

GUAM BOARD OF MEDICAL EXAMINERS

VIRTUAL BOARD MEETING

Wednesday, April 13, 2022 4:00 P.M

Join Zoom Meeting: <https://zoom.us/j/98477595562?pwd=d1NJSXFmNVAzN1B2Sm9raldNdmpsQT09>

Meeting ID: 984 7759 5562; Passcode: 971289

MINUTES

Topic		DECISION(S) / ACTION(S) MADE		Responsible Party	Reporting Timeframe	Status
I.	Call to Order	13 April 2022		Chair	1607	Called to Order
		<p>A) Roll Call: GBME</p> <p><input checked="" type="checkbox"/> Nathaniel B. Berg, M.D., Chairperson</p> <p><input type="checkbox"/> Phil Flores, Vice-Chairperson, Treasurer & Public Member</p> <p><input checked="" type="checkbox"/> Arania Adolphson, M.D., Secretary</p> <p><input checked="" type="checkbox"/> Annie Bordallo, M.D., Medical Director</p> <p><input checked="" type="checkbox"/> Annette David, M.D., Member</p> <p><input checked="" type="checkbox"/> Luis G. Cruz, M.D., Member (joined @ 1612)</p> <p><input type="checkbox"/> Scott Shay, M.D., member</p>	<p>OTHERS PRESENT:</p> <p>Zennia Pecina, Acting, Chief Public Health Officer</p> <p>Breanna Sablan, Acting, HPLO Administrator</p> <p>Baltazar (Tre) Hattori III (HPLO)</p> <p>Cianna Galindo, HPLO</p> <p>Mary Nolte</p> <p>Ugochukwu Akoma</p> <p>Rachelle Cummins</p> <p>Office of the Speaker Representative</p> <p>Eddy Reyes, FLAME TREE Freedom Center</p>	Chair	1607	Quorum Established
II.	Adoption of Agenda	Confirmation of Public Notice advertised in the Pacific Daily News.		Chair	1607	Confirmed
III.	Review and Approval of Minutes	Reviewed draft Minutes, dated 9 March 2022. <i>Motion to approve: Dr. Berg, 2nd; Dr. Adolphson</i>		GBME	1608	Adopted
IV.	Treasurer's Report	a) No Report.		GBME	1608	Approved
V.	HPLO Administrator's Report	a) The Acting HPLO Administrator, B. Sablan, reported that the Guam Ethics Commission trainings have been published and will be held May through September 2022 on Fridays, from 8-12pm. HPLO will coordinate the training sessions with the GBME members.		P. Flores Not Present	1609	None
VI.	Chairperson's Report	a) Emergency Issued Licenses. The GBME noted that the following emergency licenses were issued. (1) Frank M. Marmo – GRC (2) Bradley Cochran – GRC		B. Sablan Acting Administrator	1613	Noted
				Chair & HPLO Administrator	1611	Noted

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VII.	(3) Dennis M. Burton – GRC	GBME Dr. Adolphson	1615	Closed
	(4) Jon C. Kerr – GRMC			
	(5) Taylor M. Miles – GRMC			
	(6) Bilal Chaudry – GMHA			
	(7) Robert D. Collins – GMHA			
	(8) Nicole D. Collett – GMHA			
	(9) Lindsay N. Ryan – Sagua Mañagu. Dr. Ryan is in residency with a training license.			
	a) COMPLAINTS:			
	(1) GBME-CO-19-010 – Received: Dr. Adolphson reported that the complaint was reviewed by two off-island orthopedic surgeons, who concluded there was no medical negligence nor a deviation in the standard of care. Dr. Adolphson read the summary from one of the investigative reports and indicated that the other investigative report had a similar conclusion. The Chair inquired if she determined if the reports came from licensed clinicians; and Dr. Adolphson did not review their individual Curriculum Vitae; however, the reports were signed with their credentials. Dr. David stated that since the conclusions came from two independent orthopedic physicians with similar conclusions she was satisfied with the conclusions. <i>Motion to close: Dr. Adolphson; 2nd: Dr. David</i>			
	(2) GBME-CO-19-012 – Received: 12/06/2019. Dr. Bordallo stated that she received the report from a forensic psychiatrist as the expert reviewer, which concluded that there was a severe departure from the stand of care, secondary to unprofessional terminology and serious boundary violations. Based on the information presented, she supported the conclusion that there was a violation of the standard of care. The second issue is the applicant was outside the window for a renewal for reinstatement, therefore, the application is considered a “new” application (i.e., not a renewal application). During a review of the application, in parallel, the Office of the Attorney General concluded there was probable cause to charge official misconduct and harassment. Therefore, she recommends to deny application for licensure. The Chair also stated that it was his understanding that the applicant had a reasonable amount of time to state his case with the GBME to either contradict the allegations or provide additional information regarding the application for license, but instead, chose not to; Dr. Bordallo concurred. <i>Motion to close and deny application for licensure: Dr. Bordallo; 2nd: Dr. David.</i>			
(3) GBME-CO-19-013 – Received: 12/06/2019 – closed. See Agenda Item VII.(a)(2). <i>Motion to close and deny application for licensure: Dr. Bordallo; 2nd: Dr. David</i>	Closed and Denied Application			
(4) GBME-CO-19-014 – Received: 12/06/2019 – closed. See Agenda Item VII.(a)(2).	Closed/ Denied Application Closed/ Denied			

