



West Virginia Board of Pharmacy

232 Capitol Street, Charleston, WV 25301

Sam Kapourales Leaves the Board of Pharmacy

Sam Kapourales resigned from the Board of Pharmacy on December 31, 1999. He was appointed by **Governor Cecil H. Underwood** to the West Virginia Health Care Authority effective January 1, 2000. Mr Kapourales was president of the Board of Pharmacy and was first appointed to the Board in 1980. He was instrumental in relocating the Board to Charleston and provided needed leadership in making the Board effective in its role of protecting the public and regulating the practice of pharmacy. The wisdom and experience of Mr Kapourales will be sorely missed.

New Board Member Appointed

Steve Judy was appointed to the Board of Pharmacy by **Governor Cecil H. Underwood** in January 2000 to serve a five (5) year term. Mr Judy has owned and operated Judy's Pharmacy in Petersburg, WV for twenty-five (25) years. He is past president of the West Virginia Pharmacists Association and currently serves on the visiting committee for the West Virginia University School of Pharmacy. Mr Judy is married with two (2) children and is president of Grace Lutheran Church. The Board welcomes Mr Judy and fully expects him to be a great asset as a member of the West Virginia Board of Pharmacy.

New Pharmacy Inspectors

In March 2000, the Board hired **Irvin VanMeter** and **Thomas (Dave) Gerkin** as Board of Pharmacy Inspectors. The area of each inspector was consequently reduced so that each can provide more thorough coverage. **Board Inspector Charles Campbell** continues to serve as an inspector for his home county and three (3) surrounding counties.

Mr VanMeter has extensive experience in institutional pharmacy practice, having worked at Charleston Area Medical Center from 1970 until 1995, and having served as Tri-Divisional Director of Pharmacy Fiscal Operations. Mr Gerkin has over forty (40) years of professional retail pharmacy experience, having served sixteen (16) years as pharmacy manager for Rite Aid. Mr VanMeter recently completed the National Certified Investigator/Inspector Basic Training Program provided by the Council on Licensure Enforcement and Regulation and received certification. Mr Gerkin will be obtaining his training within the next few months. The training and expertise of the new inspec-

tors will only serve to enhance the ability of the Board to thoroughly inspect pharmacies throughout the state and to ensure that the practice of pharmacy is being safely and competently conducted.

Release of Confidential Information Pursuant to a Subpoena

Confidential information is privileged information and may be released only to the patient or other members of the health care team, agents of the Board, persons authorized to receive the information by the patient, and any person authorized by law to receive the information or pursuant to court order. Since April 1998 the West Virginia Rules of Civil Procedure have allowed a subpoena to be issued upon the signature of an attorney without prior review or authorization of a court by its judge or even circuit clerk. The Board recently discussed this situation and determined that a restrictive reading of the statute and rules regarding the release of confidential information was warranted. Therefore, confidential information can only be released to those individuals specifically mentioned in the law; someone authorized by the patient; or pursuant to court order. Since subpoenas may be issued without prior review or authorization by a court, then a subpoena alone would not suffice under these provisions since it is not a court order. A court order authorizing the subpoena would be necessary before a pharmacy would be required to respond to the subpoena and release patient-specific confidential information.

Board of Pharmacy Disciplinary Actions

James C. Hood, RPh, #1895, was disciplined by the Board of Pharmacy for violation of Rule 9.1 of the Board's Legislative Rules, 15 CSR 1, dispensing a legend drug without approval of the practitioner. The license of Mr Hood was placed upon probation for a period of ninety (90) days and he was assessed a fine of two hundred and fifty (\$250) dollars. Mr Hood was also assessed a monetary penalty of two hundred and fifty (\$250) dollars to recover administrative costs of the investigation and disposition of the matter.

David A. Horne, RPh, #2735, has admitted to the diversion of controlled substances and entered into an agreement surrendering his license to the Board and prohibiting him from practicing pharmacy in West Virginia pending completion of criminal prosecution proceedings against him.

Continued on page 4

Continued from page 1

Pamela Martinetti, RPh, #6102, was disciplined by the Board for violation of Rule 9.1 of the Board's Legislative Rules, 15 CSR 1, dispensing a legend drug without approval of the practitioner. The license of Ms Martinetti was placed upon probation for a period of ninety (90) days and she was assessed a monetary penalty of two hundred and fifty (\$250) dollars to recover administrative costs of the investigation and disposition of the matter.

