

GUAM BOARD OF EXAMINERS FOR OPTOMETRY

Tuesday, August 26, 2025 at 8:30 AM Guam (ChST)

Physical/Mailing Address:

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

Join Zoom Meeting

<https://us06web.zoom.us/j/88407687347?pwd=olyw63dLI3kPaAZMH0FO4SGVCBFfL3.1>

Meeting ID: 884 0768 7347

Passcode: 848735

MINUTES

Agenda Item		Discussion/Decision		Responsible party	Reporting time frame	Status
I	CALL TO ORDER	Meeting Chaired by M. San Nicolas		Chair	0833	Call to Order
II	Roll Call	GBBC <u>Present:</u> <input checked="" type="checkbox"/> James Anglim, O.D., Secretary <input checked="" type="checkbox"/> Marlene San Nicolas, O.D., Chairperson <u>Virtually Present:</u> <input checked="" type="checkbox"/> John Kim, O.D., Vice-Chairperson <input checked="" type="checkbox"/> Julian Archer, O.D., Treasurer	Other Attendees: <u>Present:</u> Sharon Manibusan, DPHSS/HPLO Juanita P. Quintanilla, DPHSS/HPLO <u>Virtually Present:</u> Joaquin Blas, DPHSS/DGA	GBEO	0833	Quorum Established
III	Proof of Publication	Reviewed and found to be in conformance with current laws. <i>Motion to Approve: J. Anglim 2nd: J. Archer.</i>			0834	Confirmed
IV	APPROVAL OF AGENDA	<i>Motion to Approve: J. Kim 2nd: J. Archer.</i>		GBEO	0834	Unanimously Approved
V	APPROVAL OF MINUTES	<i>Motion to Approve: J. Kim; 2nd: J. Archer.</i>		GBEO	0835	Unanimously Approved
VI	TREASURER'S REPORT	No Report		Julian Archer	0842	No Report
VII	HPLO ADMINISTRATOR'S REPORT	No Report		HPLO	0842	No Report
VIII	OLD BUSINESS	A. The practice act revision (TPA) – ongoing discussion <i>Tabled until group can meet to discuss: M. San Nicolas.</i>		GBEO	0842	Tabled, Until Group Can Meet
		B. Practice Act Revision (TPA) – Ongoing Discussion: <i>Tabled until group can meet to discuss: M. San Nicolas.</i>		GBEO		Tabled, Until Group Can Meet
		C. Complaints:				
		GBEO-CO-2025-001		GBEO		Ongoing Pending AG Response

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	<p>S. Manibusan confirmed that a draft letter had been submitted to the AG but that no response had yet been received, prompting her to plan a follow-up. The board emphasized that they could not proceed without legal clearance, and concerns were raised about whether it would be appropriate or legal to direct actions at specific clinics without clear justification.</p> <p>J. Kim noted that the issue was complicated by the complainant's decision not to move forward, which created procedural complications. Members questioned whether there was a legal mechanism to continue investigating a physician in the absence of an active complaint. M. San Nicolas also highlighted past inspection efforts, specifically regarding the requirement for clinics and optical shops to use tonometers for intraocular pressure checks. It was noted that, while NCTs were acceptable, ongoing compliance had not been verified through inspections, and further legal clarity was needed to continue enforcement.</p> <p>Concerns were expressed about potentially appearing to target specific offices. Board members discussed the importance of either inspecting all clinics or establishing a legally defensible reason for limiting the focus. S. Manibusan agreed to share the draft memo with the full board and reiterated the need for AG input to ensure fair and lawful procedures.</p> <p>Frustration was evident regarding the AG's office's delayed responses, especially when compared to prior engagement under former AG Rob Weinberg, who was known for actively supporting board processes. The board acknowledged that unresolved legal questions remain indefinitely on the agenda unless formally withdrawn, contributing to public criticism.</p> <p>Discussion then turned to the procedures followed by the Guam Allied Health Board, where M. Balajadia typically acts as investigator for complaints. Questions were raised about whether her actions were codified in law, and M. San Nicolas pointed out that the GBEO's own governing law lacked specificity regarding complaint protocols—particularly whether a named patient was required for an investigation. It was agreed that these legal gaps need to be addressed through future revisions of the rules and regulations.</p> <p>Later in the meeting, enforcement of the tonometer requirement was revisited, with M. San Nicolas reiterating that all clinics must document pressure readings and that noncompliance should result in citations. She recommended reviewing all clinics for consistency and to avoid any appearance of selective enforcement.</p> <p>J. Kim suggested physically delivering the memo to the AG's office, the board was informed by J. Blas that this approach would not bypass the established procedures. He explained the cumbersome process required even for simple document handling. He also affirmed that an attorney from the AGs Office—identified as Attorney Tillman—had recently been assigned to assist the HPLO.</p>			

