



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

MAY 13 1998

Refer to
Legislative Secretary

The Honorable Antonio R. Unpingco
Speaker
Mina'Bente Kuáttro na Liheslaturan Guáhan
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>Joni Sumatanta</u>
Time	<u>12:20 p.m.</u>
Date	<u>5-13-98</u>

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 594 (COR), "AN ACT TO REPEAL AND REENACT ARTICLE 6, CHAPTER 12 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE GUAM BOARD OF EXAMINERS FOR PHARMACY PRACTICE ACT.", which I have signed into law today as **Public Law No. 24-207.**

This legislation completely revises the current law relative to the practice of pharmacy on Guam. The legislation is much more complete than the current law, adding numerous definitions of terms relative to the field and moving the field into the Twenty-First Century by including modern technology such as accepting prescription through electronic transmission , or telepharmacy across Guam-state lines, and acknowledging that pharmacies now use computers to fill prescriptions.

This new legislation provides that prescriptions are part of a person's medical record and includes a "confidentiality clause" for this purpose.

It also allows for the position of registered "pharmacy technicians" to assist pharmacists. This position can be an "entry level" position, to encourage young people to go through training procedures to express their interest in the field of pharmacy.


Office of the Speaker
ANTONIO R. UNPINGCO
Date: 5/13/98
Time: 9:50 am
Rec'd by: [Signature]
Print Name: Joni Sumatanta

00827

This legislation is synchronized with the passage of Bill No. 501, Advanced Practice of Registered Nursing (APRN).

This legislation is in concurrence with the U.S. Federal Law regulating pharmacy practice.

Very truly yours,


Carl T. C. Gutierrez
I Maga'lahañ Guåhan
Governor of Guam

01007

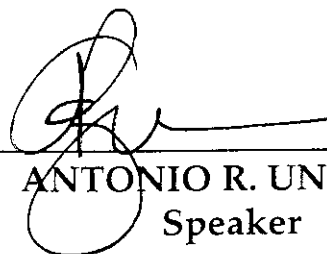
Attachment: copy attached for signed bill
 original attached for vetoed bill

cc: The Honorable Joanne M. S. Brown
 Legislative Secretary

MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session

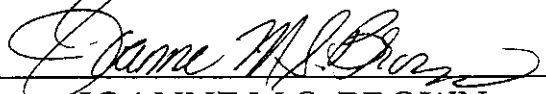
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 594 (COR), "AN ACT TO REPEAL AND REENACT ARTICLE 6, CHAPTER 12 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE GUAM BOARD OF EXAMINERS FOR PHARMACY PRACTICE ACT," was on the 27th day of April, 1998, duly and regularly passed.



ANTONIO R. UNPINGCO
Speaker

Attested:




JOANNE M.S. BROWN

Senator and Legislative Secretary

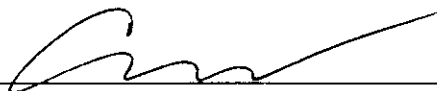
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This Act was received by *I Maga'lahaen Guahan* this 1st day of May, 1998,
at 12:05 o'clock P.M.



Assistant Staff Officer
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ

I Maga'lahaen Guahan

Date: 5-13-98

Public Law No. 24-207

MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session

Bill No. 594 (COR)

As substituted by the Committee
on Health and Human Services and
amended on the Floor.

*

Introduced by:

E. J. Cruz
J. C. Salas
L. F. Kasperbauer
A. C. Blaz
Felix P. Camacho
T. C. Ada
F. B. Aguon, Jr.
J. M.S. Brown
Francisco P. Camacho
M. C. Charfauros
W. B.S.M. Flores
Mark Forbes
A. C. Lamorena, V
C. A. Leon Guerrero
L. Leon Guerrero
V. C. Pangelinan
A. L.G. Santos
F. E. Santos
A. R. Unpingco
J. Won Pat-Borja

**AN ACT TO REPEAL AND REENACT ARTICLE 6,
CHAPTER 12 OF TITLE 10 OF THE GUAM CODE
ANNOTATED, RELATIVE TO THE GUAM BOARD
OF EXAMINERS FOR PHARMACY PRACTICE
ACT.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1.** Article 6 of Chapter 12 of Title 10 of the Guam Code
3 Annotated is hereby repealed and reenacted to read as follows:

4 **"ARTICLE 6.**

5 **GUAM PHARMACY PRACTICE ACT.**

6	Section 12601.	Title of Act.
7	Section 12602.	Legislative Declaration.
8	Section 12603.	Statement of Purpose.
9	Section 12604.	Practice of Pharmacy.
10	Section 12605.	Definitions.
11	Section 12606.	Board of Pharmacy: Designation.
12	Section 12607.	Membership.
13	Section 12608.	Qualifications.
14	Section 12609.	Appointment.
15	Section 12610.	Terms of Office.
16	Section 12611.	Vacancies.
17	Section 12612.	Removal.
18	Section 12613.	Organization.
19	Section 12614.	Compensation of Board Members.
20	Section 12615.	Meetings.
21	Section 12616.	Rules.
22	Section 12617.	Powers and Responsibilities.
23	Section 12618.	Licensing: Unlawful Practice.
24	Section 12619.	Qualifications for Licensure by
25		Examination.

1	Section 12620.	Qualifications for License Transfer.
2		Reciprocity.
3	Section 12621.	Qualifications for Registration to Practice
4		Telepharmacy Across Guam/State Lines.
5	Section 12622.	Renewal of Licenses.
6	Section 12623.	Continuing Pharmacy Education.
7	Section 12624.	Intern/Extern Licensure.
8	Section 12625.	Registration of Pharmacy Technicians.
9	Section 12626.	Discipline: Grounds, Penalties and
10		Reinstatement.
11	Section 12627.	Procedure.
12	Section 12628.	Licensing of Facilities: Licensing.
13	Section 12629.	Application.
14	Section 12630.	Notifications.
15	Section 12631.	Grounds, Penalties and Reinstatement.

16 **Section 12601. Title of Act.** This Act shall be known as the
17 *“Guam Pharmacy Practice Act.”*

18 **Section 12602. Legislative Declaration.** The practice
19 of pharmacy in Guam is declared a professional practice affecting the
20 public health, safety, and welfare and is subject to regulation and
21 control in the public interest. It is further declared to be a matter of
22 public interest and concern that the practice of pharmacy, as defined in
23 this Act, merit and receive the confidence of the public and that only
24 qualified persons be permitted to engage in the practice of pharmacy,
25 and to ensure the quality of drugs and related devices distributed on

1 Guam. This Act shall be liberally construed to carry out these objectives
2 and purposes.

3 **Section 12603. Statement of Purpose.** It is the purpose of
4 this Act to promote, preserve and protect the public health, safety and
5 welfare by and through the effective control and regulation of the
6 practice of pharmacy; the licensure of pharmacists; the licensure, control
7 and regulation of all sites or persons in Guam that distribute,
8 manufacture or sell drugs, or devices used in the dispensing and
9 administration of drugs, within Guam, and the regulation and control of
10 such other materials as may be used in the diagnosis, treatment and
11 prevention of injury, illness and disease of a patient or other individual.

12 **Section 12604. Practice of Pharmacy.** For purposes of this
13 Article the "*practice of pharmacy*" means the interpretation, evaluation
14 and implementation of medical orders; the dispensing of prescription
15 drug orders; participation in drug and device selection, drug
16 administration, drug regimen reviews, and drug or drug-related
17 research; provision of patient counseling and the provision of those acts
18 or services necessary to provide pharmaceutical care in all areas of
19 patient care, including primary care; and the responsibility for
20 compounding and labeling of drugs and devices, except labeling by a
21 manufacturer, repackaged, or distributor of non-prescription drugs and
22 commercially packaged legend drugs and devices, proper and safe
23 storage of drugs and devices, and maintenance of proper records for
24 them.

1 **Section 12605. Definitions.** For purposes of this Article, the
2 following words and phrases have been defined to mean:

3 (a) “*Administer*” means the direct application of a drug to the
4 body of a patient or research subject by injection, inhalation, ingestion
5 or any other means.

6 (b) ‘*Automated Pharmacy Systems*’ include, but are not limited
7 to, mechanical systems which perform operations or activities, other
8 than compounding or administration, relative to the storage, packaging,
9 dispensing or distribution of medications, and which collect, control,
10 and maintain all transaction information.

11 (c) ‘*Beyond-Use Date*’ means a date determined by a
12 pharmacist and placed on a prescription label at the time of dispensing
13 that is intended to indicate to the patient or caregiver a time beyond
14 which the contents of the prescription are not recommended to be used.

15 (d) ‘*Board of Pharmacy*’ or ‘*Board*’ means the Guam Board of
16 Examiners for Pharmacy.

17 (e) ‘*Collaborative Pharmacy Practice*’ is that practice of
18 pharmacy whereby a pharmacist has jointly agreed, on a voluntary
19 basis, to work in conjunction with one or more practitioners under
20 protocol whereby the pharmacist may perform certain patient care
21 functions authorized by the practitioner or practitioners under certain
22 specified conditions and/or limitations.

23 (f) ‘*Compounding*’ means the preparation, mixing, assembling,
24 packaging, or labeling of a drug or device: (i) as the result of
25 practitioner’s prescription drug order or initiative based on the

1 practitioner/patient/pharmacist relationship in the course of
2 professional practice, or (ii) for the purpose of, or as an incident to,
3 research, teaching, or chemical analysis and not for sale or dispensing.
4 Compounding also includes the preparation of drugs or devices in
5 anticipation of prescription drug orders based on routine, regularly
6 observed prescribing patterns.

