

GUAM BOARD OF MEDICAL EXAMINERS

VIRTUAL BOARD MEETING

Wednesday, May 18, 2022 at 4:00 PM

Join Zoom Meeting: <https://us06web.zoom.us/j/83470823871?pwd=WnZmR0JEUpaRZ2ZDTUVhbnNlM5akJlUQT09>
Meeting ID: 834 7082 3871; Passcode: 812863

MINUTES

Topic	DECISION(S) / ACTION(S) MADE			Status
Call to Order	Responsible Party	Reporting Timeframe		
I.	18 May 2022	1606	Called to Order	
	<p>A) Roll Call: GBME</p> <p><input checked="" type="checkbox"/> Nathaniel B. Berg, M.D., Chairperson <input type="checkbox"/> Phil Flores, Vice-Chairperson, Treasurer & Public Member <input checked="" type="checkbox"/> Arania Adolphson, M.D., Secretary <input checked="" type="checkbox"/> Annie Bordallo, M.D., Medical Director <input checked="" type="checkbox"/> Annette David, M.D., Member <input checked="" type="checkbox"/> Luis G. Cruz, M.D., Member <input type="checkbox"/> Scott Shay, M.D., member</p>	<p>OTHERS PRESENT: Baltazar (Tre) Hattori III (HPLO) Deborah Borja, HPLO Joseph McDonald Luke M. Courtney Nuss, Office of Attorney Vanessa Williams Natasha Charfauros, Office of the Speaker Representative Eddy Reyes, FLAME TREE Freedom Center</p>	Chair	Quorum Established
II.	Confirmation of Public Notice advertised in the Pacific Daily News.			Adopted
	<i>The Chair requested the GBME's indulgence to allow him to address some agenda items out of sequence for conflict of interest.</i>			
III.	<p>a) Reviewed draft Minutes, dated April 13, 2022, and made the following amendments: 1) Agenda Item VII.a)(10), line 6: changed "on" to "one". (proposed by Dr. Berg). 2) Agenda Item VII.a)(11), changed to read: Dr. David reported that the patient's medical records documented numerous attempts by the physician to communicate with the complainant, including multidisciplinary team meetings and one-on-one communications. Upon her review, she concluded that there was no violation of the standard of care; therefore, she recommended to close the case. (Proposed by Dr. David). NOTE: The Chair requested Baltazar Hattori, HPLO, to verify Dr. David's recommended change is in-line with the wording in the audio recording. If correct, then the minutes will be approved, as amended. Otherwise, the proposed change will be addressed at the next GBME meeting.</p>	1608	Conditionally Approved	(amendment to be verified against the audio recording)
	<i>Motion to conditionally approve, as amended: Dr. Berg; 2nd Dr. Adolphson</i>			

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IV.	Treasurer's Report	a) No Report.		P. Flores (not present)	1612	No Report
V.	HPLO Administrator's Report	a) Deborah Boria, HPLO, reminded the GBME of the requirement to register for the mandated Ethics Training and provide a copy of the registration to HPLO.		B. Sablan Acting Administrator (not present)	1613	Register for Ethics Training
VI.	Chairperson's Report	The Chair provided a summary of the Federation State Medical Board (FSMB) meeting: 1) Overall, an excellent meeting. He had the opportunity to meet with HI, VI and PR representatives to discuss current challenges. There was agreement to convene a virtual meeting in the near future to discuss challenges and perspectives. 2) Issues addressed by the GBME are not unique but are common among other jurisdictions, such as the shortage of investigators. It was suggested that there could be a possibility to share investigators among different specialties and obtain discounted rates. 3) The FSMB supports the Interstate Medical Licensing Compact (IMLCC). The IMLCC provides uniformed conduct and accommodates mobility of physicians across jurisdictions. The FSMB is of the opinion that the IMLCC is good for Guam and the US. 4) In reference to physicians, who have alcohol or substance abuse challenges, there is support for an "impaired professional program" to address mental health and substance abuse issues. Some jurisdictions obtain support for other organizations to assist through education, prevention, evaluation, treatment, and monitoring, where the professional pays. Overall, objective would be to help professionals to get better, so that they could continue to be working in their related field. He stated that the Virgin Islands is interested in working with GBME to jointly work on a program. A professional's involvement would have to remain extremely confidential unless they decide to no longer participate in a program. 5) Lastly, he addressed the high burn-out rate of physicians, especially as a result of the stresses related providing treatment during the COVID pandemic (e.g. witnessing death and impact on families, etc). Medical professionals are confronted with mental health challenges; however, many do not seek help or admit to their challenges for fear of punitive action against them. Seventy-five percent of physicians surveyed felt that admission to mental health challenges would result in punitive action versus being healthcare oriented. In addition, the suicide rate among physicians has increased, which does not consider those deaths by accident with suicide intent. Therefore, he felt that the issue is significant enough to help educate other professionals and other medical entities and to encourage addressing mental health needs in accreditation policies, rules and regulations, license, and renewal application processes, etc. Dr. David suggested taking proactive preventive measures and initiatives, such as mental screening, collaborate with and access GBHWC services, etc. She also indicated that Guam's 988 suicide help-line will soon be linked with the national system. Dr.	Chair & HPLO Administrator	1614	Noted	

