

GUAM BOARD OF EXAMINERS FOR PHARMACY

Department of Public Health and Social Services
Health Professional Licensing/EMS

Thursday, February 25, 2021, 7:30 AM.
VIRTUAL – REGULAR BOARD MEETING

Access Code: 733-639-317

MINUTES

MEMBERS PRESENT:

- Jerry Caruso, Chairperson ✓
- Angelina Eustaquio, Secretary ✓
- Racquel Sperrazzo, Member
- Gary Roy, Member ✓
- Christine Solis, Member ✓

OTHERS PRESENT:

- Robert Weinberg, Assistant Attorney General
- Minakshi V. Hemlani, Esq., Lawyer
- Eva Aguon, Public
- Mary Cabildo
- Zennia Pecina, HPLO Administrator
- Deborah Borja, HPLO Admin Assistant
- Ciana Galindo, HPLO Board Secretary
- Dawn Reyes, FLAME TREE Freedom Center
- Chantay Benitez, FLAME TREE Freedom Center

TOPIC		DECISION(S) / ACTION(S) MADE	RESPONSIBLE PARTY	REPORTING TIMEFRAME	STATUS
I.	CALL TO ORDER	CALLED TO ORDER: 7:41AM.	CHAIRMAN	7:41	Confirmed
II.	ROLL CALL	Virtual Roll Call	CHAIRMAN	7:42	Confirmed
III.	PROOF OF PUBLICATION	Proof of Publication. DOA & AG website	CHAIRMAN	7:42	Confirmed

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IV.	APPROVAL OF AGENDA	Adoption of Agenda - Noted, Need to add Section VII. Old Business E. Minakshi V Hemlani, Esq. on Express Med Pharmacy and Harmon Drug Store			CHAIRMAN	7:47	Approved as Amended
V.	APPROVAL OF MINUTES	Approval of minutes dated January 21, 2021.			CHAIRMAN	7:51	Approved
VI.	HPLO REPORT	<ul style="list-style-type: none"> - Noted, HPLO will set-up Ethics for the GBEP - Noted, HPLO Administrator attended a public hearing for Bill 43-36 regarding changing procurement law to allow the hiring of expert consultants for litigations, which sounded favorable. Awaiting for voting results. - Noted, GBEP Chair has assumed the Treasurer role for now. Noted he was unable to attend the last HPLO Treasurer's meeting. Next meeting Friday, 2/25/2021, 9:30am. GBEP should consider nominating a Treasurer to attend meetings. - NABP and MPJE Examination- Failed attempts Clarification <ul style="list-style-type: none"> - One applicant following up on MPJE; failed NABP five times and will be testing for the on the 6th time - Noted, HPLO Administrator sought guidance on the maximum number of attempts before a refresher course is required. NOTE: not addressed in GBEP Rules and Regs. - Noted, HPLO Administrator will await GBEP guidance before authorizing retesting. Noted, HPLO Administrator will look into NABP guidelines 			HPLO Administrator	8:00	Tabled
VII.	OLD BUSINESS	<p>A. Priority Air Express – 3rd Party Logistics (3PL) – (<i>Pending business license; & agent name on application</i>) – On-going</p> <ul style="list-style-type: none"> - Noted, J. Caruso hasn't heard anything from them. Side note: he has read that 3rd Party Logistics are questionable as a business platform. Now, waiting to hear from them. <p>B. Costco Wholesale Corporation – (<i>PIC clarification received</i>)</p> <ul style="list-style-type: none"> - Noted, Isna Tang PH0303 is the new name of the manager. - Noted, under obligation they checked both controlled and uncontrolled and they have a DEA number for the record, so they don't need a Guam CSR 			GBEP	8:15	On-going
					GBEP	8:18	Noted