7 (g) '*Confidential Information*' means information accessed,
8 maintained by or transmitted to the Pharmacist in the patient's records,
9 or which is communicated to the patient as part of patient counseling,
10 which is privileged and may be released only to the patient or, as the
11 patient directs, to those practitioners, other authorized health care
12 professionals and other pharmacists where, in the pharmacist's
13 professional judgment, such release is necessary to protect the patient's
14 health and well being; and to such other persons or governmental
15 agencies authorized by law to receive such confidential information,
16 regardless of whether such information is in the form of paper,
17 preserved on microfilm or is stored on electronic media.

18 (h) '*Deliver*' or '*Delivery*' means the actual, constructive, or
19 attempted transfer of a drug or device from one (1) person to another,
20 whether or not for a consideration.

21 (i) '*Device*' means an instrument, apparatus, implement,
22 machine, contrivance, implant, or other similar or related article,
23 including any component part or accessory, which is required under
24 Federal law to bear the label, 'Caution: Federal or State law requires
25 dispensing by or on the order of a physician.'

1 (j) *'Dispense' or 'Dispensing'* means the interpretation,
2 evaluation and implementation of a prescription drug order, including
3 the preparation and delivery of a drug or device to a patient or patient's
4 agent in a suitable container appropriately labeled for subsequent
5 Administration to, or use by, a patient.

6 (k) *'Distribute'* means the delivery of a drug or device other
7 than by administering or dispensing.

8 (l) *'Drug'* means:

9 (1) articles recognized as drugs in any official
10 compendium, or supplement thereto, designated from time to
11 time by the Board for use in the diagnosis, cure, mitigation,
12 treatment, or prevention of disease in human or other animals;

13 (2) articles intended for use in the diagnosis, cure,
14 mitigation, treatment or prevention of disease in human or other
15 animals;

16 (3) articles, other than food, intended to affect the
17 structure or any function of the body of human or other animals;
18 and

19 (4) articles intended for use as a component of any articles
20 specified in clauses (1), (2) or (3) of this Subsection.

21 (m) *'Drug Regimen Review'* includes, but is not limited to, the
22 following activities:

23 (1) evaluation of the prescription drug order(s) and
24 patient record(s) for:

25 (i) known allergies;

1 (ii) rational therapy-contraindications;

2 (iii) reasonable dose and route of administration; and

3 (iv) reasonable directions for use;

4 (2) evaluation of the prescription drug order(s) and
5 patient record(s) for duplication of therapy;

6 (3) evaluation of the prescription drug order(s) and
7 patient record(s) for interactions:

8 (i) drug-drug;

9 (ii) drug-food;

10 (iii) drug-disease; and

11 (iv) adverse drug reactions.

12 (4) evaluation of the prescription drug order(s) and
13 patient record(s) for proper utilization, including over- or under-
14 utilization, and optimum therapeutic outcomes;

15 (n) '*Electronic Transmission*' means transmission of
16 information in electronic form or the transmission of the exact visual
17 image of a document by way of electronic equipment.

18 (o) '*Emergency Situations*' for the purposes of authorizing an
19 oral prescription drug order or a Schedule II controlled substance,
20 means those situations in which the prescribing practitioner determines:

21 (1) that immediate administration of the controlled
22 substance is necessary for proper treatment of the patient,

23 (2) that no appropriate alternative treatment is available,
24 including Administration of a drug which is not a Schedule II
25 controlled substance, and

1 (3) that it is not reasonably possible for the prescribing
2 Practitioner to provide a written prescription drug order to be
3 presented to the person dispensing the substance, prior to the
4 dispensing.

5 (p) '*Equivalent Drug Product*' means a drug product which has
6 the same established name, active ingredient(s), strength or
7 concentration, dosage form, and route of Administration and which is
8 formulated to contain the same amount of active ingredient(s) in the
9 same dosage form and to meet the same compendial or other applicable
10 standards, (i.e. strength, quality, purity and identity,) but which may
11 differ in characteristics such as shape, scoring, configuration, packaging,
12 excipients (including colors, flavors, preservatives), and expiration time.

13 (q) '*Home Infusion Pharmacy*' means a pharmacy which
14 compounds solutions for direct administration to a patient in a private
15 residence, long term care facility, or hospice setting by means of
16 parenteral, intravenous, intramuscular, subcutaneous or intraspinal
17 infusion.

18 (r) '*Intern*' means an individual who is:

19 (1) currently licensed by the Board to engage in the
20 practice of pharmacy while under the personal supervision of a
21 pharmacist and is satisfactorily progressing toward meeting the
22 requirements for licensure as a pharmacist; or

23 (2) a graduate of an approved college of pharmacy or a
24 graduate who has established educational equivalency by
25 obtaining a Foreign Pharmacy Graduate Examination Committee

1 ('FPGEC') Certificate, who is currently licensed by the Board of
2 Pharmacy for the purpose of obtaining practical experience as a
3 requirement for licensure as a pharmacist; or

4 (3) a qualified applicant awaiting examination for
5 licensure; or

6 (4) an individual participating in a residency or
7 fellowship program.

8 (s) '*Labeling*' means the process of preparing and affixing a
9 label to any drug container, exclusive, however, of the labeling by a
10 manufacturer, packer or distributor of a non-prescription drug or
11 commercially packaged legend drug or device. Any such label shall
12 include all information required by Federal and state law or rule.

13 (t) "*Long Term Care Facility*" means a nursing home, retirement
14 care, mental care, or other facility or institution which provides
15 extended health care to resident patients.

16 (u) "*Manufacturer*" means a person engaged in the manufacture
17 of drugs or devices.

18 (v) "*Manufacturing*" means the production, preparation,
19 propagation, conversion, or processing of a drug or device, either
20 directly or indirectly, by extraction from substances of natural origin, or
21 independently by means of chemical or biological synthesis, and
22 includes any packaging or repackaging of the substance(s) or labeling or
23 relabeling of its container, and the promotion and marketing of such
24 drugs or devices. Manufacturing also includes the preparation and

1 promotion of commercially available products from bulk compounds
2 for resale by pharmacies, practitioners or other persons.

3 (w) '*Medical Order*' means a lawful order of a practitioner
4 which may or may not include a prescription drug order.

5 (x) '*Non-Prescription Drug*' means a drug which may be sold
6 without a prescription and which is labeled for use by the consumer in
7 accordance with the requirements of the laws and rules of Guam and
8 the Federal government.

9 (y) '*Non-Resident Pharmacy*' means a pharmacy located
10 outside Guam.

11 (z) '*Patient Counseling*' means the oral communication by the
12 Pharmacist of information, as defined in the rules of the Board, to the
13 patient or caregiver, in order to ensure proper use of drugs and devices.

14 (aa) '*Person*' means an individual, corporation, partnership,
15 association or any other legal entity including government.

16 (bb) "*Pharmaceutical Care*" is the provision of drug therapy and
17 other patient care services intended to achieve outcomes related to the
18 cure or prevention of a disease, elimination or reduction of a patient's
19 symptoms, or arresting or slowing of a disease process as defined in the
20 rules of the Board.

21 (cc) '*Pharmacist*' means an individual currently licensed by the
22 Board to engage in the practice of pharmacy.

23 (dd) '*Pharmacist-in-Charge*' means a pharmacist currently
24 licensed in Guam who accepts responsibility for the operation of a
25 pharmacy in conformance with all laws and rules pertinent to the

1 practice of pharmacy and the distribution of drugs, and who is
2 personally in full and actual charge of such pharmacy and personnel.

3 (ee) '*Pharmacy*' means any place within Guam where drugs are
4 dispensed and pharmaceutical care is provided and any place outside of
5 Guam where drugs are dispensed and pharmaceutical care is provided
6 to residents of Guam.

7 (ff) '*Pharmacy Technician*' means personnel who assist in the
8 practice of pharmacy under the personal and direct supervision of a
9 pharmacist, and are registered with the Board as defined in §12614 of
10 this Act.

11 (gg) '*Practice of Telepharmacy*' means the provision of
12 pharmaceutical care through the use of telecommunications and
13 information technologies to patients at a distance.

14 (hh) '*Practitioner*' means an individual currently licensed,
15 registered, or otherwise authorized by the jurisdiction to prescribe and,
16 administer drugs in the course of professional practice in Guam.

17 (ii) '*Preceptor*' means an individual who is currently licensed as
18 a Pharmacist by the Board of Pharmacy, meets the qualifications as a
19 preceptor under the rules of the Board, and participates in the
20 instructional training of pharmacy Interns.

21 (jj) '*Prescription Drug*' or '*Legend Drug*' means a drug which is
22 required under Federal law to be labeled with either of the following
23 statements prior to being dispensed or delivered: (i) 'Caution: Federal
24 law prohibits dispensing without prescription'; or (ii) 'Caution: Federal
25 law restricts this drug to use by, or on the order of, a licensed

1 veterinarian'; or (iii) a drug which is required by any applicable Federal
2 or state law or rule to be dispensed pursuant only to a prescription drug
3 order or is restricted to use by practitioners only.

