

# **GUAM BOARD OF ALLIED HEALTH OF EXAMINERS HEALTH PROFESSIONAL LICENSING OFFICE**

Terlaje Professional Bldg., Conference Rm. 209, 194 Hernan Cortez Ave., Hagatna, Guam 96910

## **MINUTES of November 20, 2020**

### **Via GoToMeeting**

**Regular scheduled Session of November 6, 2020 was cancelled due to COVID Incident**  
**Regular scheduled Session of November 13, 2020 was cancelled due to no public posting**

Present were: Dr. Mamie Balajadia, Chair; Dr. Gregory Miller, Vice-Chair; Nadine Cepeda, Secretary; Catherine San Nicolas, Treasurer; Vincent Pereda, Member; Sibyl Crisostomo, Member; Dr. Dennis Triolo, Member; Dr. Ryan Claros, Member; Ray Tajalle, Member; Alesia Ogo, Member; Greg Cruz, Member; Dr. Paul Pomes, Member; AAG Rob Weinberg, Legal Counsel; Zennia Pecina, Administrator of HPLO; and Breanna Sablan, staff of HPLO.

Absent: Dr. Richard Chong, Member.

I. **Call to Order and Roll Call**

Meeting was ordered to order at 12:04 pm by the Chair. Subject Meeting was posted on the Website of the Office of the Attorney General.

II. **Adoption of Agenda**

Motion made by San Nicolas; Seconded by Cepeda.

III. **Minutes of October 2, 2020**

Corrections to Minutes made by the Treasurer that 1) under VI. Legal Counsel Report, AAG Weinberg said that the Workgroup needs to resume via Virtual Sessions; 2) Dr. Michael Cruz's official title at GRMC is Chief Executive Officer, not Chief Medical Officer.

Motion made to approve Minutes, as corrected, was San Nicolas; Seconded by Cepeda.

IV. **Treasurer's Report**

None reported.

V. **HPLO Administrator's Report**

Ms. Pecina reported that she intends to schedule a meeting with all the Boards' Treasurers. However, she met with the Treasurer of the Guam Board of Medical Examiners, Mr. Phil Flores. BBMR have not yet loaded any funds in the HPLO System.

VI. **Old Business**

**A. Legal Counsel Report**

Only item to report was Investigations on GMH Staff, in response to Complaints filed with this Board.

**B. Letter of 10/22/20** to the Board, filed by Mr. David Lubofsky requesting that Legal Counsel AAG Weinberg *"not be legal counsel for the Board regarding anything that has to do with*

*my GMH related professional medical license complaints filed with your Board.” Mr. Lubofsky stated, in the letter, that “he has a conflict of interest, or at the very least an appearance of a conflict of interest having been employed as legal counsel by the Guam Memorial Hospital Authority from Oct 2010-Dec 2011. I feel this compromises impartiality of the Board with legal advice from the former attorney of GMHA. It may also be an ethical issue.”* According to the Chair, the three (3) Complaints 2020-08, 2020-09, and 2020-10 against three GMH Respiratory Therapists, filed by Mr. Lubofsky are under Investigation. The Board’s Legal Counsel is not at all involved in Mr. Lubofsky’s complaints. Attorneys, under Contractual Agreement, are assigned to review the complaints and advise the Board on the matter. AAG Weinberg’s tenure 9-years ago at GMHA, acting as their legal counsel, were merely an assignment made by the Attorney General of Guam at that time. The Chair said, in her opinion, that since AAG Weinberg has no role in Mr. Lubofsky’s complaints against Respiratory Therapists and GMHA, there is no conflict of Interest or ethical issue proposed by the Complainant.

VII. **New Business**

**A. Renewal Applications**

Motion made by Miller; Seconded by Cepeda. Attached Listings were approved accordingly.

VIII. **Next Meeting via GoToMeeting  
Friday, 12 noon, December 4, 2020**

IX. **Adjournment**

Motioned by Pereda; Seconded by Pomes. Meeting was adjourned at 12:37 pm.