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	<p>C. Paul R. Plante Jr. DBA: Vetessa Pharmaceutical, Inc – (Response received, regarding inspection report corrections.)</p> <ul style="list-style-type: none"> - Noted, received onsite inspection report dated July 25, 2019. They sent a copy of their policy and procedure handbook dates August 2019 and information regarding inspection corrections. They have their wholesale distributors license dated August 7, 2019 - Noted, Application to GBEP was dated Nov 20, 2020 - J. Caruso reviewed and signed off. Two more GBEP members need to review and sign off. License will be approved pending the signature of the GBEP members. <p><i>Motion: G. Roy 2nd: A. Eustaquio</i></p>	GBEP	8:30	Approved pending GBEP signatures
	<p>D. SimplyRX – (Inspection report received)</p> <ul style="list-style-type: none"> - Noted, request for change of business name from Pacific Healthcare Pharmacy to Simply RX and License Approval - Noted, findings include lost data prior to Dec 2, 2020 due to computer crash. There is an attachment with explanation. Concern with dry walls if there was a break in. - Motion to approve change of business name and license for SimplyRX <p><i>Motion: G. Roy 2nd: C. Solis</i></p> <ul style="list-style-type: none"> - Noted, the inspection occurred under the name of Pacific Healthcare Pharmacy and was not yet SimplyRX so a separate inspection needs to happen for SimplyRX. - Noted, 1 April 1st is the first day of business for SimplyRX according to the closing agreement. - Noted, applicant needs to submit a written request for a new inspection of SimplyRX at the earliest convenience of the GBEP to open on time - Noted, previous motion struck. New Motion to approve new pharmacy pending inspection of SimplyRX <p><i>Motion: A.Eustaquio 2nd: G. Roy</i></p>	GBEP	8:55	Approved pending inspection

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	<p>E. Minakshi V. Hemlani, Esq.</p> <ol style="list-style-type: none"> 1. Express Med Pharmacy <ol style="list-style-type: none"> a. Noted, complaints were first filed in 2016. All investigative matters and interviews were conducted, but the enforcement procedures by law are particular and there are timing requirements. b. Current restrictions: logistical (because of the pandemic, they need a plan for processes) and procurement (HPLO needs to confirm another contract for counsel to ensure funding is enough for the whole process and is not stopped midway). c. Noted, current recommendation: do not go forward yet because of stated restrictions. 2. Harmon Drug Store <ol style="list-style-type: none"> a. Noted, complaint first filed in 2017. This was upon initiation of the GBEP which stood the investigation of Harmon Drug Store. Some investigation authorized and done by Eva Aguon. In the files reviewed, she was asking for a second audit. M. Hemlani requests to speak with Eva Aguon to discuss more about her request. b. Noted, some discussion of settlement. If this case could be reviewed further for settlement, it could be closed quickly. c. Noted, the issues with moving forward also include the logistical and procurement issues similarly to the Express Med Pharmacy case. d. Noted, GBEP approved for M. Hemlani speaking with E. Aguon and coming back to the next meeting with updates on how to move forward. 	GBEP	8:12	Tabled
VIII. NEW BUSINESS	<p>A. PHARMACIST BY ENDORSEMENT</p> <ol style="list-style-type: none"> 1. Caleb R. Tang <ol style="list-style-type: none"> a. Noted, Washington license is expiring March 21, 2021. There is a letter from Dept of Health Washington dated Dec. 2, 2020. Received application Nov. 27 2020. Passed the MPJE. b. Noted, J. Caruso reviewed and established he meets all requirements. 2. Nicolette C. Baldovino <ol style="list-style-type: none"> a. Noted, GBEP reviewed and established applicant pending requirements: license verification and MPJE score. 3. Thomas W. Key <ol style="list-style-type: none"> a. Noted, GBEP reviewed and established applicant pending requirements: MPJE verification. 	GBEP	9:04	Approved, upon Fulfillment of pending requirements

