

☐ GUAM BOARD OF MEDICAL EXAMINERS

VIRTUAL BOARD MEETING

Wednesday, December 14, 2022 at 4:00 PM

Join Zoom Meeting: <https://us06web.zoom.us/j/87990869554?pwd=NkZrOXA3TGJjQ3U0OERhd0VYOHdJUT09>

Meeting ID: 879 9086 9554; Passcode: 897035

MINUTES

Topic	DECISION(S) / ACTION(S) MADE	Responsible Party	Reporting Timeframe	Status	
I.	Call to Order	Meeting Chaired by: Dr. N. Berg	Chair	12/14/2022 1614	Called to Order
	<p>A. Roll Call: GBME</p> <p><i>Present at HPLO Conference Room</i></p> <p><input checked="" type="checkbox"/> Nathaniel B. Berg, M.D., Chairperson</p> <p><input checked="" type="checkbox"/> Arania Adolphson, M.D., Secretary</p> <p><i>Present Virtually at Remote location:</i></p> <p><input checked="" type="checkbox"/> Phil Flores, Vice-Chairperson, Treasurer & Public Member</p> <p><input checked="" type="checkbox"/> Annette David, M.D., Member</p> <p><input checked="" type="checkbox"/> Annie Bordallo, M.D., Medical Director</p> <p><i>Absent:</i></p> <p>Luis G. Cruz, M.D., Member</p>	OTHERS PRESENT: <i>Present at HPLO Conference Room:</i> Rob Weinberg, Assistant Attorney General Breanna Sablan, HPLO Baltazar (Tre) Hattori III (HPLO) <i>Present Virtually at Remote location</i> Attorney Joseph McDonald Eddy Reyes, FLAME TREE Freedom Center	Chair		Quorum Established
	B. Confirmation of Public Notice advertised in the Pacific Daily News:		Chair	1614	Confirmed
II.	Adoption of Agenda		GBME	1614	Adopted
III.	Review and Approval of Minutes	Reviewed draft Minutes, dated November 09, 2022. Dr David requested that the typographical errors be corrected. The GBME did not have any comments and implicitly approved the minutes.	GBME	1614	Approved
IV.	Treasurer's Report	Mr. Flores, Treasurer, provided a short summary of the financials, which was provided to the GBME in advance of the meeting. Upon the suggestion of Dr. David, the Treasurer will work with HPLO to provide a brief analysis of the budget and a short explanation for the budget line items, as required, with the aim of standardizing financial reporting in future meetings.	Mr. Flores	1615	Financial Format at Next Meeting
V.	HPLO Administrator's		HPLO Administrator	1618	No Report

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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. Jeffrey D. Biberston – GRMC 2. Andrew D. Healey – GRC. Dr Berg clarified that the applicant was born in the United Kingdom on a U.S. Air Base, and he is currently serving in the U.S. military. 3. Jennifer A. Linden – GMHA 4. Rian M. Yalamanchili – GMHA <p>P. Flores suggested implementing a process that would allow Board members to review applications electronically via secure means, as well as delegate some parts of the review process to HPLO, e.g., CMEs. In addition, in reference to non-US citizens, he suggested the application be updated to ensure applicants provide official documented proof to legally work in the USA, and that these changes be implemented by the next meeting. The Chair agreed with the suggestions and stated that a secure on-line review would be possible by accessing the HPLO server via security protocols.</p>	Chair & HPLO Administrator	1618	Temporary Emergency Licenses Issued
VII. Old Business	<p>A. Complaint(s):</p> <ol style="list-style-type: none"> 1. GBME-CO-20-005 – Received: 09/18/2020. B. Sablan reported that she contacted Attorney Visosky and requested that he contact Dr. Adolphson. She also stated that HPLO appointed Attorney Visosky via a small purchase through a legal services contract. The Chair requested HPLO submit a written request to present an update at the next meeting, as well as to contact Dr. Adolphson. 2. GBME-CO-2021-011 – Received: 11/17/2021. NOTE: Dr. Berg recused himself from this agenda item. Dr. David stated that she will propose a resolution for GBME consideration under a separate agenda item. 3. GBME-CO-2022-002 – Received: 01/06/2022. The Chair reported that he had received an email from GMHA indicating that it had determined that gross medical negligence had occurred. However, Dr. Bordallo stated that GMHA has yet to officially conclude the investigation since the physician has the right to appeal the findings, which has yet to be initiated, so it would be premature for GBME to take any action on the complaint now. Furthermore, the GMHA has yet to submit its findings to the National Practitioner Data Bank, as well as officially inform the GBME. Asst AG Weinberg stated that the Board could decide to initiate its own investigation; however, based on the status provided, he supported Dr. Bordallo's position. The Chair stated that since the physician is currently not practicing, there is no risk to the public; therefore, GBME will await GMHA to conclude its investigation and findings. 	<p>GBME</p> <p>Dr. Adolphson</p> <p>Dr. David</p> <p>Dr. Berg</p>	1627	<p>HPLO to contact Atty Visosky</p> <p>Deferred to Agenda Item VIII.A</p> <p>Awaiting official outcome of GMHA investigation</p>