4 (kk) '*Prescription Drug Order*' means a lawful order of a
5 practitioner for a drug or device for a specific patient, including orders
6 derived from Collaborative Pharmacy Practice, that is communicated
7 directly to a pharmacist in a licensed pharmacy.

8 (ll) '*Primary Care*' is the first level of contact of individuals, the
9 family, and the community with the health care delivery system,
10 bringing health care as close as possible to where people live and work,
11 and constitutes the first element of a continuing health care process.
12 Areas of Primary Care where pharmacists provide Pharmaceutical Care
13 include, but are not limited to, the following: chronic disease
14 management; smoking cessation; maternal and child health;
15 immunizations; family planning; self-care consulting; drug selection
16 under protocol; treatment of common diseases and injuries; nutrition;
17 and general health education and promotion.

18 (mm) '*Prospective Drug Use Review*' means a review of the
19 patient's drug therapy and prescription drug order, as part of a drug
20 regimen review, as defined in the rules of the Board, prior to dispensing
21 the drug.

22 (nn) '*Significant Adverse Drug Reaction*' means any drug-related
23 incident that may result in serious harm, injury or death to the patient.

24 (oo) '*Wholesale Distributor*' means any person engaged in
25 wholesale distribution of drugs, including, but not limited to,

1 manufacturers; repackagers; own label distributors; private-label
2 distributors; jobbers; brokers; warehouses, including manufacturers'
3 and distributors' warehouses, chain drug warehouses and wholesale
4 drug warehouses; independent wholesale drug traders; and retail
5 pharmacies that conduct wholesale distributions.

6 **Section 12606. Board of Pharmacy: Designation.** The
7 responsibility for enforcement of the provisions of this Act is hereby
8 vested in the Guam Board of Examiners for Pharmacy. The Board shall
9 have all of the duties, powers and authority specifically granted by or
10 necessary for the enforcement of this Act, as well as such other duties,
11 powers and authority as it may be granted from time to time by
12 applicable law(s).

13 **Section 12607. Membership.** The Guam Board of Examiners
14 for Pharmacy shall consist of five (5) members, each of whom shall be
15 pharmacists who possess the qualifications specified in §12608.

16 **Section 12608. Qualifications.** Each pharmacist member of the
17 Board of Pharmacy shall at the time of appointment:

- 18 (1) be a resident of Guam for not less than two (2) years;
- 19 (2) be currently licensed and in good standing to engage
20 in the practice of pharmacy in Guam;
- 21 (3) be actively engaged in the practice of pharmacy in
22 Guam; and
- 23 (4) have two (2) years of experience in the practice of
24 pharmacy in Guam after licensure.

1 **Section 12609. Appointment.** (a) *I Maga'lahen Guahan* shall
2 appoint the members of the Board of Pharmacy in accordance with
3 other provisions of this Section.

4 (b) Nominations for appointment to the Board of Pharmacy
5 may be made to *I Maga'lahen Guahan* by any individual, association or
6 any other entity. Such nominations shall be recommendations only and
7 shall not be binding in any manner upon *I Maga'lahen Guahan*.

8 **Section 12610. Terms of Office.** (a) Except as provided
9 in Subsection (b), members of the Board of Pharmacy shall be appointed
10 for a term of three (3) years, except that members of the Board who are
11 appointed to fill vacancies which occur prior to the expiration of a
12 former member's full term shall serve the unexpired portion of such
13 term.

14 (b) The terms of the members of the Board shall be staggered, so
15 that the terms of no more than three (3) members shall expire in any
16 year. Each member shall serve until a successor is appointed and
17 qualified.

18 (1) The present members of the Board shall serve the
19 balance of their terms.

20 (2) Any present Board member appointed initially for a
21 term of less than three (3) years shall be eligible to serve for two (2)
22 additional full terms.

23 **Section 12611. Vacancies.** Any vacancy which occurs in
24 the membership of the Board for any reason, including expiration of

1 term, removal, resignation, death, disability or disqualification, shall be
2 filled by *I Maga'lahaen Guahan* in the manner prescribed by §12609.

3 **Section 12612. Removal.** (a) A Board member may be
4 removed pursuant to the procedures set forth in this Section (b), upon
5 one (1) or more of the following grounds:

6 (1) the refusal or inability for any reason of a Board
7 member to perform his duties as a member of the Board in an
8 efficient, responsible and professional manner;

9 (2) the misuse of office by a member of the Board to
10 obtain personal, pecuniary, or material gain or advantage for
11 himself or another through such office;

12 (3) the violation by any member of the laws governing the
13 practice of pharmacy or the distribution of drugs and/or devices.

14 (4) the absence of the member for three (3) consecutive
15 Board meetings.

16 (b) Removal of a member of the Board of Pharmacy shall be in
17 accordance with the Administrative Adjudication Law of Guam, or
18 other applicable laws.

19 **Section 12613. Organization.** (a) The Guam Board of
20 Pharmacy shall elect from its members a Chairperson and such other
21 officers as it deems appropriate and necessary to the conduct of its
22 business. The Chairperson of the Board of Pharmacy shall preside at all
23 meetings of the Board, and shall be responsible for the performance of
24 all of the duties and functions of the Board required or permitted by this
25 Act. Each additional officer elected by the Board shall perform those

1 duties normally associated with his position and such other duties
2 assigned to him from time to time by the Board.

3 (b) Officers elected by the Board shall serve terms of one (1)
4 year commencing with the day of their election and ending upon
5 election of their successors, and shall serve no more than four (4)
6 consecutive full terms in each office to which they are elected.

7 (c) Department of Public Health & Social Services shall provide
8 administrative services and support for the Board.

9 **Section 12614. Compensation of Board Members.** Each
10 member of the Board of Pharmacy shall receive as compensation Fifty
11 Dollars (\$50.00) for each day on which the member is engaged in
12 performance of the official duties of the Board, and shall be reimbursed
13 for all reasonable and necessary expenses incurred in connection with
14 the discharge of such official duties.

15 **Section 12615. Meetings.** (a) The Board of Pharmacy shall
16 meet no less than four (4) times a year to transact its business. The
17 Board shall meet at such additional times as it may determine. Such
18 additional meetings may be called by the Chairperson of the Board or
19 by two-thirds (2/3) of the members of the Board.

20 (b) The Board shall meet at such place as it may from time to
21 time determine. The place for each meeting shall be determined prior to
22 giving notice of such meeting and shall not be changed after such notice
23 is given without adequate prior notice.

1 (c) Notice of all meetings of the Board shall be given in the
2 manner and pursuant to requirements prescribed by the Administrative
3 Adjudication Law and Guam statute.

4 (d) A majority of the members of the Board shall constitute a
5 quorum for the conduct of a Board meeting and, except where a greater
6 number is required by this Act or by any rule of the Board, all actions of
7 the Board shall be by a majority of a quorum.

8 (e) All Board meetings and hearings shall be open to the public.
9 The Board may, in its discretion and according to law, conduct any
10 portion of its meeting in executive session, closed to the public.

11 **Section 12616. Rules.** The Guam Board of Examiners for
12 Pharmacy shall make, adopt, amend and repeal such rules as may be
13 deemed necessary by the Board from time to time for the proper
14 administration and enforcement of this Act. Such rules shall be
15 promulgated in accordance with the procedures specified in the
16 Administrative Adjudication Law of Guam.

17 **Section 12617. Powers and Responsibilities.** (a) The Board
18 of Pharmacy shall be responsible for the control and regulation of the
19 practice of pharmacy in Guam, including, but not limited to, the
20 following:

21 (1) the licensing by examination or by license transfer of
22 applicants who are qualified to engage in the practice of pharmacy
23 under the provisions of this Act;

24 (2) the renewal of licenses to engage in the practice of
25 pharmacy;

1 (3) the establishment and enforcement of compliance with
2 professional standards and rules of conduct of pharmacists
3 engaged in the practice of pharmacy;

4 (4) the determination and issuance of standards for
5 recognition and approval of degree programs of schools and
6 colleges of pharmacy whose graduates shall be eligible for
7 licensure in Guam, and the specification and enforcement of
8 requirements for practical training, including internship;

9 (5) the enforcement of those provisions of this Act relating
10 to the conduct or competence of pharmacists practicing in Guam,
11 and the suspension, revocation or restriction of licenses to engage
12 in the practice of pharmacy;

13 (6) the licensure and regulation of the training,
14 qualifications and employment of pharmacy interns and
15 pharmacy technicians;

16 (7) the collection of professional demographic data;

17 (8) the right to seize any such drugs and devices found by
18 the Board to constitute an imminent danger to the public health
19 and welfare;

20 (9) establishing minimum specifications for the physical
21 facilities, technical equipment, environment, supplies, personnel
22 and procedures for the storage, compounding and/or dispensing
23 of such drugs or devices, and for the monitoring of drug therapy;

1 (10) establishing minimum standards for the purity and
2 quality of such drugs, devices and other materials within the
3 practice of pharmacy;

4 (11) the issuance and renewal of licenses of all persons
5 engaged in the manufacture and distribution of drugs and
6 devices;

7 (12) inspection of any licensed person at all reasonable
8 hours for the purpose of determining if any provisions of the laws
9 governing the legal distribution of drugs or devices or the practice
10 of pharmacy are being violated. (The Board of Pharmacy, its
11 officers, inspectors and representatives shall cooperate with all
12 agencies charged with the enforcement of the laws of the United
13 States, of Guam and of all other states relating to drugs, devices,
14 and the practice of pharmacy); and

15 (13) establishing minimum standards for maintaining the
16 integrity and confidentiality of prescription information and other
17 patient health care information.

