

# GUAM BOARD OF MEDICAL EXAMINERS

Wednesday, January 10, 2024 at 4:00 pm (Reconvened January 24, 2024)

Join Zoom Meeting: <https://us06web.zoom.us/j/82535201813?pwd=rbpm47hAhibWBI154FK0uWCzMBB69S.1>

Meeting ID: 825 3520 1813 Passcode: 848919

## MINUTES

Topic	DECISION(S) / ACTION(S) MADE	Responsible Party	Reporting Timeframe	Status	
I.	Call to Order	Meeting Chaired by: Dr. Berg	Chair	1606	Called to Order
	<p><b>A. Roll Call: GBME</b>  <i>Present at HPLO Conference Room</i>  <input checked="" type="checkbox"/> Nathaniel B. Berg, M.D., Chairperson  <input checked="" type="checkbox"/> Annette David, M.D., Member</p> <p><i>Present Virtually at Remote location:</i>  <input checked="" type="checkbox"/> Phil Flores, Vice-Chairperson, Treasurer &amp; Public Member  <input checked="" type="checkbox"/> Luis G. Cruz, M.D.  <input checked="" type="checkbox"/> Alexander "Beau" Wielaard, Member</p> <p><i>Absent:</i> Joleen Aguon, M.D., Member                      Note: Dr. Alford present as nominee to the GBME; not yet confirmed.</p>	<p><b>OTHERS PRESENT:</b>  <i>Present at HPLO Conference Room:</i>                      Baltazar (Tre) Hattori III, HPLO                      Arthur Root Jr., Public                      Jackie Root, Public</p> <p><i>Present Virtually at Remote location:</i>                      Zennia Pecina, HPLO                      Breanna Sablan, HPLO                      Nathan Tennyson, Legal Counsel, OAG                      Tom Keeler, OAG</p>	Chair	1608	Quorum Established
	<b>B. Election of Board Officers</b> Postponed until all Board vacancies are filled.		Chair	1608	Postponed
	<b>C. Confirmation of Public Notice</b>		Chair	1610	Confirmed
II.	Adoption of Agenda	<i>Motion to Adopt the Agenda: Dr. David, 2<sup>nd</sup>: Dr. Berg</i>	GBME	1611	Adopted
III.	Review and Approval of Minutes	<b>Draft Minutes</b> dated November 08 & 15, 2023 & December 13, 2023 <i>Motion to Approve: P. Flores, 2<sup>nd</sup>: Dr. Berg</i>	GBME	1612	Unanimously Approved
IV.	Treasurer's Report	No Report	Mr. Flores	1612	No Report

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V.	HPLO Administrator's Report	Z. Pecina reported Dr. Wielaard has been officially approved by the Legislature and is now considered a voting member. Dr. Berg and P. Flores are still able to serve in the February meeting. Dr. Alford's papers are now at the Legislature. Z. Pecina will be following up. Additionally, Dr. Wielaard will need to attend the Ethics training. Board orientation in the planning stages. Lastly, we need to register for the FSMB annual conference, the GBME is allotted four attendees.	Z. Pecina	1615	No Report
VI.	Chairperson's Report	Dr. Berg reported: <ul style="list-style-type: none"> <li>• Welcomed our new board attorney, Nathan Tennyson to the GBME.</li> <li>• Responsibilities as a Board member and separating your role as a physician in the community and as a member of the medical board.</li> <li>• The role the FSMB plays in medical regulation and how the GBME has developed a close relationship with them over the years.</li> <li>• A complaint was given to the GBME, however, it has been forwarded to the Board of Cosmetology for investigation. The complaint was made a licensed establishment which is licensed by the Board of Cosmetology.</li> </ul>	Dr. Berg	1623	Noted
VII.	Old Business	<b>A. Complaint(s):</b>	GBME	1635	
		1. <b>GBME-CO-20-005 – Received: 09/18/2020.</b> The Chair reported, the complaint will be forwarded to the newly assigned legal counsel, N. Tennyson. Z. Pecina reported previous legal counsel K. Finney will be meeting with N. Tennyson to transition.	Dr. Cruz		In Progress
		2. <b>GBME-CO-2022-002 – Received: 01/06/2022.</b> No update. NOTE: The physician is currently not practicing in Guam.	Dr. Berg		In Progress
		3. <b>GBME-CO-2022-003 – Received: 01/24/2022.</b> The Chair reported, the individual has completed the mandated course of action and has been reassessed by their current employer. The Chair noted, employment under supervision of an unrestricted licensed physician is allowed, the case will be reviewed upon receipt of a written report of his performance and treatment progress in hopes to resolve the case. The Chair to forward current documents received to Z. Pecina. <i>Motion: Dr. Berg, 2<sup>nd</sup>: Dr. David</i>	Dr. Berg		In Progress
		4. <b>GBME-CO-2022-010 – Received: 06/21/2022.</b> Case reassigned to A. David.	Dr. Aguon		In Progress
		5. <b>GBME-CO-2023-004 – Received: 07/31/2023</b> The Chair will be meeting with the doctor and complainant in this case.	N. Berg		In Progress
		<b>B. Accusation: GBME-001-2023</b> Dr. David reported the hearing officer has requested for both attorneys to provide dates for when we can hear arguments. Attorney McDonald, representing the GBME has reached out to Attorney Arriola, representing the licensee, for dates for the hearing to proceed. Attorney Arriola has yet to respond as of today (1/24/2024).	A. David	1646	In Progress