Richard McCormick, RPh, #3411, was disciplined by the Board of Pharmacy for violation of West Virginia Code § 30-5-12, dispensing of a different drug in lieu of any drug prescribed in a prescription without the approval of the practitioner authorizing the original prescription. The license of Mr McCormick was placed upon probation for a period of three (3) months. Mr McCormick was also assessed a monetary penalty of two hundred and fifty (\$250) dollars to recover the administrative costs of the investigation and disposition of the matter.

Express Pharmacy Services, Clearwater, Fla., was disciplined by the Board of Pharmacy for violation of West Virginia Code § 30-5-6 a (b), operating a mail order pharmacy without a valid permit since June 30, 1997. Express Pharmacy Services was required to obtain a mail order pharmacy permit for its location in Clearwater, Fla. Express Pharmacy Services was assessed a fine of five thousand (\$5,000) dollars and also assessed a monetary penalty of two thousand five hundred (\$2,500) dollars to recover the administrative costs of the investigation and disposition of the matter.

Weis Pharmacy #108, Martinsburg, WV, was disciplined by the Board of Pharmacy for violation of rule 4.2a of the Board's Legislative Rules, 15 CSR 2, failing to provide effective controls and procedures to guard against theft and diversion of controlled substances. Weis Pharmacy was also disciplined for violation of Rule 4.3(b) of the Board's Legislative Rules, 15 CSR 2, failing to design and operate a system to disclose to the registrant suspicious orders of controlled substances. Weis Pharmacy was assessed a fine in the amount of thirty thousand (\$30,000) dollars and also assessed a monetary penalty of five thousand (\$5,000) dollars to recover the administrative costs of the investigation and disposition of the matter. Weis Pharmacy #108 decided to close the pharmacy and submitted the pharmacy permit to the Board.

North American Pharmacist Licensure Examination

The following individuals successfully passed the North American Pharmacist Licensure Examination™ (NAPLEX®) and received their license in the state of West Virginia: **James Allman II, Alyse J. Baumann, Nathan Brown, David Burch, Amanda Dailey, Tara Dalton, Rayna Derosa, Susan A. Greer, Dana Haight, Kevin Kibble, Mohammad Knifat, April Knight-Trent, Amy Meadows, Charity Metz, Shawn Miller, Karen Moeller, Angela Morgan, Robert C. Nelson, William R. Renner, Beth A. Rogers, Brian Schuller, Jennifer Schumacher, John Schwarz, William Seiber, Lauram M. Shuff, Tonya Smith, and Thomas Stewart.**

Reciprocity

The following pharmacists have successfully completed the Law and Errors and Omissions examinations to become licensed in West Virginia. **Edward Allen, Cynthia Antol, Kevin Barry, Larry Bartoe, Kara Blevins, Margaret Davis, Gina Fratto, Rodney Haars, Jane Marie Hess, Craig Kimble, George Koontz, Srinivas Mallidi, Stacy Miner, Roger O'Dell, Andrew Ohm, Allen Perkins II, Cameron VanDyke, and Vicki Williams.**

Notes of Interest

Testing for pharmacy technicians will be given in Morgantown, WV, on October 9, 2000, and the test for Charleston, WV, will be given October 19, 2000. Applications for these exams are due two (2) weeks prior to the exam date. All address, name, and employment changes must be mailed to the Board office.

Page 4 – September 2000

The *West Virginia Board of Pharmacy News* is published by the West Virginia Board of Pharmacy and the National Association of Boards of Pharmacy Foundation, Inc, to promote voluntary compliance of pharmacy and drug law. The opinions and views expressed in this publication do not necessarily reflect the official views, opinions, or policies of the Foundation or the Board unless expressly so stated.

West Virginia Board of Pharmacy

Carmen A. Catizone, MS, RPh - National News Editor & Executive Editor

Bulk Rate
U.S. Postage
PAID
Chicago, Illinois
Permit No. 5744

National Association of Boards of Pharmacy Foundation, Inc.
700 Busse Highway
Park Ridge, Illinois 60068
WEST VIRGINIA BOARD OF PHARMACY