

## Guam Board of Allied Health Examiners

REGULAR VIRTUAL BOARD MEETING

Friday, December 3, 2021 at 12PM

Join Zoom Meeting: <https://zoom.us/j/92629218322>; Meeting ID: 926 2921 8322; Passcode: 832193

### MINUTES

Topic	DECISION(S) / ACTION(S) MADE	Responsible Party	Reporting Timeframe	Status
I.	Call to Order	Chair	12:02	
II.	Proof of Publication a) 11/26/2021 b) 12/1/2021	HPLO	12:02	
II.	Roll Call/Quorum GBAHE <input checked="" type="checkbox"/> Dr. Mamie Balajadia, Clinical Psychology, Chair <input checked="" type="checkbox"/> Vince Pereda, Licensed Professional Counselor, Vice-Chair <input checked="" type="checkbox"/> Nadine Cepeda, Marriage & Family Therapist, Secretary <input checked="" type="checkbox"/> Catherine San Nicolas, Clinical Dietician, Treasurer <input checked="" type="checkbox"/> Dr. Richard Chong, Acupuncture <input checked="" type="checkbox"/> Dr. Dennis Triolo, Audiology <input checked="" type="checkbox"/> Sibyl Crisostomo, Speech Language Pathology <input type="checkbox"/> Dr. Ryan Claros, Physical Therapy <input checked="" type="checkbox"/> Dr. Gregory Miller, Chiropractic Medicine <input checked="" type="checkbox"/> Dr. Paul Pomes, Veterinary Medicine <input checked="" type="checkbox"/> Alesia Ogo Occupational Therapy <input checked="" type="checkbox"/> Raymond Tajalle Physician Assistant <input type="checkbox"/> Gregory Cruz Other Present: <input checked="" type="checkbox"/> Assistant AG Rob Weinberg, Legal Counsel <input checked="" type="checkbox"/> Laurent Duenas, DPHSS <input checked="" type="checkbox"/> Deborah Borja, HPLO <input checked="" type="checkbox"/> Rosemary Carman, HPLO <input checked="" type="checkbox"/> June Perez, HPLO <input checked="" type="checkbox"/> Shania Nitara, Law Office of Vanessa Williams David Sprouse Joseph, Office of Speaker Terlaje Eddy Reyes, FLAME TREE Freedom Center			
IV.	Adoption of Agenda Motion: S. Crisostomo; 2 <sup>nd</sup> : Dr. Miller	GBAHE	12:06	Approved
V.	Approval of Minutes <ul style="list-style-type: none"> <li>• Minutes, dated 11/19/2021. Motion to approve, with the following amendments:                             <ul style="list-style-type: none"> <li>○ Agenda Item VI: last bullet, first line, added: Prosecuting Attorney and Hearing Officer.</li> <li>○ Agenda IX. Add a colon (:) to read better. Also add the words : “to investigate case”.</li> <li>○ Agenda IX, (s), 2<sup>nd</sup> line: change to read: ....(SCOG) and that the subject Acupuncturist....”</li> <li>○ Agenda XII.a)1-6: Status column, add: Approved</li> </ul> </li> <li>• Motion: Dr. Miller; 2<sup>nd</sup> S. Crisostomo</li> </ul>	GBAHE	12:07	Approved with Amendments

