FINAL/APPROVED

VIRGINIA BOARD OF PHARMACY
MINUTES OF REGULATION COMMITTEE MEETING

Wednesday, November 5, 2025
Commonwealth Conference Center
Second Floor
Board Room 4

Perimeter Center
9960 Mayland Drive
Henrico, Virginia 23233-1463

CALL TO ORDER:	A meeting of the Regulation Committee of the Board of Pharmacy was called to order at 9:05AM.
PRESIDING:	Shannon Dowdy, PharmD, Committee Chairman
MEMBERS PRESENT:	Kelly Hasty Kale, RPh Tim Robertson, RPh (non-voting participant) Derek Webb, PharmD Ling Yuan, PharmD
MEMBER ABSENT:	Michelle Hoffer Wilgus, JD
STAFF PRESENT:	Erin Barrett, JD, Director of Legislative and Regulatory Affairs, DHP (left at 1:30PM) Sorayah Haden, Executive Assistant Caroline Juran, RPh, Executive Director Ryan Logan, RPh, Deputy Executive Director Beth O'Halloran, RPh, Deputy Executive Director Ellen Shinaberry, PharmD, Deputy Executive Director
QUORUM:	With 4 of the 5 Committee members present, a quorum was established.
APPROVAL OF AGENDA:	Agenda was approved as presented.
PUBLIC COMMENT:	Dr. Natalie Nguyen, on behalf of the Virginia Society of Health-System Pharmacists (VSHP), thanked the board for clarification on topics eligible to receive public comment. VSHP requests guidance regarding the returning of dispensed drugs sent via alternate delivery as most pharmacies will not accept drugs back for return. She questioned if a clinic may destroy dispensed drug that has been sent to the clinic but not picked up by the patient.
CHART OF REGULATORY ACTIONS:	Ms. Barrett briefly reviewed the chart of regulatory actions provided in the agenda packet and provided the following updates on the Administrative Review process since the chart was posted:

- Final regulatory amendments of 18VAC110-20 for *Allowances for emergency drugs by EMS agencies* has moved to the Secretary's Office for review and consideration.
- Proposed regulatory amendments of 18VAC110-20 for the *Exclusions of private dwellings or residences from operating locations of CSRs* has moved to the Secretary's Office for review and consideration.

CONSIDER DRAFT PROPOSED REGULATORY ACTION AND COMMENTS RECEIVED RELATED TO CENTRAL FILL PHARMACIES AND CENTRAL/REMOTE PROCESSING:

In response to public comment submitted by CVS during the last public comment period for this regulatory action, Board staff provided background information regarding a currently approved innovative pilot for CVS Pharmacy which allows a pharmacist at another CVS pharmacy to perform final product verification remotely. The background information included data such as the timeline of the pilot requests, approvals, effective dates, reported rates of prescription readiness, and reported rates of verification rejections. The committee discussed concerns regarding the specific data reported and would like additional data points to fully review the pilot's efficiency. Staff also highlighted board orders included in the agenda packet for other currently approved innovative pilot programs involving remote product verification. In response to public comment submitted by Kroger during the last public comment period, some members expressed concerns regarding the board's authority to appropriately review and address violations of the regulations by pharmacists that are not licensed in the state of Virginia under the suggested amendment.

ACTION ITEM:

The committee requested that staff research which other states currently allow remote verification by a pharmacist who is not licensed in the state where the patient's local pharmacy is located.

Ms. Kale expressed concern for the proposed pharmacist to supervised staff ratio that was allowed in Walgreens' approved innovative pilot program and is currently included in the emergency regulations. Ms. Kale also commented that she did not feel the requirement of auditing one prescription per automated dispensing device as proposed in 18VAC110-20-277 Central Fill Pharmacy 13 J and included in the emergency regulation was sufficient data to determine accuracy or efficiency.