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	<p><b>C. Arthur Root Jr. – Certified Laser Specialist, Non-Ablative Laser Tattoo Removal</b>  A. David reported her findings from the FSMB database of the legislation per state on the use of lasers in delegation of medical functions. Most of the states on the database consider the use of tattoo removal lasers as a medical procedure and in a number of them, they require the use of these devices be done by a healthcare professional or under direct supervision of a physician. Additionally, A. David reached out to the FDA, as the FDA regulates laser devices for the removal of tattoos and noted, the lasers are cleared for use by or under the supervision of a healthcare professional. Lastly, A. David consulted with Dr. Steven Yang, a board certified dermatologist practicing in Guam and is considered an expert in the use of a variety of lasers for cosmetic procedures. Dr. Yang noted, the type of laser in questions is not a Class 2 laser, as the letter from the manufacturer indicated, but rather is a Class 4 laser and is considered a medical device. Dr. Yang also indicated that these lasers have the potential to cause blindness, permanent eye damage, and significant skin damage, including burns, if not used appropriately. Mr. Root highlighted, that doctors and nurses took the same training course as himself when getting certified to use the laser. Mr. Root will be providing documents they received from the FDA regarding the type of class this laser falls under. The Board to look into why Texas and Michigan allow non-medical professionals to use laser removal devices. A. Wieelard questioned if the FDA should be notified that the manufacturer is advertising their laser as Class 2, which is not accurate. The manufacturer may be following the 510K process which is not considered full FDA approval.</p>	GBME	1648	Discussion On-Going
	<p><b>D. Samer Shuaib, M.D. - Letter to the Board</b>  The Chair has assigned Dr. Cruz to work on this case together to determine if this falls under Board jurisdiction.</p>	GBME	1714	Discussion On-Going
VIII. New Business	<p><b>A. Application for Full Licensure:</b></p> <ol style="list-style-type: none"> <li data-bbox="317 922 1633 1019">1. <b>Andrea J. Nelsen</b>  Dr. Berg reported that the applicant has a clean NPDB and FCVS record.  <i>Motion to Approve: Dr. Berg; 2<sup>nd</sup>: Dr. David</i></li> <li data-bbox="317 1019 1633 1117">2. <b>Shannon L. St. Clair</b>  Dr. David reported that the applicant was issued a temporary license. She has a clean NPDB record.  <i>Motion to Approve: Dr. Berg; 2<sup>nd</sup>: Dr. David</i></li> <li data-bbox="317 1117 1633 1214">3. <b>Karen G. Phillips</b>  Dr. David reported that the applicant had two reports of liability settlements, both dismissed with prejudice.  <i>Motion to Approve: Dr. Berg; 2<sup>nd</sup>: Dr. David</i></li> <li data-bbox="317 1214 1633 1344">4. <b>Steven T. McCormack</b>  Dr. David reported that the applicant was issued a temporary license and no adverse action noted on FSMB record.  <i>Motion to Approve: Dr. Berg; 2<sup>nd</sup>: Dr. David</i></li> <li data-bbox="317 1344 1633 1369">5. <b>Rene J. Sotelo</b></li> </ol>	GBME	1717	<p>Unanimously Approved</p> <p>Unanimously Approved</p> <p>Unanimously Approved</p> <p>Unanimously Approved</p> <p>Tabled</p>

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	Tabled, pending proof of 3 years of post-graduate training in the U.S.			
	<b>6. Stanley R. Smith</b> Dr. David reported that the applicant was issued a temporary license and has a clean NPDB and FSMB record. <i>Motion to Approve: Dr. Berg; 2<sup>nd</sup>: Dr. David</i>			Unanimously Approved
	<b>7. Traci D. Ryan</b> Dr. Berg reported that the applicant has a clean NPDB and FCVS record. <i>Motion to Approve: Dr. Berg; 2<sup>nd</sup>: Dr. David</i>			Unanimously Approved
	<b>8. Sanders Oh</b> Dr. Berg reported that the applicant has a clean NPDB and FCVS record. <i>Motion to Approve: Dr. Berg; 2<sup>nd</sup>: Dr. David</i>			Unanimously Approved
	<b>9. John D. Gherman</b> Dr. Berg reported that the applicant has previously applied about a year ago. At the time, was undergoing an impaired physician program in Michigan. He has since completed the program and his full license in Michigan has been restored. <i>Motion to Approve: Dr. Berg; 2<sup>nd</sup>: Dr. David</i>			Unanimously Approved
	<b>B. Application(s): For Limited Licensure</b>		1734	
	<b>1. Charles B. Croughan</b> <i>Motion to approve: Dr. Berg; 2<sup>nd</sup>: Dr. Wielard</i>			Unanimously Approved
	<b>C. Application(s): for Reinstatement of Licensure:</b>		1736	
	<b>1. Michael C. Dam</b> Tabled, pending an amended interview questionnaire. As the information provided does not align with the answer submitted on the interview questionnaire.			Tabled
	<b>D. Full Licensure Renewals 2023 – (see attached listing)</b> The Chair stated that the GBME had decided to conduct a random audit review of 10% of the renewal applications.		1740	Approved
<b>IX.</b>	<b>Announcement</b> Next regularly scheduled board meeting: Wednesday, February 14, 2024 at 3:00 pm.	GBME	1745	Next Meeting
<b>X.</b>	<b>Adjournment</b> <i>Motion to Adjourn: Dr. Berg; 2<sup>nd</sup> Dr. David</i>	GBME	1746	Adjourned

Minutes Drafted by: HPLO Staff

Date Submitted: 2/6/2024

Submitted by the GBME Secretary:

Date:

Approved by the GBME with or without changes: 

Date: 3/13/2024

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Certified by or Attested by the Chairperson: 

Date: 3/13/2024

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