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VI.	Treasurer's Report	The Treasurer presented a Financial Status Report (see attached), as provided by HPLO. In reference to the approval authority for expenditures, the Chair stated that, in her opinion, the GBAHE would have the authority in lieu of just the Chair, Treasurer or HPLO.	Catherine San Nicolas	12:12	Noted
VII.	HPLO Administrator's Report	HPLO reported that it is in the process of procuring a Hearing Officer and Prosecuting Attorney.	Z. Pecina	12:18	Noted
VIII.	Legal Counsel Report	Asst AG Weinberg indicated there was nothing to report; however, he encouraged the GBAHE to review the court filings he provided pertaining to the Lubofsky lawsuit filed against GBME and GBAHE.	Asst AG Weinberg	12:20	Noted
IX	GBAHE Complaints	a) GBAHE-CO-15-04 Veterinarian: Pending Inv Received 9/4/15.	GBAHE	12:21	Tabled
		b) GBAHE-CO-15-06 Veterinarian: Pending Inv Received 11/30/15.			Tabled
		c) GBAHE-CO-17-02 Veterinarian: Pending Inv Received 6/16/17.			Tabled
		d) GBAHE-CO-19-02 Veterinarian: Pending Inv Received 8/22/19.			Tabled
		e) GBAHE- CO-19-03 Veterinarian: pending Inv Received 11/7/19.			Tabled
		f) GBAHE-CO-19-04 Veterinarian: Pending Inv Received 11/7/19.			Tabled
		g) GBAHE-CO-20-10 Respiratory Therapist: S. Melville Received 9/20/20. Pending a response from S. Melville.			Tabled
		h) GBAHE-CO-20-09 Respiratory Therapist: S. Melville Received 9/20/20. Pending a response from S. Melville.			Tabled
		i) GBAHE-CO-20-08 Respiratory Therapist: S. Melville Received 9/20/20. It was reported a response was received from S. Melville. NOTE: Asst AG Weinberg clarified that S. Melville is GBAHE's consultant to review the files for the above cases (20-10; 20-09; and 20-08) and only one of the licensees involved has been identified. Further, he indicated consultant would need to be contacted to re-review the records sent to confirm information regarding the other two licensees.			Tabled
		j) GBAHE-CO-20-07 Veterinarian: Pending Inv Received 5/4/20.			Tabled
		k) GBAHE-CO-20-06 Veterinarian: Pending Inv Received 3/13/20.			Tabled
		l) GBAHE-CO-20-05 Veterinarian: Pending Inv Received 3/13/20.			Tabled
		m) GBAHE-CO-20-04 Veterinarian: Pending Inv Received 3/13/20.			Tabled
		n) GBAHE-CO-20-03 Veterinarian: Pending Inv Received 3/13/20.			Tabled
o) GBAHE-CO-20-02 Veterinarian: Pending Inv Received 1/31/20.	Tabled				
p) GBAHE-CO-20-01 Veterinarian: Pending Inv Received 1/31/20.	Tabled				
q) GBAHE-CO-21-01 Chiropractor G. Miller Received 4/13/21. <ul style="list-style-type: none"> <li>Dr. Miller reported that Dr. Amy Gates, D.C., a local licensee, indicated that she would support Government of Guam's case against Dr. Rodman, who was practicing on Guam without a license.</li> </ul>	Tabled				

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	<ul style="list-style-type: none"> <li>Asst AG Weinberg reported that Dr. Gates was cooperating with Dr Miller and my investigaton, and there is still more to do</li> </ul>			
	r) GBAHE-CO-21-02 Chiropractor G. Miller Received 6/4/21. <ul style="list-style-type: none"> <li>Dr. Miller reported the he was able to verify the permanent address of Dr. Robin in California and will reach out to him regarding the complaint.</li> <li>Asst Ag Weinberg informed the GBAHE that the complaint against Dr. Robbin is a felony per 10 CGA §12823 Unlawful Practice of Allied Health Profession: Violation and Penalties since this case pertains to an individual practicing without a license.</li> </ul>			Tabled
	s) GBAHE-CO-21-03 Acupuncturist R. Chong Received 7/6/21. The Chair reported that a letter was sent to Dr. Pak requesting he provide a response to the complaint.			Tabled
	t) GBAHE-CO-21-04 Audiologist S. Crisostomo Received 9/7/21. <ul style="list-style-type: none"> <li>Ross Hearing Aid (Jennifer Ross, who is not licensed by GBAHE) had hired an audiologist, who was practicing without a license. S. Crisostomo reported that letters have been sent to the American Academy of Audiology and Florida Board regarding the individual of concern.</li> <li>The Chair indicated that consequences to Ross should also be taken into consideration by the GBAHE since they procured the services. In addition, consideration of reimbursement of services rendered to the Ross customers should be addressed.</li> <li>Asst AG Weinberg stated that more fact-finding is required to obtain sufficient evidence to file a complaint on behalf of the Board, e.g. what was the financial arrangement between the parties.</li> <li>The Chair requested that Dr. Triolo and S. Crisostomo to continue to work the issue with Asst AG Weinberg and take action.</li> <li>Asst AG Weinberg made reference to 10 GCA § 12823 regarding the seriousness of practicing without a license.</li> </ul>			Tabled
	u) GBAHE- CO-21-05 Acupuncturist R. Chong Received 9/17/21. <ul style="list-style-type: none"> <li>The Chair reported that she has requested the complainant provide copies of the medical records from GMHA and IHP and is awaiting a response. In addition, the Chair sent a letter to Dr. Yoo requesting a response to the complaint, who, in turn, directed the Chair to contact his attorney.</li> <li>Asst AG Weinberg stated that consent would be necessary for the disclosure and release of medical records. If records are not provided, then the case could be dismissed for lack of cooperation.</li> <li>Dr. Miller stated that the allegations indicate that Dr. Yoo manipulated the patient's neck, which is outside the practice of an acupuncturist; only a chiropractor is able to perform spinal manipulation. In the 1990's, he recalled a law was passed clarifying who could do spinal manipulation.</li> </ul>			

