

GUAM BOARD OF ALLIED HEALTH EXAMINERS
HEALTH PROFESSIONAL LICENSING OFFICE

Terlaje Professional Bldg., Conference Rm 209, 194 Hernan Cortez Avenue, Hagåtña.

REGULAR SCHEDULED SESSION
AGENDA

Friday, November 8, 2019

- I. **Call to Order**
Confirmation of Public Notice - Newspaper clippings showing that the subject meeting was advertised in the Guam Daily Post on October 31 and November 6, 2019.
- II. **Adoption of Agenda**
- III. **Minutes of October 4, 2019 - Regular Scheduled Meeting for Review and Approval**
- IV. **Treasurer's Report - Catherine San Nicolas**
- V. **HPLO Administrator's Report – Zennia Pecina**
- VI. **Old Business**
 - A. **Legal Counsel Report – Robert Weinberg, Assistant Attorney General**
 - B. **Attorney General's Opinion on Testimonial Advertisement**
 - C. **Workgroup Meetings**
 - D. **Complaints:**
 - 1. **No. 2019-01 David Lubofsky against Ethan Snider, PA-C**
 - 2. **No. 2019-03 American Medical Center against Tiffany Troxel, PA-C**
 - 3. **No. 2019-02 Duenas against Joel Joseph, DVM**
 - 4. **No. 2015-06 Bustamante against Joel Joseph, DVM**
 - E. **Applications**
 - 1. **Rita Joung Sook Lee, for Acupuncture**
 - 2. **Julius Navarro for Clinical Dietitian/Nutritionist**
 - F. **Bill 187-35 AN ACT TO ADOPT THE RULES AND REGULATIONS ATTACHED HERETO AS EXHIBIT A, ENTITLED: "RULES AND REGULATIONS GOVERNING ADOPTION OF CODES OF PROFESSIONAL CONDUCT AND ETHICS BY THE GUAM BOARD OF ALLIED HEALTH EXAMINERS", SPECIFICALLY ADDING A NEW §101301 TO TITLE 25 OF THE GUAM ADMINISTRATIVE RULES AND REGULATIONS.**
Passed 15-0 by the 35th Guam Legislature on October 31, 2019.
- VII. **New Business**
 - A. Letter from Dr. Keith Horinouchi, Nutritionist
 - B. Letter from Diagnostic Laboratory Services (DLS) on Nutritionist ordering laboratory workup.
 - C. **Complaints:**
 - 1. **No. 2019-04 Brody against Dr. Lisa Silk, DVM**
 - 2. **No. 2019-05 Dr. Robert Hildreth, DVM against Dr. Lisa Silk, DVM**
 - D. **New Application:**
 - 1. **Gyu Chang Lee for Physical Therapy**
- VIII. **Miscellaneous:**
 - 1. GCA Chapter 10 Guam Medical Malpractice Mandatory Arbitration Act, Public Hearing on 10 November 7, 2019.
 - 2. LPC working on Military Base and working with military families.
- IX. **Next Meeting - Friday, December 6, 2019, at 12:00 p.m., HPLO Conference Room 209**
- X. **Adjournment**

