

# GUAM BOARD OF MEDICAL EXAMINERS

Wednesday, March 13, 2024 at 4:00 PM

Join Zoom Meeting: <https://us06web.zoom.us/j/89704427483?pwd=dXNlR5UECUoa7VEwjI4RsBM2amOaHZD.1>

Meeting ID: 897 0442 7483; Passcode: 517093

## MINUTES

Topic	DECISION(S) / ACTION(S) MADE	Responsible Party	Time	Status	
I.	Call to Order	Meeting Chaired by: Dr. Berg	Chair	1600	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  <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"/> Vincent Duenas, M.D.  <input checked="" type="checkbox"/> Alexander D Wielaard, M.D.  <input type="checkbox"/> Joleen Aguon, M.D.</p>	<p><b>OTHERS PRESENT:</b>  <i>Present at HPLO Conference Room:</i>                      Baltazar (Tre) Hattori III, HPLO   <i>Present Virtually at Remote location:</i>                      Breanna Sablan, HPLO</p>	Chair		Quorum Established
	<p><b>B. Election of Board Officers</b>                      The Chair stated that the Election will be postponed at the request of the Z. Pecina, GBME Executive Officer until all Board vacancies are filled.                      Dr. Berg stated that the Office of the Governor (OOG) confirmed the continuation of current GBME members until other appointments to the Board are made due to the importance of public health. Dr. Berg stated that he would meet with Z. Pecina-HPLO next week to discuss resolution of the status of the Board membership. Mr. Flores requested a legal opinion on this matter to avoid any potential invalidation/criticism of the GBME's decisions since the terms of Chair and Vice-Chair have expired. Mr. Flores stated that he would continue to serve in the current capacity provided it is legally confirmed if Dr. Berg continues as the Chairperson. The Chair stated that, for the time being and the good of the public, the GBME will continue to function based on the current guidance from the OOG.</p>	Chair		Postponed	Obtain a Legal Opinion on the Status of Membership

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	<b>C. Confirmation of Public Notice</b>	Chair	Confirmed
II.	<b>Adoption of Agenda</b> <i>Motion to Adopt the Agenda: Dr. Berg.</i>	GBME	Adopted
III.	<b>Review and Approval of Minutes</b> <b>Draft Minutes dated January 10 &amp; 24, 2024.</b> The Chair noted that spelling of Dr. Wielaard's name will be corrected. In addition, the Chair complaint regarding Dr. Shuaib was assigned to Dr. Cruz, as confirmed by Dr. Wielaard. <i>Motion to Approve, as amended: Dr. Berg; 2<sup>nd</sup>: Mr. Flores</i>	GBME	Unanimously Approved, as amended
IV.	<b>Treasurer's Report</b> No Report,	Mr. Flores	No Report
V.	<b>HPLO Administrator's Report</b> No Report	HPLO	No Report
VI.	<b>Chairperson's Report</b> Dr. Berg stated: <ul style="list-style-type: none"> <li>● Asst AG Tennison is no longer assigned OAG attorney for the GBME. Asst AG Tiffany Browning is the newly assigned attorney to the GBME and GBNE. The Chair noted that he would seek clarification from Atty Browning regarding a legal opinion on the status of the GBME membership discussed under Agenda Item I.</li> <li>● Although HPLO is able to store records electronically, the electronic application process is still pending. Furthermore, a grant has been submitted to the FSMB to help fund the electronic process, to include receiving technical assistance from another jurisdiction that has experience in this project.</li> <li>● The HPLO website vendor (GuamWebZ) is in the process of determining what is needed for the FSMB to review charts remotely.</li> <li>● In the interim, manual record review is on-going; therefore, he along with Dr. David will continue to review the charts but encouraged other members to assist in the review process..</li> </ul>	Dr. Berg	Noted
VII.	<b>Old Business</b>		
	<b>A. Complaint(s):</b>	GBME	
	1. <b>GBME-CO-20-005 – Received: 09/18/2020.</b> Dr. Cruz stated that progress is on-hold due to the attorney situation.	Dr. Cruz	In Progress
2. <b>GBME-CO-2022-002 – Received: 01/06/2022.</b> Dr. Berg provided an overview on the history of this case and reported that the physician is making positive progress and has been compliant with his substance abuse treatment, which has been confirmed by his current employer so there are no concerns at this time. Dr. David stated that the physician has complied with the GBME course of action and there are sufficient safeguards in-place by the employer to take action in the event there is any recidivism; therefore, the GBME could decide to close the case. With respect to the legal	Dr. Berg	Unanimously Closed	

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		<p>case, the Chair reported that the case has been adjudicated with no contest, and the OAG has been satisfied with GBME plan of action. The Chair stated that, in FSMB's view, the GBME does not have to await the outcome of a legal case, but could decide on the facts of the situation. Dr. David stated that the FSMB supports the rehabilitation efforts of impaired physicians with an aim for physicians to on a positive path of medical practice. When polled, all GBME members agreed to close the case based on valued medical knowledge.  <i>Motion to close: Dr. Berg; 2<sup>nd</sup>: Dr. Cruz.</i></p>			
		<p><b>3. GBME-CO-2022-003 – Received: 01/24/2022.</b></p>	Dr. Berg		Not Addressed
		<p><b>4. GBME-CO-2022-010 – Received: 06/21/2022.</b>            Dr. David reported that, upon consultation with Asst AG Tennyson, she requested information from the facility generated as a result of its review and actions since this type of incident normally generates an institutional review process. Receipt of information is pending.</p>	Dr. David		In Progress
		<p><b>5. GBME-CO-2023-004 – Received: 07/31/2023</b>            The Chair stated that the physician will be meeting with the complainant with the aim to hopefully resolve the complaint amicably.</p>	Dr. Berg		In Progress
		<p><b>B. Accusation: GBME-001-2023</b>            Dr. David reported the Hearing Officer will send a notice on 15 March 204 announcing a hearing date on 4 April 2024.</p>	Dr. David		In Progress

