

The Guam Board of Medical Examiners Board Meeting
Wednesday, November 17, 2021 4:00 P.M

<https://zoom.us/j/98062608026?pwd=UmYzbidDMmpzZDdyWmNmZUJpke2NpZz09>

Meeting ID: 980 6260 8026

Passcode: 979249

MEETING MINUTES

MEMBERS PRESENT:

<input checked="" type="checkbox"/> Nathaniel B. Berg, M.D.	GBME Chairperson
<input checked="" type="checkbox"/> Mr. Phil Flores	GBME Vice-Chairperson, Public Member
<input checked="" type="checkbox"/> Annie Bordallo, M.D.	GBME Member, Medical Director
<input checked="" type="checkbox"/> Arania Adolphson, M.D.	GBME Member
<input checked="" type="checkbox"/> Annette David, M.D.	GBME Member
<input checked="" type="checkbox"/> Luis G. Cruz, M.D.	GBME Member
<input type="checkbox"/> Scott Shay, M.D.	GBME Member

OTHERS PRESENT:

Robert Weinberg, Assistant Attorney General
 Zennia Pecina, HPLO Administrator
 Ciana Galindo, HPLO Board Secretary
 Ivana Nimea, Law office of Vanessa Williams
 Mary Nolte
 Dr. Abraham Solomon
 Joe Taitano, News Media
 Eddy J Reyes, FLAME TREE Freedom Center

Topic	DECISION(S) / ACTIONS(S) MADE	Responsible Party	Reporting Timeframe	Status
I. CALL TO ORDER:	(a) Roll Call (b) Confirmation of Public Notice advertised in the Guam Daily Post.	Chair	16:13	
II. Adoption of Agenda		Chair	16:13	
III. Review and Approval of Minutes	September 29, 2021. Motion: P. Flores	Chair	16:16	Approved
IV. Treasurer Report – Philip J. Flores	The Chairman expressed appreciation for those attending Legislative Oversight Hearing The Treasurer reported: <ul style="list-style-type: none"> Asst AG Weinberg and Z. Pecina, who did a great job. NOTE: Not all of the HPLO Board's were represented. Senators expressed some concern that the Rules and Regulations were not further along. The Speaker inquired if there was a possibility to reduce some of the fees. Expressed for the past 5 years, the fees have not been adjusted; therefore, could anticipate a 	Treasurer	16:17	Noted

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V. HPLO Administrator's Report – Zennia C. Pechna, M.S.N, R.N.	<ul style="list-style-type: none"> proposal to increase the fees. Upon review of the revenue flow for the average of past 5 years, it is evident that a subsidy would be needed from the General Fund. Expressed the challenge of accessing funds from DPHSS account. Also expressed the need for the HPLO Boards to hire an attorney and investigators as required, however, there are challenges regarding the procurement process. Overall, he reported that there appears to be a more positive relationship with the HPLO and Boards. Recommended that HPLO Administrator inform the Guam Medical Association and the Guam Medical Society that the GBME is currently reviewing the Fee Schedule. Requested that HPLO Administrator research when the last time the fees were adjusted. The Chair agreed that the Chairs/Presidents of these organizations, as well as the GMHA and GMRC, be informed. The Chair also suggested to review the fees administered in other States. Changes to the fees would have to go through the Triple A process through the Legislature. Also Dr. Bordallo suggested to review the actual fees collected and assess if it meets the budget needs for the Boards as some Boards would be unable to afford attorney and investigator services; need to ensure shared resources would be necessary. The HPLO Administrator stated that it has the information to assess the overall impact. This work is in process by establishing the Board Treasurer positions, who are working with HPLO and DPHSS Administrator, to review the revenue and expenses by each of the Board's versus their requirements. Oversight hearing, felt it went well. Senators more in a supportive role. The Senators inquire of the challenges and requested progress on the Rules and Regulations, Fee Schedules and the Disciplinary Matrix. Compared to 2019 to present: the Board's have work hard on rules and regulations...good progress until Pandemic and subsequent surges occurred. Received several reviews from off-island specialists. Asst AG Weinberg: went well (3hours long). Senators expressed interest in Rules and Regulations, Fees and Disciplinary Matrix. Provided all the pleadings against the GBME and GBAHE; informed Senators that the Rules and Regulations are in the process of being updated, but not yet formalized. Speaker suggested piecemeal based on sections in lieu of awaiting until the entire Rules and Regulations are completed. Senator Brown – no investigators or attorneys; not fair to impose on Board members. The Chair would appreciate a uniformed approach for all the Board's, e.g. Discipline Matrix, which could be addressed by the COHA. Fees should be added to future meeting agendas and suggested meetings with the Speaker where help is needed. 		16:24	Noted
VI. Chairperson's Report: - Nathaniel B. Berg, M.D.	<p>Planned to report were making good progress and getting good reports from the investigators on the complaints.</p> <p>a. Declared Public Health Emergency: Would like to add to the next meeting agenda a discussion and recommendation on whether the Chair and the HPLO Administrator</p>	Dr. Berg	16:33	Noted