18 (b) The Board of Pharmacy shall have such other duties, powers
19 and authority as may be necessary to the enforcement of this Act, and to
20 the enforcement of Board rules made pursuant thereto, which shall
21 include, but are not limited to, the following:

22 (1) the Board may join such professional organizations
23 and associations organized exclusively to promote the
24 improvement of the standards of the practice of pharmacy for the

1 protection of the health and welfare, of the public and/or whose
2 activities assist and facilitate the work of the Board.

3 (2) The Board may receive and expend funds, in addition
4 to its annual appropriation, from parties other than the
5 government, provided:

6 (i) such funds are awarded for the pursuit of a
7 specific objective which the Board is authorized to
8 accomplish by this Act, or which the Board is qualified to
9 accomplish by reason of its jurisdiction or professional
10 expertise;

11 (ii) such funds are expended for the pursuit of the
12 objective for which they are awarded;

13 (iii) activities connected with or occasioned by the
14 expenditures of such funds do not interfere with the
15 performance of the Board's duties and responsibilities, and
16 do not conflict with the exercise of the Board's powers as
17 specified by this Act;

18 (iv) such funds are kept in a separate, special
19 account; and

20 (v) periodic reports are made concerning the Board's
21 receipt and expenditure of such funds.

22 (3) The Board may establish a Bill of Rights for patients
23 concerning the health care services a patient may expect in regard
24 to pharmaceutical care.

1 (4) Any investigation, inquiry, or hearing which the
2 Guam Board of Examiners for Pharmacy is empowered to hold or
3 undertake may be held or undertaken by or before any member or
4 members of the Board and the finding or order of such member or
5 members shall be deemed to be the order of said Board when
6 approved and confirmed as noted in §12615(d).

7 (5) **Embargo.**

8 (i) Notwithstanding anything in this Act to the
9 contrary, whenever a duly authorized representative of the
10 Board finds, or has probable cause to believe, that any drug
11 or device is adulterated or misbranded within the meaning
12 of the Guam Food and Drug Act, he shall affix to such drug
13 or device a tag, or other appropriate marking, giving notice
14 that such article is, or is suspected of, being adulterated or
15 misbranded, has been detained or embargoed, and warning
16 all persons not to remove or dispose of such article by sale or
17 otherwise until provision for removal or disposal is given by
18 the Board, its agent, or the Court. No person shall remove
19 or dispose of such embargoed drug or device, by sale or
20 otherwise, without the permission of the Board or its agent
21 or, after summary proceedings have been instituted, without
22 permission from the Court.

23 (ii) When a drug or device detained or embargoed
24 under Paragraph (i) of this Subsection (5) has been declared
25 by such representative to be adulterated or misbranded, the

1 Board shall, as soon as practical thereafter, petition the
2 Judge of the Superior Court, in which jurisdiction the article
3 is detained or embargoed, for an order for condemnation of
4 such article. If the judge determines that the drug or device
5 so detained or embargoed is not adulterated or misbranded,
6 the Board shall direct the immediate removal of the tag or
7 other marking.

8 (iii) If the court finds the detained or embargoed
9 drug or device is adulterated or misbranded, such drug or
10 device, after entry of the decree, shall be destroyed at the
11 expense of the owner under the supervision of a Board
12 representative, and all court costs and fees, storage and
13 other proper expense shall be borne by the owner of such
14 drug or device. When the adulteration or misbranding can
15 be corrected by proper labeling or processing of the drug or
16 device, the Court, after entry of the decree and after such
17 costs, fees and expenses have been paid and a good and
18 sufficient bond has been posted, may direct that such drug
19 or device be delivered to the owner thereof for such labeling
20 or processing under the supervision of a Board
21 representative. Expense of such supervision shall be paid by
22 the owner. Such bond shall be returned to the owner of the
23 drug or device on representation to the Court by the Board
24 that the drug or device is no longer in violation of the
25 embargo and the expense of supervision has been paid.

1 (iv) It is the duty of the Attorney General to whom
2 the Board reports any violation of §12617(b)(5) to cause
3 appropriate proceedings to be instituted in the proper court
4 without delay and to be prosecuted in the manner required
5 by law. Nothing in this Subparagraph (iv) shall be
6 construed to require the Board to report violations whenever
7 the Board believes the public's interest will be adequately
8 served in the circumstances by a suitable written notice or
9 warning.

10 (6) The Board may place under seal all drugs or devices
11 that are owned by or in the possession, custody or control of a
12 licensee at the time his license is suspended or revoked, or at the
13 time the Board refuses to renew his license. Except as otherwise
14 provided in this Section, drugs or devices so sealed shall not be
15 disposed of until appeal rights under the Administrative
16 Adjudication Law have expired, or an appeal filed pursuant to
17 that Law has been determined. The court involved in an appeal
18 filed pursuant to the Administrative Adjudication Law may order
19 the Board, during the pendency of the appeal, to sell sealed drugs
20 that are perishable. The proceeds of such a sale shall be deposited
21 with that court.

22 (7) Except as otherwise provided to the contrary, the
23 Board shall exercise all of its duties, powers and authority in
24 accordance with the Guam Administrative Adjudication Law.

1 (8) In addition to the fees specifically provided for herein,
2 the Board may assess additional reasonable fees for services
3 rendered to carry out its duties and responsibilities as required or
4 authorized by this Act or rules adopted hereunder. Such services
5 rendered shall include, but not be limited to, the following:

6 (i) issuance of duplicate certificates or identification
7 cards;

8 (ii) mailing lists, or reports of data maintained by
9 the Board;

10 (iii) copies of any documents;

11 (iv) certification of documents;

12 (v) notices of meetings;

13 (vi) licensure transfer;

14 (vii) examination administration to a licensure
15 applicant; and

16 (viii) examination materials.

17 (9) **Cost Recovery.**

18 (i) If any order issues in resolution of a disciplinary
19 proceeding before the Board of Pharmacy, the Board may
20 request the hearing officer to direct any licensee found guilty
21 of a charge involving a violation of any drug laws or rules,
22 to pay to the Board a sum not to exceed the reasonable costs
23 of the investigation and prosecution of the case and, in any
24 case, not to exceed Twenty-five Thousand Dollars
25 (\$25,000.00).

1 (ii) In the case of a pharmacy or wholesale
2 distributor, the order may be made as to the corporate
3 owner, if any, and as to any pharmacist, officer, owner or
4 partner of the pharmacy or wholesale distributor who is
5 found to have had knowledge of or have knowingly
6 participated in one (1) or more of the violations set forth in
7 this Section.

8 (iii) The costs to be assessed shall be fixed by the
9 hearing officer and shall not be increased by the Board;
10 where the Board does not adopt a proposed decision and
11 remands the case to a hearing officer, the hearing officer
12 shall not increase any assessed costs.

13 (iv) Where an order for recovery of costs is made and
14 timely payment is not made as directed in the Board's
15 decision, the Board may enforce the order for payment in the
16 Superior Court in the territory where the administrative
17 hearing was held. This right of enforcement shall be in
18 addition to any other rights the Board may have as to any
19 person directed to pay costs.

20 (v) In any action for recovery of costs, proof of the
21 Board's decision shall be conclusive proof of the validity of
22 the order of payment and the terms for payment.

23 **Section 12618. Licensing: Unlawful Practice.** (a) Except as
24 otherwise provided in this Act, it shall be unlawful for any individual to

1 engage in the practice of pharmacy unless currently licensed to practice
2 under any facet of the provisions of this Act.

3 (b) Licensed Practitioners authorized under the laws of Guam
4 to compound drugs and to dispense drugs to their patients in the
5 practice of their respective professions shall meet the same standards,
6 record keeping requirements and all other requirements for the
7 dispensing of drugs applicable to pharmacists.

8 (c) It shall be unlawful for any individual to assist in the
9 practice of pharmacy unless currently registered as a pharmacy
10 technician according to the provisions of this Act.

11 (d) Any individual who, after hearing, shall be found by the
12 Board to have unlawfully engaged in the practice of pharmacy shall be
13 subject to a fine to be imposed by the Board for each offense. Each such
14 violation of this Act or the rules promulgated hereunder pertaining to
15 unlawfully engaging in the practice of pharmacy shall also constitute a
16 misdemeanor punishable upon conviction as provided in the criminal
17 code of Guam.

