

GUAM BOARD OF MEDICAL EXAMINERS
VIRTUAL BOARD MEETING
Wednesday, March 08, 2023 at 4:00 PM;
Reconvene, Wednesday, March 15, 2023 at 4:00 PM
MINUTES

Topic	DECISION(S) / ACTION(S) MADE	Responsible Party	Reporting Timeframe	Status	
I.	Call to Order	Meeting Chaired by: Chairperson, Dr. N. Berg	Chair	3/15/23 1607	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"/> Joleen Aguon, M.D. <input checked="" type="checkbox"/> Phil Flores, Vice-Chairperson, Treasurer & Public Member <input checked="" type="checkbox"/> Annette David, M.D., Member <input checked="" type="checkbox"/> Luis G. Cruz, M.D., Member</p> <p>OTHERS PRESENT: <i>Present at HPLO Conference Room:</i> Rob Weinberg, Assistant Attorney General Baltazar (Tre) Hattori III (HPLO) <i>Present Virtually at Remote location:</i> Zennia Pecina, HPLO Administrator Sharon Manibusan Joseph McDonald, Esq. Angela Techur-Pedro Taylor Rose Toves Cerina Mariano Eddy Reyes, FLAME TREE Freedom Center</p>	Chair	1607	Quorum Established	
	B. Confirmation of Public Notice advertised in the Pacific Daily News: 2/28/2023 and 3/3/2023	Chair	1607	Confirmed	
II.	Adoption of Agenda The Chair reported that the individual listed under Agenda Item VIII.A.9 withdrew their application for licensure. <i>Motion to Adopt the Agenda: Dr. Adolphson; 2nd: P. Flores.</i>	GBME	1608	Unanimously Adopted	
III.	Review and Approval of Minutes Draft Minutes dated November 09, 2022. <i>Motion to approve: Dr. Berg; 2nd: P. Flores.</i> Draft Minutes dated February 08, 2023. <i>Motion to approve: Dr. David; 2nd: Dr. Berg.</i>	GBME	1609	Unanimously Approved	
IV.	Treasurer's Report	Mr. Flores	1640	No Report	
V.	HPLO Administrator's Report Z. Pecina introduced Dr. Angela Techur-Pedro, Pacific Islands Health Officers' Association (PIHOA), Primary Care Coordinator, who informed the GBME of the following: 1. Provided the Board with a fact sheet on Health Professional Shortage Area (HPSA) and presented a brief overview of her role to collect data on Guam and report actual Full-Time Equivalents (FTEs) of primary health providers to determine/justify that Guam should be designated as a HPSA geographical location to be	Z. Pecina	1610	Assist PIHOA the Data Collection to Support HPSA Designation	

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	<p>eligible to apply for a National Health Service Corps Certified site.</p> <p>2. Methodology: Unlike previous surveys issued via mail, PIHOA procured contractors to assist in the data collection of primary care providers to identify eligible and ineligible physicians. She is currently working with providers in the community, such as FHP, AMC, and SDA. In addition, she has been working with HPLO in identifying any new physicians applying for a National Provider Identifier and reviewing the existing list of licensees maintained by HPLO. Board members: expressed concerns of the possibility of over-counting the FTEs or mis-classifying the physicians and suggested interviews directly with the providers to obtain a more accurate accounting since physicians in Guam work at multiple locations and may not be working full-time (e.g., place of practice needs to be determined); suggested a census vice a survey may be more appropriate; physicians could mistakenly be mis-classified, etc. The GBME offered its assistance to:</p> <ul style="list-style-type: none"> a. review the current list of eligible/ineligible physicians and provide input b. widely disseminate the survey to the Guam Medical Society and the Guam Medical Association via mass email c. add pertinent survey questions to the new/renewal licensure application process. d. NOTE: Dr. Aguon informed the Board that GMHA is in the process of establishing an Out-patient Clinic <p>3. Schedule: Dr. Techur-Pedro stated that the survey is anticipated to be completed by November 2023. By next week, the bulk of the work is anticipated to be completed; to date, information has been obtained for 115 physicians.</p> <p>4. Confidentiality: Dr. Techur-Pedro stated the MOUs are being established to ensure the protection of shared information.</p> <ul style="list-style-type: none"> a. P. Flores requested that an information briefing on cybersecurity be presented at the next meeting, to address vulnerability, preventive measures being done to mitigate the compromise of confidential information, prompt notification to customers/users in the event of compromise, etc. HPLO suggested inviting OTECH to the next meeting. <p>5. The Chair expressed appreciation to Dr. Techur-Pedro her efforts in this important project.</p>			<p>HPLO to provide GBME the List Eligible/ Ineligible Physicians To-Date</p> <p>HPLO to invite OTECH to Next Meeting (Cybersecurity)</p>
VI.	<p>Chairperson's Report</p> <p>The Chair reported HPLO and he is working with Guam WebZ to establish electronic capability to review application on-line for IMLCC under consultation with the Federation of State Medical Boards (FSMB), with the aim for the GBME to review and accept applications via the IMLCC process to maximize better use of the GBME's time.</p>	Dr. Berg	1610	On-going Initiative for On-line Application Review
VII.	<p>Old Business</p> <p>A. Complaint(s):</p> <ul style="list-style-type: none"> a. GBME-CO-20-005 – Received: 09/18/2020. Dr. Adolphson reported that she is awaiting input from the assigned attorney. Dr. Berg state that he would 	GBME	1640	On-going
		Dr. Adolphson		