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	<i>Motion to close and deny application for licensure: Dr. Bordallo; 2nd; Dr. David</i>			Application
(5)	GBME-CO-19-015 – Received: 12/06/2019 – closed. See Agenda Item VII.(a)(2). <i>Motion to close and deny application for licensure: Dr. Bordallo; 2nd; Dr. David</i>			Closed/ Denied Application
(6)	GBME-CO-19-016 – Received: 12/06/2019 – closed. See Agenda Item VII.(a)(2). <i>Motion to close and deny application for licensure: Dr. Bordallo; 2nd; Dr. David</i>			Closed/ Denied Application
(7)	GBME-CO-19-017 – Received: 12/06/2019 – closed. See Agenda Item VII.(a)(2). <i>Motion to close and deny application for licensure: Dr. Bordallo; 2nd; Dr. David</i>			Closed/ Denied Application
(8)	GBME-CO-20-001 – Received: 01/16/2020 - closed. See Agenda Item VII.(a)(2). <i>Motion to close and deny application for licensure: Dr. Bordallo; 2nd; Dr. David</i>			Closed/ Denied Application
(9)	GBME-CO-20-005 – Received: 09/18/2020. Awaiting for an assigned attorney. <i>Motion to table: Dr. Berg; 2nd; Dr. Cruz</i>	Dr. Adolphson		Tabled
(10)	GBME-CO-2021-007 – Received: 06/07/2021. Dr. David reported that she is currently awaiting responses from the Physician. The GBME agreed to send another request via certified mail and remind the physician that it would be a violation of the Medical Practice Act if no response is received (NOTE: A response is due within 14 days from the date of the GBME request). The Chair stated that he would also attempt to contact the physician. <i>Motion to send one more notice: Dr. David; 2nd; Dr. Berg</i>	Dr. David		Attempt Contact with Physician
(11)	GBME-CO-2021-008 – Received: 06/07/2021. Dr. David reported that numerous attempts were made to contact the complainant. Upon her review, she concluded that there was no violation of the standard of care; therefore, she recommended to close the case. <i>Motion to close: Dr. David; 2nd; Dr. Berg.</i>	Dr. David		Closed
(12)	GBME-CO-2021-010 – Received: 11/08/2021. Dr. Cruz reported that he is still awaiting receipt of medical records from US Naval Hospital (USNH). Dr. Berg stated that he was able to clarify the jurisdiction boundaries with USNH: GBME would have jurisdiction over the physician; however, GBME would not have jurisdiction over the USNH facility. In this case, the complainant would have to request the medical records using the USNH forms in order to obtain the medical records. B. Sablan reported that the physician has yet to be notified of the complaint. Dr. Bordallo suggested that the GBME readdress the issue of jurisdiction to clarify the boundaries (e.g., USNH physicians do not require a Guam medical license to practice on USNH proper). The Chair stated that the GBME could update its standard operating procedures to address GBME and USNH jurisdiction issues. <i>Motion to table: Dr. Berg; 2nd; Dr. Cruz.</i>	Dr. Cruz		Tabled
(13)	GBME-CO-2021-011 – Received: 11/17/2021. Dr. David reported records been received; however,	Dr. David		Tabled

