

GUAM BOARD OF MEDICAL EXAMINERS

VIRTUAL BOARD MEETING

Wednesday, November 09, 2022 at 4:00 PM

Join Zoom Meeting: <https://us06web.zoom.us/j/81045105723?pwd=YzltQVpBQ2F1ZHAySnYremRTaENHUT09>

Meeting ID: 810 4510 5723; Passcode: 264395

MINUTES

| Topic | DECISION(S) / ACTION(S) MADE | Responsible Party | Reporting Timeframe | Status |
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| I. | Call to Order | Meeting Chaired by: Dr. N. Berg | Chair 11/9/2022 1613 | Called to Order |
| | <p>A. Roll Call: GBME <i>Present at HPLO Conference Room</i> Nathaniel B. Berg, M.D., Chairperson Arania Adolphson, M.D., Secretary <i>Present Virtually at Remote location:</i> Phil Flores, Vice-Chairperson, Treasurer & Public Member Annette David, M.D., Member Luis G. Cruz, M.D., Member <i>Absent:</i> Annie Bordallo, M.D., Medical Director</p> <p>OTHERS PRESENT: <i>Present at HPLO Conference Room:</i> Baltazar (Tre) Hattori III (HPLO) <i>Present Virtually at Remote location:</i> Joseph McDonald Julianne Carol Hernandez, PDN Eddy Reyes, FLAME TREE Freedom Center</p> | Chair | 1613 | Quorum Established |
| | B. Confirmation of Public Notice advertised in the Pacific Daily News: 11/1/2022 & 11/7/2022 | Chair | 1613 | Confirmed |
| II. | Adoption of Agenda | GBME | 1615 | Adopted |
| III. | Review and Approval of Minutes | Reviewed draft Minutes, dated October 12, 2022. Dr. David proposed the following to wording under Agenda Item VII, Old Business, 2. GBME-CO-2021-011 and 5. GBME-CO-2022-006, to read: "The interviews with the complainants are complete. At least one or two additional interviews may be needed, that have come up in the course of the investigation. Any next steps as warranted for board action will be presented at the next meeting in a Prosecutive Memo to map any actions to be taken with respect to these two cases." <i>Motion to approve, as amended: Dr. Berg; 2nd: Mr. Flores</i> | GBME | Approved, as amended |
| IV. | Treasurer's Report | Mr. Flores, Treasurer, requested HPLO to send the most recent budget information to the GBME prior to each meeting. | Mr. Flores | 1619 HPLO to send budget information to |

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| V. HPLO Administrator's Report | | HPLO Administrator | 1620 | the GBME No Report |
| VI. Chairperson's Report | <p>A. Emergency Issued Licenses. The GBME noted that the following applications were and issued since the last GBME meeting:</p> <ol style="list-style-type: none"> 1. Jonathan C. Hays – GRC 2. Michael J. Golden – GRC 3. Samer S. Shuaib – GRMC 4. Shayla B. Nesbitt – Sagua Mañagu 5. Megan Elizabeth G. Klocek – GMHA <p>Dr. Berg informed the GBME that, upon the invitation of the Governor, he will meet with her, but not in the capacity of a GBME member, to discuss the utility of continuing the authority to issue temporary emergency licenses after the declaration of emergency is lifted due to the shortage of physicians. He stated that Dr. David, Asst AG Weinberg and the HPLO Administrator are also expected to attend. Subsequently, and if it is determined there is a value to continue this flexibility of issuing temporary licenses, he would propose that this issue be placed on the GBME agenda, so that the GBME could discuss the matter in open forum, especially since a change in the law would be required. He extended invitation for other members to participate in the discussion.</p> <p>Dr. Berg also stated that, it is his understanding the GBME members are fully compliant with completing the Government Ethics Training, and Asst AG Weinberg is planning to establish another training prior to the end of the year.</p> | Chair & HPLO Administrator | 1620 | Temporary Emergency Licenses Issued |
| VII. Old Business | A. Complaint(s): | GBME | | |
| | 1. GBME-CO-20-005 – Received: 09/18/2020. Dr. Adolphson reported that she is awaiting input Attorney J. Visosky. The Chair requested that HPLO contact Attorney Visosky and invite him to present an update at the next meeting. | Dr. Adolphson | | |
| | 2. GBME-CO-2021-011 – Received: 11/17/2021. Dr. David reported that she received the prosecutive memorandum which outlined the remaining actions from the assigned attorney, and she intends to present at the next meeting a proposed resolution which formally directs the physician involved to submit to an interview with the investigators. Although she is of the opinion that the prosecutive memorandum could not be share with the GBME members, she could provide a copy of the proposed resolution prior to the meeting. Since the GBME has not dealt with this type of process before, Dr. Berg requested Dr. David to check with Asst AG Weinberg on what information would be releasable to the GBME. <i>Motion to add the proposed resolution to the next GBME meeting agenda: Dr. David; 2nd Dr. Berg.</i> | Dr. David | | Resolution to be added to the next GBME Agenda |
| | 3. GBME-CO-2022-002 – Received: 01/06/2022. Dr. Berg stated that Dr. Shay has confirmed that he is | Dr. Berg | | Case |