18 **Section 12619. Qualifications for Licensure by Examination.**

19 (a) To obtain a license to engage in the practice of pharmacy, an
20 applicant for licensure by examination shall:

21 (1) have submitted a written application in the form
22 prescribed by the Board of Pharmacy;

23 (2) have attained the age of majority;

24 (3) shall not have been found guilty by a competent
25 authority, United States or foreign, of any conduct that would

1 constitute grounds for disciplinary action under the regulations of
2 the Board or the Act (The Board should be authorized, at its
3 discretion, to modify this restriction for cause, but it should be
4 directed to use such discretionary authority in a consistent
5 manner.);

6 (4) at the discretion of the Board, shall make a personal
7 appearance before the Board or a representative thereof for
8 interview, examination or review of credentials at the request of
9 the Board (At the discretion of the Board, the applicant may be
10 required to present his or her original education credentials for
11 inspection at the time of personal appearance.);

12 (5) shall be held responsible for verifying to the
13 satisfaction of the Board the validity of all credentials required for
14 his or her licensure;

15 (6) have graduated and received the first professional
16 undergraduate degree from a college or school of pharmacy that
17 has been approved by the Board of Pharmacy;

18 (7) have graduated from a foreign college of pharmacy,
19 completed a transcript verification program, taken and passed a
20 college of pharmacy equivalency exam program and completed a
21 process of communication ability testing, as defined under Board
22 of Pharmacy regulations so that it is assured that the applicant
23 meets standards necessary to protect public health and safety;

24 (8) have completed all internship or other program that
25 has been approved by the Board of Pharmacy, or demonstrated to

1 the Board's satisfaction that experience in the practice of pharmacy
2 which meets or exceeds the minimum internship requirements of
3 the Board;

4 (9) have successfully passed an examination or
5 examinations as required by the Board of Pharmacy; and

6 (10) have paid the fees specified by the Board of Pharmacy
7 for the examination and any related materials, and have paid for
8 the issuance of the license.

9 **(b) Examinations.**

10 (1) The examination for licensure required under
11 §12615(a)(6) of the Act, shall be given by the Board at least once
12 during each year. The Board shall determine the content and
13 subject matter of each examination, the place, time and date of
14 administration of the examination.

15 (2) The examination shall be prepared to measure the
16 competence of the applicant to engage in the practice of pharmacy.
17 The Board may employ, cooperate and contract with any
18 organization or consultant in the preparation and grading of an
19 examination, but shall retain the sole discretion and responsibility
20 for determining which applicants have successfully passed such
21 an examination.

22 **(c) Internship and Other Training Programs.**

23 (1) All applicants for licensure by examination shall
24 obtain practical experience in the practice of pharmacy concurrent

1 with, or after college attendance, or both, under such terms and
2 conditions as the Board shall determine.

3 (2) The Board shall establish such licensure requirements
4 for interns and standards for internship, or any other experiential
5 program necessary to qualify an applicant for the licensure
6 examination, and shall also determine the qualifications of
7 preceptors used in practical experience programs.

8 **Section 12620. Qualifications for License Transfer.**
9 **Reciprocity.** In order for a pharmacist currently licensed in another
10 jurisdiction to obtain a license as a pharmacist by license transfer in
11 Guam, an applicant shall:

12 (1) have submitted a written application in the form
13 prescribed by the Board of Pharmacy;

14 (2) have attained the age of majority;

15 (3) shall not have been found guilty by a competent
16 authority, United States or foreign, of any conduct that would
17 constitute grounds for disciplinary action under the regulations of
18 the Board or the Act (The Board should be authorized, at its
19 discretion, to modify this restriction for cause, but it should be
20 directed to use such discretionary authority in a consistent
21 manner.);

22 (4) at the discretion of the Board, shall make a personal
23 appearance before the Board or a representative thereof for
24 interview, examination or review of credentials at the request of
25 the Board (At the discretion of the Board, the applicant may be

1 required to present his or her original medical education
2 credentials for inspection at the time of personal appearance.);

3 (5) shall be held responsible for verifying to the
4 satisfaction of the Board the validity of all credentials required for
5 his or her licensure;

6 (6) have possessed at the time of initial licensure as a
7 pharmacist all qualifications necessary to have been eligible for
8 licensure at that time in Guam;

9 (7) have engaged in the practice of pharmacy for a period
10 of at least one (1) year, or have met the internship requirements of
11 Guam within the one (1) year period immediately previous to the
12 date of such application;

13 (8) have presented to the Board proof of initial licensure
14 by examination and proof that such license is in good standing;

15 (9) have presented to the Board proof that any other
16 license granted to the applicant by any other state has not been
17 suspended, revoked or otherwise restricted for any reason except
18 nonrenewal or for the failure to obtain the required continuing
19 education credits in any state where the applicant is currently
20 licensed, but not engaged in the practice of pharmacy; and

21 (10) have paid the fees specified by the Board.

22 **Section 12621. Qualifications for Registration to Practice**
23 **Telepharmacy Across Guam/State Lines.** (a) An applicant
24 applying for registration to engage in the practice of telepharmacy
25 Across Guam/State Lines shall:

1 (1) present to the Board proof of licensure in another
2 jurisdiction and proof that such license is in good standing;

3 (2) submit a written application in the form prescribed by
4 the Board of Pharmacy;

5 (3) pay the fee(s) specified by the Board of Pharmacy for
6 issuance of the license; and

7 (4) comply with all other requirements of the Board of
8 Pharmacy.

9 (b) **Application.**

10 (1) The written application required under §12617(a)(1) of
11 this Act shall request of the applicant, at a minimum, the
12 following information:

13 (i) name, address and current pharmacist licensure
14 information in all other jurisdictions, including
15 jurisdiction(s) of licensure and license number(s);

16 (ii) name, address, phone number, and, if applicable,
17 jurisdiction of licensure and license number of the site where
18 the practice of telepharmacy will originate;

19 (iii) a statement of the scope of patient services that
20 will be provided;

21 (iv) a description of the protocol or framework by
22 which patient care will be provided, including any
23 collaborative practice arrangements with other health care
24 practitioners; and

1 (v) a statement attesting that the applicant will abide
2 by the pharmacy laws and regulations of the jurisdiction in
3 which the patient is located.

4 **James**

5 **Section 12622. Renewal of Licenses.** (a) Each Pharmacist
6 and Pharmacy Intern shall apply for renewal of his license biannually
7 no later than the last day of September. A Pharmacist or Pharmacy
8 Intern who desires to continue in the Practice of Pharmacy in Guam
9 shall file with the Board an application in such form and containing
10 such data as the Board may require for renewal of the license. If the
11 Board finds that the applicant has been licensed, and that such license
12 has not been revoked or placed under suspension, that the applicant has
13 paid the renewal fee, has continued his pharmacy education in
14 accordance with the rules of the Board, and is entitled to continue in the
15 Practice of Pharmacy, the Board shall issue a license to the applicant.

16 (b) If a Pharmacist fails to make application to the Guam Board
17 of Examiners for Pharmacy for renewal of his license within a period of
18 three years from the expiration of his license, he must pass an
19 examination for license renewal; except that a person who has been
20 licensed under the laws of Guam and after the expiration of his license,
21 has continually practiced pharmacy in another State under a license
22 issued by the authority of such State, may renew his license upon
23 payment of the designated fee.

24 (c) Each Pharmacist shall apply for renewal of his registration
25 to Practice Telepharmacy Across Guam/State Lines annually, no later

1 than the last day of September. A Pharmacist who desires to continue
2 in the Practice of Telepharmacy Across Guam/State Lines shall file with
3 the Board an application in such form and containing such data as the
4 Board may require for renewal of the registration. If the Board finds
5 that the applicant has been licensed to Practice Pharmacy in another
6 state and registered to Practice Telepharmacy Across State Lines in that
7 state, that such license and registration have not been revoked or placed
8 under suspension, and that the applicant has paid the renewal fee and is
9 entitled to continue in the Practice of Telepharmacy Across State Lines,
10 the Board shall issue a registration to the applicant.

11 **Section 12623. Continuing Pharmacy Education.** The Board
12 shall, by rule, establish requirements for continuing education in
13 pharmacy, including the determination of acceptable program content
14 and fees. The Board shall adopt rules necessary to carry out the stated
15 objectives and purposes and to enforce the provisions of this Section,
16 and to ensure continued competence.

17 **Section 12624. Intern/Extern Licensure.** The Board of
18 Pharmacy shall establish an internship program for the purpose of
19 providing the practical experience necessary for licensure as a
20 Pharmacist. The Board shall grant an Intern license to students in
21 internship programs, authorizing those students to engage in the
22 Practice of Pharmacy under the supervision of a Pharmacist. The Board
23 of Pharmacy shall adopt rules regarding the licensure of Interns and the
24 standards for internship programs.

1 **Section 12625. Registration of Pharmacy Technicians.** In
2 order to be registered as a Pharmacy Technician in Guam, an applicant
3 shall:

4 (1) Have submitted a written application in the form
5 prescribed by the Board of Pharmacy.

6 (2) Have attained the age of eighteen.

7 (3) Have good moral character.

8 (4) Have paid the fees specified by the Board.

9 (5) Have been certified by the Pharmacist-in-Charge of the
10 Pharmacy where the applicant is employed as having successfully
11 completed a training program conducted pursuant to a Pharmacy
12 Technician Training Manual prepared in accordance with any
13 rules established by the Board.

14 (b) No Pharmacist whose license has been denied, revoked,
15 suspended, or restricted for disciplinary purposes shall be eligible to be
16 registered as a Pharmacy Technician.

17 (c) The Board of Pharmacy shall, by rule, establish requirements
18 for registration of Pharmacy Technicians.

19 **Section 12626. Discipline: Grounds, Penalties, and**
20 **Reinstatement.** (a) The Board of Pharmacy may refuse to issue

21 or renew, or may suspend, revoke, restrict the licenses of, or fine any
22 Person pursuant to the procedures set forth in this Act or upon one or
23 more of the following grounds:

24 (1) Unprofessional conduct as that term is defined by the
25 rules of the Board.

1 (2) Incapacity that prevents a licensee from engaging in
2 the Practice of Pharmacy with reasonable skill, competence, and
3 safety to the public.