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	<p>he is awaiting receipt of all documents from the physician. At this point it is too early to determine if an off-island reviewer would be required. She requested the HPLO to follow-up with the request for information. (NOTE: Dr. Berg recused himself from GBME discussions).</p> <p>(14) GBME-CO-2022-001 – Received: 01/19/2022. Dr. Berg stated that the GBME is currently awaiting the results of adjudication from the governing authority from another state.</p> <p>(15) GBME-CO-2022-002 – Received: 01/06/2022. Dr. Berg stated that the GBME is currently awaiting the results of adjudication from the governing authority from another state.</p> <p>(16) GBME-CO-2022-003 – Received: 01/24/2022. Dr. Cruz stated that the GBME is currently awaiting the results of adjudication from the governing authority from another state.</p> <p>(17) GBME-CO-2022-004 – Received: 02/02/2022. Dr. Berg stated that the GBME is currently awaiting signature on an agreement; anticipated to be closed by the next GBME meeting.</p> <p>(18) GBME-CO-2022-005 – Received: 02/04/2022. Dr. Berg stated that the complainant is anticipated to withdraw the case; anticipated to be closed by the next GBME Meeting.</p> <p>(19) GBME-CO-2022-006 – Received: 02/10/2022. Dr. David reported records been received; currently awaiting receipt of all documents from the physician. At this point it is too early to determine if an off-island reviewer would be required. She requested the HPLO to follow-up with the request for information. (NOTE: Dr. Berg recused himself from GBME discussions).</p> <p>(20) GBME-CO-2022-007 – Received: 02/10/2022 (A. Bordallo) – closed. See Agenda Item VII.(a)(2). <i>Motion to close and deny application for licensure: Dr. Bordallo; 2nd. Dr. David</i></p> <p>(21) GBME-CO-2022-008 – Received: 02/22/2022. Dr. Adolphson reported that the patient records were received; however, she is currently awaiting a physician response. Dr. Berg requested HPLO to inform the physician that, although the GBAHE has resolved its case, the case remains open with the GBME. Therefore, the physician is required to respond within the 14-day timeframe.</p> <p>(b) REINSTATEMENT LICENSE: (1) Abner P. Pasatiempo, M.D. – Psychiatry – On-going. <i>Motion to deny application for licensure: Dr. Bordallo; 2nd. Dr. David</i></p> <p>(c) Application(s) for Full Licensure: (1) John D. Gherman. Dr. Berg reported that the physician is still under probation and it his responsibility to notify the Board when that probation ends. The GBME will not grant a license while the applicant is operating under a restricted license. He stated that Dr. David and he will address the issue with the Federation State of Medical Board colleagues to see if there is an opportunity to access shared resources. Dr. David indicated that she has initiated discussions with GBHWC for potential collaboration with local providers and/or seek technical assistance from SAMHSA, access grants, etc. Dr. Berg would also like to discuss collaborative opportunities with other island jurisdictions,</p>	<p>P. Flores</p> <p>Dr. Shay</p> <p>Dr. Cruz</p> <p>P. Flores</p> <p>P. Flores</p> <p>Dr. David</p> <p>Dr. Bordallo</p> <p>Dr. Adolphson</p> <p>GBME</p> <p>GBME</p>	<p>1705</p>	<p>Tabled</p> <p>Tabled</p> <p>Tabled</p> <p>Tabled</p> <p>Tabled</p> <p>Tabled</p> <p>Tabled</p> <p>Tabled</p> <p>Tabled</p> <p>Tabled</p> <p>Closed/ Denied Application</p> <p>Tabled</p> <p>Denied Application</p> <p>Tabled</p>

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	<p>since are in a similar situation as Guam.</p> <p>(d) Collaborative Practice Agreement</p> <p>(1) Robin M Egan. Dr. Berg reported that GBAHE provided clearance and the investigation is over, so the GBME is clear to proceed with a recommendation. <i>Motion to approve/sign agreement: Dr. Berg; 2nd: Dr. Cruz</i></p> <p>(e) General Discussion:</p> <p>(1) Shishin Miyagi, M.D. – Report pursuant to 10 GCA §12212(c). The GBME noted that there was no discussion required, as this was addressed at the last GBME meeting. The GBME noted that Payment was made on behalf of the insurance company. The GBME recognized that this was a self-reported incident which demonstrates good faith.</p>			<p>Approved & Sign Agreement</p> <p>Noted</p>
VIII	<p>New Business</p> <p>(a) COMPLAINT(S)</p> <p>(1) GBME-CO-2022-009 – Received: 03/28/2022. Dr. Berg reported that the complaint is for denial of care by and against a facility. He volunteered to take on this case. Dr. Adolphson stated that the complaint does not appear to meet the criteria to open the case since it does not include the three requirements: Complainant; a named licensed physician; complaint. The Chair stated that, at the moment, all complaints are being forwarded to the GBME. He suggested that the GBME address at its next meeting how to handle complaints before it reaches the GBME level for considerations.</p> <p>(b) APPLICATION(S) FOR FULL LICENSE:</p> <p>(1) Samantha C. Shapiro. Rheumatologist. No issues. <i>Motion to approve: Dr. Berg; 2nd: Dr. David</i></p> <p>(2) Ranjit Singh. Family Practitioner. Telemedicine. GMHA <i>Motion to approve: Dr. Berg; 2nd: Dr. David.</i></p> <p>(3) Jeffrey J. Ing. Ophthalmologist. SDA <i>Motion to approve: Dr. Berg; 2nd: Dr. David.</i></p> <p>(c) APPLICATION(S) FOR TEMPORARY LICENSE. <i>(1) Mark H. Enker Motion to approve: Dr. Berg; 2nd: Dr. Adolphson.</i></p> <p>(d) FULL LICENSE RENEWALS 2021-2023: <i>(2) Maida S. Ribati. The GBME noted that applicant is pending submission of CME and Residency Certificate. Fellowship was not from an accredited CJME institution. Motioned to table: Dr. Berg; 2nd: Dr. Adolphson</i></p> <p>(3) Daliah Wachs. The GBME questioned the approval process for IMLCC renewal applications. The</p>	GBME	1715	<p>Assigned Case</p> <p>Agenda Item for Next Meeting</p> <p>Approved</p> <p>Approved</p> <p>Approved</p> <p>Approved</p> <p>Tabled</p>
		GBME	1730	Tabled/Chair

