

# Guam Board of Allied Health Examiners

REGULAR VIRTUAL BOARD MEETING

Friday, January 13, 2023 at 12PM

Join Zoom Meeting: <https://us06web.zoom.us/j/82980606880?pwd=M0ZNZS9SaG83RXcvakQ1SEJTSndDUT09>

Meeting ID: 829 8060 6880; Passcode: 989823

## MINUTES

Item		Discussion	Responsible Party	Reporting Timeframe	Status	
I	Call to Order	Meeting Chaired by Dr. Balajadia	Chair	1207	Call to Order	
II	Proof of Publication	January 6 and 11, 2023	Chair	1209	Confirmed	
III	Roll Call	<p><b>GBAHE Members</b>  <u>Present at HPLO Conference:</u>  <input checked="" type="checkbox"/> Dr. Mamie Balajadia, Clinical Psychology, Chair  <input checked="" type="checkbox"/> Vince Pereda, Licensed Professional Counselor, Vice-Chair  <input checked="" type="checkbox"/> Sibyl Crisostomo, Speech Language Pathology  <u>Virtual Attendance:</u>  <input checked="" type="checkbox"/> Nadine Cepeda, Marriage &amp; Family Therapist, Secretary @1217  <input checked="" type="checkbox"/> Catherine San Nicolas, Clinical Dietician, Treasurer  <input checked="" type="checkbox"/> Dr. Gregory Miller, Chiropractic Medicine  <input checked="" type="checkbox"/> Dr. Richard Chong, Acupuncture  <input checked="" type="checkbox"/> Dr. Paul Pomes, Veterinary Medicine  <input type="checkbox"/> Alesia Ogo, Occupational Therapy  <input checked="" type="checkbox"/> Dr. Ryan Claros, Physical Therapy  <input checked="" type="checkbox"/> Dr. Dennis Triolo, Audiology  <input type="checkbox"/> Raymond Tajalle, Physician Assistant  <input type="checkbox"/> Gregory Cruz, Respiratory Therapy</p>	<p><b>Other Attendees</b>  <u>Present at HPLO:</u>                      Rosemary Carman, HPLO                      Dr. Alan Butler                      Attorney J. Cook  <u>Virtual Attendance:</u>                      Rob Weinberg, Asst Attorney General                      Dr. Mariana Turner                      Theresa Gutierrez                      Shania Nitaro</p>	Chair	1210	Quorum Established
IV	Election of Officers	Nominations for: A. Chair: Dr. M. Balajadia nominated by: <i>V. Pereda; 2<sup>nd</sup>: Dr. Miller.</i> B. Vice-Chair: V. Pereda nominated by: <i>Dr. Chong; 2<sup>nd</sup>: Dr. Miller.</i> C. Secretary: C. San Nicolas nominated by: <i>Dr. Chong; 2<sup>nd</sup>: Dr. Miller.</i> D. Treasurer: C. San Nicolas nominated by: <i>Dr. Chong; 2<sup>nd</sup>: Dr. Pomes..</i>	GBAHE	1212	Unanimously Approved Nominations for GBAHE Officers	
V	Adoption of Agenda	<i>Motion to adopt: S. Crisostomo; 2<sup>nd</sup>: Dr. Pomes.</i>	GBAHE	1217	Unanimously Adopted Agenda	
VI	Approval of Minutes	Minutes of December 2, 2022 and December 30, 2022. C. San Nicolas recommend two changes on Page 8, #125 enclose San Nicolas with a parenthesis, page 13,	GBAHE	1217	Unanimously Approved. As	