4 (3) Being guilty of one (1) or more of the following:

5 (i) a felony;

6 (ii) violations of the pharmacy or drug laws of
7 Guam, or rules and regulation pertaining
8 thereto, or of laws, rules, and regulations of any
9 other state; or of the Federal government.

10 (4) Knowing or suspecting that a Pharmacist or Pharmacy
11 Intern is incapable of engaging in the Practice of Pharmacy or that
12 a Pharmacy Technician is capable of assisting in the Practice of
13 Pharmacy, with reasonable skill, competence, and safety to the
14 public, and failing to report any relevant information to the Board
15 of Pharmacy.

16 (5) Misrepresentation of a material fact by a licensee in
17 securing the issuance or renewal of a license.

18 (6) Fraud by a licensee in connection with the Practice of
19 Pharmacy.

20 (7) Engaging, or aiding and abetting an individual to
21 engage in the Practice of Pharmacy without a license; assisting in
22 the Practice of Pharmacy or aiding and abetting an individual to
23 assist in the Practice of Pharmacy without having registered with
24 the Board of Pharmacy; or falsely using the title of Pharmacist or
25 Pharmacy Intern, or Pharmacy Technician.

1 (8) Failing to pay the costs assessed in a disciplinary
2 hearing pursuant to this Act.

3 (9) Engaging in any conduct that subverts or attempts to
4 subvert any licensing examination or the administration of any
5 licensing examination.

6 (10) Being found by the Board to be in violation of any of
7 the provisions of this Act or rules adopted pursuant to this Act.

8 (11) Divulging or revealing Confidential Information or
9 personally identifiable information to a Person other than as
10 authorized by the rules of the Board.

11 (b) Any Person whose license to practice pharmacy in Guam
12 has been suspended, revoked, or restricted pursuant to this Act,
13 whether voluntarily or by action of the Board, shall have the right, at
14 reasonable intervals, to petition the Board for reinstatement of such
15 license. Such petition shall be made in writing and in the form
16 prescribed by the Board. Upon investigation and hearing, the Board
17 may, in its discretion, grant or deny such petition, or it may modify its
18 original finding to reflect any circumstances which have changed
19 sufficiently to warrant such modifications. The Board, also at its
20 discretion, may require such Person to pass an examination or
21 examinations for reentry into the Practice of Pharmacy.

22 (c) Nothing herein shall be construed as barring criminal
23 prosecutions for violations of this Act.

24 (d) All final decisions by the Board shall be subject to judicial
25 review pursuant to the Administrative Adjudication Law.

1 (e) Any individual or entity whose license to practice pharmacy
2 is revoked, suspended, or not renewed shall return his license to the
3 offices of the Guam Board of Examiners for Pharmacy within ten (10)
4 days after receipt of notice of such action.

5 **Section 12627. Procedure.** Notwithstanding any
6 provisions of the Guam Administrative Adjudication Law, the Board
7 may, without a hearing, temporarily suspend a license for not more
8 than sixty (60) days if the Board finds that a Pharmacist, Pharmacy
9 Intern, or Pharmacy Technician has violated a law or rule that the Board
10 is empowered to enforce, and if continued practice by the Pharmacist or
11 Pharmacy Intern would create an imminent risk of harm to the public.
12 The suspension shall take effect upon written notice to the Pharmacist
13 or Pharmacy Intern, specifying the statute or rule violated. At the time
14 it issues the suspension notice, the Board shall schedule a disciplinary
15 hearing to be held under the Administrative Adjudication Law within
16 twenty (20) days thereafter. The Pharmacist or Pharmacy Intern shall be
17 provided with at least ten (10) days notice of any hearing held under
18 this Section.

19 **Section 12628. Licensing of Facilities: Licensing.** (a) All
20 Persons, engaging in the Practice of Pharmacy or in the manufacture,
21 production, sale, or distribution of drugs or devices, or pharmacies
22 where drugs or devices are dispensed, shall be licensed by the Board of
23 Pharmacy, and shall annually renew their license with the Board.
24 Where operations are conducted at more than one location, each such
25 location shall be licensed by the Board of Pharmacy.

1 (b) The Board may by rule determine the licensure
2 classifications of all persons licensed under Article V, and establish
3 minimum standards for such persons.

4 (c) The Board shall establish by rule, under the powers granted
5 to it under this Act and as may be required from time to time, under
6 Federal law, the criteria which each person must meet to qualify for
7 licensure in each classification. The Board may issue licenses with
8 varying restrictions to such persons where the Board deems it
9 necessary.

10 (d) Each pharmacy shall have a Pharmacist-in-Charge.
11 Whenever an applicable rule requires or prohibits action by a Pharmacy,
12 responsibility shall be that of the owner and the Pharmacist-in-Charge
13 of the Pharmacy, whether the owner is a sole proprietor, partnership,
14 association, corporation, or otherwise.

15 (e) The Board may enter into agreements with other states or
16 with third parties for the purpose of exchanging information concerning
17 the licensure and inspection of entities located in this jurisdiction and
18 those located off island.

19 (f) The Board of Pharmacy may deny or refuse to renew a
20 license if it determines that the granting or renewing of such license
21 would not be in the public interest.

22 **Section 12629. Application.** (a) The Board shall specify
23 by rule the licensure procedures to be followed, including but not
24 limited to specification of forms for use in applying for such licensure
25 and times, places, and applicable fees.

1 (b) Applicants for licensure to distribute, manufacture, sell,
2 purchase, and/or produce drugs or devices within Guam shall file with
3 the Board of Pharmacy a verified application containing such
4 information as the Board requires of the applicant relative to the
5 qualifications for a license.

6 (c) Licenses issued by the Board pursuant to this Act shall not
7 be transferable or assignable.

8 (d) The Board shall specify by rule minimum standards for
9 responsibility of any person or Pharmacy that has employees or
10 personnel engaged in the Practice of Pharmacy, manufacture,
11 distribution, production, sale, or use of drugs or devices in the conduct
12 of their business. If the licensed person is a Pharmacy located in Guam,
13 that portion of the facility to which such license applies shall be
14 operated only under the direct supervision of a Pharmacist licensed to
15 practice in Guam.

16 **Section 12630. Notifications.** (a) All licensed persons shall
17 report to the Board of Pharmacy the occurrence of any of the following:

18 (1) Permanent closing.

19 (2) Change of ownership, management, location, or
20 Pharmacist-in-Charge of a Pharmacy.

21 (3) Any theft or loss of drugs or devices.

22 (4) Any conviction of any employee of any Guam, State or
23 Federal drug laws, or;

24 (5) Disasters, accidents, or any theft, destruction, or loss of
25 records required to be maintained by Guam or Federal law.

1 (6) Occurrences of significant adverse drug reactions as
2 defined by rules of the Board.

3 (7) Dissemination of confidential information or
4 personally identifiable information; or

5 (8) Any and all other matters and occurrences as the
6 Board may require, by rule.

7 **Section 12631. Grounds, Penalties and Reinstatement.** (a) No
8 Person or Pharmacy designated in this Act shall operate until a license
9 has been issued to said Person by the Board.

10 (b) Except where otherwise permitted by law, it shall be
11 unlawful for a manufacturer or a wholesale distributor to distribute or
12 deliver drugs or devices to any person in Guam not licensed under this
13 statute. Any person who shall distribute or deliver drugs or devices to a
14 person not licensed shall be subject to a fine to be imposed by the Board
15 not to exceed One Thousand Dollars (\$1,000.00) for each offense in
16 addition to such other disciplinary action the Board may take under this
17 Act. Each such violation shall also constitute a misdemeanor
18 punishable upon conviction as provided in the Criminal Code of Guam.

19 (c) The Board may suspend, revoke, deny, or refuse to renew
20 the license of any Person or Pharmacy on any of the following grounds:

21 (1) The finding by the Board of violations of any Federal,
22 State, or local laws relating to the Practice of Pharmacy, drug
23 samples, wholesale or retail drug or device distribution, or
24 distribution of controlled substances.

1 (2) Any felony conviction under Federal, State, or local
2 laws.

3 (3) The furnishing of false or fraudulent material in any
4 application made in connection with drug or device
5 manufacturing or distribution.

6 (4) Suspension or revocation by Federal, State, or local
7 government of any license currently or previously held by the
8 applicant for the manufacture or distribution of any drugs or
9 devices, including controlled substances.

10 (5) Obtaining any remuneration by fraud,
11 misrepresentation, or deception.

12 (6) Dealing with drugs or devices that they know or
13 should have known are stolen drugs or devices.

14 (7) Purchasing or receiving of a drug or device from a
15 source other than a Person or Pharmacy licensed under the laws of
16 Guam, except where otherwise provided.

17 (8) Wholesale drug distributors other than pharmacies
18 dispensing or distributing drugs or devices directly to patients; or

19 (9) Violations of any of the provisions of this Act or of any
20 of the rules adopted by the Board under this Act, or

21 (10) Divulging or revealing confidential information or
22 personally identifiable information to a person other than as
23 authorized by the rules of the Board.

1 (d) Reinstatement of a license that has been suspended,
2 revoked, or restricted by the Board may be granted in accordance with
3 the procedures specified by Section 12626 of this Act.”

4 **Section 2. Severability.** If any provision of this Act is declared
5 unconstitutional or illegal, or the applicability of this Act to any Person,
6 Pharmacy or circumstance is held invalid by a court of competent jurisdiction,
7 the constitutionality or legality of the remaining provisions of this Act and the
8 application of this Act to other Persons, Pharmacies, and circumstances shall
9 not be affected and shall remain in full force and effect without the invalid
10 provision or application.