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	<p>Dr. Bordallo stated that this would be her last meeting serving on the Board since she is resigning her position as the Medical Director at GMHA. She stated that Dr. B. Aguon will replace her as the Medical Director.</p>			
	<p>4. GBME-CO-2022-003 – Received: 01/24/2022.</p>	Dr. Cruz		In Progress
	<p>5. GBME-CO-2022-006 – Received: 02/10/2022. NOTE: Dr. Berg recused himself from this agenda item. Dr. David stated that she will propose a resolution for GBME consideration under a separate agenda item.</p>	Dr. David		Deferred to Agenda Item VIII.A
	<p>6. GBME-CO-2022-010 – Received: 06/21/2022. Dr. Bordallo stated that she believes the records received were incomplete since the nurses’ notes were not included. HPLO was tasked to inquire about the nurse’s notes to include when the patient was discharged. NOTE: This case will be reassigned due to Dr. Bordallo’s resignation.</p>	Dr. Bordallo		In Progress. HPLO to inquire about nurse’s notes.
	<p>7. GBME-CO-2022-014 – Received: 10/21/2022. Upon review of the complaint, the Chair stated that he did not believe that this complaint was a violation of the Medical Practice Act since the physician made a decision not to treat the individual. He also expressed concern that the complainant had been sending daily correspondence to HPLO regarding the case. Dr. Bordallo stated that physicians have a right to accept a potential patient or not. Asst AG Weinberg stated that the Board could decide on whether to pursue the complaint or not, and if so, it could be referred to an investigator. The Chair initially made a motion to keep the complaint open-ended; however, Dr. Adolphson objected to that suggestion and recommended to dismiss the case. The Chair modified his motion as follows: <i>Motion to dismiss the case since it is not a violation of the Medical Practice Act: Dr. Berg; 2nd: P. Flores.</i></p>			Dismissed
VIII.	<p>New Business</p> <p>A. Resolution Regarding Complaint(s) to order licensee to submit to interview by investigators within 30 days from the date of the Resolution:</p> <ol style="list-style-type: none"> 1. GBME-CO-2021-011 2. GBME-CO-2022-006 <p>Dr. David read the attached Resolution for the record. The Asst AG stated that he supported the proposed resolution. In response to a question from Dr. Adolphson, Dr. David stated that the Resolution includes verbiage on disciplinary actions in the event the physician fails to respond. <i>Motion to approve accept the resolution, as written, to include the signature blocks: Dr. Bordallo; 2nd: Dr. Adolphson (NOTE: Dr. David, as the Investigator, abstained; Dr. Berg recused himself due to conflict of interest)</i></p> <p>B. Application(s) for Full Licensure:</p> <ol style="list-style-type: none"> 1. Carissa Jean I. Vea. Dr. Adolphson reported no adverse actions in the NPDB and reported that the applicant’s green card had expired. GBME noted that US Government is backlogged in the green card 			Approved
		GBME		Approved