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	<p>Chair stated that he would seek guidance and clarification on this process. <i>Motion for Chair to seek guidance form the IMLCC: Dr. David; 2nd: Dr. Adolphson</i></p> <p>(c) INTERSTATE MEDICAL LICENSING COMPACT (IMLCC) APPLICANTS. NOTE: With IMLCC, there are 40 states and territories, who are part of the IMLCC, which recognizes and allows a physician licensed in their home state to be eligible to be licensed and practice in a IMLCC state. This practice is designed to be facilitate and expedite the process of practicing in another IMLCC recognized state/territory. Therefore, those applicants listed below are eligible to practice on Guam.</p> <p>Suggested Agenda Items for Next Meeting:</p> <p>(1) Dr. Adolphson suggested IMLCC applicants/licenses be informed of the process on how investigations are conducted and other useful information. Dr. Berg stated that the website could also be improved to better inform the applicants/licenses of the GBME and HPLO staff.</p> <p>(2) Dr. David suggested a future discussion on the renewal of IMLCC. She also suggested that the review of IMLCC applications be conducted by the GBME members, to include GBME member assignment to review applications for GBME Medical Licenses.</p> <p>(3) Zennia Pecina: The GBME should consider whether to continue with IMLCC since the options is to accept all or none. The Chair stated that it should address how the GBME will handle these applications given that there is professional trust among the state medical boards to do their duty in issuing and renewing medical licenses. He also stated he would like to address this issue with other island jurisdictions.</p> <p>(1) Deanna Joy Larson. <i>Motion to approve: Dr. Berg; 2nd: Dr. Cruz</i></p> <p>(2) Stephen Dawkins. <i>Motion to approve: Dr. Berg; 2nd: Dr. Cruz</i></p> <p>(3) Kathleen T. Jordan. <i>Motion to approve: Dr. Berg; 2nd: Dr. Cruz</i></p> <p>(4) Thomas W. Hysler Jr. <i>Motion to approve: Dr. Berg; 2nd: Dr. Cruz</i></p> <p>(5) Nazrul Chowdhury <i>Motion to approve: Dr. Berg; 2nd: Dr. Cruz</i></p> <p>(6) Omavi F. Baily <i>Motion to approve: Dr. Berg; 2nd: Dr. Cruz</i></p> <p>(7) An Chen <i>Motion to approve: Dr. Berg; 2nd: Dr. Cruz</i></p> <p>(8) Rohan Patankar</p>	GBME	1725	<p>to Seek Guidance</p> <p>Noted</p> <p>Agenda Item for Next Meeting</p> <p>Approved</p> <p>Approved</p> <p>Approved</p> <p>Approved</p> <p>Approved</p> <p>Approved</p> <p>Approved</p> <p>Approved</p>

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	<i>Motion to approve: Dr. Berg; 2nd: Dr. Cruz</i> (9) Andrew M. Brown <i>Motion to approve: Dr. Berg; 2nd: Dr. Cruz</i>		A
IX. Other Business	Next regularly scheduled board meeting: Wednesday, May 18, 2022 at 4:00 pm virtually via ZOOM. The Chair, on behalf of the GBME, expressed his appreciation for her service to the GBME and HPLO and he welcomed her successor, Baltazar (Tre) Hattori III.	GBME	1749 Publ
X. Adjournment	<i>Motion to Adjourn: Dr. Berg; 2nd: Dr. Adolphson</i>	GBME	1752 A

Reviewed by:  5/18/2022
Secretary / Date

Approved by:  5/18/2022
Chairperson / Date

Minutes By: FLAME TREE Freedom Center, Inc.