

The Guam Board of Examiners for Pharmacy

Regular Board Meeting

20 June 2024, 7:30 AM.

Join Zoom Meeting: <https://us06web.zoom.us/j/88070267124?pwd=bufLYidYb6TSaPwMm3u0nd1lVbaLM.1>

Meeting ID: 880 7026 7124 Passcode: 885220

MINUTES

Item	Discussion	Responsible Party	Reporting Timeframe	Status
I	Meeting Chaired by: M. Gabriel	Chair	0746	Call to Order
	<p>A. Roll Call: GBEP Members <i>Present at HPLO Conference:</i> <input checked="" type="checkbox"/> Melissa Gabriel, Chairperson <input checked="" type="checkbox"/> Art Mariano, Treasurer <input checked="" type="checkbox"/> Jerry Caruso, Member <input checked="" type="checkbox"/> Jed Sana, Vice-Chair <input checked="" type="checkbox"/> Angelina Eustaquio, Secretary</p>	Chair	0746	Quorum Not Confirmed
	<p>B. Confirmation of Public Notice: Guam Daily Post: 06/13/2024 and 06/18/2024</p>			Confirmed
II	<i>Motion to Approve: A. Mariano; 2nd: J. Sana</i>	GBEP	0746	Unanimously Adopted Agenda
III	<p>Draft Minutes dated 5/16/2024. <i>Motion to approve: A. Mariano; 2nd: J. Sana</i></p>	GBEP	0747	Unanimously Approved
IV	<p>HPLO Administrator's Report B. Sablan provided the HPLO administrator's report, addressing one item on the agenda: the complaints and investigation process. They mentioned the development of an internal policy and a flow chart to streamline this process. The finalized documents are expected within the next week, after which they will be shared with the board members.</p>	Z. Pecina	0748	Noted
V	<p>GBEP Complaints GBEP-CO-16-01 – On-going. During the discussion of case GBEP-CO-16-01, M. Gabriel clarified ongoing email exchanges concerning the terminology in a letter of reprimand. There was confusion between a "public reprimand" and a letter intended for the file.</p> <p>Attorney M. Thompson stated that his client could not attend the meeting due to travel. He expressed concern that the resolution would include what was understood as a warning letter, a non-disciplinary note in the respondent's file cautioning against future misconduct. Drawing on their experience with other boards and the Guam Bar Association Ethics Committee, they emphasized that such a warning letter</p>	GBEP	0749	Course of Action Confirmed, HPLO Attorney to Provide Clarification at the Next Meeting

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	<p>should not be considered formal discipline. The concern arose when the term "public reprimand" appeared, which implied a different, more formal disciplinary action.</p> <p>The discussion continued regarding the letter associated with case GBEP-CO-16-01. The Chair referenced a second letter sent out, emphasizing that it should not be seen as a disciplinary action, thus not reported to the National Prescriber Data Bank (NPDB).</p> <p>Attorney Thompson expressed the need to clarify that the letter would not be considered reportable discipline, aiming to avoid semantic misunderstandings. The Chair noted that while the NPDB might not consider it disciplinary, the NABP does report all outcomes, including non-disciplinary actions, and reiterated that this matter would require confirmation from their attorney to determine the Board's stance.</p> <p>Attorney Thompson explained their concern stemmed from a background in legal ethics, where a letter of warning is not considered discipline, but any form of reprimand (private or public) is. Hence, they sought clarity on whether this letter would be treated as discipline by the board. The Chair agreed that further consultation with the board's attorney was necessary to resolve the issue, and Attorney Thompson offered to discuss it with the attorney to ensure mutual understanding.</p> <p>Attorney Thompson acknowledged that the issue might be a miscommunication and expressed willingness to discuss it with the board's attorney to resolve the matter, emphasizing his client's desire to close the case.</p> <p>The Board mentioned the need to address cost recovery and ethics, recalling previous similar issues that required consultation with the Office of the Attorney General (OAG). The Chair added that the process would continue, and it is appropriate to attach a fine to a letter of reprimand if necessary.</p> <p>The Chair confirmed that the letter and the case had been reviewed by the OAG, despite the frequent changes in representation; therefore, the Board's stands and has been approved. The Chair suggested involving the HPLO attorney in the next meeting for further clarification, ensuring all parties have a clear understanding.</p> <p>GBEP-CO-24-02 – On-going The ongoing case GBEP-CO-24-02 involves Mr. S. Lee, who was present at the meeting. The complaint originated from his employment at the Guam Regional Medical City (GRMC) as a pharmacist, where other employees reported him for alcohol consumption. Subsequently, he was summoned to the Human Resources Department and underwent a breathalyzer test.</p> <p>The breathalyzer test, administered by Allied HR in Atlanta, showed initial difficulty in operation, requiring two separate tests. While all drug screenings, conducted via urine tests, returned negative results, the second breathalyzer test revealed a blood alcohol concentration of 0.192, indicating</p>			<p>Unanimously Approved; Follow-up in One Year</p>