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| | <p>unable to attend GBME meetings and is therefore no longer with the GBME; he will assign the case to himself. He further stated that GMHA is still in the process of conducting its internal investigation; therefore, the GBME is unable to address this complaint at this time. He stated that he would contact Dr. Bordallo for an update to be provided at the next meeting.</p> | | | Reassigned to Dr. Berg |
| | <p>4. GBME-CO-2022-003 – Received: 01/24/2022. Dr. Cruz reported that he is awaiting written consent from the physician, which will allow contact with his mental health professional to obtain information on his progress. However, at the time of the meeting, the physician had not yet checked his email. Dr. Berg requested that the physician be reminded of his obligation to keep the GBME apprised of his situation and to reply to GBME requests. Dr. Cruz stated that the physician stated that he would check his mail. In addition, Dr. Cruz stated that the physician provided an update on his court case, which will be held on 5 December 2022 and where he will plead guilty and be placed on probation for two years. According to the plea agreement, if he is in full compliance at the end of probationary period, then the case will be expunged.</p> <p>Dr. Berg stated that is important for the GBME to have more detailed information on the conditions of the plea agreement regarding his recovery, so that the Board could determine if he remains fit to continue medical practice for the safety of the community. Therefore, an update from the mental health professional will be useful information to support the Board's decision.</p> <p>Dr. Cruz inquired about the Board's actions regarding a guilty plea during the probationary period. Dr. Berg stated that the GBME would need to individualize its assessment based on the requirements. For instance, the Board may simply need a monthly update on his progress in treatment and compliance with the conditions of his plea agreement. If he violates his conditions that would interfere with his ability and fitness to provide safe medical care, then that would be a concern of the Board. Mr. Flores stated that he foresees a two-year surveillance of his progress, which may include drug and urine testing, counseling sessions, etc.</p> <p>In conclusion, Dr. Berg requested that more information be provided at the next meeting on the physician's requirements following the 5 December court hearing.</p> | Dr. Cruz | | Await Outcome of 5 Dec 2022 Court Hearing on Plea Agreement |
| | <p>5. GBME-CO-2022-006 – Received: 02/10/2022. Dr. David reported that she received the prosecutive memorandum which outlined the remaining actions from the assigned attorney, and she intends to present at the next meeting a proposed resolution which formally directs the physician involved to submit to an interview with the investigators. Although she is of the opinion that the prosecutive memorandum could not be share with the GBME members, she could provide a copy of the proposed resolution prior to the meeting. Since the GBME has not dealt with this type of process before, Dr. Berg requested if Dr. David could check with Asst AG Weinberg on what information would be releasable to the GBME.</p> <p><i>Motion to add the proposed resolution to the next GBME meeting agenda: Dr. David; 2nd Dr. Berg.</i></p> | Dr. David | | Resolution to be added to the next GBME Agenda |

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| | 6. GBME-CO-2022-010 – Received: 06/21/2022. Dr. Berg stated that Dr. Bordallo is awaiting receipt of medical records for review. | Dr. Bordallo | | In Progress |
| | 7. GBME-CO-2022-012 – Received: 07/20/2022. Mr. Flores reported that he spoke with the physician, who felt the treatment was justified; however, the patient was rude to her and her staff. The patient subsequently received follow-up treatment elsewhere. He stated that the patient simply wants an apology. He stated that he has learned through social media there have been numerous complaints against the physician regarding her ‘bedside manner’. However, the physician stated that an apology is not justified; therefore, she will not apologize for her actions or behavior. Therefore, he assesses that this complaint does not warrant a violation of medical practice or adverse action by the Board. Dr. Adolphson stated that the physician’s behavior or actions would fall within the topic of professionalism; this has been addressed by this Board before. Therefore, a level of professionalism and mutual respect should be considered. <i>Motion to close the case: Mr. Flores; 2nd Dr. David. NOTE: Mr. Flores agreed to draft a letter of concern regarding professionalism and on other complaints received.</i> | Mr. Flores | | Closed the Case. Mr. Flores to draft a letter to the Physician |
| | 8. GBME-CO-2022-013 – Received: 09/13/2022. At the request of Dr. Berg, Dr. David looked into the case and determined that the complaint was filed by the patient’s sibling against the place of business and non-physician medical staff (i.e., nurses and technicians). Therefore, the GBME lacks jurisdiction. Furthermore, there has been no response to her last email correspondence. <i>Motion to close: Dr. David; 2nd: Mr. Flores.</i> | Dr. Berg | | Closed the Case |
| | B. Application(s) for Full Licensure: 1. Edward B. Holm. Dr. Berg stated that the applicant provided an explanation in writing as to the reasons why he had not practice since 2017 (e.g., COVID restrictions, personal caregiving responsibilities, health issues but is now in remission, etc). Since he has a 5-year gap and there are no other jurisdictions that allow licensure after a 5-year gap, he recommends that the applicant complete a recognized re-entry program (e.g., PACE) including a full re-evaluation/assessment before consideration of licensure; this process is recognized by the FSMB. Although he may qualify for initial licensure, he has not completed any CMEs since 2022. <i>Motion to place application on-hold until successful completion of a recognized re-entry program: Dr. Berg; 2nd Berg. NOTE: HPLO to set-up teleconference between Dr. Berg and Applicant.</i> | GBME | | Application on-hold until successful completion of recognized re-entry program HPLO to set-up telecon with Chairman and Applicant |
| VIII | New Business A. Complaint(s): 1. GBME-CO-2022-014 – Received: 10/21/2022. Dr. Berg summarized the complaint stating that a patient complained that a physician did not seriously take her complaint of being exposed to contaminated water, which led to health issues, but also delayed diagnosis, making her and her daughter ineligible from joining a class action lawsuit. GBME is awaiting more detailed information before it could forward the complaint to the physician. Dr. Berg stated that he will consult with Asst AG Weinberg, provide copies to the Board members and assign the case. <i>Motion to send the complaint to the physician: Dr. Berg; 2nd: Dr. Adolphson.</i> | GBME | 1700 | Dr. Berg to consult w/ Asst AG Weinberg; Send Complaint to Physician (cc: GBME members) |