**Guam Board of Allied Health Examiners
Regular Scheduled Board Meeting
MINUTES of October 4, 2019**

<p>Members Present: Dr. Mamie Balajadia Chair; Dr. Gregory Miller, Vice-Chair; Catherine San Nicolas, Treasurer; Dr. Richard Chong, Member; and Dr. Dennis Triolo, Member. Dr. Ryan Claros, Member; Sibyl Crisostomo, Member; Alesia Ogo, Member; Vincent Pereda, Member; Ray Tajalle, Member; Nadine Cepeda, Member; Greg Cruz, Member; and AAG Rob Weinberg, Legal Counsel.</p>	<p>Others: Mae Pangelinan, staff of HPLO.</p>
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TOPIC	DECISION(S) / ACTION(S) MADE	RESPONSIBLE PARTY	REPORTING TIMEFRAME	STATUS
I. Call To Order	12:06 p.m.	Chair		Quorum Met
II. Proof of Publication	Guam Daily Post: September 27 & October 2, 2019	HPLO		Confirmed
III. Adoption of Agenda	Motion made by Pereda, Seconded by Miller	Board		Approved
IV. Review and Approval of Minutes of September 6, 2019	Motion made by Miller, Seconded by Crisostomo	Board		Approved
V. Treasurer's Report	Financial Report was given to the Treasurer by HPLO staff Roma Basa. But, the Report was difficult to understand such as, where the money was coming from. Ms. San Nicolas had asked Ms. Basa to present at the next Board meeting.	Catherine San Nicolas		Noted
VI. Old Business	<p>Legal Counsel Report:</p> <ol style="list-style-type: none"> 1. AG's opinion on Testimonial Advertisement. Tabled pending final edits by the AG. 2. A small Purchase Order (PO) was issued to review old, pending complaints against Dr. Joel Joseph, Veterinarian of Wise Owl Clinic. Attorney Anthony Camacho was awarded a PO, two months ago, to expire July 2020. However, 	AGO Legal Counsel and		Noted

<p>Attorney Camacho had a Conflict of Interest because his pet is a patient of Wise Owl. Mr. Weinberg advised that future RFP's should seek for a Primary and Secondary Counsel, in the event of a case of a conflict. Mr. Weinberg said that the Dental Board also has no Counsel at this time.</p> <p>Workgroup Meetings: Workgroup worked on Continuing Education (CE) Hours and definitions and the requirement of CE hours for Ethics. SLP and Clinical Dietitians are requiring Ethics for their national recertifications. The Chair advised Board Members to review the updated Rules & Regulations document emailed to each Board Member after every Workgroup meetings.</p> <p>Complaints: No. 2019-01 David Lubofsky against Ethan Snider, PA-C No. 2019-03 American Medical Center against Tiffany Troxel, PA-C. Ms. Troxel has yet to reply in a satisfactory manner to the Board. Legal Counsel said that failure to complete charting of Medical Records is subject to disciplinary action. Failure to renew her license while under investigation is reportable to National Practitioner Data Bank. Report on the Public Hearing of September 19, 2019 on BILL 187-35 " ... Rules & Regulations Governing the Adoption of Codes of Professional Conduct and Ethics ... "The Chair reported on the attendance of board members Dr. Miller, Vince Pereda, Sibyl Crisostomo, Catherine San Nicolas, Dr. Balajadia as well as Legal Counsel, Mr. Weinberg. According to the Chair, the Hearing went well.</p>	<p>HPLO Administrator</p> <p>Board Members</p> <p>Ray Tajalle</p> <p>Ray Tajalle</p>	<p>By next Workgroup or Board meetings</p> <p>To provide Reports of the 2 Complaints at next Board meeting</p>	
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VII.	<p>New Business</p> <p>A. New/Initial Applications:</p> <ol style="list-style-type: none"> <i>Amy Romero</i> for Licensed Professional Counselor (Reviewed by Pereda) <i>Mary Moynihan</i> for Occupational Therapy (Reviewed by Ogo) <i>Angela Roque</i> for Physical Therapy (Reviewed by Claros) <i>Jonne Allan Mallari</i> for Physical Therapy (Reviewed by Claros) <p>TABLED was -</p> <ol style="list-style-type: none"> <i>Jhilynne Hattori</i> for Physical Therapy (Reviewed by Claros) <p>B. Renewal Applications:</p> <ol style="list-style-type: none"> Sheila Abbott for Occupational Therapy (Reviewed by Ogo) TABLED was - <i>Julius Navarro</i> for Clinical Dietitian/Nutritionist (Reviewed by San Nicolas) 	<p>Motioned by Miller Seconded by Pereda</p>	<p>Approved Approved Approved Approved Tabled, Incomplete Approved</p>
VIII.	<p>Miscellaneous</p> <p>A. Board members were reminded that the last required Board Education Training session was scheduled for Wednesday, October 30th at 6 p.m. at HPLO Conference Room 209. CE hours are to be given for attendance.</p> <p>B. Sibyl Crisostomo was requesting a legal opinion on Janice Sablan, Speech-Language Pathologist Assistant, Master's Level, on whether her license was allowing her to work in private practice "as long as she has a certified SLP to sign as her Advisor."</p>	<p>Board Members HPLO Administrator</p>	<p>No Registration in File- Tabled</p>
IX.	<p>Next Meeting</p> <p>Friday, November 8, 2019 at 12 noon</p>	<p>Legal Counsel</p>	<p>Approved</p>
X.	<p>Adjournment</p> <p>Meeting was adjourned at 1:11 p.m.</p> <p>Approved by: <u><i>M. Balaguer</i></u> or <u>Secretary of GBAHE</u> <i>Amendments to be in Minutes</i></p> <p>Date: <u>11/8/19</u></p>	<p>Motioned by Miller Seconded by Pereda</p>	<p>Approved</p>