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		<ul style="list-style-type: none"> <li>Asst AG Weinberg advised against the potential crossover of responsibilities between an acupuncturist and a chiropractor, and suggested that the foregoing scope of practice require further review and assessment.</li> </ul>			
		v) GBAHE-CO-21-06 LPC N. Cepeda Received 10/12/21. <ul style="list-style-type: none"> <li>The Chair reported a letter has been sent to the licensee and is awaiting a response.</li> </ul>			
		w) GBAHE-CO-21-07/1&2 Veterinarian: Pending Invoice Received 11/22/21. The Asst AG requested a copy of and will discuss the complaints with Dr. Pomes. <ul style="list-style-type: none"> <li>In reference to the above complaints, Asst AG Weinberg stated that, until investigators are hired, it is the responsibility of the individual Board members assigned to the case to conduct the preliminary investigations and obtain the information to support a recommendation to the GBAHE. The respective Board members should be in discussion with the Chair and legal counsel at least one month in preparation for the upcoming GBAHE meeting with the aim to make progress in closing out the action items, especially since these functions cannot be performed by HPLO staff.</li> <li>The Chair urged the assigned Board members to deal with the complaints appropriately and as expeditiously as possible in order to make progress in closing the complaints.</li> </ul>			Tabled
X.	Workgroup Report	The Chair reported that the Working Group postponed the meeting to due scheduling conflicts and will meet soon with Asst AG Weinberg for a final review before presenting the proposed changes to the GBAHE for discussion.	GBAHE	12:49	Noted
XI.	Old Business	None.			
XII.	New Business	a) Initial/New Applications: Motion to Approve: Dr Pomes; 2 <sup>nd</sup> S. Crisostomo <ol style="list-style-type: none"> <li>Westendorf, Blythe A. for Occupational Therapist (Cruz)</li> <li>Brunn, Jane A. for Speech Language Pathologist (Crisostomo)</li> </ol> b) Applications to Sit for Examinations Renewal. <ol style="list-style-type: none"> <li>Arriola, Maira R. for Licensed Professional Counselor (Pereda) Motion to approve: V. Pereda; 2<sup>nd</sup>: S. Crisostomo.</li> </ol> c) Renewal <ol style="list-style-type: none"> <li>Larkin, June for Chiropractor (G. Miller). Dr Miller; 2<sup>nd</sup>: S. Crisostomo.</li> </ol>	GBAHE	12:50	Approved
XIII.	Announcements	a) Next Meeting - Friday, January 7, 2022, at 12:00 p.m.	GBAHE	12:56	Noted
XIV.	Adjournment	Motion: Dr. Pomes; 2 <sup>nd</sup> : N. Cepeda	GBAHE	12:57	Adjourned

Reviewed by:

Approved by:

Secretary / Date

Chairperson / Date

Minutes By: FLAME TREE Freedom Center, Inc.

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