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	<p>significant impairment. Mr. Lee attributed the elevated results to chewing minty gum, which the technician confirmed could potentially influence the readings. However, no observations were made of Mr. Lee exhibiting physical signs of intoxication, such as staggering or impaired movement, aside from the smell of alcohol on his breath.</p> <p>J. Caruso requested a response from Mr. Lee, who submitted a letter read aloud during the meeting. In the letter, J. Caruso provided a detailed account of the events on 23 February 2024, which significantly impacted Mr. Lee's professional life. He explained that he had been battling cold symptoms and insomnia in the days preceding the incident, which led him to consume alcohol as a sleep aid after conventional cold remedies failed to provide relief.</p> <p>On the morning of 23 February, Mr. Lee reported to his scheduled shift at GMRC while still suffering from sinus congestion and a sore throat. Shortly after arriving, he was summoned to the Human Resources Department following a complaint. He cooperated fully with the subsequent drug and breathalyzer tests, despite complications that may have caused discrepancies in the results. Mr. Lee attributed the elevated alcohol readings to the residue from the cough drops he had been consuming and potential malfunctions of the testing equipment.</p> <p>Despite these challenges, the final test results showed a blood alcohol level double the initial figure, leading to Mr. Lee's termination. Mr. Lee acknowledged the severity of the situation and took full responsibility for his actions, noting that such behavior was uncharacteristic for him. He emphasized his previously unblemished professional record, with no prior accusations of alcohol misuse or convictions for driving under the influence.</p> <p>Mr. Lee expressed sincere remorse for any distress or inconvenience caused and pledged to uphold the highest standards of professionalism in the future. He humbly requested the agency's consideration in determining the fate of his pharmacy license, recognizing the incident as a singular lapse in judgment that would not be repeated. Mr. Lee concluded by reaffirming his commitment to rectifying the situation and rebuilding trust in his professional capabilities.</p> <p>J. Caruso concluded the investigation into Mr. Lee's case, deeming the incident a one-off occurrence due to his inability to self-medicate properly. The investigation found that Mr. Lee was called into the HR department following complaints, during which it was reiterated that no alcohol was permitted in the hospital department. The exact details remain unclear, but considering all the facts, including Mr. Lee's expression of regret and remorse, the following recommendations were made: (1) Issuance of a Letter of Reprimand to formally address the incident and serve as a warning. (2) Imposition of a Small Fine a suggested amount of \$100 to be paid by Mr. Lee. (3) Adherence to Standard National Association of Boards of Pharmacy (NABP) Rules and Regulations ensuring that the incident is reported in accordance with the NABP guidelines for future reference by employers. (4) Reporting to Future Employers ensuring</p>			

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	<p>transparency about the incident to future employers, although Mr. Lee's current employer, a local pharmacy, is aware of the incident and has no issues with his employment. J. Caruso concluded that this approach would ensure proper handling of the incident while allowing Mr. Lee to continue his professional career with the necessary precautions and accountability measures in place.</p> <p>In reference A. Eustaquio's inquiry on the drug test results, Mr Lee reported that the urine test results were negative for various substances, including amphetamines, cocaine, marijuana, ecstasy, opiates, and benzodiazepines. However, the test list did not mention alcohol. J. Caruso confirmed that the positive result was only for alcohol, not any other substances. They stood by the results they obtained from the breathalyzer test, despite some issues with the equipment.</p> <p>Art asked if any error or harm was done to a patient due to the incident. It was confirmed that no harm was caused to any patient. They emphasized that the key issue was Mr. Lee's conduct and potential future risks if similar behavior occurred again.</p> <p>The Board then clarified the need for a follow-up period to monitor Mr. Lee's compliance and behavior. This follow-up would include periodic checks to ensure ongoing compliance with professional standards.</p> <p>Mr. Lee was asked about his current health condition and whether he was seeing a primary physician for insomnia. He responded that his insomnia was limited to a two-week period when he was sick and that he usually does not have insomnia.</p> <p><i>Motion to Impose \$100 fine as well as a follow up interview with the Board in one year: J. Caruso; 2nd: J. Sana</i></p>			
VI	<p>Old Business</p> <p>A. Immunization Bills & Rules GBEP is conducting weekly work sessions starting Sundays at 10:30 AM, with the goal of finalizing Immunization Bills & Rules by the end of July, inviting interested parties to participate in discussions on the Rules and Regulations at a location to be determined.</p> <p>B. Board Inspection Forms</p> <p>C. Proposed Updates to Laws</p> <p>D. Pharmacies/Facilities/Wholesales:</p> <ol style="list-style-type: none"> 1. Simply Rx Pharmacy 2 Pending staffing plan, revised power outage/emergency storage procedures, and inspection 2. IGP Logistics LLC Pending foreign corporation registration and policy and procedures for recalled drugs <p>E. Inspections:</p> <ol style="list-style-type: none"> 1. Guam Regional Medical City 2. Guam Memorial Hospital Authority <p>F. DPHSS NRCHC (PCY-010) AND SRCHC (PCY-011) PHARMACY REQUEST FOR WAIVER OF TECHNICIAN TO PHARMACIST RATIO</p>	GBEP	0817	<p>Work Session Date Set</p> <p>No Report</p> <p>No Report</p> <p>Tabled No Update</p> <p>Tabled No Update</p> <p>No Update</p> <p>No Update</p> <p>Unanimous/Temporarily</p>

