

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

194 Hernan Cortez Avenue, Terlaje Professional Bldg., HPLO Room 213
Hagåtña. Guam 96910 Telephone: 671-735-7407/8/9/10

**VIRTUAL REGULAR BOARD MEETING
AGENDA**

Friday, July 2, 2021

VIA GoToMeeting

MEMBERS PRESENT:

- Dr. Mamie Balajadia, Chair
- Vincent Pereda, Vice-Chair
- Catherine San Nicolas, Treasurer
- Nadine Cepeda, Secretary
- Sibyl Crisostomo
- Dr. Richard Chong
- Dr. Dennis Triolo
- Alesia Ogo
- Greg Cruz
- Ray Tajalle
- Dr. Ryan Claros
- Dr. Gregory Miller
- Dr. Paul Pomes

OTHERS PRESENT:

- Assistant AG Rob Weinberg, Legal Counsel
- Almin Manlucu, Law Office of Vanessa Williams
- Tony. GDOE
- Newt. Wayne Butler
- Zennia Pecina, HPLO Administrator
- Deborah Borja, HPLO
- Rosemary Carman, HPLO Staff
- Breanna Sablan, HPLO
- Andrea Pellacani, Office of the Speaker of the 36th Guam Legislature
- Chantay Benitez, FLAME TREE Freedom Center
- Eddy Reyes, FLAME TREE Freedom Center

TOPIC		DECISION(S) / ACTION(S) MADE	RESPONSIBLE PARTY	REPORTING TIMEFRAME	STATUS
I.	CALL TO ORDER AND ROLL CALL	Public Notice advertised in the Pacific Daily News on June 25, 2021 and June 30, 2021 for virtual regular Board meeting via GoToMeeting Link - Meeting Called to order at 12:06pm	Chair	12 06	Called to Order
II.	ADOPTION OF AGENDA	Approved the Agenda. - Motion: Dr. Miller, 2 nd Sibyl Crisostomo	GBAHE	12 08	Approved
III.	MINUTES OF June 4, 2021 MEETING	Approved the Minutes from June 4, 2021 - Motion: Dr. Paul Pomes, 2 nd Dr. Greg Miller	GBAHE	12 09	Approved
IV.	TREASURER'S REPORT - Catherine San Nicolas	A. GBAHE Treasurer's Monthly Status Report - FY2020 and FY2021 available balance of \$55,461.08. Total HPLO Lapse Funds is \$449,539.00. GBAHE makes 12.3% of the total budget.	GBAHE Treasurer	12 11	Noted


TOPIC	DECISION(S) / ACTION(S) MADE	RESPONSIBLE PARTY	REPORTING TIMEFRAME	STATUS
	<ul style="list-style-type: none"> - Proposed FY2022 Budget was submitted to HPLO. The working group session was attended by Asst AG Weinberg, Dr. Greg Miller, Dr. Richard Chong, Mamie Balajada, Sibyl Crisostomo, and the Treasurer, who completed the review, itemized each line item of the budget proposal covering all the object classes required. One object class total was calculated that was shared by all nine Boards. The other was calculated for specifically GBAHE, which was \$168,496.91. The amount will be changing as HPLO will be looking at correcting figures. From this amount, \$83,000-\$84,000 is calculated as the share for each of the nine boards and \$84,272.20 is calculated as the total for GBAHE. - Salaries: 1 Full-Time Investigator, 1 Full-Time Inspector (not included in GBAHE budget: HPLO performing the search) - Salary: 1 Full-Time Step I Administrative Assistant: \$48,538.20 - Off Island Travel: \$15,000.00 - Contractual: \$1,364.00 (for membership dues) - Drug Testing: \$120.00 (for new hire) - Miscellaneous: \$19,250.00 (for Board stipends, conference venues and training) - Total: \$84,000.00 (excludes investigator and inspector salary) - Note: There was an estimated total funds made based on current renewal fees, which is almost \$30,000 (9% of proposed budget). So, currently license fees alone cannot cover the budget. 			
V.	<p>HPLO ADMINISTRATOR'S REPORT <i>Zemma Pecina, RN</i></p> <p>A. Mandatory Annual Board Meeting/Ethics Training</p> <ul style="list-style-type: none"> - Tentatively scheduled for July 9, 2021 4pm-8pm - If Board members are unable to attend in July, they can attend one tentatively scheduled for August 20, 2021 2pm-6pm - Venue to be determined, July 9 will be at a hotel but HPLO cannot currently disclose which hotel. 	HPLO	12 16	Noted
VI.	<p>LEGAL COUNSEL REPORT <i>Robert Weinberg, Assistant Attorney General</i></p> <p>A. Bill 102 signed into law P.L.36-34</p> <ul style="list-style-type: none"> - Live streaming of all Board and Commission meetings, so the public can observe what's going on in real time. If Board members will need to have access to a a computer with audio and visual. HPLO is procuring new equipment, so Board members could participate in-person at the HPLO if necessary. The Law also requires that the Board and Commission publish agendas in advance of the meetings along with the Public Notices. The Boards will need to post an agenda that is specific enough so the Public is aware of the topics. There could also be a link to access more information, for example, a list for renewal applicants to be approved. <p>B. Uniform Processes for Disciplinary Complaints</p> <ul style="list-style-type: none"> - The Board needs to have a uniformed process when addressing and reporting disciplinary complaints, such as naming conventions for the minutes and agenda (e.g. case numbers, investigator or inspector or board member assigned). Disciplinary complaints are not subject to open government law. Asst AG Weinberg is looking into some naming convention that will report the case number assigned and investigator assigned for Public Documents and the identity of the complainant and licensee for Non-Public Documents. 	OAG	12 21	Noted