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| | <p>B. Application(s) for Full Licensure:</p> <ol style="list-style-type: none"> <li data-bbox="380 269 1612 363">1. Stanley I. Kim. Dr. Berg provided an overview of the application; no issues were noted on the National Partitioner Data Base (NPDB) record; supported by Dr. Adolphson. Applicant to work at GMRC. <i>Motion to approve: Dr. Berg; 2nd: Mr. Flores.</i> <li data-bbox="380 363 1612 457">2. Jirapat Teerakanok Dr. Berg provided an overview of the application and reported a clean NPDB record. Applicant to work at GRMC. Pending submission of documentation to legally work in the USA. <i>Motion to conditionally approve pending receipt of proof to work in the USA: Dr. Berg; 2nd: Dr. Adolphson</i> <li data-bbox="380 457 1612 552">3. Wei-Hsien Hou. Dr. Berg provided an overview of the application, with no issues noted; however, pending submission of documentation to legally work in the USA. <i>Motion to conditionally approve pending receipt of proof to work in the USA: Dr. Berg; 2nd: Dr. Adolphson</i> <li data-bbox="380 552 1612 678">4. Sally Westcott. Dr. Berg provided an overview of the application; no issues and clean NPDB record; reported a misdemeanor in 2015 for reckless driving, which did not impact on her license or medical training. <i>Motion to approve: Dr. Berg; 2nd: Mr. Flores.</i> <li data-bbox="380 678 1612 1344">5. Luke Tae Jong Moore. (NOTE: Dr. Adolphson recused herself from the discussion. Dr. Berg stated that he had received numerous inquiries from the applicant regarding the status of the application, to include a request to meet his employer; however, Dr. Berg refused to address any inquires outside of the GBME deliberations and knowledge. Dr. Adolphson was placed in a similar situation during a social engagement where she was approached on the status of the application but refused to discuss the matter. For the GBME members to be compliant with the government ethics and its rules and regulations, it would have been inappropriate to discuss these inquires outside of the GBME meetings.) Dr. Berg stated that the applicant, who was licensed under a separate state medical board, was subject to specific conditions to maintain his license, but was able to relocate to Guam. The state board subsequently agreed to eliminate some of the restrictions; however, the other conditions of the agreement remained in effect until the compliance period ended. The GBME agreed to review the applicant's progress in 6 months' time. To date, the applicant's employer and another physician have provided a positive report. Dr. David stated that the applicant appears to be doing well in his recovery under supervision and appears to be fully compliant with the remaining conditions (e.g., attendance at AA meetings, alcohol and drug screening); therefore, she does not recommend imposing any additional restrictions, provided the applicant remains compliant. In-line with the FSMB, the GBME should be supportive of impaired physicians in their recovery; however, the GBME should be prepared to intervene in the event there are any flags that come before the attention of the Board. Furthermore, she stated that his license will be subject for review next year. Dr. Berg supported the foregoing comments and recommended that the applicant must continue to comply with the requirements imposed by the state board, which will be communicated in writing to the applicant by Dr. Berg. | GBME | | <p>Approved</p> <p>Conditionally Approved</p> <p>Conditionally Approved</p> <p>Approved</p> <p>Approved with the understanding that Applicant must comply with Minnesota State Medical Board requirements.</p> |