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	<p>The DPHSS NRCHC (PCY-010) and SRCHC (PCY-011) are requesting a waiver to operate with a 5 to 1 technician to pharmacist ratio temporarily, despite the board previously approving a 3 to 1 ratio, until they hire a new pharmacist. Concerns were raised about training protocols for technicians and ensuring proper oversight in the absence of additional pharmacists. The Board agreed to maintain the 3 to 1 ratio for now, pending submission and approval of an action plan outlining how the institutions will manage the transition to a 5 to 1 ratio once new pharmacists are hired and technicians are fully trained.</p> <p><i>Motion to Temporarily Approve 3-1 ratio until Training is complete: J. Sana; 2nd: A. Mariano</i></p>			Approved 5 to 1 Ratio Until Training is Complete
VII	<p>New Business</p> <p>A. Pharmacists by Endorsement:</p> <p>1. Leslie Brewer <i>Motion to Conditionally Approve Pending Passing of MPJG: J. Sana; 2nd: A. Mariano</i></p> <p>2. You Jung <i>Motion to Conditionally Approve Pending Passing of MPJG: A. Mariano; 2nd: J. Sana</i></p> <p>3. Aleasha Bryant <i>Motion to Conditionally Approve Pending Passing of MPJG: J. Sana; 2nd: A. Mariano</i></p> <p>4. Melissa George <i>Motion to Conditionally Approve Pending Passing of MPJG: J. Sana; 2nd: A. Mariano</i></p> <p>B. Pharmacy Technicians</p> <p>1 Alyssa Eunice Pangelinan <i>Motion to Approve: J. Sana; 2nd: A. Mariano</i></p> <p>2 Dorrine Cruz <i>Motion to Approve: J. Sana; 2nd: A. Mariano</i></p> <p>3 Lance Legaspi <i>Motion to Approve: A. Mariano; 2nd: J. Sana</i></p> <p>C. Pharmacies/Facilities/Wholesales</p> <p>1. Sigma Pharmaceuticals, LLC <i>Motion to Approve: J. Sana; 2nd: A. Mariano</i></p> <p>2. Transition Pharmacy Services LLC dba Transition Pharmacy <i>Motion to Approve: J. Sana; 2nd: A. Mariano</i></p> <p>3. Optum Pharmacy 701, LLC <i>Motion to Approve: A. Mariano; 2nd: J. Sana</i></p> <p>4. Shockwave Medical, Inc. <i>Motion to Approve: A. Mariano; 2nd: J. Sana</i></p> <p>D. Renewals</p> <p>Pharmacy Interns:</p> <p>1. Cynia Baltazar (PIL-2019-005) <i>Motion to Approve: A. Mariano; 2nd: J. Sana</i></p> <p>2. Jennie Ebidag (PIL-2021-004)</p>	GBEP	0815	<p>Unanimously Approved</p> <p>Unanimously Approved</p> <p>Unanimously Approved</p> <p>Unanimously Approved</p> <p>Unanimously Approved</p> <p>Unanimously Approved</p> <p>Unanimously Approved</p> <p>Unanimously Approved</p> <p>Unanimously Approved</p> <p>Unanimously Approved</p> <p>Unanimously Approved</p> <p>Unanimously Approved</p> <p>Unanimously Approved</p> <p>Unanimously Approved</p> <p>Unanimously Approved</p>