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	#136: correct spelling to read: "Vande Berg" <i>Motion to approve, as amended: V. Pereda; 2<sup>nd</sup>: S. Crisostomo</i>			Amended
VII	<b>Treasurer's Report</b> C. San Nicolas provided an overview of the GBAHE finances with was emailed separately to the GBAHE Members. She reported: balance of \$29,296.67; Expenses: \$13,673.22; Supplies/Equipment/Miscellaneous (only a portion of the appropriation has been allocated for this line item). In addition, she stated that an increase in revenue will be expected due to the change in fees.	HPLO	1222	Noted
VIII	<b>Administrator's Report</b>	HPLO	1222	No Report
IX	<b>Legal Counsel's Report</b> Asst AG Weinberg reported that the Lubofsky case is still under review by the Superior Court of Guam. In reference to Public Law 36-138, he stated that the wording of the Rules and Regulations differ from the version submitted by the GBAHE to the Legislature; therefore, recommended that the GBAHE review the Rules and Regulations, as some information was excluded such as the transfer of responsibility of Podiatry and Physician Assistants from the GBAHE to the GBME. He also suggested the GBAHE eventually approach the Speaker to address the open issues that have yet to be resolved.	Asst AG Weinberg	1222	GABHE to review final version of mandate Rules and Regulations
X	<b>GBAHE Complaints</b>	GBAHE	1225	
	A. GBAHE-CO-15-04, Veterinarian, Received 9/4/15.	Referred to Procured Attorney		In Progress
	B. GBAHE-CO-15-06, Veterinarian, Received 11/30/15.			
	C. GBAHE-CO-17-02, Veterinarian, Received 6/6/17.			
	D. GBAHE-CO-19-02, Veterinarian, Received 8/22/19.			
	E. GBAHE-CO-19-03, Veterinarian, Received 11/7/19.			
	F. GBAHE-CO-19-04, Veterinarian, Received 11/7/19.			
	G. GBAHE-CO-20-01 Veterinarian, Received 5/4/20.			
	H. GBAHE-CO-20-02 Veterinarian, Received 3/13/20.			
	I. GBAHE-CO-20-03 Veterinarian, Received 3/13/20.			
	J. GBAHE-CO-20-04 Veterinarian, Received 3/13/20.			
	K. GBAHE-CO-20-05, Veterinarian, Received 3/13/20.			
	L. GBAHE-CO-20-06, Veterinarian, Received 1/31/20.			
	M. GBAHE-CO-20-07, Veterinarian, Received 1/31/20.			
N. GBAHE-CO-20-08 Respiratory Therapist, Received 9/20/20, S. Melville.	S. Melville	In Progress		
O. GBAHE-CO-20-09 Respiratory Therapist, Received 9/20/20.	Referred to Off-Island Consultant	In Progress		
P. GBAHE-CO-20-10 Respiratory Therapist, Received 9/20/20.				
Q. GBAHE-CO-21-01, Chiropractor, Received 4/13/21. Based on consultation with Asst AG Weinberg, Dr. Gates has been provided with stipulated remedies and would like to present a recommendation to the GBAHE. However, he expressed some reluctance since he has yet to communicate with and obtain Dr. Rodman's version of the allegations. Asst AG Weinberg stated that ignorance of the law does not justify an excuse; therefore, stated that there is nothing more that the Office of the Attorney General is able to do at this juncture. Therefore, Dr.	G. Miller	Dr. Miller to present a Recommendation at the next meeting		

