and staff will provide a summary of revenue and expenditures annually to the board.

ELECTION OF 2025-2026 CHAIRMAN

Dr. Ratliff nominated Mr. Larry Kocot to serve as the 2025-2026 Chairman of the Virginia Board of Pharmacy.

MOTION

Hearing no additional nominations, the Board voted unanimously to close nominations for the election of Chairman. (motion by Webb, seconded by Dowdy)

MOTION

The Board voted unanimously to elect Mr. Larry Kocot to serve as the Chairman of the Virginia Board of Pharmacy for the term of July 1, 2025 through June 30, 2026.

MOTION

The Board voted unanimously to authorize the Vice-Chairman to appoint members to the special conference standing committees until a new chairman is elected should Mr. Kocot not be reappointed to serve on the Board.

ELECTION OF 2025-2026 VICE-CHAIRMAN

Dr. Yuan nominated Dr. Shannon Dowdy to serve as the 2025-2026 Vice-Chairman of the Virginia Board of Pharmacy.

MOTION

Hearing no additional nominations, the Board voted unanimously to close nominations for the election of Vice-Chairman. (motion by Kocot, seconded by Webb)

MOTION

The Board voted unanimously to elect Dr. Shannon Dowdy to serve as the Vice-Chairman of the Virginia Board of Pharmacy for the term of July 1, 2025 through June 30, 2026.

MOTION

Mr. Kocot moved, and Mr. Webb seconded to thank Ms. Cheri Garvin by acclamation for her service as the 2024-2025 Chairman of the Virginia Board of Pharmacy.

LEGISLATIVE/ REGULATORY/GUIDANCE

CHART OF REGULATORY ACTIONS

Ms. Barrett reviewed the Regulatory Chart included in the agenda packet and provided the following updates as of May 19, 2025:

- 18VAC110-20 regarding the amendment to clarify application of 18VAC110-20-735 has been approved and set for publication as of June 16, 2025. The regulatory amendment will become effective July 31, 2025.
- 18VAC110-20 regarding the implementation of 2021 Periodic Review is currently at Governor's Office for review.
- 18VAC110-20 regarding the replacement of analytic lab regulation for pharmaceutical processors is currently at the Secretary's Office for review.
- 18VAC110-20 regarding the allowances for emergency drugs by EMS agencies is currently at the Secretary's Office for review.
- 18VAC110-20 regarding the crisis stabilization services and use of automated dispensing systems and remote dispensing systems is currently at the Secretary's Office for review.

ADOPT FAST-TRACK AND EXEMPT REGULATORY AMENDMENTS TO CHAPTER 20 REGARDING OTHER OPIOID ANTAGONISTS

In response to SB 1035, the Board reviewed and discussed the adoption of the fast-track regulatory change to include "other opioid antagonists" when only naloxone is referenced. Ms. Barrett identified the amendments to state "Naloxone or other opioid antagonists" throughout the regulations.

MOTION:

The Board voted unanimously to adopt the fast-track regulatory changes to include "other opioid antagonists" in 18VAC110-20-540, 18VAC110-20-690, 18VAC110-20-700, 18VAC110-20-710, and 18VAC110-20-735 as presented. (motion by Dowdy, seconded by Webb)

AMEND GUIDANCE DOCUMENT 110-44, *NALOXONE OR OTHER OPIOID ANTAGONIST PROTOCOLS*

In response to SB 1035, the Board reviewed and discussed the adoption of amendments to Guidance Document 110-44 to include "other opioid antagonists".

