



GUAM BOARD OF EXAMINERS FOR PHARMACY

Department of Public Health & Social Services
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REGULAR SESSION AGENDA

Thursday, September 20, 2018, 7:30 a.m.

Health Professional Licensing Office Conference Room

Terlaje Professional Building, Suite 209

194 Hernan Cortez Ave., Hagatna, GU 96910

MEMBERS PRESENT:

Thomas J. Caruso, Chairperson
Angelina Eustaquio, Secretary
Racquel Sperrazzo, Member

MEMBERS ABSENT:

Lourdes Evangeline Phillips, Vice Chairperson
Gary Roy, Member

GUESTS:

Heather Narcis, HPLO Board Secretary
Robert Weinberg, Assistant Attorney General
Christina Benavente, MedPharm Rep
Mary Chargualaf, MedPharm Rep
James Bui, MedPharm Rep
Jon Visosky, MedPharm Attorney

Heather O'Connor, Pharmacist
Mary Jean Cabildo, Pharmacist
Melania del Mundo, MedicaGuam
Joanne Mafnas, MedicaGuam
Senator Dennis Rodriguez, 34th Guam Legislature

I. CALL TO ORDER

Chairperson Thomas Caruso called the Guam Board of Examiners for Pharmacy Regular Session Meeting to order at 7:42 A.M. Quorum was established.

II. PROOF OF PUBLICATION

Guam Daily Post – September 13, 2018 and September 18, 2018
Publication in the Guam Daily Post was reviewed and noted as published in a timely matter.

III. REVIEW AND APPROVAL OF AGENDA

Member Racquel Sperrazzo motioned to approve the agenda as written. Secretary Angelina Eustaquio seconded the motion. All in favor; motion carried.

IV. REVIEW AND APPROVAL OF MINUTES

April 19, 2018

May 15, 2018 – Reconvened Meeting 04/19/18

- Member Sperrazzo motioned to approve the April 19, 2018 and May 15, 2018 reconvened meeting minutes as written. Secretary Eustaquio seconded the motion. All in favor; motion carried.

June 21, 2018

June 28, 2018 – Reconvened Meeting 06/21/18

- Secretary Eustaquio motioned to approve the June 21, 2018 and June 28, 2018 reconvened meeting minutes as written. Member Sperrazzo seconded the motion. All in favor; motion carried.

July 19, 2018 – Tabled until next meeting

August 16, 2018 – Tabled until next meeting

V. OLD BUSINESS

A. Rules and Regulations

- Proposed Law for Immunizing
 - Member Racquel Sperrazzo gave board members a brief update on the last working session.
 - Board members had reached a consensus on age requirement and will stay with current draft which restricts immunizations to adults only. Influenza can be given to adults without prescriptions or Collaborative Practice Agreements (CPAs). All other vaccines will require a prescription or CPA.
 - AAG Weinberg made additional comments and suggestions/edits to the current draft for members to review; members were advised to have one last review and discussion and should be ready to move forward.
 - Member Sperrazzo will email all members a copy of AAG Weinberg's comments/edits and decide from there if another working session will be needed.
- Electronic Prescribing
 - Chairperson Caruso asked if there was any new info regarding subject. Per last discussion, Vice Chairperson Phillips was to email AAG Weinberg a copy of draft and ask for assistance.
 - Subject tabled until Vice Chairperson Phillips returns.

B. Harmon Drugs Investigation

- Renewal Applications for Harmon Drugs Pharmacy and Adela Carlos
 - Chairperson Caruso gave a brief review and update of the status of licensure for Harmon Drugs and Adela Carlos.
 - Board still has not received any response from Mrs. Adela Carlos. Awaiting response from Mrs. Carlos' lawyer.
 - Nothing further to act on until the board receives a response.
- Follow up email from EnvisionRx
 - Chairperson Caruso asked Ms. Narcis if she had received any response from EnvisionRx regarding status of Harmon Drugs and Adela Carlos' license.
- DEA inquiry of Harmon Drugs Licensure Status
 - Chairperson Caruso stated that DEA was present at the end of May and had confiscated Harmon Drugs' DEA license.
- Ms. Narcis will contact Ms. Carlos to find out if she will be attending the next meeting.

C. Review and Renumbering of GBEP Forms

- Potential requirements for licensure (disciplinary questionnaire and court/police clearance)
 - Last discussion was on July 19th; Secretary Eustaquio gave an update of what was last discussed.