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	<p>continue to review and issue Emergency Licenses on a short-term basis, as required.</p> <p><u>EMERGENCY ISSUED LICENSES:</u></p> <p>(1) Carl R. Tahn – GRMC. No issues and no findings in the NPDB.</p> <p>(2) Nicholas R. Rocco – GMHA, GUAM UROLOGY GROUP. Needed for emergency coverage.</p> <p>(3) (Hugo Leon Jr. – SDA CLINIC. Needed for unexpected shortages</p>			
VII. Old Business:	<p>(a) <u>COMPLAINTS:</u></p> <p>(1) GBME-CO-19-010 – Received: (A. Adolphson). Awaiting Report. Tabled</p> <p>(2) GBME-CO-19-012 – Received: 12/06/2019 (A. Bordallo). Received report under review. Tabled</p> <p>(3) GBME-CO-19-013 – Received: 12/06/2019 (A. Bordallo). Received report under review. Tabled</p> <p>(4) GBME-CO-19-014 – Received: 12/06/2019 (A. Bordallo). Received report under review. Tabled</p> <p>(5) GBME-CO-19-015 – Received: 12/06/2019 (A. Bordallo). Received report under review. Tabled</p> <p>(6) GBME-CO-19-016 – Received: 12/06/2019 (A. Bordallo). Received report under review. Tabled</p> <p>(7) GBME-CO-19-017 – Received: 12/06/2019 (A. Bordallo). Received report under review. Tabled</p> <p>(8) GBME-CO-20-001 – Received: 01/16/2020 (A Bordallo). Received report under review. Tabled</p> <p>(9) GBME-CO-20-004 – Received: 07/30/2020 (L. Cruz). Determined no violation of Standards of Care or Guam Medical Practice Act. Treatment was determined satisfactory. Motion to close: Dr. Cruz: 2nd Dr. Berg. Closed Case</p> <p>Clarification of Procedure: Normally, when reports are received from outside specialists, they are provided to assigned Investigator Board member to review and, in turn, provide an overview of the case and recommendation to the GBME for consideration. If circulated to the Board, consideration for the Open Government Law and FOIA requests would need to be taken into consideration, to include the possibly of transmitting information via secure means. In addition, communications regarding the case could be considered discoverable. Cases are open to review at the HPLO. Suggested that an official request be sent to the AG for an opinion. Also, noted pre-COVID made it easier to review cases.</p> <p>(10) GBME-CO-20-005 – Received: 09/18/2020 (A. Adolphson). Just received off-island reviewer and requested to make a recommendation at the next meeting. Tabled</p> <p>(11) GBME-CO-20-006 – Received: 09/18/2020 (A. Adolphson). Just received off-island reviewer and requested to make a recommendation at the next meeting. Tabled</p> <p>(12) GBME-CO-20-007 – Received: 09/18/2020 (A. Adolphson). Medical staff member has yet to be identified. Tabled</p> <p>(13) GBME-CO-20-009 – Received: 11/16/2020 (L. Cruz). No violation of Standards of Care Closed Case</p>			

