

# ☐ GUAM BOARD OF MEDICAL EXAMINERS

## VIRTUAL BOARD MEETING

Wednesday, February 08, 2023 at 4:00 PM

Join Zoom Meeting: <https://us06web.zoom.us/j/88526282317?pwd=b1FVMmoxTk1DM0pkMVRCNDZ6M3V0UT09>

Meeting ID: 885 2628 2317; Passcode: 679841

### MINUTES

Topic	DECISION(S) / ACTION(S) MADE	Responsible Party	Reporting Timeframe	Status
I.	Call to Order	Meeting Chaired by: Dr. N. Berg		Chair 1600 Called to Order
	<p><b>A. Roll Call: GBME</b>  <i>Present at HPLO Conference Room</i>                      Nathaniel B. Berg, M.D., Chairperson                      Joleen Aguon, M.D.  <i>Present Virtually at Remote location:</i>                      Phil Flores, Vice-Chairperson, Treasurer &amp; Public Member                      Annette David, M.D., Member                      Arania Adolphson, M.D., Secretary                      Luis G. Cruz, M.D., Member</p>	<p><b>OTHERS PRESENT:</b>  <i>Present at HPLO Conference Room:</i>                      Rob Weinberg, Assistant Attorney General                      Baltazar (Tre) Hattori III (HPLO)  <i>Present Virtually at Remote location</i>                      Zennia Pecina, HPLO Administrator                      Joseph McDonald, Esq.                      J.C. Arriola, Jr. Esq.                      William Brennan, Esq.                      Shania Nitara, Office of Attorney Vanessa Williams                      Eddy Reyes, FLAME TREE Freedom Center</p>	Chair 1602	Quorum Established
	<b>B. Confirmation of Public Notice</b> advertised in the Pacific Daily News: 2/1/2023 and 2/6/2023	Chair	1606	Confirmed
II.	Adoption of Agenda			GBME 1606 Adopted
III.	Review and Approval of Minutes	Reviewed draft Minutes, dated December 14, 2022.  P. Flores requested that the farewell remarks for Dr. Bordallo's departure from the GBME be expanded.		GBME 1606 Unanimously Approved
IV.	Treasurer's Report			Mr. Flores 1607 No Report
V.	HPLO Administrator's Report	Z. Pecina stated that she is back from her temporary detail and is now full-time in the position of the HPLO Administrator. In addition, she stated that she will be working on the Standard Operating Procedures, as well as providing a schedule for Board Orientation and Ethics in Government training.		HPLO Administrator 1608 Noted

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VI.	Chairperson's Report	<p><b>A. Emergency Issued Licenses.</b> The GBME noted that the following applications were and issued since the last GBME meeting:</p> <ol style="list-style-type: none"> <li><b>1. Elizabeth Tan-Chiu – GRMC.</b></li> <li><b>2. Pingali Chandra Mohan – GMHA.</b></li> </ol> <p>The Chair stated that he will be meeting with the Governor to consider administrative procedures to better facilitate the review of applications and the issuance of licenses in the timeframe between Board meetings. He stated that he will <u>may propose a new agenda item in a future meeting for the Board's consideration.</u></p>	Chair & HPLO Administrator	1609	Temporary Emergency Licenses Issued
VII.	Old Business	<p><b>A. Complaint(s):</b></p> <ol style="list-style-type: none"> <li><b>1. GBME-CO-20-005 – Received: 09/18/2020.</b> Dr. Adolphson reported that she met with Attorney Visosky, who is in the process of collecting additional information.</li> <li><b>2. GBME-CO-2021-011 – Received: 11/17/2021.</b> NOTE: Dr. Berg recused himself from this agenda item. Dr. David reported that, since the GBME approved the resolution during its last meeting, she yet to receive a response from the concerned physician regarding the request to submit to an interview. Attorney Arriola, who represents the physician, stated a response was provided to the GBME and Attorney McDonald, which was confirmed by Attorney McDonald. Attorney McDonald reported that he would provide the Board with a recommendation for consideration at the next meeting. Asst AG Weinberg stated that if agreement could not be achieved, then the Board could eventually consider a Hearing Officer to hear the case. Attorney McDonald stated that he provided the response letter to Dr David; however, at this point in time it would be premature to place it in the record since there are no conclusions or accusations.</li> <li><b>3. GBME-CO-2022-002 – Received: 01/06/2022.</b> The Chair reported that, although GMHA concluded its investigation, the case is being appealed. Depending on the outcome, the GBME may have to pursue its own investigation. He stated that he would discuss the case further with Dr. Aguon, pending the outcome of GMHA final disposition.</li> <li><b>4. GBME-CO-2022-003 – Received: 01/24/2022.</b> Dr. Cruz reported that the plea agreement that was under consideration has since been rescinded by the newly elected Attorney General. However, he stated that he received a report from the treatment specialist that the physician was doing well in his program with a "good" prognosis. In addition, Dr. Cruz reported that he also was in communication with the physician, who also had reported that he was making good progress. Upon the request of the Chair, Dr. Cruz stated that he would forward the aforementioned communication</li> </ol>	GBME	1610	<p>In Progress</p> <p>In Progress</p> <p>In Progress</p> <p>In Progress</p>