- Board needed to decide if they will be keeping the notary portion on application or change it to a declaration. Board also needed to decide if the questionnaire from Pharmacy Technician application will be added to all other applications.
 - Secretary Eustaquio will also be adding the law to the applications that state applicants will need to provide a social security number.
 - No working sessions have been scheduled due to previous working sessions being focused on Immunizing Pharmacists draft.
 - Working Session to finalize decisions to be scheduled. Secretary Eustaquio will send an email to all members to set a schedule as not all members were present to decide.
- D. Referral on Mega Drug – from EnvisionRx
- Chairperson Caruso will make some calls to see if he can find any further information before closing subject.
- E. Complaint GBEP CO-16-01
- Notice of Suspension dated August 8, 2018
 - Notice of Change in PIC
 - Board members had received response from Ms. Cheryl Marimla’s lawyer the day before board meeting and have not had time to review documents presented.
 - Secretary Eustaquio motioned to table until next meeting due to the late arrival of the response. Member Sperrazzo seconded the motion. All in favor; motion carried.
- F. Controlled Substance Registration Requirement
- Chairperson Caruso asked AAG Weinberg about status on AG’s opinion of requiring DEH requiring Non-Resident Pharmacies to register for CSR. Per AAG Weinberg, nothing has been done.
 - AAG Weinberg suggested that the board send an official inquiry, in writing, to the Attorney General’s (AG) Office for the AG’s legal opinion on DEH’s Rules and Regulations regarding registration of Non-Resident Pharmacies.
 - Secretary Eustaquio mentioned that the Controlled Substance Registration (CSR) Rules & Regulations was re-written and distributed in January. Secretary Eustaquio had emailed Mr. Tom Nadeau at Division of Environmental Health (DEH) regarding the inclusion of pharmacists under the definition of practitioner and if pharmacists had to apply for a CSR. Ms. Michelle Lastimoza from DEH, informed Secretary Eustaquio that they are consulting with legal counsel and will get back to her within a week. No response has been provided yet.
 - Secretary Eustaquio will send one more follow up to DEH regarding the registration of Non-Resident Facilities and Pharmacists needing to register for CSR.
- G. Inquiry from Marvir regarding Patient Counseling and Refusal
- Last discussion was to possibly have Ms. Marvir sign the GBEP form for Declaratory Ruling on OBRA-90.
 - Secretary Eustaquio read notation from the April 19 minutes which indicated that the board recommended to follow the letter of the law where pharmacists will need to

offer and accept refusal of counseling. Due to Marvir requesting for interpretation of OBRA-90, board will consult with AAG in regards to having Marvir complete GBEP-20 for a Declaratory Ruling. Tabled until next scheduled meeting.

- AAG Weinberg suggested a board member draft a response and once all members are satisfied it can be sent to Ms. Marvir.
- Board decided to send a response, as recommended during the April 19th meeting, to Marvir, all pharmacies, and to include in the Guam Pharmacy Newsletter.

H. Inquiries/Clarifications from Non-Resident Applicants

- Cardinal Health; regarding Virtual Manufacturer
 - Member Sperrazzo motioned to table subject until Lourdes Phillips and Gary Roy are present for further discussion.
- Jennifer Stewart; regarding Third Party Logistics (3PL) Providers
 - Secretary Eustaquio reiterated that the last NABP meeting she went to, it was highly encouraged to separate Virtual Manufacturers from 3PLs.
 - Member Sperrazzo motioned to table subject until Lourdes Phillips and Gary Roy are present for further discussion.
- Stephanie Sabillon-Marcelin; regarding physician compounding practice
 - Ms. Narcis had emailed Ms. Sabillon-Marcelin in May inquiring what company Ms. Sabillon-Marcelin works for.
 - Member Sperrazzo motioned to close subject as no reply has been received since May. Secretary Eustaquio seconded the motion. All in favor; motion carried.

VI. NEW BUSINESS

A. Renewal – Pharmacy (Please see attached listing)

- Member Sperrazzo motioned to approve all applicants listed for renewal of Pharmacy license. Secretary Eustaquio seconded the motion. All in favor; motion carried.

B. Renewal – Wholesaler/Distributor (Please see attached listing)

- Member Sperrazzo motioned to approve all applicants listed for renewal of Wholesaler/Distributor license. Secretary Eustaquio seconded the motion. All in favor; motion carried.

C. New – Non-Resident Pharmacy (Please see attached listing)

- Member Sperrazzo motioned to approve all applicants listed for Non-Resident Pharmacy license. Secretary Eustaquio seconded the motion. All in favor; motion carried.