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	or Medical Practice Act. Motion to close: Dr. Cruz; 2 nd Dr. Berg			
	(14) GBME-CO-21-002 – Received: 01/13/2021 (L. Cruz). No violation of Standards of Care or Guam Medical Practice Act. Motion to close: Dr. Cruz; 2 nd Dr. Berg			Closed Case
	(15) GBME-CO-2021-005 – Received: 06/07/2021 (A. David). Awaiting receipt of records from 1 of the 4 institutions and requires more time before she is able to provide a recommendation to the Board.			Tabled
	(16) GBME-CO-2021-006 – Received: 06/07/2021 (A. David). Awaiting receipt of records from 1 of the 4 institutions and requires more time before she is able to provide a recommendation to the Board.			Tabled
	(17) GBME-CO-2021-007 – Received: 06/07/2021 (A. David). Awaiting receipt of records from 1 of the 4 institutions and requires more time before she is able to provide a recommendation to the Board.			Tabled
	(18) GBME-CO-2021-008 – Received: 06/07/2021 (A. David). Awaiting receipt of records from 1 of the 4 institutions and requires more time before she is able to provide a recommendation to the Board.			Tabled
	(19) REINSTATEMENT LICENSE: Abner P. Pasatiempo – Psychiatry – On-going			Tabled
	(20) APPLICATION(S) FOR TEMPORARY LICENSE:			Chair to send a letter to the applicant.
	Luke Tae Jong Moore: Dr. Berg received the publicly available document of the stipulated decision from the Minnesota Board of Medical Examiners and action on 7/10/2021, which specifies license is reprimanded and suspended. The suspension is dependent on the compliant conditions (needs a pre-Approved sobriety program), which has not yet Approved a program. If applicant arrives on island, the sobriety program on Guam must be Approved by the Minnesota Board. Applicant would have to provide the Board that he is compliant with the Board's stipulation. Dr. David received confirmation from GBHWC that it does not have a Health Professional Recovery Program on Guam. Dr. Borallo stated that, although Recovery Program Approved by the Board, the alternative would be the private sector. The Chair will address the applicant on this matter. NOTE: The Chair will inform the COHA of a potential need for the a program for our professionals.			
	(21) GBME-AP-2020-001 – On-going – Dr. Adolpson. Petition from Dr. Solomon regarding initial denial for GBME licensure. Since the denial, he provided one article, but did not provide any additional documents relating to his residency certificate. Dr. Salomon reported that he made the request to Mt Sanai but no response to date. He filed a complaint for taking a long time. Unfortunately, it is taking longer than anticipated. Dr. Adolpson maintains her recommendation not to grant the medical license since at the present time does not meet the requirements. If he is able to obtain the information, I invite him to reapply. Motion to maintain original decision to deny: Dr. Adolpson; 2 nd : Berg. The Chair will send a letter to Dr. Solomon stating reason for denial.		17:26	Denied, Send a letter.

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VIII. NEW BUSINESS:	(a) COMPLAINT(S):	GBME	17:35	Send a Letter
	<p>(1) GBME-CO-2021-009 – (S. Shay). To be assigned to Dr. Shay. Against a licensee. Complaint: For releasing medical information to her employer, as a violation of HIPAA. Motion to allow the Physician to respond to the complaint within 30 days: Dr. Berg; 2nd Dr. Adolphson.</p>			
	(b) APPLICATION(S) FOR FULL LICENSURE:		17:38	
	(1) Helen V. Fountain: Dr. Berg reviewed the application. No issues with NPDB. Granted a temporary license. Two complaints in a 30-year career. Board Certified. Motion: Dr. Berg; 2 nd . Dr. Bordallo.			Approved
	(2) Daniel E. De Bardeleben: No issues. Motion: Dr. Berg; 2 nd .Dr. Bordallo			Approved.
	(3) David R. Ferrell: licenses in every state. Family physician . Practices telehealth. Case pending (Jan 2020), but not disqualifying. Clean record. Board certified. Motion: Dr. Berg; 2 nd .Dr. Bordallo			Approved
	(4) Megan Halliday: Emergency Room Physician. Clean record. Not-Board certified but board-eligible. Motion: Dr. Berg; 2 nd .Dr. Bordallo			Approved
	(5) Hugo Leon Jr.: Temporary license issued. Clean record. Board Certified. Motion: Dr. Berg; 2 nd .Dr. Bordallo			Approved
	(6) Heidi Griffiths: Temporary emergency license issued. All document submitted. Motion: Dr. Berg; 2 nd .Dr. Bordallo			Approved
	(7) Mahboob Alam: temporary license issued. Motion: (M:Bordallo 2 nd . Adolphson) – Dr. Berg recused.			Approved
	(8) Todd Zisholtz: Did not indicate medical school. Missing information. Pending complete and submitted application.			Tabled
	(9) Patrick Riley Smith: clean record; temporary emergency license issued. Motion: Dr. Berg; 2 nd .Dr. Bordallo			Approved
	(10) Kevin S. McDermott: board certified. Clean record. Temporary license issued. Motion: Dr. Berg; 2 nd .Dr. Bordallo			Approved
	(11) Todd Jaffee multiple malpractice claims and settlements (2014). Request another board member review the settlement and explanation of his performance. Dr. Bordallo agreed to review. NOTE: Dr. Berg recused.			Approved
	(c) APPLICATION(S) FOR TEMPORARY LICENSURE:		17:54	Approved pending
	(1) Reynald John: (pending eligibility to work in the USA). Motion: Dr. Berg; 2 nd P. Flores			
	(d) FULL LICENSURE RENEWALS 2021: (See Attached Listing) 400 applications (review 10-25%). HPLO flags anything requires the Board's attention. HPLO requesting that each Board member review 20 applications. Request to review application by 11.23.2021, 4pm	GBME	18:00	Tabled for Reconvene