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	Miller stated that he would present a recommendation to the GBAHE at the next meeting.			
	<b>R. GBAHE-CO-21-02, Chiropractor, Received 6/4/21.</b> See agenda item X.Q., above.	G. Miller		
	<b>S. GBAHE-CO-21-03, Acupuncturist (Atty. V. Williams), Received 7/6/21.</b> The Chair reported that she received a call from the assigned attorney and will provide an update at the next meeting.	M. Balajadia		In progress
	<b>T. GBAHE-CO-21-04, Audiologist, Received 9/7/21.</b> S. Crisostomo reported that a letter of complaint was submitted to ROSS, indicating that it had employed an unlicensed individual. She stated that she would discuss the issue with Asst AG Weinberg before providing a recommendation to the GBAHE.	S. Crisostomo D. Triolo		In progress
	<b>U. GBAHE-CO-21-05, Acupuncturist (Atty. V. Williams). Received 9/17/21.</b>	Referred to Off-Island Consultant		In progress
	<b>V. GBAHE-CO-21-07, Veterinarian, Received: 11/22/21.</b>	Referred to Off-Island Consultant		In Progress
	<b>W. GBAHE-CO-21-08, Veterinarian, Received: 11/22/21.</b>	Referred to Procured Attorney		In progress
	<b>X. GBAHE-CO-22-02, Acupuncturist, Received 2/11/22.</b> The Chair reported that this complaint has been forwarded to the procured attorney.	M. Balajadia		In progress
	<b>Y. GBAHE-CO-22-03, MF Therapist, Received 2/21/22.</b>	Referred to Procured Attorney		In progress
	<i>NOTE: In reference to the complaints below, Dr. Miller stated that Attorney Visosky has decided to handle the complaints, below, as a group, and is considering an injunctive relief. Attorney Visosky has suggested that the complaints below be addressed in an Executive Session. Asst AG Weinberg stated that, under the current process for the GBAHE, an Executive Session would not be allowed; therefore, the attorney will have to provide a disposition to the GBAHE, which would have to be addressed in a public forum.</i>			
	<b>Z. GBAHE-CO-22-05 Non-Licensed Chiro. Rec'd 9/27/22.</b>	Referred to Procured Attorney		In progress
	<b>AA. GBAHE-CO-22-06 Non-Licensed Chiro. Rec'd 10/21/22</b>			
	<b>BB. GBAHE-CO-22-07 Non-Licensed Chiro. Rec'd 10/21/22</b>			
	<b>CC. GBAHE-CO-22-08 Non-Licensed Chiro. Rec'd 10/21/22</b>			
	<b>DD. GBAHE-CO-22-09 Non-Licensed Chiro. Rec'd 10/21/22</b>			
	<b>EE. GBAHE-CO-22-10 Non-Licensed Chiro. Rec'd 10/21/22</b>			
	<b>FF. GBAHE-CO-22-11 Non-Licensed Chiro. Rec'd 10/21/22</b>			
	<b>GG. GBAHE-CO-22-12 Non-Licensed Chiro. Rec'd 11/17/22</b>	G. Miller		
<b>XI</b>	<b>New Business</b>	<b>GBAHE</b>	<b>1232</b>	
	<b>A. Initial/New Applications:</b>			
	<b>1. Barksdale, George for Licensed Professional Counselor (V. Pereda)</b> <i>Motion to approve: Dr. Pomes; 2<sup>nd</sup>: S. Crisostomo.</i>			Unanimously Approved
	<b>2. Beltran, Michael Ben S. for Registered Respiratory Therapist (G. Cruz)</b>			Unanimously Approved