D. New – Non-Resident Wholesaler/Distributor (Please see attached listing)

- Member Sperrazzo motioned to table approval until further discussion at next meeting. Secretary Eustaquio seconded the motion. All in favor; motion carried.

E. New – Pharmacist by Endorsement (Please see attached listing)

- Secretary Eustaquio motioned to approve all applicants listed for Pharmacist license pending passing of the Guam MPJE. Member Sperrazzo seconded the motion. All in favor; motion carried.

F. New – Pharmacy Intern (Please see attached listing)

- Member Sperrazzo motioned to approve all applicants listed for renewal of Pharmacy license. Secretary Eustaquio seconded the motion. All in favor; motion carried.
- G. New – Pharmacy Technician (Please see attached listing)
 - Member Sperrazzo motioned to approve all applicants listed for renewal of Pharmacy license. Secretary Eustaquio seconded the motion. All in favor; motion carried.
- H. Notice of Disciplinary Actions/Violations
 - Cardinal Health, Honolulu, HI
 - Notice reviewed and noted.
 - Sina Drug, LLC dba Onco360 (NR-PCY023)
 - Chairperson Caruso asked Ms. Narcis to send an email to both Sina Drug locations to find out who the current Pharmacist-in-Charge is and if they hold a Guam license.
- I. Notice of Closure of Pharmacy(ies):
 - ESI Mail Order Processing Inc dba. Express Scripts (NR-PCY002)
 - Notice reviewed and noted.
- J. Questions regarding updated CSR Rules & Regulations
 - Sunny Suhr, Pharmacist
 - Ms. Suhr requested for clarification if pharmacy technicians are allowed to accept controlled substance prescriptions and verify patient/third party's identification upon intake.
 - Members requested that Ms. Narcis email Ms. Suhr to inform her to follow the law/rules and regulations.
 - Tami Morford, Non-Resident Pharmacist
 - Ms. Narcis will email Ms. Morford and inform her that it does not apply to Non-Resident Pharmacists working in an institution not on Guam.
- K. DEA Requirements for Schedule 2 Prescriptions
 - Tabled until next meeting.
- L. Prescription Monitoring Program Inquiry Forms
 - The board does not oversee the program. All inquiries to be directed to DEH

VII. OTHER

- A. Inquiry/Clarification from James Bui, MedPharm Director of Pharmacy
 - Clarification on when an applicant be licensed as a pharmacy intern
 - At the moment, applicants cannot get a license until their third professional year, as written.
 - Board agrees that it should state first professional year. However, it will not be implemented until it goes through the Administrative Adjudication Law process to amend the current statute.
 - AAG Weinberg recommends that a clear draft be brought to Senator Rodriguez's office for consideration and go from there. Chairperson Caruso agreed as it would take longer because the board only meets once a month and it could take longer.

**** Secretary Eustaquio had to leave the meeting, therefore a quorum was no longer established. All remaining items on the agenda will be carried over to next meeting on October 18, 2018. ****

- B. Request for Information – Regarding Drug Compounding Regulations
 - Tabled until next meeting.

- C. MPJE Item Pool Review – September 6-7, 2018
 - Lourdes Phillips attended Review in Illinois
 - Tabled until next meeting.

- D. Invitation from GPhA
 - Tabled until next meeting.

- E. New – Pharmacist in Charge
 - Express Scripts Pharmacy, Inc. dba Express Scripts
 - Express Scripts Specialty Distribution Services, Inc. dba Express Scripts
 - DPHSS Mangilao
 - GMHA
 - Tabled until next meeting.

- F. New – Director of Pharmacy
 - Express Med Pharmacy
 - Minutes Rx Pharmacy
 - Perezville Pharmacy
 - Tabled until next meeting.

- G. Letter from Guam Board of Examiners for Optometry
 - Tabled until next meeting.

- H. NABP Upcoming Meetings
 1. NABP/AACP District 6, 7, & 8 Annual Meeting – October 14-17, 2018; Kansas City, MO
 2. 2018 NABP Interactive Member Forum – November 28-29, 2018; NABP Headquarters
 - Tabled until next meeting.

VIII. ANNOUNCEMENT

Member Sperrazzo suggested moving all important notices, such as Change in PIC, to New Business instead of Other Business.

The next Guam Board of Examiners for Pharmacy Regular Session Meeting is scheduled for October 18, 2018 at 7:30 a.m.

IX. ADJOURNMENT

Member Sperrazzo motioned to adjourn meeting at 10:30 a.m. Secretary Eustaquio seconded the motion. All in favor; motion carried.