TOPIC	DECISION(S) / ACTION(S) MADE	RESPONSIBLE PARTY	REPORTING TIMEFRAME	STATUS
	<p>C. David Lubofsky Lawsuits</p> <ul style="list-style-type: none"> - Filed a lawsuit around June 15 against GBAHE and GBME. The essence is to compel the Boards to have Rules and Regulations that describe the process for investigating disciplinary complaints. David Lubofsky and Vanessa Williams have filed numerous FOIA requests which show Rules and Regulations; however, the format is currently not consistent with the Complier of Laws. There have been rules for GBME since 2001 and GBAHE since 1984 and 1989 all describing general processes. Those attending current Board meetings will know that GBAHE has been working diligently since 2017 to update and modernize existing rules to make them more understandable to the layperson. Asst AG Weinberg sent a copy of this lawsuit to all Board Members for their reference. 			
VII.	<p>GBAHE COMPLAINTS</p> <p>A. GBAHE-CO-21-01</p> <ul style="list-style-type: none"> - Dr. Miller and Dr. Gregory brought to the Board's attention that there were some people advertising on social media that they were practicing massage, chiropractic, and acupuncture therapy without proper licensing. Asst AG Weinberg sent a Cease and Desist Letter and since then they have responded that they have a license from California and didn't think they needed one from Guam. Asst AG Weinberg set out the Guam Code in the Cease and Desist Letter. The Board has been advised that they have stopped. There hasn't been a follow up since then. <p>B. GBAHE-CO-20-11</p> <ul style="list-style-type: none"> - This is a complaint against a Podiatrist involving malpractice. GBAHE was able to find an unbiased Podiatrist from Arizona. GBAHE gathered all the case records and sent them to the Investigator who did an analysis. He said in his report that what he saw met the standard of care applicable to the situation. - Based on that. Asst AG Weinberg recommends dismissing this case. - Motion: Dr. Greg Miller, 2nd Catherine San Nicolas <p>C. GBAHE-CO-20-10</p> <ul style="list-style-type: none"> - This is a complaint against a Respiratory Therapist that was involved/present in the hospital on the night that Asher Lubofsky was there and passed away. The issue is finding someone who can review the medical records from GMH, CMS (Medicaid/Medicare) reports to complete a full analysis. - Current Respiratory Therapists on the Board worked at GMH so they have a conflict with the case and cannot complete the analysis. - There was another name submitted to HPLO two months ago who agreed to investigate. Since there is a price involved, there is a longer process for procurement of this investigator. The GSA requires two more quotes for a total of three quotes to obtain an investigator according to the Procurement Law. There was a proposed provision to obtain investigators under \$25,000 which involved sending out a statement of qualifications, they send resumes and the Board chooses. Then after that, the price is negotiated under \$25,000. This Bill was a better process for Procurement, but it unexpectedly ran into difficulty from opposers. so it is still in process. 	<p>GBAHE</p> <p>GBAHE</p> <p>GBAHE</p>	<p>12 36</p> <p>12 47</p> <p>12 54</p>	<p>On-going</p> <p>Case Dismissed</p> <p>On-going</p>