Dr. Horinouchi Wellness Clinic
226 C/D Chalan San Antonio
Tamuning, Guam 96913
(671) 646-9333

RECEIVED
2019
Health Professional Licensing
& EMS Office (OPHSS)

Guam Board of Allied Health Examiners
Health Professional Licensing Office
Department of Public Health & Social Services
194 Hernan Cortes Avenue
213A Terlaje Building
Hagatna, Guam 96913

October 30, 2019

Dear Board Members:

I am requesting a letter from the Board of Allied Health Examiners to Diagnostic Laboratory Services, Inc. (DLS) and other relevant labs giving me approval to order laboratory tests as a licensed nutritionist on Guam. On October 23, 2019 the compliance department of DLS requested that I not order labs for my patients without the Guam Licensing board approval. For more than 20 years I have been allowed to order labs from DLS including the past 8 years in my own practice. I have ordered from other labs as well including Genova Diagnostics, Great Plains Laboratories, LabTech and others.

The Scope of Practice on Section 122104 for Dietitian and Nutritionist does not state that laboratory tests cannot be ordered. Nutrition assessments including laboratory tests have been valuable in providing my patients with the highest quality of care. In my 36 years of working in wellness and nutrition I have seen the increasing need for objective nutrition testing to address the increasing nutrition deficiencies related health problems here on Guam. These tests are also better understood by the nutrition professional who can order them and make nutrition and lifestyle recommendations.

My understanding and expertise in the area of laboratory testing also comes from my training in the Doctor of Public Health degree (1982) as a Preventive Care Specialist from Loma Linda University, School of Health. This four year doctoral program included basic medical sciences, an emphasis on clinical nutrition courses and clinical training. I completed my externship at the Preventive Medicine Clinic of Kaiser Permanente Medical Center, Fontana, California.

I am willing to participate with an addendum to the scope of services for Dietitians and Nutritionist to avoid the confusion I've seen over the past years.

Respectfully Requested,

Keith Horinouchi DrPH, MPH, CNS, LN

GUAM BOARD OF ALLIED HEALTH EXAMINERS

Board Meeting Attendance Sheet

194 Hernan Cortez Ave, Hagatna, GU 96910

Health Professional Licensing Office Conference Room 209

Date of Meeting:

November 8, 2019, Friday



Regular Meeting



Special Meeting

Meeting Call to Order

12:13 pm

Time of Adjournment



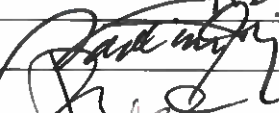


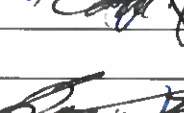


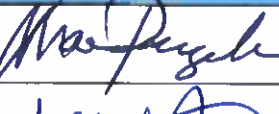
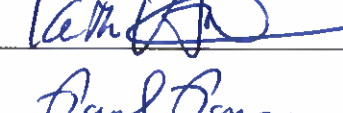
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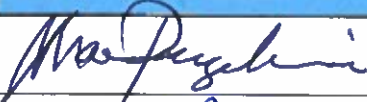
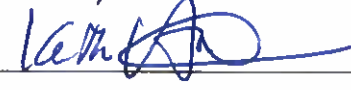

