

GUAM BOARD OF MEDICAL EXAMINERS

VIRTUAL BOARD MEETING

Wednesday, August 24, 2022 at 4:00 PM

Join Zoom Meeting: <https://us06web.zoom.us/j/84152665029?pwd=dUI4bzhtVGpMemJXakh1YXcxYU85dz09>

Meeting ID: 841 5266 5029; Passcode: 394545

MINUTES

Topic	DECISION(S) / ACTION(S) MADE	Responsible Party	Reporting Timeframe	Status	
I.	Call to Order	8/24/2022 called to order by Dr. Berg	Chair	1602	Called to Order
	<p>a) Roll Call: GBME <i>Present at HPLO Conference Room</i> <input checked="" type="checkbox"/> Nathaniel B. Berg, M.D., Chairperson <input checked="" type="checkbox"/> Arania Adolphson, M.D., Secretary <i>Present Virtually at Remote location:</i> <input checked="" type="checkbox"/> Phil Flores, Vice-Chairperson, Treasurer & Public Member <input checked="" type="checkbox"/> Annie Bordallo, M.D., Medical Director <input checked="" type="checkbox"/> Annette David, M.D., Member <input checked="" type="checkbox"/> Luis G. Cruz, M.D., Member <i>Absent:</i> Scott Shay, M.D., member</p>	<p>OTHERS PRESENT: <i>Present at HPLO Conference Room: None</i> <i>Present Virtually at Remote location:</i> Robert Weinberg, Asst Attorney General Baltazar (Tre) Hattori III (HPLO) Breanna Sablan, HPLO Rose Arceo, HPLO Shania Nitaro, Office of Attorney Vanessa Williams Eddy Reyes, FLAME TREE Freedom Center</p>	Chair	1602	Quorum Established
	b) Confirmation of Public Notice advertised in the Pacific Daily News.	Chair	1602	Confirmed	
II.	Adoption of Agenda	GBME	1602	Adopted	
III.	Review and Approval of Minutes	Reviewed draft Minutes, dated July 27, 2022. Dr. David recommended to change Agenda Item VII. b (2) and VII.b.(6), Status Column from "Tabled" to On-going. The Chair recommended the same change apply to VII> B (1)-(6) since the GBME is addressing all complaints, which are at various stages of investigations. <i>Motion to approve, as amended: P. Flores; 2nd: Dr. David.</i>	GBME	1606	Approved as Amended
IV.	Treasurer's Report	Since last meeting, the Treasurer reported that, upon review the Rules and Regulations and in discussion with Asst AG Weinberg, the GBME has authority over the revenues collected and can budget requirements accordingly. He suggested that, upon completion of the job descriptions for the investigators, he would then be ready to approach Senator San Agustin and the Director DPHSS to address the funding requirements.	P. Flores	1607	Chair & Vice-Chair to eventually meet with Senator San

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	However, he felt that it would be prudent to await the outcome of the elections.			Agustin and Director DPHSS on funding requirements
V.	<p>HPLO Administrator's Report</p> <p>No report</p>	HPLO Administrator		No Report
VI.	<p>Chairperson's Report</p> <p>(a) Emergency Issued Licenses.</p> <p>(1) Lindsey A. Warner - GMHA</p>	Chair & HPLO Administrator	1609	Noted
VII.	<p>Old Business</p> <p>(a) Determining Jurisdiction of Complaints.</p> <p>Asst AG Weinberg stated that he is still in the process of assessing this issue; therefore, the Chair stated that this item be removed from Old Business until the Asst AG Weinberg is ready to address the issue.</p>	GBME	1610	Under review by OAG; Remove from Old Business
	<p>a) Application(s) for Full Licensure:</p> <p>(1) Nicole D. Collett. The GBME received a letter from INS and verified that the applicant provided a copy of her green card to work in the US; therefore, the application is now complete. The GBME agreed to approve the application with the understanding that the physician will be requested to provide the GBME/HPLO with an update of her INS status in June 2023.</p> <p><i>Motion to Approve: Dr. Berg; 2nd: Dr David.</i></p>	GBME		Approved; Physician to provide an update on INS status in 2/2023
	<p>(2) John D. Gherman. The Chair reported MI provided the physician with an unrestricted license in June 2022 upon his completion of a probationary period, where the physician was required to participate in a substance abuse treatment program and monitoring period.</p> <p>(a) Although the GBME recognized he completed MI requirements, the GBME expressed several concerns in approving his application at this time: Guam currently does not have an impaired professional treatment and monitoring program in place to provide necessary supports and it would take some time before a program is in-place; additional stressors moving to Guam that could increase risk of regression; his past history of illegal use of prescription medications to self-medicate and access to such prescription medications as a physician.</p> <p>(b) Asst AG Weinberg stated that there are several programs available in the community for those similarly situated, which are mandated by the court that could be available which provide support, e.g., Alcoholics Anonymous, Narcotics Anonymous, etc., where proof of attendance is required. In some jurisdictions, physicians are required to sign contracts. In addition, he stated that there are many other sectors in the community that have similar challenges, so other professionals should be considered in an impaired professional treatment and monitoring program</p>			Approved Course of Action; Assigned to P. Flores.