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	approval process. <i>Motion to approve: Dr. Berg; 2nd Adolphson.</i>			
	2. Jennifer Tsan-Yee Law. Dr. David reported no adverse actions in the NPDB; the applicant was born in Hong Kong; however, has a US passport. <i>Motion to approve: Dr. Berg; 2nd Adolphson.</i>			Approved
	3. Shayla B. Nesbitt. Dr. Adolphson reported no adverse actions in the NPDB. <i>Motion to approve: Dr. Berg; 2nd Adolphson.</i>			Approved
	4. Megan Elizabeth G. Klocek. Dr. David reported no adverse actions in the NPDB. <i>Motion to approve: Dr. Berg; 2nd Adolphson.</i>			Approved
	5. Jeffrey D. Biberston. Dr. Adolphson reported no adverse actions in the NPDB. <i>Motion to approve: Dr. Berg; 2nd Adolphson.</i>			Approved
	6. Lindsey A. Warner. Dr. Berg reported no adverse actions in the NPDB. <i>Motion to approve: Dr. Berg; 2nd Adolphson.</i>			Approved
	7. Allan Xu Zhang. Dr. Adolphson reported no adverse actions in the NPDB. <i>Motion to approve: Dr. Berg; 2nd Adolphson.</i>			Approved
	C. Application(s) for Limited Licensure: In reference to the Limited License applications, B. Hattori – HPLO were a separate application with a fee of \$125.00. Dr. Bordallo suggested that the GBME reconsider the fees for these applicants to better attract them to eventually practice in Guam, especially for those who would be on short-term rotation. Dr. Adolphson stated that it was her understanding that these fees were being paid by the supervising physician. Dr. Berg stated that he will consult with colleagues in other states/jurisdictions and report back. He further stated that, if applicants are licensed elsewhere, then these applications could be processed like the IMLCC process. 1. John D. Scott. Berg. The Chair stated that this applicant will be providing temporary coverage and does not require a practice plan. He will not be practicing, only training. 2. Alice Jean. The Chair stated that this applicant is not seeking gainful employment. 3. Shawnie D.K. Pascall. The Chair stated that the applicant whited-out errors on the application, which is not permitted on official documents and requested HPLO inform the applicant to line through errors, so that the errors are visible. <i>Motion to approve: Dr. Berg; 2nd: Dr. Adolphson.</i>			Approved
	D. Application(s) for Temporary Licensure: 1. Kendra K. Martinez. The Chair expressed concern that the applicant resigned shortly after the initiation of an investigation; therefore, suggested that more information be obtained from the facility on the circumstances leading to the	GBME		Tabled; Obtain more information from the

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	<p>resignation. Dr. Adolphson inquired whether applicant's license be reinstated before the GBME entertains the application. Dr. David stated that the applicant is still licensed in ND and the applicant self-reported the investigation. The Board concluded that, as part of its due diligence, more information was needed before the Board could make an informed decision.</p> <p><i>Motion to further investigate of self-reported event: Dr. Berg; 2nd P. Flores.</i></p>			
	<p>E. Application(s) for Reinstatement of License:</p> <p>1. Marcia A. Oliver. The Chair reported that the applicant and the hospital paid a \$20,000.00 settlement in 2014; however, the applicant is in good standing, with a clean record.</p> <p><i>Motion: Dr. Berg; 2nd: Dr. Adolphson</i></p>			Approved
	<p>F. Interstate Medical Licensure Compact Commission (IMLCC):</p> <p><i>Motion to approve: Dr. Berg; 2nd: Dr. Adolphson</i></p> <p>1. Nihar Ganju 2. Andrea D. Goodwin 3. Eduardo E. Garcia 4. Ruth Pan</p>	GBME		Approved
	<p>G. Collaborative Practice Agreement:</p> <p>The Chair reported that all applicants are in good standing. All podiatrists and physician assistants will now be the responsibility of the GBME, which was also approved by the GBAHE.</p> <p><i>Motion to approve: Dr. Berg; 2nd: P. Flores.</i></p> <p>1. Ginger S. Hany 2. Valerie R. Patton 3. Kaitlyn T. Gearhart 4. Brian C. Creghan 5. Kala M. Young 6. Stacie L. Pierce</p>			
	<p>H. Discussion of Bill No. 356-36 (COR)</p> <p>1. "AN ACT TO AMEND §12801(b), §12803(c)(15), §12805(a)(2)(3)(9)(10), §12805(j)(3)(A)(B), §12820(a)(11)(12), §12826, §12903, §12905, §121101(b), §121102(e), §121103, §121291(a)(1), §121201(f)(1), §121204(c), §121501(d), §121903, §121904, §121906, §122101(c)(d), REPEAL AND REENACT §12101(g), §12101(n), §12101(p), §12101(v), §12802(a)(1)(3)(7)(13), §12802(b)(3), §12809, §12819, §12827, §12901, §12902, §121202, §122104, ADD A NEW SECTION §12901.1, §12906, §121504.1, §122106 ALL OF CHAPTER 12 OF TITLE 10, GUAM CODE ANNOTATED, AND TO REPEAL EXISTING GUAM ALLIED HEALTH EXAMINERS RULES AND REGULATIONS</p>			1748