TOPIC	DECISION(S) / ACTION(S) MADE	RESPONSIBLE PARTY	REPORTING TIMEFRAME	STATUS
	<p>D. GBAHE-CO-20-09</p> <ul style="list-style-type: none"> - This is a complaint against another Respiratory Therapist that was involved/present in the hospital on the night that Asher Lubofsky was there and passed away. The issue is finding someone who can review the medical records from GMH, CMS (Medicaid/Medicare) reports to complete a full analysis. 	GBAHE	12 54	On-going
	<p>E. GBAHE-CO-20-08</p> <ul style="list-style-type: none"> - This is a complaint against another Respiratory Therapist that was involved/present in the hospital on the night that Asher Lubofsky was there and passed away. The issue is finding someone who can review the medical records from GMH, CMS (Medicaid/Medicare) reports to complete a full analysis. 	GBAHE	12 54	On-going
	<p>F. GBAHE-CO-19-02</p> <ul style="list-style-type: none"> - Allegations from veterinarians malpractice. - Need to find someone from off-island to do an unbiased analysis/investigation on the case. 	GBAHE	1 03	On-going
	<p>G. GBAHE-CO-19-03</p> <ul style="list-style-type: none"> - Allegations from veterinarians malpractice. - Need to find someone from off-island to do an unbiased analysis/investigation on the case. 	GBAHE	1 03	On-going
	<p>H. GBAHE-CO-19-04</p> <ul style="list-style-type: none"> - Allegations from veterinarians malpractice. - Need to find someone from off-island to do an unbiased analysis/investigation on the case. 	GBAHE	1 03	On-going
	<p>I. GBAHE-CO-17-02</p> <ul style="list-style-type: none"> - Allegations from veterinarians malpractice. - Need to find someone from off-island to do an unbiased analysis/investigation on the case. 	GBAHE	1 03	On-going
	<p>J. GBAHE-CO-15-04</p> <ul style="list-style-type: none"> - Allegations from veterinarians malpractice. - Need to find someone from off-island to do an unbiased analysis/investigation on the case. 	GBAHE	1 03	On-going
	<p>K. GBAHE-CO-15-06</p> <ul style="list-style-type: none"> - Allegations from veterinarians malpractice. - Need to find someone from off-island to do an unbiased analysis/investigation on the case. 	GBAHE	1 03	On-going
VIII.	<p>OLD BUSINESS</p> <p>A. Workgroup Report from the Committee on Continuing Education (CE)</p> <ul style="list-style-type: none"> - The last meeting for the Workgroup was on June 18, 2021. The CE Workgroup Subcommittee did their tasks. If there is any issue, Board members are welcome to come to the next Workgroup meeting. GBAHE will see what's available at GRMC for a room for the next meeting. They will continue on with the rules and items that need to be formatted with Legal Counsel. 	GBAHE	1 09	Noted
IX.	<p>NEW BUSINESS</p> <p>A. Initial/New Applications:</p> <ol style="list-style-type: none"> 1. Kara E. Brown for <i>Occupational Therapy</i> (Claros) <ul style="list-style-type: none"> - Motion: Sibyl Crisostomo, 2nd Dr. Greg Miller 2. Keri Jo Felmet for <i>Speech Language Pathologist</i> (Crisostomo) 	GBAHE	1 09	Approved Approved

TOPIC	DECISION(S) / ACTION(S) MADE	RESPONSIBLE PARTY	REPORTING TIMEFRAME	STATUS
	<ul style="list-style-type: none"> - Motion: Sibyl Crisostomo, 2nd: Dr. Greg Miller 3. Mariana Q. Turner for <i>Veterinary Medicine</i> (Pomes) <ul style="list-style-type: none"> - Motion: Sibyl Crisostomo, 2nd: Dr. Greg Miller 4. Brennan T. Vandeveld for <i>Acupuncture</i> (Chong) <ul style="list-style-type: none"> - Motion: Sibyl Crisostomo, 2nd: Dr. Greg Miller 5. Rieza Mari R. Sabido for <i>Physical Therapy</i> (Claros) *Conditional <ul style="list-style-type: none"> - Conditional license pending SSN - This applicant is from the Phillippines and doesn't have an SSN or a Visa to come to Guam to get an SSN. According to the reviewer, she meets all the requirements except the SSN. The Board with authorize a conditional license until she gets her SSN. <i>Until then, she will not be able to practice. Once the HPLO receives adequate proof of the SSN and one Board Member sees it, HPLO can issue the full license.</i> - Motion: Ryan Claros, 2nd: Nadine Cepeda 			<p>Approved</p> <p>Approved</p> <p>Conditional License Approval</p>
	B. Speaker Therese Terlaje sent E-Notice of Public Hearing Memo on Bill 112-36 "...all relative to Medical Malpractice in the Territory of Guam" scheduled on July 12, 2021 at 5pm at the Guam Legislature.	GBAHE	1:32	Noted
X.	MISCELLANEOUS A. Commission on Healing Arts Meeting met on 30 June 2021. - Went very well. Minutes will be shared for the Board information.	GBAHE Members	1:34	Noted
XI.	NEXT MEETING Next Meeting - Friday, August 6, 2021, at 12:00 p.m.	GBAHE	1:34	Noted
XII.	ADJOURNMENT Motion: Dr. Greg Miller, 2 nd : Nadine Cepeda	GBAHE	1:34	Adjourned

Reviewed by:  9/24/21
Secretary / Date

Approved by:  9/24/21
Chairperson / Date

Minutes by: FLAME TREE Freedom Center, Inc.