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	<p>4. Michelle C. Smoot</p> <p>a. Noted, Failed MPJE Jan 4, 2021. Waiting on Verification of Texas License.</p> <p><i>Motion: C. Solis 2nd: A. Eustaquio</i></p> <p>B. PHARMACY TECHNICIAN</p> <p>1. Charles P. Plaza</p> <p>a. Noted, GBEP reviewed and applicant already has two GBEP signatures. Application received Jan. 12, 2021.</p> <p>b. Noted, one more GBEP signature needed</p> <p>2. Mayuel A. Lumbang</p> <p>a. Noted, GBEP reviewed and approved applicant pending GBEP signatures</p> <p><i>Motion: C. Solis 2nd: G. Roy</i></p> <p>C. PHARMACY / FACILITY</p> <p>1. Biologics by Mckesson</p> <p>a. Noted, Jorge Carillo is the Pharmacist in charge. This is a non-resident pharmacy.</p> <p>b. Noted, GBEP reviewed and approved applicant pending GBEP signatures</p> <p>2. US Bioservices</p> <p>a. Noted, application received Feb. 15, 2021.</p> <p>b. Noted, GBEP reviewed and approved applicant pending PIC license on Guam</p> <p><i>Motion: A. Eustaquio 2nd: G. Roy</i></p> <p>D. PHARMACY INTERN: RENEWAL</p> <p>1. Gil Arthur O. Clavejo – MedPharm</p> <p>2. Roen Geneel M. Pangelinan – MedPharm</p> <p>3. Kate S. Velasco – Express Med Pharmacy</p> <p>4. Cynia A. Baltazar – SDA, Kmart Pharmacy</p> <p>- Noted, GBEP reviewed, found all requirements met, and approved applicants.</p> <p><i>Motion: C. Solis 2nd: A. Eustaquio</i></p> <p>A. Bill No. 6-36 – 36th Legislature</p> <p>- Noted, Asst AG Weinberg reports it went very well. This is a paragraph bill drafted to avoid HPLO going through procurement for experts or consultants to assist all Boards under HPLO ie. GBME, who really needs experts and</p>	GBEP	9:08	Approved pending GBEP signatures
IX.	OTHER	GBEP	9:24	Noted

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	<p>consultants in specific areas because of issues like conflict of interests of experts on Guam</p> <ul style="list-style-type: none"> - Noted, Claudia Acfalle, GSA Procurement office, had questions about cap. Noted John Thomas Brown made a strong objection. - Noted, the record is open for five days since that Tuesday then it goes for a committee vote to go to the legislature or not. <p>B. Guam Rexall Drugs – New Pharmacist in Charge – Melissa M. Gabriel</p> <ul style="list-style-type: none"> - Noted, GBEP received written notice of the new pharmacist in charge at Guam Rexall Drugs. She has been licensed in Guam for many years. <p>C. Sales of insulin pen needles and syringes to end-users</p> <ul style="list-style-type: none"> - Noted, Attorney Christopher M. Guthrey sent a request to the GBEP to request guidance on sales of insulin pen needles and syringes to end users. Premise is that these have not been prescription items for decades because it was life-saving, and laws at the time did not require prescription for certain types of insulin needles. - Noted, C. Solis finds that in other states insulin cannot be sold outside pharmacies unless in special cases or with limits. For Guam, it still should be limited to strictly pharmacies. - Noted, J. Caruso will respond by asking particular interests in question, i.e. is the interest in a general survey of information or is the inquirer entering the market of insulin needles? and will send this question to Attorney Christopher M. Guthrey. <p>D. Interested GBEP Inspector – Evangeline “Vangie” Phillips</p> <ul style="list-style-type: none"> - Noted, E. Phillips requests to be added to the team of authorized investigators for GBEP. She has been a practicing pharmacist on Guam for many years. - Noted, Asst. AG Weinberg suggests creating a new document for confidentiality for inspectors to be signed. Eva Aguon suggests a GBEP Inspector ID for any situation that may require it. - Motion to accept E. Phillips to be an additional inspector and be an official inspector for the GBEP pending signature of official documents <i>Motion A. Eustaquio 2nd: C. Solis</i> <p>E. Additional Discussion: Drafting Rules for Immunizing</p> <ul style="list-style-type: none"> - Noted, there was a final document drafted for rules for immunizing and Asst. AG Weinberg wanted to confirm that there were still some questions before preparing to finalize. 	GBEP	9:30 9:41 9:47 9:46	Noted Noted Approved pending signature of confidentiality documents Noted

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	<ul style="list-style-type: none"> - Noted, J. Caruso mentions planning to have an online working session. GBEP needs to find out what platform to use for virtual meetings. A typical working session will be held on the weekend or evenings. - Noted, the GBEP will review the drafted document to look to decide what to do at the next meeting. 			
X.	ANNOUNCEMENT The next Guam Board of Examiners for Pharmacy Regular Session Meeting is scheduled for March 18, 2021 at 7:30 AM via GoToMeeting. Details to follow at a later date.	GBEP	9:51	Noted
XI.	ADJOURNMENT Meeting adjourned at: 9:52 AM Motion: C. Solis 2 nd : A. Eustaquio	GBEP	9:52	Noted

Reviewed by:  4/22/2021

Approved by:  4/22/2021
Chairperson / Date

Secretary / Date

Minutes by: Chantay Benitez, FLAME TREE Freedom Center, Inc.