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	<p>PERTAINING TO THE PRACTICE OF ACUPUNCTURE SUPERSEDED BY NEW RULES RELATIVE TO APPROVING THE ADOPTION OF COMPREHENSIVE NEW RULES AND REGULATIONS FOR THE GUAM BOARD OF ALLIED HEALTH EXAMINERS.”</p> <p>Dr. Adolphson expressed concern regarding the Bill and proposed changes to the GBAHE Rules and Regulations that would extend prescription authority to clinical psychologists, who are not trained in pharmacology, medication side effects, and contraindication of medications. Furthermore, if complications exist, patients will likely seek medical assistance from physicians in lieu of the clinical psychologist prescribing the medications. Dr. Adolphson recommended that the verbiage be stricken altogether and suggested approaching the Legislature before it votes on the bill. Mr. Flores agreed with Dr. Adolphson’s recommendation. Dr. Berg also emphasized the high side effects associated with psycho-active medications and the risks associated with interacting with other medical conditions. Dr. Bordallo suggested that the Rules and Regulations specify the prescribing ability and could be based on a model act from another jurisdiction, e.g., master’s in pharmacology.</p> <p>Asst AG Weinberg stated that are approximately five (5) other jurisdictions that give authority to clinical psychologists to prescribe medications with specific guidelines. If passed by the legislature, the GBME’s concern could still be addressed since there are other issues identified in the public hearings that require refinement. The Rules and Regulations could still be improved to help solidify the education requirements/ qualifications may be required before this authority is fully implemented. He recommended that the GBME and GBAHE keep an open dialogue on this and other matters. He also stated that, at the time of this meeting, the bill is not yet on the Legislature’s agenda.</p> <p>Dr. Berg agreed that the GBME should work collaboratively with the GBAHE in light of the critical shortage of psychiatrists. He recommended that the Board members contact the Speaker and Senator Torres to express their opinions.</p> <p><i>Motion to oppose the specific section that allows for prescriptive authority by licensed clinical psychologists: Dr. Berg 2nd: Dr. Bordallo.</i></p>			
IX.	<p>Announcement</p> <p>Next regularly scheduled board meeting: Wednesday, January 11, 2022 at 4:00 pm virtually via ZOOM. The Chair, on behalf of the GBME, expressed his sincere appreciation to Dr. Annie Bordallo for serving on the Board and longstanding service to the community, as a public servant and a private physician. P. Flores stated that he was very impressed with Dr. Bordallo’s thought process and expressed his personal appreciation. Dr. Bordallo stated that she looks forward to the rest ahead, but feels that she will continue to engage in helping improve the healthcare on Guam.</p>	GBME	1804	Set next meeting
X.	<p>Adjournment</p> <p><i>Motion to Adjourn: Dr. Berg; 2nd: Mr. Flores.</i></p>	GBME	1812	Adjourned

Reviewed by:

Secretary / Date

Approved by:



Chairperson / Date

2/8/2023