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VII. Old Business	<p>Berg stated that he plans to arrange for the keynote speaker at the FSMB conference to address the GBME, Guam Medical Society and other key stakeholders in a virtual meeting.</p> <p>a) Emergency Issued Licenses. The GBME noted that the following emergency licenses were reviewed and approved by the Vice-Chair. The Chair stated that he also had the opportunity to review the applicants.</p> <p>(1) Arthur E. Bagabag – GMHA</p> <p>(2) Chandra S. Pingili – GMHA</p> <p>(3) Douglas J. Folzenlogen – GMHA</p> <p>(4) Shih Hao Lin – GMHA</p> <p>(5) Charles P. Pluto - GRC</p>	GBME	1639	Noted Emergency Licenses Issued	
	<p>a) COMPLAINTS:</p> <p>(1) GBME-CO-20-005 – Received: 09/18/2020. Dr. Adolphson reported that she is awaiting assignment of an attorney. HPLQ reported that the RFQ was approved, so it is anticipated that the procurement process will start very soon.</p>			Dr. Adolphson	Tabled
	<p>(2) GBME-CO-2021-007 – Received: 06/07/2021. Dr. David concluded that, in her opinion, there was no violation in the standard of care or the Medical Practice Act. However, the licensee has failed to provide a written response to the GBME's request despite numerous attempts by Dr. David and HPLQ, which is a violation of the Medical Practice Act. The Chair suggested that a certified letter be sent to the licensee to ensure there would be no future issues that could arise regarding the complaint. Dr. Bordallo stated that since there is no violation in the standard of care, the failure to provide a response should be treated as a separate complaint.</p> <p>After further discussion, <i>Motion to close the case and send a letter of reprimand</i>: Dr. David, 2nd, Dr. Bordallo. Approved via a majority vote.</p>			Dr. David	Closed and Letter of Reprimand
	<p>(3) GBME-CO-2021-010 – Received: 11/08/2021. Dr. Cruz informed the patient that the GBME does not have jurisdiction over this case since the incident happened at the US Naval Hospital and the physician is with the US Navy, full-time. The patient was informed and satisfied that the complaint is currently being addressed by the USNH.</p> <p><i>Motion to Close</i>: Dr. Cruz, 2nd. Dr. Berg.</p>			Dr. Cruz	Closed
	<p>(4) GBME-CO-2021-011 – Received: 11/17/2021. (NOTE: Dr. Berg recused himself from this agenda item due to conflict of interest). Dr. David reported that Attorney McDonald is the assigned attorney, and he will review the case with the aim to present a recommendation at the next GBME meeting. The police complaint is being handled by the OAG. Attorney McDonald informed the GBME that he is currently in private practice and has experience in this area; he is currently advising the Guam Ethics Commission and the Office of Public Accountability. He stated that he will review the case and provide an update/recommendation at the next GBME meeting.</p>			Dr. David	Tabled