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		J. Blas asked S. Manibusan to distribute Attorney Tillman's email address to allow members to directly reach out and potentially prompt a response. Some members expressed hope that a more personal approach could help expedite the legal opinion process, referencing past successful outreach efforts. The meeting closed with an understanding that the matter remained unresolved and contingent upon the AG’s response.			
IX	NEW BUSINESS	A. Renewal Applications:		0904	
		1. Cuong Huynh Motion to Approve: J. Kim; 2 nd : J. Archer.	GBEO		Unanimously Approved
		2. Conchita Morales Motion to Approve: J. Kim; 2 nd : J. Archer.			Unanimously Approved
		3. Wesley Charlton Motion to Approve: J. Kim; 2 nd : J. Archer.			Unanimously Approved
		4. James Anglim Motion to Approve: J. Kim; 2 nd : J. Archer.			Unanimously Approved
		5. Marlene R. San Nicolas Motion to Approve: J. Kim; 2 nd : J. Archer.			Unanimously Approved
		6. Dante Garcia TYPE HERE Motion to Approve: J. Kim; 2 nd : J. Archer.			Unanimously Approved
		7. Maria Garcia Motion to Approve: J. Kim; 2 nd : J. Archer.			Unanimously Approved
		B. Vision Exam (online process) The board revisited a previously raised concern involving the DMV online vision exam process. This process, tied to license renewals, was brought to the Attorney General's attention due to concerns about its legitimacy and potential misuse. M. San Nicolas noted that unlike other required documentation—such as insurance and vehicle inspections, which are submitted directly and verified—the DMV’s online system simply asks users to input a doctor's name and a date of an eye exam without specifying the clinic or requiring actual verification. Members expressed concern that the process could allow individuals to self-attest their visual acuity and bypass professional evaluation, raising significant safety concerns. M. San Nicolas emphasized the risk that individuals who should not be driving might exploit this loophole to obtain or renew a license. The board noted the lack of a mechanism for validating vision-	GBEO	On-Going	

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		<p>related data and highlighted the importance of including visual field assessments—not just acuity—in determining visual fitness for driving. J. Kim shared an example of a patient with severe visual impairment who, based solely on visual acuity, might appear to meet the standards even though he is not visually fit to drive.</p> <p>Concerns were also raised that the DMV did not consult or coordinate with eye care providers or the board when developing the online system. While traditional in-office screenings include acuity, field of vision, and depth perception evaluations using certified equipment, the online process does not require or replicate these standards. The board acknowledged this as a systemic gap and a legitimate concern.</p> <p>Board members discussed the need to identify the appropriate government contact to formally express their concerns. M. San Nicolas recommended holding off on further discussion until more information and contacts are obtained, emphasizing that the issue remains unresolved and is ultimately a matter of ensuring public safety on the island.</p>			
X	NEXT BOARD MEETING	Next Scheduled Meeting: September 30, 2025	GBEO	0912	Set Date
XI	ADJOURNMENT	<i>Motion to Adjourn: J. Kim ; 2nd: J. Archer.</i>	GBEO	0913	Adjourned

Minutes Drafted by: FLAME TREE Freedom Center, Inc.

Date Submitted:

Submitted by the GBEO Secretary:

Date:

Approved by the GBEO with or without changes:

Makere San Nicolas Date: 9/30/25

Certified by or Attested by the Chairperson:

Makere San Nicolas Date: 9/30/25