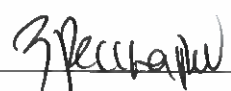



Quorum



No Quorum

BOARD MEMBERS	POSITION	SIGNATURE
Balajadia, Mamie	Chairperson	
Miller, Greg	Vice Chairperson	
Pereda, Vincent	Member	Absent
Cepeda, Nadine	Secretary	
Claros, Ryan	Member	
Chong, Richard	Member	
Crisostomo, Sibyl	Member	
Cruz, Greg	Member	Absent
Ogo, Alesia	Member	
San Nicolas, Catherine	Treasurer	
Tajalle, Ray	Member	Absent
Triolo, Dennis	Member	
Rob Weinberg	Legal Counsel	

OTHERS PRESENT

PRINT NAME	AGENCY	SIGNATURE
Ma Pangelinan	HPLO	
Keith Horinouchi	Wellness Clinic	
Paul Pomas, DVM	Self	
Zennia Recchard	HPLO Administrator	
Mitch Thompson	TTA	
Robert S Hildebrand	Gmps	
Tammy Hildebrand	Gmps	

GUAM DAILY POST • THURSDAY, OCTOBER 31, 2019

British female lawmakers unite behind Markle



GAINING SUPPORT: Prince Harry, Duke of Sussex and Meghan, Duchess of Sussex attend the WellChild awards pre-Ceremony reception at Royal Lancaster Hotel on Oct. 15 in London, England. Toby Melville/WPA Pool/Getty Images/Tribune News Service

(Tribune News Service) - Meghan Markle has some impressive new support in her quest for fair treatment by the media: 72 female members of Britain's Parliament.

"Women MPs from all political parties have put aside our differences to stand in solidarity with the Duchess of Sussex today and are sending her this open letter," MP Holly Lynch, a member of the Labour Party, tweeted Tuesday. She attached a two-page document referring to "stories and headlines" that seemed to violate the duchess' privacy or cast aspersions on her character.

"(W)e expect the national media to have the integrity to know when a story

is in the national interest, and when it is seeking to tear a woman down for no apparent reason," the letter says. "You have our assurances that we stand with you in solidarity on this. We will use the means at our disposal to ensure that our press accept your right to privacy and show respect, and that their stories reflect the truth."

Markle, the American actress who became Duchess of Sussex when she married Prince Harry in May 2018, has faced heightened public interest since the two began dating. Articles probing into every aspect of her personal life escalated over the past year, especially in British media, during her pregnancy and after the royals' child was born.

"There is a human cost to this relentless propaganda, specifically when it is knowingly false and malicious, and though we have continued to put on a brave face — as so many of you can relate to — I cannot begin to describe how painful it has been," Harry said in a lengthy statement earlier this month. "Because in today's digital age, press fabrications are repurposed as truth across the globe."

That statement was issued as the couple sued the Mail on Sunday over publication of a personal letter sent by Meghan to her father. Harry also filed lawsuits shortly thereafter against the owners of the Sun and the Daily Mirror, alleging phone hacking.

m HAGÁTÑA
RESTORATION AND REDEVELOPMENT AUTHORITY

The Hagåtña Restoration & Redevelopment Authority (HRRRA) Board of Commissioners will convene a regular board meeting on Thursday, November 7, 2019 at 5:00 p.m. in GEDA's conference room, 5th floor, ITC Bldg., Tamuning.

Individuals requiring special assistance or accommodations should contact HRRRA Executive Director Lasia Casil at 647-4332 or via email at lasia.casil@hrra.guam.gov.

GUAM BOARD OF ALLIED HEALTH EXAMINERS

Regular Session Meeting, Friday, November 8, 2019 at 12:00 PM

at the Tertaje Professional Building, 194 Hernan Cortez Avenue, 2nd Floor, Suite 209 Health Professional Licensing Office Board Conference Room, Hagåtña, Guam.

For more information please contact the Board office at 735-7405 thru 12. Persons with disabilities needing special accommodations may call 735-7172 or the telecommunication device for the Hearing/Speech Impaired (TDD) at 649-1801. Executive meeting may be called if necessary.