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IX. <u>OTHER BUSINESS:</u>	(e) INTERSTATE MEDICAL LICENSING COMPACT (IMLCC) APPLICANTS: Acknowledged other entities have reviewed their applications.	GBME	17:57	Approved
				Approved
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				Approved
				Approved
ADJOURNMENT:	adjourn and will meet 11/23/2021, 4pm, to review Full License Renewals		18:03	Adjourned

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I. CALL TO ORDER:	Roll Call <input checked="" type="checkbox"/> Nathaniel B. Berg, M.D. <input checked="" type="checkbox"/> Mr. Phil Flores <input checked="" type="checkbox"/> Annie Bordallo, M.D. <input type="checkbox"/> Arania Adolphson, M.D. <input checked="" type="checkbox"/> Annette David, M.D. <input checked="" type="checkbox"/> Luis G. Cruz, M.D. <input checked="" type="checkbox"/> Scott Shay, M.D.	Chair Ciana Galindo, HPLO Shania Nitaro, Law Office of Vanessa Williams Arsalansaleem, GMHA Part-time Radiologist Louise Muna Eddy Reyes, FTFC	16:09	

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II. Adoption of the Agenda	Motioned to Adopt the agenda: Dr. David; 2 nd . Dr Bordallo	GBME		Approved
VIII New Business	<p>(11) Todd Jaffee multiple malpractice claims and settlements (2014). Request another board member review the settlement and explanation of his performance. Dr. Bordallo agreed to review. NOTE: Dr. Berg recused. This item was tabled on 11/17/2021. During today's meeting, Dr. Shay stated that he reviewed the application and noted that, although the applicant had findings in the National Practitioner Data Bank, none appeared to be a major concern. Therefore, he motioned for approval (Motion: Dr. Shay; 2nd Dr. Bordallo).</p> <p>(8) Todd Zisholtz: Did not indicate medical school. Missing information. Pending complete and submitted application. This item was tabled on 11/17/2021. During today's meeting, the applicant had submitted the missing information regarding the physical location of the medical school attended. The Chair expressed concern that the initial information provided was inaccurate and inconsistent when compared to other responses in the application. Given that a misrepresentation of the facts in an application could result in a violation of the Medical Practice Act, the GBME supported the Chair's recommendation that he write a letter to the Applicant explaining the GBME's concern and requiring future applications be answered accurately. Since the Applicant is currently under an Emergency Temporary License that expires on 31 December 2021, the GBME will entertain the application for approval at the next meeting.</p> <p>(d) FULL LICENSURE RENEWALS 2021: (See Attached Listing) 400 applications (review 10-25%). HPL0 flags anything requires the Board's attention. HPL0 requesting that each Board member review 20 applications. Request to review application by 11.23.2021, 4pm.</p> <p>In today's meeting, the GBME addressed the applications reviewed by the Board members and took note of the following:</p> <ol style="list-style-type: none"> 1) Dr. David noted one applicant submitted CEUs without the name of the physician printed on the Certificate; the physician has been contacted. Until corrected, renewal will not be approved. 2) Dr. Berg reported that one applicant submitted CEU obtained in Europe that are not AMA approved. 3) Dr. Berg reported that one was pending receipt of payment. 4) GBME recognized that it is challenging for physicians to attend conferences and earn the required CEUs as a result of the COVID pandemic. <p><i>The Vice-Chair moved to approve the applications reviewed by the Board that did not have any discrepancies: (Motion: P. Flores; 2nd. Dr. David). NOTE: the applications reviewed will be returned to the section that allows approval without a direct vote.</i></p>	GBME		Tabled, Chair to send a letter to Applicant.
		GBME		Approved Renewal Applications Reviewed by the GBME with no discrepancies

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IX Other Business	GBME agreed to change the meeting date to December 15, 2021, 1600 hours due to the holiday on December 8, 2021	GBME		
Adjournment	Adjourned (Motion P. Flores; 2 nd Dr. Berg)	GBME	16:41	Adjourned

Reviewed by:

Secretary / Date
Minutes By: FLAME TREE Freedom Center, Inc.

Approved by:

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Chairperson / Date

01.19.22