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	follow-up and that this case could potentially be reassigned to another attorney.			
	b. GBME-CO-2021-011 – Received: 11/17/2021. NOTE: Dr. Berg recused himself from this agenda item. Dr. David reported that investigation is still in process. Atty McDonald stated that the fact-finding has been concluded and he will meet with the investigator to finalize the next steps for a formal process.	Dr. David		On-going
	c. GBME-CO-2022-002 – Received: 01/06/2022. The Chair reported that the case has been appealed with GMHA; however, he reassured the Board that the licensee is currently not practicing in Guam and is no risk to the public.	Dr. Berg		On-going
	d. GBME-CO-2022-003 – Received: 01/24/2022.	Dr. Cruz		On-going
	e. GBME-CO-2022-006 – Received: 02/10/2022. NOTE: Dr. Berg recused himself from this agenda item. <i>See discussion above under Agenda Item VII.A.2, above.</i>	Dr. David		On-going
	f. GBME-CO-2022-010 – Received: 06/21/2022. Dr. Aguon stated that she is awaiting receipt of more information.	Dr. Aguon		On-going
	g. GBME-CO-2022-015 – Received: 11/21/2022. Based on the Board's discussion at the last meeting, the complainant did not have the authority to request for an autopsy. <i>Motion to Close: Dr. Berg; 2nd Dr. Adolphson.</i>	Dr. Berg		Unanimously Closed
	h. GBME-CO-2022-016 – Received: 12/13/2022. Based on the Board's discussion at the last meeting, the complainant was not a patient of the licensee. <i>Motion to Close: Dr. Berg; 2nd Dr. Adolphson.</i>	Dr. Berg		Unanimously Closed
	B. Discussion of Telemedicine – Continued. 1. Dr. Adolphson introduced the proposed draft Cease-and-Desist Letter template, which was distributed to the Board prior to the meeting. She informed the Board that, in addition to the issue presented at the last February GBME meeting, she recently experienced another similar case, where consult was provided directly to a patient without her presence as the primary physician, requiring labs and medication prescription. 2. Dr. Berg stated that letter cites legal statements of fact and addresses P. Flores concern that, since many patients seek off-island treatment, off-island physicians (not licensed in Guam) should consult directly with the primary physicians of the patients. 3. Dr. David stated that it would be essential to ensure an information sheet be also widely disseminated to off-island providers, the public, the Guam Medical Society, the Guam Medical Association and insurance companies to prevent more cases from happening, which was supported by Dr. Berg and P. Flores. She suggested that Dr. Berg consider radio appearances, publishing information in news. 4. Regarding consequences for violating Guam Law, Dr. Berg stated that off-island physicians, not licensed	Dr. Adolphson. GBME		Unanimously Approved a Course of Action Regarding Off-island, non-Guam License Physicians engaging in Telemedicine Consultation