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	<i>Motion to approve: Dr. Pomes; 2<sup>nd</sup>: S. Crisostomo.</i>			
	<b>3. Blake, Amanda Ann for Dietitian/Nutritionist/Clinical (C. San Nicolas)</b> <i>Motion to approve: Dr. Pomes; 2<sup>nd</sup>: S. Crisostomo.</i>			Unanimously Approved
	<b>4. Frank, Crista J. for Podiatry (S. Crisostomo)</b> <i>Motion to approve: Dr. Pomes; 2<sup>nd</sup>: S. Crisostomo.</i>			Unanimously Approved
	<b>5. Haderer, Allison for Physician Assistant (R. Tajalle)</b> <i>Motion to approve: Dr. Pomes; 2<sup>nd</sup>: S. Crisostomo.</i>			Unanimously Approved
	<b>6. Ikeanyionwu, Charles C. for Registered Respiratory Therapist (G. Cruz)</b> <i>Motion to approve: Dr. Pomes; 2<sup>nd</sup>: S. Crisostomo.</i>			Unanimously Approved
	<b>7. Ituralde, Venus Leah P. for Licensed Professional Counselor (V. Pereda)</b> <i>Motion to approve: Dr. Pomes; 2<sup>nd</sup>: S. Crisostomo.</i>			Unanimously Approved
	<b>8. Lee, Justin B. for Clinical Psychologist (M. Balajadia)</b> <i>Motion to approve: Dr. Pomes; 2<sup>nd</sup>: S. Crisostomo.</i>			Unanimously Approved
	<b>9. Masse, Tonye M. for Physician Assistant (R. Tajalle)</b> <i>Motion to approve: Dr. Pomes; 2<sup>nd</sup>: S. Crisostomo.</i>			Unanimously Approved
	<b>10. McGrath, Colleen for Speech Language Pathologist (S. Crisostomo)</b> <i>Motion to approve: Dr. Pomes; 2<sup>nd</sup>: S. Crisostomo.</i>			Unanimously Approved
	<b>11. Mount, Marla K. for Licensed Mental Health Counselor (V. Pereda)</b> <i>Motion to approve: Dr. Pomes; 2<sup>nd</sup>: S. Crisostomo.</i>			Unanimously Approved
	<b>B. Collaborative Practice Agreement Applications:</b>	GBAHE	1235	
	<b>1. Haderer, Allison for Physician Assistant (R. Tajalle)</b> <i>Motion to approve: S. Crisostomo; 2<sup>nd</sup>: Dr Miller</i>			Unanimously Approved
	<b>2. Masse, Tonye M. for Physician Assistant (R. Tajalle)</b> <i>Motion to approve: S. Crisostomo; 2<sup>nd</sup>: Dr Miller</i>			Unanimously Approved
	<b>C. Renewals. Motion to approve: N. Cepeda; 2<sup>nd</sup> Dr. Pomes</b>	GBAHE	1236	
	<b>1. Camacho, Christine for Licensed Professional Counselor (V. Pereda)</b>			Unanimously Approved
	<b>2. Fernandez, Chris J. for Physical Therapist (S. Crisostomo)</b>			
	<b>3. Palmquist, Roland A. for Podiatry (S. Crisostomo)</b>			
	<b>4. Shimahara, Lilly for Podiatry (S. Crisostomo)</b>			
	<b>5. Tolentino, Doris L.G. for Marriage &amp; Family Therapist (V. Pereda)</b>			
	<b>D. Euthanasia Technician Certifications.</b> <i>Motion to approve: Dr. Miller; 2<sup>nd</sup>: N. Cepeda.</i>	GBAHE	1238	
	<b>1. Nori, Tanishia</b>			Unanimously Approved
	<b>2. Santos, Franchesca</b>			
	<b>3. DeCastro, Arleen</b>			
	<b>4. Erickson, Tina</b>			
	<b>5. Amo, Clariza</b>			
	<b>6. Blas II, Paul</b>			
	<b>E. Visiting Volunteer Veterinarians for Spay and Neuter SNIP Outreach 2/13-16/23 and 2/21-</b>	GBAHE	1240	Noted the