MOTION:

The committee voted, 3-1, to recommend to the full board to adopt the proposed regulations for central fill pharmacy and central/remote processing as presented. (motion by Webb, seconded by Yuan; opposed by Kale)

MOTION:

The committee voted unanimously to recommend to the full board to adopt a Notice of Intended Regulatory Action to amend 18VAC110-20-276 to authorize a pharmacist licensed in Virginia to perform remote product verification. (motion by Webb, seconded by Yuan)

REVIEW NOIRA FOR PERIODIC REVIEW OF CHAPTERS 20 AND 21 AND PROPOSED REGULATIONS OF CHAPTER 30

The committee reviewed and discussed the summary of regulatory sections in Chapter 20 and Chapter 21 that were identified in the NOIRA resulting from the 2021 periodic review. The actions had stalled under administrative review and a significant amount of time has passed since the adoption of the 2021 NOIRA. Ms. Barrett reported that no action should be taken on Chapter 30 as the proposed regulation is currently moving through the administrative review process.

MOTION:

The committee voted unanimously to recommend to the full board to withdraw the NOIRA for Chapter 20 and Chapter 21 resulting from the 2021 periodic review. (motion by Kale, seconded by Webb)

MOTION

The committee voted unanimously to recommend to the full board that it initiate a new periodic review of Chapters 20 and Chapter 21. (Motion by Webb, seconded by Yuan)

MOTION

The committee voted unanimously to recommend to the full board to adopt a fast-track regulatory action, if possible, to amend 18VAC110-20-110 to include additional information to be required on a pharmacy permit and non-resident pharmacy registration application, including a requirement to notify the board of any changes within a timeframe consistent with current law, and to report any prior disciplinary action, criminal convictions, or ongoing investigations related to the practice of pharmacy. (motion by Yuan, seconded by Webb)

MOTION

The Board voted unanimously to recommend to the full board that it adopt a Notice of Intended Regulatory Action to amend the following sections of Chapter 20:

- **In section 10, amend definition of "personal supervision" to allow audio-visual technology by pharmacist on premises for supervision of compounding in pharmacies;**
- **In section 25, amend the unprofessional conduct section to add language such as: acting in a manner that causes an individual to feel threatened or intimidated so that such individual is discouraged from reporting a public safety concern in good faith or is discouraged from cooperating with an employee of the Department of Heath Professions in the conduct of an investigation or inspection;**
- **In section 110, extending the timeframe beyond 14 days for notification of a change in the PIC;**
- **In Section 270, allow a pharmacist to use his professional judgement to alter or adapt a prescription, to change dosage, dosage form or directions, to complete missing information, or to extend a maintenance drug with documentation required by the board;**
- **Include a requirement for an e-profile identification number for facilities;**
- **Section 275, amend to include record requirement for an**

alternate delivery site further delivering the drug to a patient's home;

- **Clarifying expectation regarding administration records, particularly if drug administered by someone other than the pharmacist whose initials are captured on the dispensing record;**
- **Clarifying that pharmacy technicians may independently take medication histories including drug name, dose, and frequency;**
- **Allowing a pharmacy technician to electronically transfer a Schedule VI refill prescription that is not an on-hold prescription when authorized by the Pharmacist-in-Charge;**

And to amend the following sections of chapter 21:

- **Section 80, to include a prohibition on taking the Board-approved integrated pharmacy exam when candidate fails to pass on five occasions; and to authorize the Board to delegate to the National Association of Boards of Pharmacy the review and granting of testing accommodations for either examination based on a physical or mental impairment that substantially limits one or more major life activities, subject to the Americans with Disabilities Act;**
- **Section 90, to require Foreign Pharmacy Graduate Equivalency Examination prior to obtaining a pharmacist license through endorsement or score transfer;**

And to not include the sections listed below which were identified in the 2021 NOIRA in the upcoming NOIRA:

- **Subjects in sections 25 and 110 that have subsequently been included in the working condition regulation;**
- **Section 290, to consider amendment to provision that allows dispensing of a Schedule II drug for up to six months after the date on which the prescription was issued.**
- **Section 550, to amend the restriction to the stat-drug box containing no more than 20 solid dosage units per schedule of Schedules II through V drugs.**
- **Section 690, to prohibit controlled substance registration from being issued to a private dwelling or residence just as there is current prohibition on such issuances of a pharmacy permit (currently under administrative review in a separate regulatory action).**
- **Clarification that pharmacy technicians may administer CLIA-waived tests. (recommended that this subject be addressed in a guidance document). (motion by Webb, seconded by Yuan)**

CONSIDER WITHDRAWAL — The committee reviewed and discussed the final regulatory action

OF REGULATORY ACTION FOR UNPROFESSIONAL CONDUCT TO INDUCE OR INCENTIVIZE A PATIENT TO TRANSFER PRESCRIPTIONS	regarding unprofessional conduct to induce or incentivize a patient to transfer prescriptions. Board staff will research the matter and report their findings at the December Full Board Meeting. No action was taken.
ACTION ITEM:	**Board staff will research the regulatory action of prohibiting incentives to transfer prescriptions with the new Administration and will report back to the Board to aid the Board's decision-making on whether the action should be withdrawn.**
REVIEW RESTRICTIONS REGARDING ACCESS TO CERTAIN AREAS THROUGH PRESCRIPTION DEPARTMENT IN 18VAC110-20-150	The committee reviewed and discussed restrictions regarding access to certain areas as found in 18VAC110-20-150 and challenges that staff occasionally find during inspections.
MOTION:	**The committee voted unanimously to recommend to the full board to include the restrictions regarding access to certain areas through prescription department in 18VAC110-20-150 in the NOIRA for chapter 20. (motion by Webb, seconded by Kale)**
CONSIDER REQUIREMENT OF RETURNING DISPENSED DRUG TO INITIATING PHARMACY IN 18VAC110-20-275	
MOTION:	**The committee voted unanimously to recommend to the full board to include the requirement of returning dispensed drugs to the initiating pharmacy in 18VAC110-20-275 in the NOIRA for chapter 20. (motion by Kale, seconded by Yuan)**
CONSIDER REQUIRING UMPJE FOR LICENSURE INSTEAD OF STATE-SPECIFIC MPJE	Board staff provided an overview of the proposal of the board requiring the passing of the UMPJE in 2026 in lieu of the state-specific MPJE for licensure. The committee expressed support for the concept of the UMPJE but also supported the completion of a state-specific module.
MOTION:	**The committee voted unanimously to recommend to the full**

board that it require the passing of the UMPJE in 2026 and completion of a state-specific module. (Motion by Webb, second by Yuan)

ACTION ITEM:

Board staff will seek clarification from NABP on the recommended format of a state-specific module, timeline, process, and if completion requires an additional test or attestation.

CONSIDER AMENDING 18VAC110-21-80 TO ALLOW PARTICIPATION IN NABP EXAM ELIGIBILITY SERVICES AND EARLY LICENSURE TESTING PRIOR TO GRADUATION

The committee reviewed and discussed allowing participation in NABP Exam Eligibility Services and early licensure testing prior to graduation.

MOTION:

The committee voted unanimously to recommend to the full board to adopt a fast-track regulatory action of 18VAC110-21-80 to participate in the NABP exam eligibility services program and allow students to test prior to graduation. (Motion by Kale, seconded by Yuan)

CONSIDERATION OF GUIDANCE DOCUMENT 110-26

The committee reviewed and discussed Guidance Document 110-26 and 18VAC110-20-113 regarding pharmacy working conditions. Additionally, the committee reviewed a proposed draft policy to address the matters of Guidance Document 110-26.

MOTION:

The committee voted unanimously to recommend to the full board to repeal Guidance Document 110-26 and adopt the proposed policy document as presented. (motion by Yuan, seconded by Webb)

ADJOURN:

With all business concluded, the meeting adjourned at 2:22PM.

Caroline Juran
Executive Director

12/10/2025
DATE