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	<p>in Guam, are not violating laws of the country they are licensed in; however, he believes that most physicians do not want to be seen as violating laws of the USA, especially if they have any intention of practicing in the USA. Asst AG Weinberg stated that patients seeking related off-island treatment that what they are receiving in Guam, then the physician must be licensed in Guam in order to provide consultation, otherwise, he/she must consult with the physician of the patient.</p> <p>5. P. Flores suggested that there should be some verbiage in agreements between providers for any consultation for post-operative care, etc. by a non-Guam license physician clearly specify the patient's physician to be consulted. Dr. Adolphson stated that she believes the referral packets arranged by the insurance companies appears to be in-place; however, in her specific case, the consultation provided was a clear violation of law. Dr. David stated that Dr. Adolphson's case is a clear example of why an outreach to the community is essential, so that the policy could eventually be self-enforcing. Dr. Cruz stated that it is important to inform the insurance companies of the violation especially for potential reimbursement of telemedicine consultation. Dr. Aguon informed the Board that not all outpatient telemedicine consultation is reimbursable, and could be discussed at a later date.</p> <p><i>Motion to approve the course of action to use Cease and Desist template, send the Cease-and-Desist letter to the concern off-island physicians and their place of work and its local office; inform the public-at-large of the mandate (including insurance companies) via an information sheet: Dr. Adolphson; 2nd: Dr. Berg.</i></p>			
VIII.	<p>New Business</p> <p>A. Application(s) for Full Licensure:</p> <p>1. Paula S. Lee Dr. David reported that there was a liability judgement settled pre-trial; however, there was no disciplinary action taken by the NC Medical Board. There were no other adverse actions and recommended approval. <i>Motion to approve: Dr. Adolphson; 2nd: Dr. David.</i></p> <p>2. Jennifer A. Linden. Dr. David reported the applicant has a clean record and had a temporary interruption of medical education for personal reasons. There were no adverse actions; therefore, recommended approval. <i>Motion to approve: Dr. Adolphson; 2nd: Dr. David.</i></p> <p>3. Arjun Balakumar. Dr. David reported the applicant has a clean record and recommended approval. <i>Motion to approve: Dr. Adolphson; 2nd: Dr. David.</i></p> <p>4. Pingali Chandra Mohan Dr. David reported the applicant has a clean record and provided official documentation to work in the USA; therefore, recommended approval. <i>Motion to approve: Dr. Adolphson; 2nd: Dr. David.</i></p> <p>5. Eric Norman Dr. Adolphson reported the applicant has a clean record and recommended approval.</p>	GBME	1711	Unanimously Approved

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	<i>Motion to approve: Dr. Adolphson; 2nd: Dr. David.</i>			
	<p>6. John Reinier F. Narvaez Dr. Adolphson reported the applicant has a clean record and recommended approval. <i>Motion to approve: Dr. Adolphson; 2nd: Dr. David.</i></p>			Unanimously Approved
	<p>7. Gregorio S. Martinez Jr. (NOTE: Also reference similar discussion under Agenda Item VIII, A.12) Dr. Adolphson reported the applicant entire professional medical career has been accomplished in the Philippines (PI) to the present day, so there is no evidence that the applicant is able to practice medicine in accordance with the USA standard of care or query the National Practitioner Data Bank (NPDB). In addition, he currently holds a PI passport and has not provided any official proof of eligibility to work in the USA. The Chair stated that there is no evidence of CMEs or the equivalent. <i>Motion to table: Dr. Berg; P Flores. NOTE: Dr. Berg to consult with FSBM and Asst AG Weinberg.</i></p>			Unanimously Tabled; Dr. Berg to Consult with FSMB and Asst AG Weinberg
	<p>8. Andrew D. Healey Dr. Adolphson reported the applicant has a clean record and recommended approval. <i>Motion to approve: Dr. Adolphson; 2nd: Dr. David.</i></p>			Unanimously Approved
	<p>9. Umair Saleem NOTE: Removed from the agenda; applicant withdrew application.</p>			Deleted from Agenda
	<p>10. Naho Hattori. Dr. Adolphson reported the applicant has a clean record and had some lapses in education for voluntary reasons; however, she deferred a recommendation to Dr. Berg, who subsequently recommended approval. <i>Motion to approve: Dr. Berg; 2nd: Dr. Adolphson.</i></p>			Unanimously Approved
	<p>11. Nirali A. Butala Dr. Adolphson reported the applicant has a clean record and recommended approval. <i>Motion to approve: Dr. Adolphson; 2nd: Dr. David.</i></p>			Unanimously Approved
	<p>12. Patrick R. Carpo (NOTE: Also reference similar discussion under Agenda Item VIII, A.7) a. Dr. Adolphson reported that the applicant received a degree in the PI and completed residency programs in the USA; however, there is no evidence of completion of residency at Yale in 1996. He presents a Permanent Resident card and there are no reports in the NPDB. Like the applicant under Agenda Item VIII.A.7., the applicant's entire professional career has been in the PI. Currently, there is no evidence to determine his ability to perform medical care in accordance with USA standards of care. b. Dr. Berg stated that it is difficult for the GBME to closely scrutinize an applicant's ability to perform medical care in accordance with USA standards for applicants, who are not practicing or have not practiced in the USA for a number of years. In the past, he recalls the Board requiring applicants, who have not been practicing in the USA for more than two to three years, to obtain a secondary assessment (e.g., PACE) on their competency in their respective field and that this approach is recognized by the FSMB and required of other states. Dr. Berg stated that the GBME, at its discretion, is able to establish</p>			Unanimously Tabled; Dr. Berg to Consult with FSMB and Asst AG Weinberg