GUAM BOARD OF EXAMINERS FOR PHARMACY

Regular Board Meeting, Thursday, November 7, 2019 at 7:30 AM

at the Health Professional Licensing Office Board Conference Room, Tertaje Professional Bldg, 2nd Floor, Suite 209, Hagåtña.

For more information, please contact the Board office at 735-7413 or 735-7408. Persons with disabilities needing special accommodations may call 735-7408.

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NOV 8TH 9TH 10TH

FRI: 7:30pm
SAT: 12noon 4pm, 7:30pm
SUN: 1pm, 4pm, 7:30pm

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GUAM DAILY POST • WEDNESDAY, NOVEMBER 6, 2019

China presses Trump for more tariff rollbacks

WASHINGTON (Reuters) - China is pushing President Donald Trump to remove more tariffs imposed in September as part of a "phase one" U.S.-China trade deal, people familiar with the negotiations said on Monday. The deal, which may be signed later this month by Trump and Chinese President Xi Jinping at a yet-to-be-determined location, is widely expected to include a U.S. pledge to scrap tariffs scheduled for Dec. 15 on about \$156 billion worth of Chinese imports, including cellphones, laptop computers and toys. A U.S. official said the fate of the Dec. 15 tariffs is being considered as part of negotiations and a potential signing trip this month.

Another source briefed on the talks said Chinese negotiators want Washington to drop 15% tariffs on about \$125 billion worth of Chinese goods that went into effect on Sept. 1. They are also seeking relief from earlier 25% tariffs on about \$250 billion of imports from machinery and semiconductors to furniture. A person familiar with Beijing's negotiating position said that China is continuing to press Washington to "remove all tariffs as soon as possible." China's request to remove the Sept. 1 duties was earlier reported by Politico, citing sources. The Financial Times newspaper also reported that the White House was considering whether to roll back the Sept. 1 tariffs, which cover some clothing items, flat-screen televisions, smart speakers and Bluetooth headphones. Ralph Winnie, director of the China program at the Eurasia Center, said wrapping up the interim trade pact would provide a boost to both the U.S. and Chinese economies, while handing Trump an important win among farmers - a core constituency. "It's in both countries' interest to have this trade deal," Winnie said. "If

he seals the deal, it will be looked on very favorably by the American people. It's a win-win for both countries." **Copyright, not subsidies** Since Trump took office in 2017, his administration has been pressing China to curb massive subsidies to state-owned firms and end the forced transfer of American technology to Chinese firms as a price of doing business in China.

Analysts say the phase one deal will fail to adequately address these issues, focusing largely on Chinese purchases of U.S. farm goods and intellectual property protections related to copyright and trademark issues. It will not address industrial subsidies at all. Charles Boustany, a former congressman from Louisiana and counselor at the National Bureau of Asian Research, said any initial agreement would likely be short-term in nature and unstable. "Even though there's some talk about a phase one agreement, we don't think it's going to be substantive in terms of addressing any of the structural problems," he said. "It would largely be a status quo situation where China continues to do what it's doing."

India exits China-backed trade deal

(Bloomberg) - India pulled out of a trade pact covering much of Asia, paving the way for 15 other countries to sign the China-backed regional trade deal next year. India conveyed its decision to exit the Regional Comprehensive Economic Partnership, or RCEP, foreign ministry official Vijay Thakur Singh told reporters in Bangkok on Monday. Prime Minister Narendra Modi highlighted that he was guided by the impact it would have on the lives and livelihoods of all Indians, especially vulnerable sections of society, she said. "India had significant issues of core interest that remained unresolved," Singh said. "India has participated in good faith in the RCEP discussions and negotiated hard with a clear-eyed view of our interests," she added. "We took the right decision in the national interest." Modi decided not to join the deal in order to protect service workers and farmers, an official told reporters in New Delhi on Monday. India had pushed the other 15 nations to address its concern over deficits and open their markets to Indian services and investments, the official said.

GUAM ETHICS COMMISSION
Notice of Meeting
Kumision Dinisiplina I Guåhan
At 12:00 p.m., Wednesday, November 13, 2019, Docomo Conference Room, 890 S. Marine Corps Drive, Tamuning, Guam. For special accommodations call Marilyn Borja, ADA Coordinator at 688-2484.