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	to HPLO and the Board to memorialize his discussions.			
	<p>5. <b>GBME-CO-2022-006 – Received: 02/10/2022.</b>            NOTE: Dr. Berg recused himself from this agenda item. <i>See discussion above under Agenda Item VII.A.2, above.</i></p>	Dr. David		In Progress
	<p>6. <b>GBME-CO-2022-010 – Received: 06/21/2022.</b>            Dr. Berg stated that he reviewed this case and determined that it did not need to be immediately addressed by the Board. He stated that, since this case was initially signed to Dr. Bordallo, the case may be assigned to Dr. Aguon, provided there is no conflict of interest.</p>			Under Review Case to be assigned
VIII. New Business	<p><b>A. Complaint(s):</b></p> <p>1. <b>GBME-CO-2022-015:</b>            The Chair reported that the complainant has alleged that an autopsy should have been performed on her sibling to determine if the appropriate diagnosis had been determined. However, he stated that the Board does not investigate causes of death. Furthermore, he stated that the complainant is not the next of kin. Other Board members (P. Flores, Dr. Adolphson and Dr. David) also questioned her authority, not being next of kin. Dr. Aguon stated that she would obtain clarification from the Medical Examiner on who (e.g., Government, next of kin, etc) could legally submit a request for an autopsy and provide forward the information to the Board members.            P. Flores also stated that, if there is no glaring evidence of wrongdoing, GBME would not have jurisdiction. The Chair suggested that he would offer to discuss the matter with the complainant, followed with the Board's disposition in writing, citing the policy as suggested by Dr. Adolphson.            Z. Pecina stated that the complainant had also lodged complaints against other departments, but did not have a power of attorney; Asst AG Weinberg stated the a POA ends at the death of an individual.            The Chair stated that he would inform the Board of his discussion with the complainant.</p> <p>2. <b>GBME-CO-2022-016:</b>            The Chair reported that the physician engaged in the care of patient, who subsequently sought care elsewhere. When the complainant wanted to re-engage, the physician declined to see the patient. The Chair stated that he will speak with both parties with the aim of amicably resolving the matter.</p> <p><b>B. Application(s) for Full Licensure:</b></p> <p>1. <b>Christopher H. Frederick.</b>            Dr. Berg reported the applicant has a clean record and recommended approval.  <i>Motion to approve: Dr. Berg.</i></p> <p>2. <b>Michael J. Golden.</b>            P. Flores reported the applicant has a clean record and recommended approval.  <i>Motion to approve: Dr. Berg</i></p>	GBME	1628	<p>Chair to attempt contact with and write a letter to the Complainant</p> <p>Chair to speak to both parties</p> <p>Unanimously Approved</p> <p>Unanimously Approved</p>

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	<p><b>3. Samer S. Shuaib.</b> Dr. Berg reported the applicant has a clean record and recommended approval. <i>Motion to approve: Dr. Berg.</i> NOTE: The Chair stated that the applicant held a Chief Residency position in a non-accredited, non-patient care, administration educational position. The Chair stated that these positions do not count as an extra year of education. In any case, the applicant met all the requirements. Dr. David stated that residency programs maybe peculiar to the respective institution and may need to be reviewed on a case-by-case basis.</p>			Unanimously Approved
	<p><b>4. Badreldin M. Bedri.</b> Dr. Berg reported that, although the application is incomplete (e.g., CMEs unsigned), the applicant has a clean record and meets all requirements to approve. <i>Motion to conditionally approve pending submission of a completed application: Dr. Berg</i></p>			Unanimously Conditionally Approved
	<p><b>5. Pouya Javadian.</b> Dr. Berg reported the applicant has a clean record and meets all requirements to approve; Federation Credential Verification Service (FCVS) noted an 18-day gap for leave during the residency was explained. <i>Motion to approve: Dr. Berg.</i></p>			Unanimously Approved
	<p><b>6. Klairrece M. Fitch.</b> Dr. Berg reported the applicant has a clean record; FCVS reported non-pertinent health issues. <i>Motion to approve: Dr. Berg.</i></p>			Unanimously Approved
	<b>C. Application(s) for Reinstatement.</b>		1700	
	<p><b>1. Gisella Sandy</b> <i>Motion to approve: Dr. Berg:</i></p>			Unanimously Approved
	<p><b>2. Ubaldo Salazar-Alamillo</b> <i>Motion to approve: Dr. Berg</i></p>			Unanimously Approved
	<p><b>3. Elizabeth Tan-Chiu</b> <i>Motion to approve: Dr. Berg</i></p>			Unanimously Approved
	<b>D. Application(s) for Limited Licensure:</b>		1703	
	<p><b>1. Angeli Liana N. Apolis</b> <i>Motion to approve: Dr. Berg</i></p>			Unanimously Approved
	<p><b>2. Heather R. Ferguson</b> <i>Motion to approve: Dr. Berg</i></p>			Unanimously Approved
	<p><b>3. Kirstin Maree A. Raguindin</b> <i>Motion to approve: Dr. Berg</i></p>			Unanimously Approved
	<p><b>4. Melinda D. Chance.</b> Dr. Berg reported that the applicant completed her residency with Pediatric Adventist Health for Children, with the University of MI; however, completed her residency program with American University, Antigua.</p>			Unanimously Approved Dr. Aguon to

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	<p>Dr. Aguon stated that she would look into the Accreditation Council for Graduate Medical Education (ACGME) requirements as it pertains to international schools and limited licensure. <i>Motion to approve: Dr. Berg</i></p>			research into ACGME requirements
	<p><b>E. Application(s) for Temporary Licensure. NOTE: The Chair stated that this applicant is for Limited Licensure under the previous agenda item (i.e., not temporary licensure).</b>  <b>1. Katherine E. Strandberg</b>  <i>Motion to approve. Berg</i></p>			Unanimously Approved
	<p><b>F. Interstate Medical Licensure Compact Commission (IMLCC):</b>  <b>1. Raymond A. Long</b>  <b>2. Amir A. Emami</b>  <b>3. Jules Pean</b>  <b>4. Zahoorul Hassan</b>  <b>5. Moneeb Ehtesham</b>  <b>6. Javier Ruiz-Nazario</b>  <b>7. Santosh N. Shah</b>  <i>Motion to approve: Dr. Berg.</i>            NOTE: The Chair stated that the IMLCC applications could be handled more expeditiously when submitted in between the GBME Meetings by allowing some flexibility in issuing licenses prior to the GBME meetings.</p>		1706	Unanimously Approved
	<p><b>G. Collaborative Practice Agreement:</b>            The Chair reported that applicants are in good standing. Asst AG Weinberg reported that licensure of podiatrists and physician assistants are currently under GBAHE's responsibility; however, GBAHE will be introducing proposals to transfer this responsibility to the GBME.  <i>Motion to approve: Dr. Berg</i>  <b>1. Allison Haderer</b>  <b>2. Tonye M. Masse</b></p>		1708	
	<p><b>H. Discussion of Telemedicine.</b>            Dr. Adolphson expressed concern that medical consultations are being arranged with physicians, who are not licensed to practice in Guam. She specifically cited an example where her patient, requested she order labs and medication based on a virtual consultation from a practitioner in the Philippines which was arranged by the Medical City Referral Office, and she was not present as her primary physician.            The GBME unanimously agreed that the aforementioned practice is wrong and supported the recommendation to duly inform physicians, healthcare institutions/providers and insurance companies that is against the Medical Practice Act and a violation of Guam Law to provide medical advice if you are not licensed in Guam and the primary physician for that patient is NOT present. Asst Ag Weinberg cited Guam law and stated that it is illegal to practice medicine without a Guam license.</p>		1709	

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	<p><i>Motion to approve a GBME and OAG coordinated letter be sent to the concerned hospital in the Philippines, physicians and stakeholders citing Guam Law regarding medical consultation: Dr. Berg; 2<sup>nd</sup>: Dr. Adolphson.</i></p> <p>In addition to the situation provided by Dr. Adolphson, the GBME had a more general discussion on telemedicine. Dr. Aguon stated that it was her understanding that telemedicine was prohibited from international locations, e.g., a physician while in Japan could not provide telemedicine to patient in Guam; therefore, she suggested reviewing how telemedicine is applied using different scenarios.</p> <p>Dr. David displayed a document from the FSMB that provides an overview of how telemedicine is being applied in states and jurisdictions, which could be used as a basis for the GBME's discussions. Dr. David stated that there is a need to establish a telemedicine policy. Asst AG Weinberg cautioned against FSMB's interpretation of Guam law on telemedicine, and also stated that the statute and the Attorney General's legal opinion would prevail over any policy that is established.</p> <p>The Chair agreed that the subject of telemedicine requires further discussion taking into consideration Guam Law, the Attorney General's legal opinion and the need to incorporate telemedicine guidelines in the Rules and Regulations.</p>			
IX.	<p><b>Announcement</b></p> <p><b>Next regularly scheduled board meeting:</b> Wednesday, March 08, 2023 at 4:00 pm virtually via ZOOM.</p> <ul style="list-style-type: none"> <li>In reference to Dr. Aguon's suggestion to starting the monthly meetings earlier than 4pm, putting a time limit on the meeting, or reconvene if the meeting should run too long, most Board members agreed to maintain the 4pm start-time and one meeting per month.</li> </ul> <p><b>Future Agenda Items:</b></p> <ul style="list-style-type: none"> <li>The Chair suggested that the Board in a future meeting consider alternative approaches in the application review and approval process to expedite the issuance of licenses, especially between Board meetings. For instance, utilizing the HPLO Administrator and Staff to help conduct administrative reviews. P. Flores also suggested HPLO sending electronic encrypted files to access and review applications files remotely. The Chair agreed to work with the HPLO on a procedure to review applications using a secure server.</li> <li>Dr. Adolphson suggested having GMRC and GHMA consider having applicants apply via the IMLCC process since some applicants may already be licensed in participating IMLCC states/jurisdictions. Z. Pecina supported this suggestion since emergency temporary licenses can no longer be issued. She stated that GBNE has delegated the review and approval to the HPLO Administrator until the Board meets, except for those applicants who have disciplinary actions in their file.</li> <li>The Chair stated that he would have discussions with the Governor on a more efficient process to approve licenses in between Board meetings. He also supported the suggestion of applying for licensure via the IMLCC process. He stated that this subject will be added to a future meeting agenda.</li> <li>In a discussion under a previous agenda item, the Chair also stated that the Federation Credentials Verification System (FCVS) makes it easier when reviewing applications (except for when applications</li> </ul>	GBME	1732	Set Meeting Date  Consider for Future Agenda Items

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		must be expedited); therefore, he suggested addressing the FCVS approach in a future meeting.			
X.	Adjournment	<i>Motion to Adjourn: Berg</i>	GBME	1746	Adjourned

Minutes Drafted by: FLAME TREE Freedom Center, Inc.

Date Submitted: 2/10/2023

Submitted by the GBME Secretary:

Date:

Approved by the GBME with or without changes:

Date:

*3/15/2023*

Certified by or Attested by the Chairperson:

Date:

*3/15/2023*