MOTION:	**The Board voted unanimously to adopt the amendments to Guidance Documented 110-44 as presented. (motion by Ratliff, seconded by Kocot)**
ADOPTION OF GUIDANCE DOCUMENT 110-20 TO ADDRESS HB2378	In response to the public comment received earlier, Ms. Juran encouraged the reporting of non-compliance through the Enforcement Division like any other complaint.
MOTION:	**The Board voted unanimously to adopt Guidance Document 110-20 as presented. (motion by Ratliff seconded by Dowdy)**
AMEND GUIDANCE DOCUMENT 110-6, *GUIDANCE FOR PHARMACIES WITHIN OPIOID TREATMENT PROGRAM*	The Board reviewed and discussed the proposed amendments to Guidance Document 110-6 to inform other opioid treatment programs of how to gain approval from the Board to operate a mobile medication unit.
MOTION	**The Board voted unanimously to adopt Guidance Document 110-6 as presented and amended by inserting "or other opioid antagonists" under the section entitled "Naloxone". (motion by Yuan seconded by Webb)**
	Ms. Juran left the meeting to attend an awards ceremony at the Governor's Executive Mansion downtown.
EXEMPT REGULATORY ACTION TO CONFORM REGULATIONS TO HB1582	The Board reviewed and discussed the draft changes to 18VAC110-40 governing collaborative practice agreements.
MOTION	**The Board voted unanimously to adopt exempt regulatory changes to 18VAC110-40 as presented. (motion by Ratliff, seconded by Webb)**
ADOPTION OF EXEMPT REGULATORY ACTION TO CONFORM TO GENERAL ASSEMBLY SCHEDULING LESGISLATION	The Board reviewed and discussed the draft amended regulatory language to remove scheduled drugs and chemicals now in statute.
MOTION	**The Board voted unanimously to adopt exempt regulatory action to remove drugs and chemicals from Board 18VAC110-20-322 and 18VAC110-20-323 that will be scheduled in statute pursuant to HB 1587. (motion by Kale, seconded by Ratliff)**
ADOPTION OF EXEMPT REGULATORY ACTION – ADDITION OF CHEMICALS	The Board reviewed and discussed the addition of the following chemicals to Schedule I:

TO SHEDULE I

1. N,N-dipropyl-1H-indole-3-ethanamine (other names: Dipropyltryptamine;N,-DPT), its salts, isomers (optical, position and geometric), and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.
2. N-(1-amino-3-methyl-1-oxobutan-2-yl)-3-(dimethylsulfamoyl)-4-methylbenzamide (other name: AB-MDMSBA), its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

MOTION

The Board voted unanimously to adopt the exempt regulatory change to 18VAC110-20-322 to add the following chemicals to Schedule I:

- **N,N-dipropyl-1H-indole-3-ethanamine (other names: Dipropyltryptamine;N,-DPT), its salts, isomers (optical, position and geometric), and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.**
- **N-(1-amino-3-methyl-1-oxobutan-2-yl)-3-(dimethylsulfamoyl)-4-methylbenzamide (other name: AB-MDMSBA), its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation. (motion by Ratliff, seconded by Kocot)**

ADOPT EXEMPT REGULATORY AMENDMENTS 18VAC110-21-141

The Board reviewed and discussed the draft regulatory changes to 18VAC110-21-41 and HB2307 which expanded training opportunities for pharmacy technician trainees.

MOTION

The Board voted unanimously to adopt the exempt regulatory change to 18VAC110-21-41 as presented. (motion by Dowdy, seconded by Webb)

AMEND GUIDANCE DOCUMENT 110-34, *MANUFACTURER, THIRD-PARTY LOGISTICS PROVIDER, WAREHOUSER, AND WHOLESALE DISTRIBUTOR LICENSURE GUIDANCE*

The Board reviewed and discussed the adoption of amendments to Guidance Document 110-34 to align with current practices.

MOTION

The Board voted unanimously to adopt amendments to Guidance Document 110-34 as presented. (motion by Dowdy, seconded by Webb)

AMEND GUIDANCE DOCUMENT 110-9, *PHARMACY INSPECTION DEFICIENCY MONETARY PENALTY GUIDE*

The Board reviewed and discussed the amendments of Guidance Document 110-9, Pharmacy Inspection Deficiency Monetary Penalty Guide regarding deficiencies 111, 138, and 139 to conform with new laws and regulations.

MOTION

The Board voted unanimously to adopt Guidance Document 110-9 as presented. (motion by Webb, seconded by Ratliff)

REVIEW 2026 LEGISLATIVE PROPOSALS REGARDING FINANCES AND FEES OF THE AGENCY

Ms. Barrett provided an overview of the potential legislative requests of the agency regarding fees and finances. The Board reviewed draft legislation allowing recovery of costs related to investigation and disciplinary proceedings. Additionally, the Board reviewed draft legislation amending the Callahan Act to allow fee actions to be implemented by exempt regulatory actions and allow the Department to request general funds for discrete costs.

REPORTS:

CHAIRMAN'S REPORT

The Chairman confirmed that she did not have any updates to report since the last Full Board Meeting.

NABP ANNUAL MEETING

Dr. Webb provided an overview of his experience at the recent NABP Annual Meeting held in Fort Lauderdale, FL, along with Ms. Juran and Ms. O'Halloran. He informed the Board the annual meeting consisted of a full schedule with many of the topics covering AI implementation throughout the Pharmacy industry. He stated the Board received a lot of positive feedback from the other states. Attendance at future annual meetings is highly encouraged.