GUAM BOARD OF NURSE EXAMINERS
Regular Board Meeting
Thursday, November 14, 2019
at 3:00 PM
at the Health Professional Licensing Office Board Conference Room, Terlaje Professional Bldg, 2nd Floor Suite 209 Hagåtña, Guam.
Persons with disabilities needing special accommodations may call the ADA at 735-7172.

GUAM BOARD OF ALLIED HEALTH EXAMINERS
Regular Session Meeting,
Friday, November 8, 2019
at 12:00 PM
at the Terlaje Professional Building, 194 Hernan Cortez Avenue, 2nd Floor, Suite 209 Health Professional Licensing Office Board Conference Room, Hagåtña, Guam.
For more information please contact the Board office at 735-7405 thru 12. Persons with disabilities needing special accommodations may call 735-7172 or the telecommunication device for the Hearing/Speech Impaired (TDD) at 649-1801. Executive meeting may be called if necessary.

Proposed Issuance of Underground Injection Control Well Operating Permits for The Department of the Air Force
Public Review and Comment Period: November 9, 2019 - December 10, 2019

The Guam Environmental Protection Agency (Guam EPA) runs the Underground Injection Control (UIC) Program, as mandated by the Safe Drinking Water Act, and approved by U.S. EPA. The Agency regulates all applicable activities as set forth in the Guam's UIC Regulations. The UIC Program requires operating permits for all existing injection wells/systems. This includes wells built prior to the approval of the regulations are still in operation, and wells/systems constructed after the effective date of the regulations.

Guam EPA has received renewal applications from the Department of the Air Force for one hundred one (101) injection wells located at Andersen Air Force Base, Guam. The injection wells are for stormwater management at various places inside the base such as the housing areas, school, clinic, taxiways, terminals, tank farms, maintenance shops and other facilities.

On the basis of a preliminary UIC requirement review, the Administrator has proposed issuing UIC permits to allow discharges of stormwater runoff into the injection wells.

The discharges contain stormwater runoff only. No industrial discharges or any other discharges are allowed into the wells.


The permits for these applications will require:

- 1 - Only stormwater runoff to be discharged into the injection wells
- 2 - Semi-annual monitoring of water quality for MBAS, Oil and Grease, NO3-N, Endrin, Lindane, Toxaphene, 2, 4-D, 2, 4, 5-TP Silvex, Heptachlor, Methoxychlor, Lead, Benzene, Ethylbenzene, Xylene, Toluene, MTBE, Boron, COD, and pH;
- 3 - Assurance regarding repairs, replacement, or abandonment of the wells in the event of failure;
- 4 - A laboratory analysis report of runoff water taken from the designated sampling points of the wells; and
- 5 - Compliance with other UIC requirements.

A copy of the Draft Permits and Permit Applications for the above applicant and all other supporting documents are available for public inspection from 8 a.m. until 5 p.m. Monday through Friday at the Water Resources Management Program Section of the Water Division, Guam Environmental Protection Agency, located at 17-3304 Mariner Ave., Tiyan, Barrigada 96913. For more information, contact Ms. Susan Marquez, at (671) 300-4778 or (671) 300-4751. Written comments on the draft permits may be hand delivered or mailed to the address below. Comments must be received by Guam EPA no later than 5 p.m., Tuesday, December 10, 2019. No fax submittals will be accepted.

Administrator
Guam Environmental Protection Agency
17-3304 Mariner Avenue
Barrigada, Guam 96913

If there are no appeals, the Draft Permits becomes final. Operation of the injection wells identified by the applicant may proceed subject to the conditions of the permits and other applicable legal requirements. The final decision to set conditions and issue the final permits or deny application for the permits will be decided after all comments have been considered. If no comments are received within the 30-day waiting period, the final permits shall be issued immediately after the commenting period closes. Please bring this information to the attention of all persons who may be interested in this matter.

 /s/ WALTER S. LEON GUERRERO - Administrator