

# GUAM BOARD OF MEDICAL EXAMINERS

Wednesday, December 13, 2023 at 4:00 pm

Join Zoom Meeting: <https://us06web.zoom.us/j/89014070920?pwd=45U1YOV4XF5IAVGfZZqfLCLd3vGScf.1>

Meeting ID: 890 1407 0920 Passcode: 193528

## MINUTES

Topic	DECISION(S) / ACTION(S) MADE	Responsible Party	Reporting Timeframe	Status
I.	<b>Call to Order</b>	Meeting Chaired by: Dr. Berg		Chair 1611 Called to Order
	<p><b>A. Roll Call: GBME</b>  <i>Present at HPLO Conference Room</i>  <input checked="" type="checkbox"/> Nathaniel B. Berg, M.D., Chairperson</p> <p><i>Present Virtually at Remote location:</i>  <input checked="" type="checkbox"/> Phil Flores, Vice-Chairperson, Treasurer &amp; Public Member  <input checked="" type="checkbox"/> Luis G. Cruz, M.D.  <input checked="" type="checkbox"/> Annette David, M.D., Member</p> <p><i>Absent:</i> Joleen Aguon, M.D., Member                      Note: Dr. Wieelard present as nominee to the GBME; not yet confirmed.</p>	<p><b>OTHERS PRESENT:</b>  <i>Present at HPLO Conference Room:</i>                      Zennia Pecina, HPLO                      Breanna Sablan, HPLO                      Baltazar (Tre) Hattori III, HPLO                      Kristan Finney, Legal Counsel                      Arthur Root Jr., Public</p> <p><i>Present Virtually at Remote location:</i>                      Shane Healy, Guam Daily Post</p>	Chair 1611	Quorum Established
	<b>B. Confirmation of Public Notice</b>	Chair	1612	Confirmed
II.	<b>Adoption of Agenda</b>	<i>Motion to Adopt the Agenda: Dr. Berg</i>		GBME 1612 Adopted
III.	<b>Review and Approval of Minutes</b>	<b>Draft Minutes dated November 08 &amp; 15, 2023</b> <i>Pending Transcription</i>		GBME 1613 Tabled
IV.	<b>Treasurer's Report</b>	P. Flores reported the financial situation is better than it was a few years ago.		Mr. Flores 1613 Reported
V.	<b>HPLO Administrator's Report</b>	No Report		Z. Pecina 1613 No Report
VI.	<b>Chairperson's Report</b>	Dr. Berg reported: <ul style="list-style-type: none"> <li>• A trip to Nashville will be made in May and is happy with the progress of the work he is doing with the TN</li> </ul>		Dr. Berg 1614 Noted

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		<p>Board in establishing an impaired professional treatment program.</p> <ul style="list-style-type: none"> <li>The Chair and Vice-Chair have been receiving many texts and emails from a complainant, all texts and emails have been forwarded to the HPLO for record keeping.</li> <li>Z. Pecina added that if any Board members receive threats, please forward it to the HPLO and Legal Counsel.</li> </ul>			
VII.	Old Business	<b>A. Complaint(s):</b>	GBME	1621	
		1. <b>GBME-CO-20-005 – Received: 09/18/2020.</b> No update.	Dr. Cruz		In Progress
		2. <b>GBME-CO-2022-002 – Received: 01/06/2022.</b> No update. NOTE: The physician is currently not practicing in Guam.	Dr. Berg		In Progress
		3. <b>GBME-CO-2022-003 – Received: 01/24/2022.</b> The Chair reported, the individual has completed the mandated course of action and has been reassessed by their current employer. Initial proposal is to dismiss the case. Z. Pecina advised that before dismissing, we should wait to receive something in writing from the facility. The Chair motions to authorize employment under supervision of an unrestricted licensed physician, the case will be reviewed upon receipt of a written report of his performance and treatment progress in hopes to resolve the case. <i>Motion: Dr. Berg, 2<sup>nd</sup>: Dr. David</i>	Dr. Berg		In Progress
		4. <b>GBME-CO-2022-010 – Received: 06/21/2022.</b> The Chair reported that this case will be reassigned to the new medical director of GMHA. Z. Pecina, noted the Governor has the power to appoint the GMHA member. J. Aguon will continue to hold the position. The Chair noted J. Aguon will continue to oversee this case.	Dr. Aguon		In Progress
		5. <b>GBME-CO-2023-004 – Received: 07/31/2023</b> The Chair has received all medical records. Update to follow at the next Board meeting.	N. Berg		In Progress
		6. <b>GBME-CO-2023-005 – Received: 08/31/2023.</b> Z. Pecina reported that the case was reassigned the L. Cruz. However, the complainant submitted an email letting the Board know that he will not consent to the release of his medical records. Requested not to be contacted by the Board in the future. <i>Motion to Dismiss: Dr. Cruz, 2<sup>nd</sup>: P. Flores</i>	P. Flores		Dismissed
		<b>B. Accusation: GBME-001-2023</b> Dr. David reported she was off-island for October and November. Hearing was scheduled for November, however, was informed that the hearing was going to be postponed by the HPLO because they had to finalize the contractual agreements with the various attorneys assigned to the Board. Waiting for the hearing officer to give the rescheduled date of the hearing. B. Sablan confirmed this information and noted that two contracts have left the HPLO for approval.	A. David	1635	In Progress
		<b>C. Application(s) for Full Licensure:</b>	GBME	1637	