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	<p>24/23. Dr. Turner stated that two licensed veterinarians from WA and TX will be on Guam to conduct this service. Dr. Smith would be in attendance full-time, while she will be on-call.</p> <p><b>F. Alan Butler to Discuss the Examination for Professional Practice of Psychology (EPPP Part 2).</b></p> <ol style="list-style-type: none"> <li>Dr. Butler stated that he sent a letter to the GBAHE, dated 5 December 2022, requesting that the Board decide on his license application since he had completed all license application requirements to include passing the EPPP written examination in October 2022. During the April 2022 GBAHE, Dr. Balajadia confirmed that his application was complete and the Board approved Dr. Butler to proceed with the EPPP examination. After repeated attempts to schedule a date to take the EPPP1 examination with the Board, he contacted and scheduled the examination with the Association of State and Provincial Psychology Boards (ASPPB) and subsequently passed the exam in October 2022. Although he attempted to schedule the EPPP2 with the ASPPB, he was informed that the EPPP2 was not required by Guam at this time, as Guam was not one of the early adopters of the EPPP2. After repeated written requests to the Board in October and November 2022, to include in-person queries, he has yet to receive a response from the Board clarifying the EPPP2 requirement licensure. Dr. Butler stated that P.L. 36-138 now specifies that the EPPP2 is now a requirement and that during the 2 December 2022 meeting, Asst AG Weinberg had stated the he would not be required to take the EPPP2 examination since this requirement would not take effect until July 2023; however, it appears that GBAHE Chair is acting against the legal advice of the Board's legal counsel. In summary, Dr. Butler made a plea to the Board to provide direction and help in resolving this issue, so that he could eventually obtain a Clinical Psychologist license.</li> <li>Attorney Jeff Cook, who represents Dr. Butler stated that, 10 GCA § 121202, for Qualifications for Licensure, the applicant must have successfully completed the Examination for Professional Practice in Psychology (EPPP) administered by a state, territory or district of the United States. Therefore, any applicant could have pass an EPPP examination elsewhere (other than Guam) and they would qualify for licensure. He stated that at the time of Dr. Butler's application, the mandated requirement for licensure was the written examination (EPPP1) and the EPPP2 did not become a mandated requirement until P.L. 36-138 became effective in December 2022. Furthermore, he stated that, when the GBAHE approved the EPPP2 examination requirement in 2019: the EPPP2 had not yet been finalized by the ASPPB and only 3 states were requiring the EPPP2; the application for licensure had not updated to include the EPPP2 requirement and is still has not been updated; and, most important, the statute did not change to reflect the EPPP2 requirement. And it was only with the recent amendment that EPPP2 became a mandated requirement, now reflecting the 2019 decision. In addition, during the GBAHE December 2022 meeting, the Board's attorney stated that the version of the Rules and Regulations submitted to the Legislature specified that the EPPP2 requirement would become effective in July 2023; however, upon review of the legislative record and the final version of P.L. 36-138 the reference to the July 2023 date was deleted and no longer exist. Although the Board approved to require</li> </ol>	GBAHE	1242	<p>Outreach Schedule</p> <p>Alan Butler Application for Licensure, Clinical Psychologist, to be placed on Agenda for Next Meeting</p>

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	<p>the EPPP2 in 2019, the statute did not change; therefore, the EPPP2 requirement could not be effectuated. In his opinion, he completed the application process when he passed the EPPP1. Per case law, Attorney Cook stated that since Dr. Butler fulfilled the application requirements prior to the EPPP2 becoming a mandated requirement, the requirement for the EPPP2 does not apply; therefore, GBAHE should have approved his license application after he passed the EPPP1. On Dr. Butler's behalf, he requested that the Board approve his application for licensure.</p> <p>3. N. Cepeda stated that she had brought this issue up in the December 2022 GBAHE meeting, since she wanted clarification on the status of the Board's 2019 decision to require the EPPP2, as well as the July 2023 implementation date for the EPPP2. She subsequently learned that the July 2023 implementation date was removed. Attorney Cook stated that, although the Board made a decision to require the EPPP2 in 2019, it essentially did not have the authority, due to the existing mandate. It was also his understanding that EPPP2 did not exist when the Board decided in 2019. With respect to the July 2023 date, it does not apply in Dr. Butler's case since he should have been awarded his license in October 2002 upon the completion of the final requirement (i.e., the EPPP2 requirement was not yet mandated).</p> <p>4. V. Pereda inquired if Attorney Cook believed the 2019 Board decision was invalid, and Attorney Cook responded by stating that the Legislature, not the Board, has the authority to change the public policy. Furthermore, he stated that the change should have undergone the Administrative Adjudication Act (AAA) process, but he was not basing his position on that premise. In response to V. Pereda's clarification on implementation date, Attorney Cook stated that the July 2023 implementation date for the EPPP2 appears to have been removed, therefore, with P.L. 38-138, the requirement for the EPPP1 and EPPP2 appears to be effective now.</p> <p>5. The Chair stated that the Board approved the EPPP2 examination requirement in December 2019 GBAHE; however, this decision did not go through the AAA process since the ASPPB had yet to update its website. During Dr. Butler's discussion with ASPPB Examination Services Administrative Assistant in September 2022, he was informed that the EPPP2 was not required at that time. The Chair provided Attorney Cook with a copy of a website page that now lists Guam on the website requiring the EPPP2 examination. In addition, she provided a copy of a letter from the ASPPB Director of Examination Services which expressed concern with the chain of events, to include the impact of the implementation of EPPP2 due the pandemic and the failure to update the website. In reference to the July 2023 implementation date for the EPPP2 examination, the Chair stated that this was a decision date determined by the Council, not the GBAHE. Therefore, she recommends that EPPP2 be required to mitigate the situation and concerns surrounding the effective date. She stated that the Board's decision to require the EPPP2 or the implementation thereof was not a mistake of the GBAHE, but was done in good faith to ensure the practitioners are competent to practice professional services. She stated that the ASPPB requires the EPPP2 for states and territories, including Canada. In conclusion, the Chair stated her position is that the EPPP2 examination would be required in Dr. Butler's case. In response to the Chair's comments, Attorney Cook that his client has no disagreement with</p>			