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	<p>(c) P. Flores stated that the physician is currently lacking the requirement number for CMEs. He also suggested that the physician should be requested to propose what monitoring steps could be taken to minimize the risk of relapsing. He also recommended that the GBME postpone a decision on the application in lieu of disapproving it; this approach would also allow him to address the status of the required CMEs. Dr. Cruz suggested the physician should be given the opportunity to propose a plan on how he could be monitored in lieu of having to wait until Guam establishes a program. Dr. Bordallo stated that employment and re-entering medical practice is also part of the recovery process and suggested that GBHWC could be required to conduct periodic testing.</p> <p>(d) Dr. Adolphson supported having a monitoring program in place, which could potentially be done via telemedicine. Dr. David stated that one of the challenges with telemedicine is the time difference; however, working with HI could be a better option. In addition, Dr. David stated that the GBME could start with GBHWC since it has access to grant funding and technical assistance from the Substance Abuse and Mental Health Services Administration. The Chair also stated that he would address the issue with the HPLO Administrator in preparation for their discussions with a tri-regulatory group in October 2022, which addresses medical, nursing and pharmaceutical issues.</p> <p>(e) The GBME agreed to continue to brainstorm and map-out what an impaired physician treatment and monitoring program would look like and how soon one could be implemented.</p> <p>(f) Based on the above discussion, <i>motion to approve P. Flores to contact the physician in accordance with the following course of action before deciding on his application (Dr. Berg; 2nd: P. Flores):</i></p> <ol style="list-style-type: none"> i. <i>explain that an impaired professional program in Guam is non-existent.</i> ii. <i>GBME prefers that a program is in place to provide the necessary supports available to monitor and support recovery.</i> iii. <i>Request the physician to submit a proposal on how he could be monitored in Guam to minimize risk of relapsing.</i> iv. <i>Inform him that his application will not be acted by the GBME at this time.</i> v. <i>Request that he address and clarify the status of CMEs.</i> 			
	<p>b) Complaints. In reference to the complaints below, Asst AG Weinberg explained that, once the case has been assigned to an attorney, who is contracted by HPLO, updates will not be provided until the attorney is prepared to submit an assessment and recommendation to the GBME for consideration, such as a formal accusation.</p>	GBME		