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	<i>Motion to Approve: J. Sana; 2nd: A. Mariano</i>			Approved
	Pharmacies/Facilities/Wholesales:			
	1. M.D. Wholesale (PHW-032) <i>Motion to Approve: J. Sana; 2nd: A. Eustaquio</i>			Unanimously Approved
	2. Pacific Direct (PHW-019) <i>Motion to Approve: A. Mariano; 2nd: J. Sana</i>			Unanimously Approved
	3. Mega Drug (PCY-035) <i>Motion to Approve: J. Sana; 2nd: A. Eustaquio</i>			Unanimously Approved
	4. Mega Drug II (PCY-040) <i>Motion to Approve: J. Sana; 2nd: A. Eustaquio</i>			Unanimously Approved
	5. Mega Drug III (PCY-065) <i>Motion to Approve: J. Sana; 2nd: A. Eustaquio</i>			Unanimously Approved
	6. Mega Drug IV (PCY-066) <i>Motion to Approve: J. Sana; 2nd: A. Eustaquio</i>			Unanimously Approved
	7. SuperDrug Tumon (PCY-071) <i>Motion to Approve: A. Mariano; 2nd: J. Sana</i>			Unanimously Approved
	8. NRCHC Pharmacy (PCY-010) <i>Motion to Approve: A. Mariano; 2nd: J. Sana</i>			Unanimously Approved
	9. SRCHC Pharmacy (PCY-011) <i>Motion to Approve: A. Mariano; 2nd: J. Sana</i>			Unanimously Approved
	10. SuperDrug Oka (PCY-034) <i>Motion to Approve: A. Mariano; 2nd: J. Sana</i>			Unanimously Approved
	11. SuperDrug Agana (PCY-037) <i>Motion to Table pending renewed CSR: J. Sana; 2nd: A. Eustaquio</i>			Unanimously Tabled Pending CSI
	12. SuperDrug Harmon (PCY-058) <i>Motion to Approve: A. Mariano; 2nd: J. Sana</i>			Unanimously Approved
	13. Health Services of the Pacific (PCY-070) There is an issue that requires confirmation on the type of license that they are applying for. <i>Motion to Table pending submission of Amended Application: J. Sana; 2nd: J. Caruso</i>			Unanimously Tabled Pending Amended Application
	14. Optum Frontier Therapies II, LLC (NR-PCY082) <i>Motion to Approve: J. Sana; 2nd: A. Mariano</i>			Unanimously Approved
	15. Optum Pharmacy 801, Inc. (NR-PCY064) <i>Motion to Approve: J. Sana; 2nd: A. Mariano</i>			Unanimously Approved
	16. Optum Frontier Therapies II, LLC (NR-PHW079) There is a discrepancy between the numbers on the license and the numbers on the application. <i>Motion to Table pending submission of Amended Application: J. Sana; 2nd: A. Mariano</i>			Unanimously Tabled Pending Amended Application
	E. RxCrossroads 3PL LLC (NR-PHW049) Amended Application			Unanimously Approved

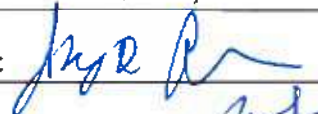
Item	Discussion	Responsible Party	Reporting Timeframe	Status
	<p><i>Motion to Approve Amended Application: J. Sana; 2nd: A. Mariano</i></p>			
	<p>F. 2024 NABP Annual Meeting Angie Eustaquio attended the 2024 NABP Annual Meeting as the Guam delegate, where she voted on three resolutions: addressing drug shortages, improving student access to the MPJG website, and supporting recovery programs. The meeting emphasized the need for mental health support for pharmacists and discussed a uniform jurisprudence examination set to launch in 2026, allowing for state-specific modules. Guam, part of NABP District 8 with Utah, Colorado, New Mexico, and Hawaii, was invited to district meetings, with a focus on eliminating discriminatory language in applications. The next meeting will be held in May in Fort Lauderdale, Florida.</p>			Noted
	<p>G. Suspicious Order Reports</p>			
	<p>1. Super Drug Dededo Pharmacy (PCY-026) Regarding Super Drug Dededo Pharmacy (PCY-026) the Board discussed ongoing challenges with maintaining adequate stock of Schedule 2 products, particularly due to unpredictable availability from their wholesaler, Heartland Health in California. Despite efforts to monitor stock levels daily and adjust orders accordingly, they frequently face shortages that lead to turning away customers from other pharmacies. The pharmacy aims to streamline ordering to once a month but faces variability in product availability and customer demand. They expressed willingness to cooperate with DEA inspections to ensure compliance and avoid issues with drug diversion.</p>			Noted
	<p>H. Duty to Report</p>			
	<p>1. Midwest Veterinary Supply, Inc. (NR-PHW013) Midwest Veterinary Supply, Inc. (NR-PHW013) was publicly censured by the Veterinary Board of Pharmacy for violating federal statutes related to veterinary medications. The violation involved shipping mislabeled drugs and dispensing veterinary prescription drugs to non-pharmacy entities. Despite the disciplinary action, no fines were imposed. The case, which originated in Virginia, has concluded, and the Missouri court has now censured them. The Board discussed the implications of this case and emphasized the importance of adhering to regulations to prevent similar incidents in the future.</p>			Noted
	<p>I. NABP Clearinghouse Alerts & Reports</p>			
	<p>1. Melissa Fossum (PH0579) Melissa Fossum's license, PH0579, was subject to review by the Board due to an alert and report received. The Hawaii State Board of Pharmacy had taken disciplinary action against her, imposing a fine of approximately \$250. Despite this action, her license remains active, and she currently operates a pharmacy. The Board noted discrepancies in her license application, where she only disclosed her Minnesota license and did not mention other licenses she holds. This raised questions about the completeness of her application and whether further investigation is warranted regarding her other licenses.</p>			Unanimous Approved