11 **Section 3. Effective Date.** This Act shall take effect and come
12 into full force and effect upon enactment.

PL24-207

Committee on Health and Human Services
24th Guam Legislature

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April 20, 1998

Honorable Antonio R. Unpingco
Speaker
Twenty Fourth Guam Legislature
155 Hesler Street
Agana, Guam 96910

VIA: Chairperson, Committee on Rules, Government Reform and Federal Affairs

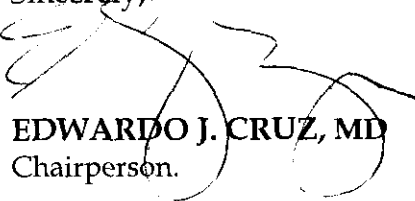
Dear Mr. Speaker:

The Committee on Health and Human Services, to which was referred Bill No. 594 (COR), "AN ACT TO REPEAL AND REENACT ARTICLE 6, CHAPTER 12 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE GUAM BOARD OF EXAMINERS FOR PHARMACY PRACTICE ACT," has had the same under consideration and now wishes to report back the same with the recommendation to do pass as substituted.

The Committee votes are as follows:

- To Do Pass
- Not to Pass
- Abstain
- Inactive File

A copy of the Committee Report and other pertinent documents are attached for your immediate reference and information.


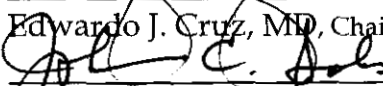
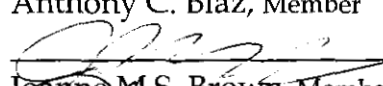
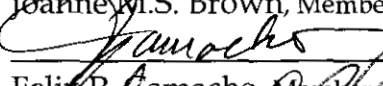
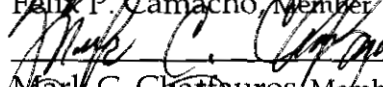
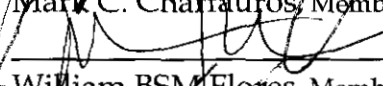
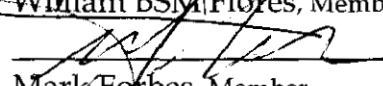
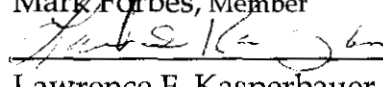
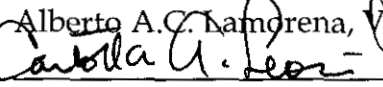
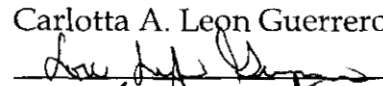
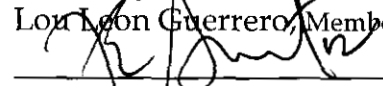
Sincerely,

EDUARDO J. CRUZ, MD
Chairperson.

Enclosure:

Committee Health and Human Services
Vote Sheet on
Substitute Bill No. 594 (COR)

AN ACT TO REPEAL AND REENACT ARTICLE 6, CHAPTER 12 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE GUAM BOARD OF EXAMINERS FOR PHARMACY PRACTICE ACT.

COMMITTEE MEMBER	TO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
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 Edwardo J. Cruz, MD, Chairperson	✓			
 John Camacho Salas, Vice Chairperson	✓			
Antonio R. Unpingco, Speaker & Ex-Officio				
Anthony C. Blaz, Member				
 Joanne M.S. Brown, Member				
 Felix P. Camacho, Member	✓			
 Mark C. Chaffauros, Member	✓			
 William BSM Flores, Member	✓			
 Mark Forbes, Member	✓			
 Lawrence F. Kasperbauer, Member	X			
Alberto A.C. Lamorena, Member				
 Carlotta A. Leon Guerrero, Member	✓			
 Lou Leon Guerrero, Member	✓			
 Francis E. Santos, Member	✓			

Committee on Health and Human Services
Report On
Bill No. 594 (COR)

AN ACT TO REPEAL AND REENACT ARTICLE 6, CHAPTER
12 OF TITLE 10 OF THE GUAM CODE ANNOTATED,
RELATIVE TO THE GUAM BOARD OF EXAMINERS FOR
PHARMACY PRACTICE ACT.

Introduced by Senators
E. J. Cruz, J. C. Salas, L. F. Kasperbauer and A. C. Blaz.

PUBLIC HEARING:

The Committee on Health and Human Services, to which was referred Bill No. 594 (COR), "AN ACT TO REPEAL AND REENACT ARTICLE 6, CHAPTER 12 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE GUAM BOARD OF EXAMINERS FOR PHARMACY PRACTICE ACT," conducted a public hearing on Monday, April 6, 1998, starting 8:30 a. m., at the Legislative Public Hearing Room.

MEMBERS PRESENT:

Senator Edwardo J. Cruz, Chairperson of the Committee on Health and Human Services convened the hearing promptly at 8:30 a.m. Committee members and other Senators present were: John C. Salas, Vice-Chairperson, William B.S.M. Flores, Lou Leon Guerrero, Carlotta A. Leon Guerrero, Frank B. Aguon, Jr. and Francisco P. Camacho.

TESTIMONY:

Written testimony was received from Ms. Mildred Gabriel, representing the Guam Board of Examiners for Pharmacy. Ms. Gabriel enlightened the Committee that the current and past Board of Pharmacy have worked hard to update the current statutes governing the practice of pharmacy on Guam. She went on to say that one of the goals of the Board is to obtain membership into the National Association of Boards of Pharmacy (NABP).

According to Ms. Gabriel, the NABP includes all boards of pharmacy of all 50 states and membership into this prestigious organization will allow the Guam Board of Pharmacy to administer the "NABPLEX" - the National Pharmacy board exam given on Guam to qualified applicants. At this juncture, Ms. Gabriel informed the Committee that last November, the Guam Board of Pharmacy was granted full membership into NABP. On

August 15, 1998 the Board will be administering for the very first time, the NABP exam in Guam.

The Committee also received additional testimony supporting the Pharmacy law from Jay J. McDonald, OD. There being no further witnesses, the Chairperson adjourned the Committee's hearing on Bill No. 594.

FINDINGS:

The Committee finds that:

1. Passage of Bill No. 594 is designed to bring the practice of pharmacy into the 20th century. The legislation is not new - it has been submitted to the Legislature for consideration since 1995. More importantly, Bill No. 594 is in concurrence with U.S. Federal Laws.
2. The legislation addresses concerns which have been presented to the Board from other healing boards, those concerns deal with the recognition of the prescribing authority of other professional for whom their respective boards have given them the right to prescribe. Some of these professions include; Optometrist, Physician's Assistants, and Advanced Nurse Practice Practitioners.
3. The legislation brings the practice up to date with current technology by accepting prescription through electronic transmission; and also acknowledging that pharmacies now use computers to fill prescription and allowing for automation.
4. Recognizing that prescriptions are part of a person's medical history, a "Confidentiality Clause" which has been lacking in Guam's laws is now included.
5. Passage of Bill No. 594 allows the Board of Pharmacy to promote its practice to young people who have expressed their interest by registering them as pharmacy technician, and having them go through training procedures.

RECOMMENDATION:

The Committee, having reviewed the testimonies presented at the public hearing, does hereby recommend to the Legislature that Bill No. 594 (COR), "AN ACT TO REPEAL AND REENACT ARTICLE 6, CHAPTER 12 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE GUAM BOARD OF EXAMINERS FOR PHARMACY PRACTICE ACT," be passed.

Profile on Bill No. 594 (COR)

Brief Title:	"Pharmacy Practice Act."
Date Introduced:	April 1, 1998.
Main Sponsors:	Senators E. J. Cruz, J. C. Salas, L. F. Kasperbauer and A. C. Blaz.
Committee Referral:	From the Committee on Rules, Government Reform and Federal Affairs to the Committee on Health on Human Services.
Public Hearing:	Monday, April 6, 1998, at the Legislative Public Hearing Room.
Official Title:	AN ACT TO REPEAL AND REENACT ARTICLE 6, CHAPTER 12 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE GUAM BOARD OF EXAMINERS FOR PHARMACY PRACTICE ACT.
Recommendation:	To do pass as substituted by the Committee on Health and Human Services.

OVERVIEW AND INTENT:

It is the intent of Bill No. 594 to update the current statutes governing the practice of pharmacy on Guam. The legislation is also in concurrence with U.S. Federal Law regulating pharmacy practice. The legislation addresses concerns which have been presented to the Board from other healing boards. Those concerns deal with the prescribing authority of other professionals for whom their respective boards have given them the right to prescribe. Some of these professions include; Optometrist, Physician's Assistants, and Advanced Nurse Practice Practitioners.

More importantly, the Bill No. 594 brings the pharmacy practice up to date with modern technology by allowing for automation, and by accepting prescription through electronic transmission and by acknowledging that pharmacies now use computers to fill prescription.

Bill No. 594 as substituted by the Committee recognizes that prescriptions are part of a person's medical history, a "Confidentiality Clause" which has been lacking in Guam's laws is now included.