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	(1) GBME-CO-20-005 – Received: 09/18/2020. Dr. Adolphson reported that the case is currently being addressed by HPLO’s appointed attorney.	Dr. Adolphson		On-going
	(2) GBME-CO-2021-011 – Received: 11/17/2021. Dr. David reported that the second complainant was interviewed, and the case is still under investigated.	Dr. David		On-going
	(3) GBME-CO-2022-001 – Received: 01/19/2022. P. Flores reported that the physician’s license has lapsed; therefore, he will have to reapply. The Chair reported that it currently does not have any jurisdiction over the case at this time.	P. Flores		Physician’s license lapsed; must reapply for licensure
	(4) GBME-CO-2022-002 – Received: 01/06/2022. Dr. Berg stated that Dr. Shay contacted him, who reported that GHMA has yet to adjudicate the case and that the physician is currently not practicing in Guam, which was confirmed by Dr. Bordallo.	Dr. Shay		On-going
	(5) GBME-CO-2022-003 – Received: 01/24/2022. Dr. Cruz reported that the physician’s hearing has been postponed until mid-September. In addition, the physician has abstained and adhered to required check-ins to demonstrate evidence of compliance. He stated that the GBME must await the outcome of the hearing before a recommendation to the GBME could be presented.	Dr. Cruz		On-going
	(6) GBME-CO-2022-006 – Received: 02/10/2022. Dr. David reported that the second complainant was interviewed, and the case is still under investigated.	Dr. David		On-going
	(7) GBME-CO-2022-010 – Received: 06/21/2022. Dr. Bordallo reported that the consent for release of the medical records was recently received; however, she has yet to receive and review the records.	Dr. Bordallo		On-going
VII	<p>New Business</p> <p>(a) Complaint</p> <p>(1) GBME-CO-2022-011. Dr. Adolphson reported that the medical records were received and she is currently awaiting a response from the licensee. B. Hattori HPLO stated that the licensee is still within the 14-day window to provide a response to GBME.</p> <p>(2) GBME-CO-2022-012. P. Flores reported that the complainant was pleased that the complaint is being investigated; however, he is awaiting the consent to release medical records.</p> <p>(b) Application(s) for Full Licensure:</p> <p>(1) Kamil T. Jaber. The GBME noted that the applicant was arrested for an attempt to obtain a controlled substance, when he was 19 year of age; however, the case was dismissed. No other concerns were noted. <i>Motion to approve: Dr. Berg; 2nd: Dr. David.</i></p> <p>(2) Wichit Sae-Ow. The GBME noted that the applicant is from Thailand; therefore, requested that the applicant submit documentation to legally work in the US. The GBME requested HPLO and Asst AG Weinberg to review the application form to ensure applicants, who are not U.S. citizens, be requested to submit proof to legally work in the U.S. <i>Motion to conditional approve pending submission of authorization to work in the US: Dr. Berg; 2nd:</i></p>	<p>Dr. Adolphson</p> <p>P. Flores</p> <p>GBME</p>		<p>On-going</p> <p>On-going</p> <p>Approved</p> <p>C-Approved; HPLO/OAG to amend application form, as</p>

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	<i>Dr. Adolphson.</i>			required
	(3) Mary H. McCormick. Application in order; no concerns reported. <i>Motion to approve: Dr. Berg; 2nd: Dr. David.</i>			Approved
	(4) Amy A. Strowbridge. Application in order; no concerns reported. <i>Motion to approve: Dr. Berg; 2nd: Dr. David.</i>			Approved
	(5) Gamaliel Jesse T. Ferrer. Application in order; no concerns reported. <i>Motion to approve: Dr. Berg; 2nd: Dr. David.</i>			Approved
	(6) Edmund T. Vu. Applicant had a disruption in medical school due to disciplinary action, where he impersonated a teacher on social media and sent an inappropriate comment to a classmate, considered to be threat of violence. In 2008 and 2009, he reapplied to medical school but was denied. He subsequently was accepted to and finished medical school in 2013, without any further blemishes on his record. He is licensed in 8 states and is American Osteopathic Association certified. No adverse actions noted in the National Practitioner Data Bank (NPDB). Dr. Bordallo and Dr. David recommended approval. <i>Motion to approve: Dr. Berg; 2nd: Dr. David</i>			Approved
	(c) <i>Application(s) for Temporary Licensure:</i>	GBME		
	(1) Hiba M. Younis. Application in order; no concerns reported. <i>Motion to approve: Dr. David; 2nd: Dr. Bordallo</i>			Approved
	(2) Thomas Micah Park. Application in order; no concerns reported. <i>Motion to approve: Dr. David; 2nd: Dr. Bordallo</i>			Approved
	(d) <i>Full Licensure Renewals 2021-2023:</i>	GBME		
	(1) Shih Hao Lin. GMH Hospitalist. The GBME noted that the applicant was initially issued a temporary license and there was delay in payment. HPLO will review the regulations and provide the GBME via email the distinction between license renewals and license reinstatement. The Chair suggested that, although the declaration of emergency may end soon, the GBME may want to readdress the need to issue temporary licenses in the future. <i>Motion to approve: Berg; 2nd: Dr. Bordallo</i>			Approved
	(e) INTERSTATE MEDICAL LICENSING COMPACT (IMLCC) APPLICANTS. NOTE: With IMLCC, here are 40 states and territories, who are part o the IMLCC, which recognizes and allows a physician licensed in their home state is 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 in Guam.	GBME	1734	
	(1) Michael D. Doff (2) Steven Carl Martin			Noted