LICENSURE PROGRAM

Mr. Logan provided an overview of the Licensure Program consisting of licensing data of Individuals and Facility licensees from Q2 of 2022 through Q3 of 2025. The overview included the following current license count:

- Pharmacist – 16,452
- Pharmacy Technician – 12,933
- Pharmacy Technician Trainee – 7,785
- Pharmacy Intern – 969
- Resident Pharmacies – 1,727
- Non-Resident Pharmacies – 977

He reviewed the new pharmacy permit to pharmacy permit closure ratios. As of Q3, the Board has a record of 10 pharmacy permits issued and 11 pharmacy permits closed. The Board requested to have more detailed license statistics such as practice types and locations of pharmacy openings and closures provided at the next Full Board Meeting (Nash). The Board requested staff to conduct further research of the Rite-Aid closings and their potential effects on pharmacies and manufacturers. (Kale, Kocot)

INSPECTION PROGRAM

Ms. O'Halloran provided an overview of the Inspection Program. The overview consisted of all inspections conducted during the period of January 1, 2025, through March 31, 2025. As of March 31, 2025, the Inspections Program conducted a total of 435 inspections consisting of 375 in person inspections and 60 virtual inspections. The top 5 cited deficiencies reported are as follows:

- Pharmacist-In-Charge in place, inventory taken, but application not filed with Board within the required timeframe (cited 18 times)
- Perpetual inventory not being maintained as required as it does not include all schedule II drugs received or dispensed, accurately indicate the physical count of each Schedule II drug "on hand" at the time of performing the inventory, include a reconciliation of each Schedule II drug at least monthly, or include a written explanation of any difference between the physical count and theoretical count. Monthly perpetual inventory is performed more than 7 days prior or more than 7 days after designated calendar month for which an inventory is required. (cited 17 times)
- Labels do not include all required information. (cited 15 times)
- Required compounding/dispensing/distribution records not complete and properly maintained. (cited 14 times)
- Expired drugs in working stock, dispensed drugs being returned to stock not in compliance, dispensed drugs returned to stock container or automated counting device not in compliance (i.e. appropriate expiration date not placed on label of returned drug, mixing lot numbers in stock container) (cited 12 times)

DISCIPLINARY PROGRAM

The Board reviewed the disciplinary report included in the agenda packet.

EXECUTIVE DIRECTOR'S REPORT

The Board reviewed the executive director's report included in the agenda packet. Ms. Kale informed the Board that she attended the Peninsulas Emergency Medical Services Council regional awards ceremony at Busch Gardens on May 17, 2025 to receive a special recognition award on behalf of the Board of Pharmacy for its contributions to the EMS Medication Kit Transition Workgroup. She stated that Beth O'Halloran and Caroline Juran received similar recognition.

CONSIDERATION OF CONSENT ORDERS, SUMMARY SUSPENSIONS, OR SUMMARY RESTRICTIONS

CASE #246114:

David Robinson, Assistant Attorney General, and Christine Andreolli, DHP

BERDOVER DIAZ BERDECIA JR (PHARMACY TECHNICIAN TRAINEE PERMIT #0245014011)	Adjudication Specialist presented information for a possible summary suspension regarding Berdover Diaz Berdecia, Jr (Pharmacy Technician Trainee Permit #0245014011).
CLOSED MEETING	Upon a motion by Yuan, and duly seconded by Webb, the Board unanimously voted to convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia ("Code") to reach a decision regarding the matter Berdover Diaz Berdecia Jr (Pharmacy Technician Trainee Permit #0245014011). Additionally, she moved that Jim Rutkowski, Sorayah Haden, and Mykl Egan attend the closed meeting because their presence is deemed necessary and will aid the board in its deliberations.
RECONVENE	Upon the motion by Yuan, and duly seconded by Kale, having certified that the matters discussed in the closed meeting met the requirements of §2.2-3712 of the Code, the Board reconvened an open meeting and announced the decision.
DECISION	Upon a motion by Dowdy, and duly seconded by Kale, the Board unanimously voted to summarily suspend the Pharmacy Technician Trainee Permit of Berdover Diaz Berdecia, Jr and offer a pre-hearing consent order for revocation in lieu of a Formal Hearing.
MEETING ADJOURNED:	1:05 PM

Caroline Juran, RPh
Executive Director

9/30/25
DATE: