

GUAM BOARD OF MEDICAL EXAMINERS

VIRTUAL BOARD MEETING

Thursday May 18, 2023 at 4:00 PM

Join Zoom Meeting: <https://us06web.zoom.us/j/89931144204?pwd=Vy90Rk9jMGMxRTJwbC9oWEY0QjVxdz09>

Meeting ID: 899 3114 4204; Passcode: 286089

MINUTES

Topic	DECISION(S) / ACTION(S) MADE	Responsible Party	Reporting Timeframe	Status
I.	Call to Order	Meeting Chaired by: Chairperson, Dr. N. Berg		Chair 1604 Called to Order
	<p>A. Roll Call: GBME <i>Present at HPLO Conference Room</i> <input checked="" type="checkbox"/> Nathaniel B. Berg, M.D., Chairperson <input checked="" type="checkbox"/> Joleen Aguon, M.D. <input checked="" type="checkbox"/> Annette David, M.D., Member <i>Present Virtually at Remote location:</i> <input checked="" type="checkbox"/> Phil Flores, Vice-Chairperson, Treasurer & Public Member <input checked="" type="checkbox"/> Luis G. Cruz, M.D., Member NOTE: Dr. Berg recognized Dr. Alfred, who is anticipated to be appointed to the GBME.</p> <p>B. Confirmation of Public Notice advertised in the Pacific Daily News:</p>	<p>OTHERS PRESENT: <i>Present at HPLO Conference Room:</i> Baltazar (Tre) Hattori III, HPLO Jasmine Almoguera, HPLO Dr. Alfred <i>Present Virtually at Remote location:</i> Breanna Sablan Joseph McDonald, Esq. Christine Park Taylor Toves, Guam Daily Post Frank Lujan CTO, OTECH Eddy Reyes, FLAME TREE Freedom Center</p>	Chair 1604	1604 Quorum Established
II.	Adoption of Agenda	<i>Motion to Adopt the Agenda: Dr. David; 2nd: Dr. Berg.</i>		GBME 1605 Unanimously Adopted
III.	Review and Approval of Minutes	Draft Minutes dated April 18, 2023 <i>Motion to approve: Dr. Berg</i>		GBME 1606 Unanimously Approved
IV.	Treasurer's Report	P. Flores stated that it appears there is insufficient funding to hire attorneys/investigators; therefore, he requested HPLO assistance to review the budget against requirements to determine if there is sufficient funding. If not, then the justification to support an increase will be needed to request an increase for FY 2024.		Mr. Flores 1607 HPLO to Assess Budget Requirements for FY 2024
V.	HPLO Administrator's Report	The Board noted HPLO's reminded all Board members to register and attend the Ethics in Government Training. B. Sablan-HPLO will assist Dr. Aguon and others to register for the classes which will be held on-line.		Z. Pecina 1608 Register for Ethics Training as required

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VI. Chairperson's Report	Dr. Berg encouraged all Board members to attend the FSMB conference at least once while serving on the GBME.	Dr. Berg	1611	No Report
VII. Old Business	A. Complaint(s):	GBME		
	1. GBME-CO-20-005 – Received: 09/18/2020. The Chair requested HPLO to set up a meeting with newly assigned Asst AG to address this issue.			In Progress. HPLO to set-up Meeting with OAG
	2. GBME-CO-2021-011 – Received: 11/17/2021.	Dr. David		Deferred to Agenda Item VIII.A.
	3. GBME-CO-2022-002 – Received: 01/06/2022.	Dr. Berg		In Progress
	4. GBME-CO-2022-003 – Received: 01/24/2022. The Chair stated that he spoke with the concerned physician, who indicated an interest to enroll in a Physician's Health Program (PHP). The Chair reported that the Federation of State Medical Boards (FSMB) is willing to assist Guam in establishing a PHP, which would be non-punitive and separate from GBME business provided there was no risk of patient harm or health service delivery concerns.	Dr. Cruz		In Progress
	5. GBME-CO-2022-006 – Received: 02/10/2022.	Dr. David		Deferred to Agenda Item VIII.A
	6. GBME-CO-2022-010 – Received: 06/21/2022. Dr. Aguon stated that she recently received the information and will defer a recommendation to the next meeting.	Dr. Aguon		In Progress
	7. GBME-CO-2023-002 The Board noted that the Chair will address this complaint with the assigned attorney.	Dr. Berg		In Progress
	B. Discussion of Telemedicine – Continued. The Board noted the Cease-and-Desist letter discussed at the March 2023 meeting is pending. In addition, the Chair requested HPLO to set-up a meeting with St. Luke's Hospital to address the concern; GBME members are encouraged to attend. The Board agreed that a protocol and standardized procedure be developed to mitigate future concerns, e.g., ensure involvement of primary care physician, authorized release of patient information and recommendations, transfer of information via electronic and facsimile means, working with local entities and insurance companies, etc.	GBME		Send Cease and Desist Letter; Arrange a meeting with St. Luke's Hospital
	C. Cybersecurity – Office of Technology Government of Guam. 1. OTECH initially was not present at the meeting; however, Frank Lujan, Chief Technology Officer	OTECH	1624	Noted OTECH's Assessment of

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	<p>eventually logged-in via ZOOM to address the Board, at the Chair and Vice-Chair's request due to the criticality of cybersecurity to protect patient and physician information from cyber threats.</p> <p>2. Frank Lujan CTO provided the following overview:</p> <ul style="list-style-type: none"> a. OTECH provides perimeter security for over 3500 end points including HPLO. b. Regular audits to ensure federal 1075 compliance to include protection of SSAN, IRS and HIPAA information. c. Conforms to federal requirements and updates patches on a regular basis. d. Firewall with fail-over capability. Authorized internet sites are primarily restricted to CONUS; however, if there is a justified business case that could allow access to international sites. e. Dynamic social engineering: OTECH regular on-line tests and does perimeter testing. Social engineering education could be provided to respective agencies. P. Flores suggested more could be done in social engineering to make users more alert and responsive to cyber threats. f. OTECH accomplishes daily and full system back-ups. However, Back-ups for workspace computers (local drives) are the responsibility of end-users. However, if data is transferred to share drives, it would be backed-up daily. OTECH would be willing to work with HPLO staff to train them in how to place data on the share drives. OTECH offered and agreed to work with Z. Pecina-HPLO in setting up training. g. OTECH provided an overview of its capability and limitations with respect to a Disaster Recovery Plan, which currently relies on internal processes in the event of a system failure, or a data center is lost. Although there is a secondary data center, 100% failover and connectivity would be problematic. OTECH is currently in the design phase with more work to be done. Standing up an IT Commission would be helpful in addressing this concern. P. Flores suggested a secondary data center off-island could be considered to recover data in the event of a catastrophe, and encouraged OTECH to all focus its efforts on solutions to recover data. h. With respect to the GMHA, the OTECH determined that there was no breach; instead, there was a breakdown internally by not following the appropriate protocols. <p>3. The Chair and Vice-Chair expressed their appreciation to OTECH for the cybersecurity overview, especially since GBME, HPLO and the other Boards are moving to a full on-line system and it pertinent that cybersecurity is robust to protect confidential information, as well as be HIPAA compliant.</p>			<p>Cybersecurity for GBME and HPLO</p> <p>HPLO to coordinate IT training with OTECH</p>
	<p>D. Application(s) for Full Licensure:</p> <p>1. Gregorio S. Martinez Jr. The Chair stated that he had met with FSMB and its legal team to address licensure applications for physicians who had not practiced in the USA for more than three (3) years. He stated that a Special Purpose Examination (SPEX) would be necessary which tests general medical knowledge and is recognized by the FSMB and the National Board of Medical Directors. He also stated that applicants could also decide to</p>	GBME	1629	Chair to obtain information from UCSD on Physician Re-entry

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	<p>participate in the Center for Personalized Education for Professionals (CPEP) or the Physician Assessment and Clinical Education (PACE) Program, both of which are offered at the University of California San Diego (UCSD) School of Medicine. <i>The Chair stated that he would request UCSD to send some details on its reentry programs, so that he could develop a formalized proposal to the GBME, as well as inform GMRC regarding their applicants.</i></p> <p>2. Patrick R. Carpo <i>Reference discussion in above Agenda Item VII. D. 1.</i></p> <p>3. Siting Chen. The Chair reported that the applicant resubmitted a legible application and provided official documentation to work in the USA. <i>Motion to approve: Dr. Berg; 2nd: Dr. David.</i></p> <p>4. Christine J. Park. The Chair reported that discrepancy identified was corrected by the Federal Credentials Verification Service (FCVS). <i>Motion to approve: Dr. Berg; 2nd: Dr. David.</i></p>			<p>Programs</p> <p>Unanimously Approved</p> <p>Unanimously Approved</p>
VIII. New Business	<p>A. Discussion and presentation of resolution for Administrative Adjudication Law Accusation in GBME-CO-2021-011 and GBME-CO-2022-006. NOTE: <i>Dr Berg recused self from this Agenda Item.</i> Dr. David reported that the investigation is completed and recommends that the Board agree to proceed with filing of the accusation and initiate the hearing process. Attorney McDonald confirmed that the Board's concurrence of the above recommendation would not interfere with the Attorney General's process; per case law, the two processes are mutually exclusive. He further stated that all is to allow the Board to proceed with the adjudication process and recommends the Board proceed as proposed by Dr. David. The Board noted that the Vice-Chair, Dr. David and Attorney McDonald will discuss with Attorney S. Miller to the next steps, to include whether the hearing will be done by the GBME or an appointed hearing officer. The Board noted that the resolution does not restrict the physician from practicing; however, restrictions are still imposed when treating female patients. <i>Motion to approve the resolution: P. Flores; 2nd; Dr. Cruz. (NOTE: Dr. Berg recused self from voting).</i> The Vice-Chair requested HPLO to distribute the resolution to the Board members for signature and requested that members send the signed resolution to HPLO for file.</p> <p>B. Application(s) for Full Licensure:</p> <p>1. Arthur E. Bagabag. The Board noted applicant has a clean National Practitioner Data Bank record.</p>	GBME	1700	<p>Unanimously Approved the Resolution</p> <p>Sign the Resolution</p> <p>Unanimously Approved</p>

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	<i>Motion to approve: Dr. Berg; 2nd: Dr. Aguon.</i>			
	<p>2. Thomas Park. The Board noted applicant has a clean National Practitioner Data Bank record. <i>Motion to approve: Dr. Berg; 2nd: Dr. Aguon.</i></p>			Unanimously Approved
	<p>3. Fraidoon Mostamand. The Board noted applicant has a clean National Practitioner Data Bank record. <i>Motion to approve: Dr. Berg; 2nd: Dr. Aguon.</i></p>			Unanimously Approved
	<p>4. Michelle S. Healey The Board noted applicant has a clean National Practitioner Data Bank record. <i>Motion to approve pending submission of proof to work in the USA: Dr. Berg; 2nd: Dr. Aguon.</i></p>			Unanimously Conditionally Approved
	<p>5. Paul A. Muna Aguon The Board noted applicant has a clean National Practitioner Data Bank record. <i>Motion to approve: Dr. Berg; 2nd: Dr. Aguon.</i></p>			Unanimously Approved
	<p>6. Rian M. Yalamanchili The Board noted that the applicant had been placed on academic probation; however, he was subsequently removed from probationary status. The Board noted applicant has a clean National Practitioner Data Bank record. <i>Motion to approve: Dr. Berg; 2nd: Dr. Aguon.</i></p>			Unanimously Approved
	<p>7. Dannette A. Saguan The Board noted applicant has a clean National Practitioner Data Bank record. <i>Motion to approve: Dr. Berg; 2nd: Dr. Aguon.</i></p>			Unanimously Approved
	C. Application(s) for Temporary Licensure.	GBME	1721	
	<p>1. Daniel Cheong The Board noted applicant has a clean National Practitioner Data Bank record. <i>Motion to approve: Dr. Berg.</i></p>			Unanimously Approved
	<p>2. Gerald K. Lee In the event the applicant applies for permanent licensure, then the applicant must provide clarification regarding the three-year fellowship, which will be completed in June 2023. <i>Motion to approve: Dr David. NOTE: Dr. Berg abstained.</i></p>			Unanimously Approved
	<p>D. Interstate Medical Licensure Compact Commission (IMLCC): Administrative and Chair to review. Dr. Berg reported following applicants were approved under the IMLCC process.</p> <p>1. Marcus W. Lee 2. Hetal K. Brahmhatt 3. Narendra Kini 4. Meghna Krishnan</p>	GBME	1722	Noted

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	<p><i>NOTE: The Chair introduced the agenda items below based on his attendance at the FSMB conference. He requested that the GBME consider the implementation of these initiatives for future discussion/decision by the Board.</i></p>	GBME	1725	Topics for future GBME discussion/decision
	<p>E. International Association of Medical Regulatory Authorities The Chair invited the GBME to consider participation in this association, which helps provide worldwide uniformity of communications, regulatory concepts, uniformed way of processing data worldwide, etc. He stated that State Medical Boards are encouraged to participate. The cost is \$300.00/month. He stated that this may help the Board access equivalent-NPDB organizations for those applicants who worked in foreign countries.</p>			Noted
	<p>F. Formation of an Impaired Provider Program. The Chair stated that he received a PHP Program presentation from the Vice-Chair of the TN Medical Board, who offered to help Guam establish a program and provide guidance on rules and regulations. He stated that the approach presented was non-punitive for physicians seeking mental health care, separating regulatory requirements from the treatment processes. He stated that Guam is the only FSMB member that does not have a PHP program in place. Therefore, he suggested that meetings could be set-up with other HPLO Boards. Dr. David suggested working with GBHWC to help develop local capacity. In addition, she stated that GBHWC funding could be available to help develop and implement a program in Guam. The Chair stated that he would follow-up on the TN's Vice-Chair offer to assist in the PHP program for Guam</p>			Dr. Berg to Follow-up on PHP Program (include GBHWC)
	<p>G. Requiring FCVS for all applicants. The Chair stated that the FCVS process appears to be efficient since there have been no complaints; however, the FSMB is requesting suggestions to help improve the process as the FCVS process may be cumbersome.</p>			Noted
	<p>H. Participating in the Accreditation Council of Continuing Medical Education (ACCME) service for CME. The Chair stated that an ACCME handout was provided to the GBME members. He provided an overview of the advantages of participating in this service since all CMEs would be reported to them for every topic.</p>			Noted
	<p>I. Re-entry requirements for all physicians who have a prolonged absence of U.S. practice. NOTE: Addressed in a previous agenda time.</p>			Noted
	<p>J. Mandatory Opioid CME Reference Agenda Item VIII.K. below</p>			Noted
	<p>K. Controlled Substance Registration (CSR) issues The Chair stated that the Drug Enforcement Agency (not the DPHSS CSR) essentially issues authority to providers for controlled substances; therefore, he suggested that the revenue from fees could be reallocated for other important purposes, e.g., education, notification of renewal requirements, etc.. He stated that any changes would require a legislative change to the existing mandate. He stated that a state board medical license would not be renewed if providers/prescribers did not take the necessary training. The FSMB recommends that training be provided for all healthcare organizations, starting with government entities, e.g., DPHSS, GMHA. He stated</p>			Noted

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	that DEA provides free training that providers/prescribers could access.			
	L. Uniform Application The Chair stated this initiative would allow the Board to access/send links and enable the addition of questions to the application.			Noted
	M. Full Digital Service from the Guam Board of Medical Examiners The Chair stated that the aim is for the GBME to be 100% digital when processing/reviewing applications, i.e., via access to the HPLO portal.			Noted
	N. Duty to report The Chair stated that this item would help address situations where incidents are not reportable or not yet reported to the NPDB, e.g., physicians moving prior to a disposition or situation does not meet NPDB criteria; applicants would have a duty to report such incidents/allegations as part of the application process.			Noted
	O. Mental Health questions for credentialing NOTE: Reference discussions on PHP in Agenda Item VII.A.4. and VIII.F, above.			Noted
	P. Temporary License Application approval process The Chair suggested that the approval process for temporary licenses could be delegated to a GBME member (physician) and an administrative person in lieu of being approved by the GBME.			Noted
IX.	Announcement Next regularly scheduled board meeting: Wednesday, June 14, 2023 at 4:00 pm. Motion to change the date to 8 June 2023, 4pm: Dr. Berg; 2 nd : Dr. David.	GBME	1801	Next Meeting 6/8/2023
X.	Adjournment Motion to Adjourn: Dr. Berg; 2 nd : Dr. David.	GBME	1804	Adjourned

Minutes Drafted by: FLAME TREE Freedom Center, Inc.

Date Submitted:

Submitted by the GBME Secretary:

Date:

Approved by the GBME with or without changes:

Date:

July 5, 2023

Certified by or Attested by the Chairperson:

Date:

July 5, 2023