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	<p>Ms. Fossum explains that she did not initially include all her licenses on her application because she misunderstood the requirement. She only listed her Minnesota license, believing it was sufficient. When asked about disciplinary actions, she marked "no" based on her understanding at the time. However, Ms. Fossum later learned about reporting requirements when a disciplinary action in Hawaii resulted in a settlement agreement and a fine of \$250. She subsequently reported this action to Minnesota, Colorado, and Oregon, but not immediately to the Board discussing her application. The Board members are clarifying why she did not report this initially and discussing the implications of the settlement agreement being considered reportable discipline.</p> <p>Ms. Fossum applied for a Guam pharmacy license in December 2023 but became aware of the need to report a disciplinary action in Hawaii in mid-March 2024 when applying for licenses in Alaska and Arizona, prompting her to acknowledge initial confusion about reporting requirements across states.</p> <p>During the meeting, there was discussion regarding Ms. Fossum's failure to report disciplinary actions to Guam despite applying for licensure there in 2023. The Chair questioned why Ms. Fossum did not notify the GBEP, emphasizing the reporting requirements across other states where Ms. Fossum is licensed. Ms. Fossum explained that the clarity of Guam's reporting requirements was unclear to her at the time. The Board pointed out the recent passing of a mandatory reporting requirement by the GBEP, to which Ms. Fossum expressed surprise at not being aware. The conversation also delved into the details of an incident in Oregon involving insurance fraud, with Ms. Fossum acknowledging the mistake and discussing the administrative repercussions. The Board considered whether to impose penalties or issue a warning to Ms. Fossum, emphasizing the importance of adherence to reporting requirements and ethical conduct.</p> <p>During the meeting, Ms. Fossum expressed her concern about potential repercussions if the Board chooses to discipline her, highlighting that any action taken would trigger additional reporting obligations to Oregon, Hawaii, Colorado, and Minnesota. She acknowledged the seriousness of the situation and was open to accepting any judgment or penalty decided by the Board. The Board acknowledged the impact on board resources and indicated a minimum fine of \$50 for failure to report, while emphasizing that no harm was caused beyond the reporting issue. The Chair mentioned the need to address procedural clarity and the potential consequences of any decision on Ms. Fossum's professional record. The discussion underscored the importance of consistent reporting and the board's role in ensuring compliance across all relevant jurisdictions.</p> <p><i>Motion for no Action Against Melissa Fossum: J. Sana; 2nd: A. Mariano</i></p>			
VIII	Announcements	GBEP	0955	Set Date
IX	Adjournment	GBEP	0955	Adjourned
	J. Complaints and Investigation Process			

Minutes Drafted by: FLAME TREE Freedom Center, Inc.

Date Submitted: 7/1/2024

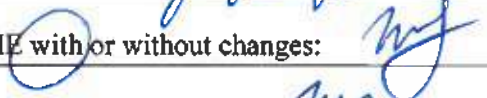
Submitted by the GBAHE Secretary:



Date:

7/6/24

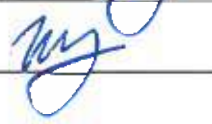
Approved by the GBAHE with or without changes:



Date:

7/10/24

Certified by or Attested by the Chairperson:



Date:

7/10/24