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	(5) GBME-CO-2022-001 – Received: 01/19/2022.		P. Flores		Tabled
	(6) GBME-CO-2022-002 – Received: 01/06/2022. Dr. Berg reported that Dr. Shay is currently awaiting the outcome of the GMHA adjudication process and there is no issue regarding on-going care.		Dr. Shay		Tabled
	(7) GBME-CO-2022-003 – Received: 01/24/2022. Dr Berg reported that this licensee self-reported his DUI. In his discussions at the FSMB with HI, PR and VI representatives, it was suggested that cases of this nature is not a question of innocence or guilt; however, actual statements of facts need to be considered. In this case, the physician admitted to the facts of being impaired and subsequently took the initiative to self-enroll in a treatment program on Guam. Dr. Cruz stated that he would contact the physician to determine how he is doing with the treatment, obtain consent to discuss progress with his treatment provider and receive periodic updates to ensure compliance and there is no risk to patient safety. Until the GBME establishes an impaired physician program, suggested the GBME support Dr. Cruz's course of action to monitor this physician's progress. <i>Motion to support course of action: Dr. Cruz; 2nd Berg</i>		Dr. Cruz		Tabled and Supported Course of Action
	(8) GBME-CO-2022-004 – Received: 02/02/2022. Dr Berg reported that Mr. Flores was able to talk to the concerned parties and they were able to reach mutual agreement to withdraw the complaint. Dr, Berg confirmed that there was no violation in the standard of care; the matter was personal and resolved. <i>Motion to dismiss: Dr. Berg; 2nd A. Adolphson.</i>		P. Flores		Dismissed
	(9) GBME-CO-2022-005 – Received: 02/04/2022. Dr Berg reported that Mr. Flores was able to talk to the concerned parties and they were able to reach mutual agreement to withdraw the complaint. Dr, Berg confirmed that there was no violation in the standard of care; the matter was personal and resolved. <i>Motion to dismiss: Dr. Berg; 2nd A. Adolphson.</i>		P. Flores		Dismissed
	(10) GBME-CO-2022-006 – Received: 02/10/2022. (NOTE: Dr. Berg recused himself from this agenda item due to conflict of interest). Dr. David reported that Attorney McDonald is the assigned attorney and he will review the case with the aim to present a recommendation at the next GBME meeting. The police complaint is being handled by the OAG. Attorney McDonald informed the GBME that he is currently in private practice and has experience in this area; he is currently advising the Guam Ethics Commission and the Office of Public Accountability. He stated that he will review the case and provide an update/recommendation at the next GBME meeting.		Dr. David		Tabled
	(11) GBME-CO-2022-008 – Received: 02/22/2022. Dr. Adolphson reported that she concluded that the patient received care at a dermatology clinic, which she assessed to be multiple low-level complaints. Regarding the complaint for lack of supervision, a supervisor was available at the clinic during the procedure; however, the procedure itself does not require advance diagnostic skills that		Dr. Adolphson		Closed

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VII New Business	<p>would not require a physician to be physically present during the procedure. Regarding the complaint of failure to complete informed consent by the patient, who had signed a generic consent, she assessed that verbal consent was implied since the patient did not stop the procedure from being performed. When procedure was completed, the results looked worse, which caused patient concern, so the patient sought aftercare from another clinic. However, the treatment outcome improved, and the patient is now satisfied with the overall results. In conclusion, Dr. Adolphson assessed no violation of the standard of care. <i>Motion to close: Dr. Adolphson; 2nd. Dr. Berg.</i></p> <p>(12) GBME-CO-2022-009 – Received: 3/28/2022. Dr. Berg reported that complainant alleged that clinic denied care for a non-emergency situation and that the complainant failed to identify a specific physician. Since there is no obligation to treat patients, except for an emergency, and the complainant failed to identify a specific physician, Dr. Berg recommended to close the case. <i>Motion to close: Dr. Berg; 2nd. Dr. Bordallo.</i></p>	Dr. Berg		Closed
	<p>(b) Full License Renewals 2021-2023 REINSTATEMENT LICENSE: (1) Maida S. Ribati. Dr. Berg stated that an additional 30 days will be needed by GMHA; therefore, tabled this agenda item.</p>	GBME		Tabled
	<p>(a) Determining the jurisdiction of Complaints. Dr. Berg recommended to defer discussion of the item until Asst AG Weinberg is available. He provided clarification that physicians working on a federal facility are operating under a federal license; therefore, access to medical records would be restricted. Furthermore, complainants would be able to process complaints through federal channels (e.g., DOD, VA, etc), who would be obligated to report punitive actions in the National Practitioner Data Base. Dr. Adolphson suggested that the GBME's Standard Operating Procedures be updated to address the handling of complaints toward physicians working at federal medical facilities, so that patients are directed to file complaints with the entity that has jurisdiction.</p>	GBME	1720	Tabled
<p>(b) Review of the Interstate Medical Licensing Compact (IMLCC). Based on the discussion at the FSMB, the Chair suggested that the GBME continue to support the IMLCC mission as long as the physicians maintain good standings in other jurisdictions. Furthermore, Guam physicians will also benefit from the IMLCC when moving from Guam.</p>	GBME	1721	Continued participation in the IMLCC	
<p>(c) Implementation of Quarterly News Reports. Dr. Berg suggested that the GBME consider funding this initiative with the aim to inform other professional organizations of current issues being addressed by the GBME, either on a quarterly or as-needed basis. In the interim, he would take this opportunity to draft a report highlighting issues addressed at the FSMB conference. Dr. Adolphson suggested the report include an overview of the Disciplinary and Investigative procedures recently approved by the GBME.</p>		1725	Chair to draft	