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	<p><b>1. Edward Albert Balbas</b> The Chair reported the applicant had his license revoked in state of California. The Chair advised that he would need to address the concerns with the California Medical Board before being considered for licensure in Guam. <i>Motion to Deny: Dr. Berg, 2<sup>nd</sup>: Dr. David</i></p>			Denied
	<p><b>A. Complaint(s):</b></p>		1640	
	<p><b>1. GBME-CO-2023-006 – Received: 10/04/2023</b> The Chair reported the complaint is actually made against the front desk staff of the facility. Complaints need to be directed at the physician and the possible violation of the Medical Practice Act. Case dismissed.</p>			Dismissed
	<p><b>B. Application(s): For Full Licensure:</b></p>		1643	
	<p><b>1. Nathan W. Lightfoot</b> Dr. Berg reported that the applicant has a clean NPDB record. <i>Motion to approve: Dr. Berg; 2<sup>nd</sup>: Dr. David</i></p>			Unanimously Approved
	<p><b>C. Application(s): for Limited Licensure:</b></p>		1645	
	<p><b>1. Williamson J. Le</b> The Chair will sign for approval.</p>			Approved
	<p><b>2. Matthew K. Strum</b> The Chair will sign for approval.</p>			Approved
	<p><b>3. Edwina H. Rao</b> The Chair will sign for approval.</p>			Approved
	<p><b>4. Tien N. Nguyen</b> The Chair will sign for approval.</p>			Approved
	<p><b>D. Collaborative Practice Agreement:</b></p>		1645	
	<p><b>1. Brian A. Pendleton</b></p>			Noted
	<p><b>2. Caressa Kasperbauer</b></p>			Noted
	<p><b>3. Shanna Miller-Nabas</b></p>			Noted
	<p><b>E. Full Licensure Renewals 2023 – (see attached listing)</b> The Chair requested for P. Flores or Dr. Cruz to review any questionable renewals.</p>		1646	Noted
	<p><b>F. Arthur Root Jr. – Certified Laser Specialist, Non-Ablative Laser Tattoo Removal</b> Mr. Root asked the Department of Health if he would be allowed to use medical lasers for tattoo removal. The Chair stated Guam does not have a law that address this practice. Mr. Root stated his specific laser is strictly formatted for tattoo removal. Mr. Root is trained and certified as a safety laser technician. The Chair stated he</p>		1648	Discussion On-going

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	will contact other jurisdictions for guidance on regulating the use of laser tattoo removal devices. A. David noted the GBME is here to protect the safety and health of the community. A. David recommended consulting with Dr. Yang, who is a dermatologist on Guam to get his opinion and recommendation. Additionally, she recommends consulting the Guam Board of Cosmetology. A. Wieelard suggested looking into OSHA Regulations as well. The Board thanks Mr. Root for bringing this discussion before the Board.				
	<b>G. Samer Shuaib, M.D. – Letter to the Board</b> Initial discussions around determining if the Board has jurisdiction as it pertains to the contents of the letter. Continued discussions to determine the Board’s obligations in investigating the facility and/or physician. Attorney Finney asked for a copy of the letter to help determine if this is within the Board’s jurisdiction. Z. Pecina noted the conditions and safety of a facility is the direct responsibility of that facility. A. David noted, according to the Medical Practice Act, the healthcare institution has the duty to report any change in status of their physician employees. Additionally, the Medical Practice Act does not give the Board jurisdiction over healthcare organizations, just over physician licensees. The Board will continue to review and work with legal counsel. Updates to follow at the next board meeting.		1709	Discussion On-Going	
<b>IX.</b>	<b>Announcement</b>	A. Elections for Board Officers will take place during the January meeting. B. Next regularly scheduled board meeting: Wednesday, January 10, 2024 at 4:00 pm.	GBME	1732	Next Meeting
<b>X.</b>	<b>Adjournment</b>	<i>Motion to Adjourn: Dr. Berg; 2<sup>nd</sup> P. Flores</i>	GBME	1737	Adjourned

Minutes Drafted by: HPLO Staff

Date Submitted: 1/23/2024

Submitted by the GBME Secretary:

Date:

Approved by the GBME with or without changes:



Date: 1/24/2024

Certified by or Attested by the Chairperson:



Date: 1/24/2024