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	<p>respect to the need to ensure competency. The letter provided by the Chair only informs the ASPPB that the GBAHE had adopted, however, at that time of notification, the Legislature had not legally adopted this requirement by changing the law. It was only with the passing of P.L. 36-138 is the requirement for both exams now in effect. Furthermore, he stated that the website shows only three (3) states, Guam, D.C. and some Canadian provinces that have adopted the EPPP2 requirement. However, he maintains the position that prior applicants or applicants that should have been licensed prior to the enactment of the new law should have been granted licensure.</p> <p>6. N. Cepeda that, since Dr. Butler's application was not on the agenda, the Board is unable to decide to approve the application at this time. V. Pereda supported the item being placed on next month's agenda. Z. Pecina stated that since Dr. Butler's issue was placed on today's agenda, the Board could decide on his licensure during this meeting. She stated that Asst AG Weinberg supported this action. N. Cepeda stated that this guidance appears to be inconsistent from previous guidance regarding decisions on matters not placed on the agenda; therefore, she requested that this issue be clarified. Attorney Cook requested that the Board reconsider Dr. Butler's application, however, his client is willing to await a Board's decision at the February 2023 meeting. Dr Miller agreed that clarification be provided prior to the next meeting. V. Pereda stated that he was in favor of Dr. Butler's license being placed on the agenda.</p> <p>G. Public Law 36-138, 12/29/2022.</p> <p>Asst AG Weinberg stated that the Governor decided to let the bill lapse into law by not signing or vetoing the bill. He stated that the Governor did not sign the bill since she felt the Legislature did not follow the AAA process for the Rules and Regulations, which should have been approved by the Governor for policy and the Attorney General for legal form; however, in this case the Legislature delegated power to the Board to update the Rules and Regulations. Although the Rules and Regulations are now in effect, he advised the Board to conduct a thorough review since the final document differs from the version submitted by the Board. Furthermore, certain open items remain, such as the transfer of Podiatry and Physician Assistant to the GBME, dry needling issue, etc. He stated that he would support a working session to address required changes to forms, website, etc.</p>				
			1322	GBAHE to Review the Final Version of the Rules & Regulations and Address Open Issues	
XII	Announcements	Next Meeting - Friday, February 3, 2023 at 12:00 p.m.	GBAHE	1326	Set Date
XIII	Adjournment	Motion to adjourn: V. Pereda; 2nd: G. Miller.	GBAHE	1326	Unanimously Adjourned

Minutes Drafted by: FLAME TREE Freedom Center, Inc.

Date Submitted: 1/17/2023

Submitted by the GBAHE Secretary:

*Cathy J. [Signature]*

Date:

1/17/2023

Approved by the GBAHE with or without changes

Date:

Certified by or Attested by the Chairperson:

*Manu Chalapadra [Signature]*

Date:

02/13/2023