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Dr. David suggested including information regarding the GBME's discussion regarding mental health needs, professional behavior, etc.			GBME		
(d) APPLICATION(S) FOR FULL LICENSE:			GBME		
(1) Jamie Hea-Ryung Yoo: SDA clean application.	<i>Motion to approve: Dr. Berg; 2nd: Dr. Adolphson</i>				Approved
(2) Eric Russell Fox: FEMA infusion. HSP. Clean application. Bordallo (one settlement 2012) – 26 years of practice.	<i>Motion to approve: Dr. Berg; 2nd: Dr. Adolphson</i>				Approved
(3) Luke Tae Jong Moore. (Dr. Adolphson recused herself for conflict of interest). On-going does not end in 2024. No issues with practice of medicine with a temporary license. When all restrictions removed, do no see an impediment. Positive updates; extensions of temporary licensed.	<i>Motion to grant an extension for 6 months temporary license: Dr. Berg; 2nd: dr. David update every six months, supervisor to provide updates as well.</i>				Temporary
(4) Casey Phan	<i>Motion to approve: Dr. Berg; 2nd: Dr. Adolphson.</i>				Approved
(e) APPLICATION(S) FOR TEMPORARY LICENSE.					
(1) Kamil Jaber. Active licenses. GMHA	<i>Motion to approve: Dr. Berg – GBME approved.</i>				Approved
(2) Jennifer Tsan-Yee Law	<i>Motion to approve: Dr. Berg – GBME approved.</i>				Approved
(f) FULL LICENSE RENEWALS 2021-2023: late applications.			GBME		Approved
(1) Faye W. Jensen	<i>Motion to approve: Dr. Berg; 2nd: Adolphson</i>				Approved
(2) Lystra B. Wilson-Celestine.	<i>Motion to approve: Dr. Berg; 2nd: Adolphson</i>		GBME		Approved
(g) INTERSTATE MEDICAL LICENSING COMPACT (IMLCC) APPLICANTS.	Based on the discussion regarding the FSMB conference, the GBME briefly addressed telehealth and the Chair suggested that patients should have at least have one initial face-to-face evaluation instead of solely relying on telehealth alone (except for possibly radiology). NOTE: With IMLCC, here are 40 states and territories, who are part o the IMLCC, which recognizes and allows a physician licensed in their home state is eligible to be licensed and practice in a IMLCC state. This practice is designed to facilitate and expedite the process of practicing in another IMLCC recognized state/territory. Therefore, those applicants listed below are eligible to practice on Guam.		GBME	1743	Noted
(1) Joel B. Durinka					

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	(2) Alan Bentz. (3) Quintisha M. Walker. (4) Carman A. Sparks-Parker. (5) Shaalan Beg (6) Aman K. Patel (7) Mona Alqulali (8) Khaled K. Deeb (9) Michael D. Mignoli (10) Eric M. Perry (11) Brian R. Clear (12) Daniel Kessler (13) Amanda C. McBane (14) Ryan C. Yang (15) Teresa H. Stillion			
IX. Announcement	Next regularly scheduled board meeting: Wednesday, June 08, 2022 at 4:00 pm virtually via ZOOM. tentative	GBME	1745	Tem
X. Adjournment	<i>Motion to Adjourn: Dr. Berg; 2nd: Dr. Adolphson</i>	GBME	1747	A.

Reviewed by:  7/12/22

Secretary / Date

Approved by:  7/12/22

Chairperson / Date

Minutes By: FLAME TREE Freedom Center, Inc.