Passage of Bill No. 594 allows the Board of Pharmacy to promote its practice to young people who have expressed their interest by registering them as pharmacy

technician, and having them go through training procedures. The other portion of the legislation deals with the definitions of the board and its duties. Also, the passage of Bill No. 594 declares that the practice of pharmacy is a professional practice and subject to regulation and control in the public interest.

ANALYSIS:

Section 1. Repeals and reenacts Article 6, Chapter 12 of Title 10 of the Guam Code Annotated which regulates the practice of pharmacy on Guam. A closer shows that the following Article and Sections (§§12601 – 1263) are affected by this Act.

ARTICLE 6. GUAM PHARMACY PRACTICE ACT.

§12601. Title of Act. Cites the Act as the "*Guam Pharmacy Practice Act of 1998.*"

§12602. Legislative Declaration. Declares that the Practice of Pharmacy in Guam is declared a professional practice affecting the public health, safety, and welfare of the people of Guam.

§12603. Statement of Purpose. It is the purpose of this Act to promote, preserve, and protect the public health, safety, and welfare by and through the effective control and regulation of the Practice of Pharmacy.

§12604. Practice of Pharmacy. Defines the "Practice of Pharmacy".

§12605. Definitions. Clarifies the meaning, usage and intent of certain words and phrases used throughout Act.

§12606. Board of Pharmacy. Designates that the Board be responsible for enforcement of this Act.

§12607. Membership. Ensures that the Board consists of five (5) members.

§12608. Qualifications. Specifies the qualifications of the Board members.

§12609. Appointment. Provides for the appointment and nomination of members to serve on the Board.

§12610. Terms of Office. Outlines the terms of office and provides that members serve in staggered terms to ensure continuity.

§12611. Vacancies. Provides that any vacancy shall be filled by the Governor.

§12612. Removal. Provides that Board member may be removed for cause.

§12613. Organization. The Board shall be comprised of a Chairperson and such other officers as it deems appropriate and necessary to the conduct of its business.

§12614. Compensation of Board Members. Member of the Board shall receive a \$50.00 for each day on which the member is engaged in performance of the official duties.

§12615. Meetings. Provides that the Board shall meet no less than 4 times a year to transact its business. The Board shall meet at such additional times as it may determine.

§12616. Rules. To provides for the administration and enforcement of this Act the Board is authorized to adopt necessary rules and regulations through the Administrative Adjudication law.

§12617. Powers and Responsibilities. Outlines the powers, duties and responsibilities of the Board.

§12618. Licensing: Unlawful Practice. Ensures that all person(s) wishing to engage in the practice of pharmacy must qualify and be licensed.

§12619. Qualifications for Licensure by Examination. Outlines the procedures necessary to obtain a license to engage in the Practice of Pharmacy.

§12620. Qualifications for License Transfer. Reciprocity. Establishes procedures for other Pharmacist currently licensed in other jurisdictions to obtain a license as a Pharmacist by license transfer in Guam.

§12621. Qualifications for Registration to Practice Telepharmacy Across Guam/State Lines. Outlines the requirements for an applicant applying for registration to engage in the Practice of Telepharmacy Across Guam/State Lines.

§12622. Renewal of Licenses. Each Pharmacist and Pharmacy Intern shall apply for renewal of his license biannually no later than the last day of September.

§12623. Continuing Pharmacy Education. Authorizes the Board to establish requirements for continuing education in pharmacy, including the determination of acceptable program content and fees.

§12624. Intern/Extern Licensure. The Board of Pharmacy shall establish an internship program for the purpose of providing the practical experience necessary for licensure as a Pharmacist.

§12625. Registration of Pharmacy Technicians. Outlines the requirements necessary to be registered as a Pharmacy Technician in Guam.

§12626. Discipline: Grounds, Penalties, and Reinstatement. For disciplinary reasons the Board may refuse to issue or renew, or may suspend, revoke, restrict the licenses of, or fine any Person pursuant to the procedures set forth in this Act or upon one or more of the following grounds:

§12627. Procedure. Authorizes that the Board may, without a hearing, temporarily suspend a license for not more than 60 days if it finds that a Pharmacist, Pharmacy Intern, or Pharmacy Technician has violated a law or rule and that continued practice would create an imminent risk of harm to the public.

§12628. Licensing of Facilities: Licensing. Mandates that all Persons, engaging in the Practice of Pharmacy or in the manufacture, production,

sale, or distribution of Drugs or Devices, or Pharmacies where Drugs or Devices are dispensed, shall be licensed by the Board and shall annually renew their license.

§12629. Application. The Board shall specify by rule the licensure procedures to be followed, including but not limited to specification of forms for use in applying for such licensure and times, places, and applicable fees.

§12630. Notifications. All licensed Persons shall report to the Board of Pharmacy the occurrence of problems requiring the changes in owner(s), and the result of theft or disasters or destroyed records.

§12631. Grounds, Penalties, and Reinstatement. For the protection of the community this provisions ensures that no Person or Pharmacy designated in this Act shall operate until a license has been issued to said Person by the Board.

Section 2. Severability.

Section 3. Effective Date.



GUAM BOARD OF EXAMINERS FOR PHARMACY

Department of Public Health & Social Services
Government of Guam
P.O. Box 2816
Agana, Guam 96910

TESTIMONY TO BILL 594

AN ACT TO REPEAL AND REENACT ARTICLE 6 CHAPTER 12 OF TITLE 10, OF THE GUAM CODE ANNOTATED RELATIVE TO THE GUAM BOARD OF EXAMINERS FOR PHARMACY PRACTICE ACT.

The Guam Board of Pharmacy is here today to testify in favor of passing Bill 594.

The current and past Board of Pharmacy have worked hard to update the current statutes regarding the laws governing the practice of pharmacy on Guam. Passage of this bill will bring the practice of pharmacy into the 20th century. This bill is also in concurrence with U.S. Federal laws. The proposed legislation you now have is not new – it has been with the legislative body since 1995!!!

One of the goals of the current Board of Pharmacy is to obtain membership into the National Association of Boards of Pharmacy (NABP). This organization includes all boards of pharmacy of all 50 states. Membership into this prestigious organization will allow the Guam board of pharmacy to administer the “NABPLEX” – The National Pharmacy board exam given on Guam to qualified applicants. No longer will our local people have to go off island to take the exam.

Mrs. Teo Cruz, our Executive Administrator, was sent to appear before the NABP membership committee. At that meeting, the officers of the NABP encouraged Guam to update our laws to meet U.S. standards. This legislation addresses those concerns. Last November, the Guam Board of Pharmacy was granted full membership into the NABP. On August 15, 1998 we are proud to announce that we will be administering for the very first time, the NABP exam in the Territory of Guam.

One highlight of this bill addresses concerns presented to the Board of Pharmacy from the other healing boards. Those concerns deal with the recognition of the prescribing authority of other professions for whom their boards have given them the right to prescribe. Some of these professions include Optometrists, Physician's Assistants, and Advanced Nurse Practitioners. Our current laws do not allow pharmacists to fill any of these prescriptions.



GUAM BOARD OF EXAMINERS FOR PHARMACY

Department of Public Health & Social Services
Government of Guam
P.O. Box 2816
Agana, Guam 96910

Another very important new feature of this statute brings us up to date with the technology of the 20th century. Accepting prescriptions through electronic transmission. This could be through fax machines and, in the future, possibly e-mail. It also acknowledges that pharmacies now use computer systems to fill prescriptions and allows for automation.,

With regard to prescriptions, we have included a "Confidentiality Clause" which is lacking in our current laws. Prescriptions are part of a person's medical history and should not be given out to anyone other than the patient. Also addressed is the need for expiration dates on all prescribed medications.

The Board of Pharmacy has always been interested in promoting its practice to our young people. With that in mind, a section has been included to recognize and register pharmacy technicians, and have them go through training procedures. It is our hope to stimulate the minds of our young people to continue on and pursue a rewarding career as pharmacists.

The rest of Bill 594 deals with the definition of the board and its duties. We are therefore humbly asking your unanimous support in the passage of this very important legislation the only goal of which is to ensure the health, welfare, and safety of our patients on Guam. And, ~~that~~ the practice of pharmacy is declared a professional practice ~~and~~ subject to regulation and control in the public interest.

April 6, 1998

To: Members of the Committee on Health and Human Services
Twenty-Fourth Guam Legislature

My name is Jay McDonald. I have been a Doctor of Optometry on Guam since 1991. I am in support of repealing and reenacting Article 6, Chapter 12, of Title 10, of the Guam Code Annotated relative to the Guam Board of Examiners for Pharmacy Practice Act.

In the spring of 1995, the Guam Legislature voted to change the Guam Optometry Law to expand the scope of practice for qualified optometrists by permitting them to prescribe therapeutic pharmaceutical agents for the treatment of eye disease. The Rules and Regulations governing their use were passed by the Guam Legislature in the spring of 1997. While the current Optometry Law allows optometrists to prescribe pharmaceutical agents, the current Guam Pharmacy Law does not include optometrists in the listing of practitioners for whom pharmacists may fill prescriptions.

The proposed repeal and reenactment of the Pharmacy Law changes the definition of "Practitioner" to mean "an individual currently licensed, registered, or otherwise authorized by the jurisdiction to prescribe and, Administer Drugs in the course of professional practice."

I am in support of the Pharmacy Law change because it will eliminate the conflict between the two laws and allow optometrists to prescribe medications as mandated by the current Optometry Law.

Sincerely,



Jay J. McDonald, O.D.