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August 29, 2024

**SUMMARY OF COMMENTS RECEIVED REGARDING
PROPOSED RULE FOR 15 CSR 2 AND
RESPONSES OF THE WV BOARD OF PHARMACY**

The proposed rules for 15 CSR 2 were filed for a Notice of Comment Period of proposed rule 15 CSR 2 on July 23, 2024, 4PM and the comment period closed August 22, 2024, at 5PM. The Board received two comments on the proposed rule (all exactly the same.) A copy of this summary is being provided to the two commenters.

Commenter 1: Jordan Carter, PharmD, MS

Director of Pharmacy, Acute Care Operations
WVU Medicine – WVU Hospitals
1 Medical Center Drive, PO Box 8045
Morgantown, WV 26506

Commenter 2: Todd Karpinski, PharmD, MS, FASHP, FACHE

Chief Pharmacy Officer & System Vice President - WVUHS
Hospital Administration
WVU Medicine
Box 8059
Morgantown, WV 26506-8059

Comment 1:

- **9.2.3 – Destruction of “abandoned” individual patient medications not supplied by the hospital**

WVU Hospitals has a policy around abandoned medications left at the facility following patient discharge from their hospital stay. For reasons outside of the patient’s control, sometimes medications are not returned to the patient prior to discharge, and they return to the hospital to retrieve them. We consider patient’s own medications “abandoned” 30 days post-discharge, and at that point destroy them.

We agree that documentation of destruction should occur. However, it is routinely not possible to document each of the proposed items, such as when medications are brought into the facility with pill boxes.

Currently, WVU Hospitals documents:

1. Patient Medical Record Number (MRN)
2. Medication name
3. Medication strength
4. Amount destroyed
5. Date of destruction
6. Pharmacist
7. Witness (licensed pharmacy employee)

WVU Hospitals requests the documentation requirements be the seven items above, not including the prescription number and the filling pharmacy. Signatures should also not be required as this information may be stored electronically through vendor automation that does not permit signature capture (employee and witness identity maintained through biometric identification within vendor automation). Additionally, we request the requirement of two pharmacists to document destruction be modified to the following: two pharmacists, or one pharmacist and one certified pharmacy technician, or one pharmacist and one nurse.

Response 1: The Board appreciates your recommendation and practical application of the rule. After consideration of the comments, the Board will be making the following changes to the proposed rule as below:

9.2.3.a. Drugs listed in Schedules I, II, III, IV, V of the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended, or by W.Va. Code §60A-1 et seq. shall be destroyed in the presence of two pharmacists, a pharmacist and pharmacy technician, or a pharmacist and a registered nurse employed by the hospital. The name of patient or patient medical record number, the name and strength of the drug, the amount destroyed, the date of destruction, and documentation of the required witnesses shall be recorded and maintained in the medical record. The destruction should also be recorded without patient specific information and maintained with the pharmacy's controlled substance records.

Comment 2: WVU Hospitals also requests the addition language against storage of controlled substance medications at the bedside during admission of a hospital stay.

- Reference the verbiage below from California:

22 CCR § 70263

§ 70263. Pharmaceutical Service General Requirements.

(d) Medications shall not be left at the patient's bedside unless the prescriber so orders. Such bedside medications shall be kept in a cabinet, drawer or in possession of the patient. Drugs shall not be left at the bedside which are listed in Schedules II, III and IV of the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970 as amended. If the hospital permits bedside storage of medications, written policies and procedures shall be established for the dispensing, storage and records of use, of such medications.

Response 2: The Board appreciated the comment and recommends that this language would be appropriate in a hospital written policy and procedure manual as these medications have been legally dispensed to the patient.



From: Jordan Carter <jordan11carter@gmail.com>
Sent: Friday, August 16, 2024 10:31 AM
To: Carter, Jordan <jordan.carter1@wvu-medicine.org>
Subject: Fwd: WV BOP July 2024 Newsletter

CAUTION **EXTERNAL EMAIL** Do NOT click links, or open attachments unless you recognize the sender and know the content is safe.

Jordan Carter

Begin forwarded message:

From: nureplyboard@pharmacy.wv.gov
Date: July 31, 2024 at 1:56:09 PM EDT
To: jordan11carter@gmail.com
Subject: WV BOP July 2024 Newsletter



Good afternoon!

I hope this finds you all well and having a good summer 2024! Attached please find the "New Look" for the WV BOP Newsletter July 2024 Ed. Excited to feature new up-to-date content, frequent questions, and WV photos taken by our own pharmacists & pharmacy staff who love photography!

Also, we have entered the Notice and Comment period for the 2025 Legislative session. There are proposed rule changes for 15-1, 15-2, and 15-15. These can be viewed at the links below. Comments can be submitted in writing either to the WV BOP address to my attention or via email at krista.capehart@wv.gov

§15-1 Comments due in writing by 8/22/24 5PM

§15-2 Comments due in writing by 8/22/24 5PM

§15-15 Comments due in writing by 8/23/24 9AM

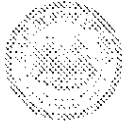
Finally, I hope you enjoy the rest of the summer and the July Newsletter. I am out of the office until Monday, August 5, 2024. Should you have questions, I will be able to address any questions that are mentioned in the Newsletter etc after Monday, Aug 5, 2024.

Thanks!
Krista Capehart, PharmD

Director of Professional and Regulatory Affairs, WV BOP

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WV BOP Quarterly Newsletter July 2024 FINAL.pdf
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Capehart, Krista D <krista.d.capehart@wv.gov>

Fw: 15-2 comments

Capehart, Krista <kdcapehart@hsc.wvu.edu>
To: "Dr. Krista Capehart" <krista.d.capehart@wv.gov>

Thu, Aug 22, 2024 at 3:06 PM

Krista D. Capehart, PharmD, MSPharm, BCACP, FAPhA, AE-C

West Virginia University School of Pharmacy

Clinical Professor

Director of the Wigner Institute for Advanced Pharmacy Practice, Education, and Research

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From: Karpinski, Todd <todd.karpinski@wvmedicine.org>
Sent: Thursday, August 22, 2024 3:05 PM
To: Capehart, Krista <kdcapehart@hsc.wvu.edu>
Subject: 15-2 comments

Afternoon Krista. Please see our comments below.

9.2.3 Comments due in writing by 8/22/24 5PM

- **9.2.3 – Destruction of “abandoned” individual patient medications not supplied by the hospital**

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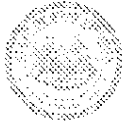
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304-598-6441
todd.karpinski@wvumedicine.org



Capehart, Krista D <krista.d.capehart@wv.gov>

Fw: 15-2 comments

Capehart, Krista <kdcapehart@hsc.wvu.edu>
To: "Dr. Krista Capehart" <krista.d.capehart@wv.gov>

Thu, Aug 22, 2024 at 3:06 PM

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