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	<p>(3) Clifford S. Faber (4) Matthew J. Fagan (5) Derrick Bowling (6) Narendra K. Garg (7) Yeasol Michelle Lee (8) Chad S. Christman (9) Vinay Shamasundara (10) Gerhard S. Mundingger (11) Richard A. Santucci</p> <p>(f) Discussion of Bill No. 317-36 (COR) (1) "AN ACT TO AMEND §12212.1 OF ARTICLE 2, CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO PUBLIC DISCLOSURE OF PHYSICIAN PROFILES." Dr. David provided an overview of the proposed legislation presented at a public hearing, which was attended by P. Flores and herself, where she highlighted concerns that are contrary to the proposed wording: those accused are innocent until proven guilty; it would be difficult to administer; it would be unfair and unjust to the profession. P. Flores supported her summary and recommended that the GBME take a position against the proposal, and the Chair agreed. The Chair also stated that, since it was his understanding that a main concern was number of complaints pending and the lengthy process to close cases, the GBME has since closed a number of cases, significantly reducing the total number of open cases. Asst AG Weinberg stated that the proposed wording is currently flawed since it fails to define accusation. He stated complaints need to be thoroughly investigated to determine if formal accusations are warranted. Dr. Bordallo stated that most cases would most likely take more than six months to resolve. Although GBME adheres to confidentiality during the investigation, complainants often disclose information to the public via social media, the media, which often leads to premature conclusions that stir controversy publicly. She stated that a waiver of the HIPAA rights should be taken into consideration in the overall discussion. In response to Dr. Bordallo's question regarding NPDB, Asst AG Weinberg stated that federal guidelines dictate what could be published in the NPDB; therefore, failure to adhere could expose the GBME members to be personally liable through civil suits. Normally, what is allowed to be published is the disciplinary action taken by the board; however, legal review prior to posting is NPDB is suggested. Although the draft Bill focuses on transparency, due process is necessary. The Chair recommended GBME oppose the bill, referencing this discussion and points made at the public hearing to include</p>	GBME	1537	P. Flores to Draft GBME position on Bill No. 317-36 (COR)

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	<p>legal points made by Asst AG Weinberg, with P. Flores to draft GBME's position on the draft bill.</p> <p>(g) Discussion of Bill N. 318-36 (COR) (1) "AN ACT TO AMEND § 12203 (a) OF ARTICLE 2, CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE GUAM BOARD OF MEDICAL EXAMINERS." Dr. David provided an overview of the proposed changes to the legislation. The GBME supported the following positions:</p> <ul style="list-style-type: none"> • Receptive to increase the number of public members (NOTE: The Federation of State Medical Boards currently require at least 20% to be public members). • Oppose any reduction to the number of physicians, for numerous reasons, e.g., maintain a range of expertise across disciplines, need for medical professionals to deal with licensure • Keep an odd number of board members to avoid ties in decision-making • Maintain current wording on terms since it is extremely difficult to recruit volunteers to participate on the board • NOTE: The Chair reported that the Guam Medical Society and the Guam Medical Association established their positions to oppose the proposed changes. • The Chair recommended and the GBME agreed that P. Flores draft the GBME position to oppose the bill as discussed. 	GBME	1754	P. Flores to Draft GBME position on Bill No. 318-36 (COR)
	<p>(h) Collaborative Practice Agreement: (1) Lisha A. Hasskamp. The Chair informed the GBME that the GBAHE approved the Agreement. <i>Motion for approve and the Chair to sign the Agreement: Dr. Berg; 2nd: Dr. Adolphson</i></p>	GBME	1804	Approved to signed
IX.	<p>Announcement</p> <p>Next regularly scheduled board meeting: Wednesday, September 14, 2022 at 4:00 pm virtually via ZOOM.</p> <p>The GBME briefly discussed ways to review licensure applications more efficiently by scanning and sending applications to GBME members via secure means in advance of GBME meetings. This process would also allow GBME to inform and HPLO to notify applicants of pending information to be submitted to avoid delays in the review and approval process. In addition, Dr. Bordallo requested that HPLO provide a brief summary of the Complaints to better recall the essence of the complaints. The same process could be done by sending encrypted information of the complaints to the board in advance of future meetings.</p>	GBME	1806	Set next meeting
X.	<p>Adjournment</p> <p><i>Motion to Adjourn: Dr. Berg; 2nd: P. Flores</i></p>	GBME	1812	Adjourned

Reviewed by:

[Handwritten Signature]
Secretary / Date

Approved by:

[Handwritten Signature] (JSAU62022 meeting)
Chairperson / Date