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	<p>and implement standard criteria before issuing licensure.</p> <p>c. In reference to the GBME's review of applicants, who have practiced in non-US recognized facilities, Dr. David stated that she would support a non-discriminatory and consistent approach that would apply to all licensure applicants, who have similar circumstances. Upon her read of the 10 GCA, Chapter 12, 12205, the law does not specify the requirement to have practiced in USA for a number of years in order to be eligible for licensure.</p> <p>d. Dr. Aguon stated that the Board should consider relying on the evaluation systems in place at the local hospitals to determine and validate one's competency to ensure the standard of care, e.g., for GMHA it requires a Focus Professional Practice Evaluation. Since Guam needs physicians with specific specialties, she is concerned that they may opt to apply elsewhere if they are required to demonstrate competency by a third party in order to apply for licensure in Guam.</p> <p>e. P. Flores suggested contacting the concerned practice facilities to determine how they have vetted the applicants. He, therefore, inquired if the PI have similar NPDB-like equivalent system. Dr. David stated that there is no equivalent system in the PI that collects data across specialties and monitors practice performance; however, there are two national entities that keep track of who is license and those licensees who participate in the insurance system, respectively.</p> <p>f. Dr. Cruz suggested that, if the qualifications is not specified in the law, then it should be clarified and standardized. He also suggested that information from the facility should be taken into consideration, especially if the concerned applicants have stellar records and reputations. He suggested that the GBME could consider the issuance of temporary licenses in the interim, with full licensure later. <i>Motion to Table: Dr. Berg; 2nd: P. Flores. NOTE: Dr. Berg to consult with FSBM and Asst AG Weinberg.</i></p>			
	<p>13. Robert M. Mordkin Dr. Adolphson reported the applicant has a clean record and recommended approval. <i>Motion to approve: Dr. Adolphson; 2nd: Dr. David.</i></p>			Unanimously Approved
	<p>B. Application(s) for Temporary Licensure.</p>			
	<p>1. Scott C. Dulebohn Dr. Berg reported the applicant has a clean record and recommended approval. <i>Motion to approve: Dr. Berg; 2nd: P. Flores</i></p>			Unanimously Approved
	<p>2. Sue X. Ming Dr. Berg reported the applicant has a clean record and recommended approval. <i>Motion to approve: Dr. Berg; 2nd: P. Flores</i></p>			Unanimously Approved
	<p>3. Sang I. Kim Dr. Berg reported the applicant has a clean record and recommended approval. Dr. Adolphson believes the applicant should have answered in the affirmative to working for a government agency since he is in the</p>			Unanimously Approved, pending

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	<p>military. Dr. Berg agreed, and recommended approval pending clarification and/or correction to the answer to the question. <i>Motion to approve: Dr. Berg; 2nd: P. Flores</i></p>			Clarification/Correction to Application
	<p>4. Rian M. Yalamanchili Dr. Berg reported that the applicant was placed on probationary status and in a mentoring program; however, he was able to complete his residency in time. Otherwise, he has a clean record. <i>Motion to approve: Dr. Berg; 2nd: P. Flores</i></p>			Unanimously Approved
	<p>5. Andrew Ing Dr. Berg reported that the applicant had a adverse action listed in the NPDB; however, the facility and the CA State Medical Board determined that there was no violation and he met the standard of care. <i>Motion to approve: Dr. Berg; 2nd: P. Flores</i></p>			Unanimously Approved
	<p>C. Interstate Medical Licensure Compact Commission (IMLCC): Dr. Berg reported following applicants were approved under the IMLCC process.</p> <ol style="list-style-type: none"> Johnathan C. Hays Essien U. Eknog Helen L. Moore Christopher S. Seitz 			Noted
	<p>D. Collaborative Practice Agreement:</p> <ol style="list-style-type: none"> Dae Y. Hong Dr. Berg reported no issues or concerns; therefore, he will sign the agreement. 			Dr. Berg to Sign Agreement
	<p>E. Public Law 117-333</p>			Tabled
IX.	<p>Announcement Next regularly scheduled board meeting: Tuesday, April 18, 2023 at 4:00 pm. The Board noted that Dr. Adolphson's term will end before the next meeting, and she has submitted her letter of resignation. P. Flores expressed appreciation for her service on the Board.</p>	GBME	1807	Changed dated from 4/19 to 4/18/2023
X.	<p>Adjournment <i>Motion to Adjourn:</i></p>	GBME	1811	Adjourned

Minutes Drafted by: FLAME TREE Freedom Center, Inc.

Date Submitted: 3/16/2023

Submitted by the GBME Secretary:

Date:

Approved by the GBME with or without changes:

Date:



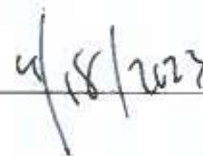
4/18/2023

GBME Meeting Minutes 3.15.2023

Certified by or Attested by the Chairperson:

A handwritten signature in black ink, appearing to be a stylized 'A' or similar character.

Date:

A handwritten date in black ink, written as '4/18/2023'.