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	<p><b>C. Arthur Root Jr. – <i>Certified Laser Specialist, Non-Ablative Laser Tattoo Removal</i></b>  Dr. David reported that medical literature was sent to GBME members on the potential adverse effects of using laser technology for tattoo removal. She stated that some of the confusion stems from information provided by the manufacturer, which did not distinguish the differences of classifications between “medical” and commercial laser devices. The Chair stated that it appears that there was no malicious intent by the individual, who may have been misguided by the different classifications. In addition, he stated that the general application of lasers in other jurisdictions may not necessarily apply to Guam due to the high prevalence of certain medical conditions (e.g., diabetes) are high risk to the local population; therefore, since Guam has licensed physicians capable of executing this procedure, it would be considered high risk to the public if laser procedures are used without the supervision of a licensed physician. Dr David stated that the adverse prevalence of 5% is documented in the medical literature for this procedure in a general population, not in Guam. Dr Duenas stated he agreed with the approach that the procedure should be under the guidance of a licensed physician, especially based on the input from dermatologists. Dr. Wielaard also agreed with the risk assessment but suggested that guidelines or advisories be provided on what is happening in other jurisdictions, especially with respect to defining the level of medical supervision to provide better clarity of the process for Guam; the Chair agreed. The Chair stated that Mr. Root will have the opportunity to address the Board before it decides on a disposition and forwards a recommendation to the Legislature on how to legally address this procedure to ensure the safety of the public.</p>	GBME		Tabled
	<p><b>D. Samer Shualb, M.D. - <i>Letter to the Board</i></b>  The Chair stated that the Board is awaiting legal review of the issues.</p>			Discussion On-Going
	<p><b>E. Application for Full Licensure:</b>  <b>1. Rene J. Sotelo</b>  The Chair stated that Dr. Sotelo is recognized as a world leader in urology, and according to his application, he is licensed in CA and wants to do telehealth; however, HPLO found that he has a specialty faculty permit with USC Tech only. Therefore, the Chair stated that this would be considered a restricted license, which does not meet the requirement for Guam licensure, to include temporary licenses. The Chair stated that he could continue to collaborate and provide consultation provided it is done with a Guam-licensed physician.  <i>Move to disapprove since he does not meet the qualifications for licensure: Dr. Berg; 2<sup>nd</sup> Dr. Wielaard</i></p>			Unanimously Disapproved
	<p><b>F. Application(s) for Reinstatement of Licensure:</b>  <b>1. Michael C. Dam</b></p>			License to be Issued

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	The Chair reported that the application is now complete and noted that a Guam license will be issued.		
VIII. New Business	<p><b>A. Application for Full Licensure:</b></p> <ol style="list-style-type: none"> <li data-bbox="323 347 1633 477">1. <b>Mohamad A. Ghraawi</b> Dr. David reported a liability judgment in 2010, where his staff had ordered the incorrect medications; however, there was no disciplinary action against him. Therefore, she recommended approval for licensure. <i>Motion to Approve: Dr. Berg; 2<sup>nd</sup>: Dr. David.</i></li> <li data-bbox="323 477 1633 574">2. <b>Eric V. Knight</b> Dr. David reported that the applicant has a clean record; therefore, she recommended approval for licensure. <i>Motion to Approve: Dr. Berg; 2<sup>nd</sup>: Dr. David.</i></li> <li data-bbox="323 574 1633 737">3. <b>Jee Ah Rhee</b> Dr. David reported that the applicant had no adverse reports in the NPDB; however, the applicant submitted a Korean passport. She recommended approval for licensure, provided the applicant provides proof to officially work in the USA. <i>Motion to conditionally approve upon proof to officially work in the USA: Dr. Berg; 2<sup>nd</sup>: Mr. Flores</i></li> <li data-bbox="323 737 1633 834">4. <b>Kelvin D. Santos</b> Dr. David reported that the applicant has a clean record with the NPDB and the FSB. <i>Motion to Approve: Dr. Berg; 2<sup>nd</sup>: Dr. David.</i></li> <li data-bbox="323 834 1633 980">5. <b>Tarek M. Salman</b> Dr. David reported that the applicant has a clean record with the NPDB and the FSB. She recommended approval for licensure, provided the applicant provides proof to officially work in the USA. <i>Motion to conditionally approve upon proof to officially work in the USA: Dr. Berg; 2<sup>nd</sup>: Mr. Flores</i></li> <li data-bbox="323 980 1633 1143">6. <b>Robert R. Koch</b> Dr. David reported the applicant has a temporary license for Guam, which expires on 3/13/2024. There was a 1992 settlement for failure diagnosis in the amount of \$5,000.00, but nothing since then. She recommended approval for licensure. <i>Motion to Approve: Dr. Berg; 2<sup>nd</sup>: Dr. David.</i></li> <li data-bbox="323 1143 1633 1256">7. <b>Howard H. Lee</b> The Chair reported the applicant has a clean NPDB and FCVS record. He recommended approval for licensure. <i>Motion to Approve: Dr. Berg; 2<sup>nd</sup>: Dr. David.</i></li> <li data-bbox="323 1256 1633 1360">8. <b>Duy T. Vu</b> The Chair reported the applicant has a clean NPDB and FCVS record. He recommended approval for licensure.</li> </ol>	GBME	<p>Unanimously Approved</p> <p>Unanimously Approved</p> <p>Unanimously Conditionally Approved</p> <p>Unanimously Approved</p> <p>Unanimously Conditionally Approved</p> <p>Unanimously Approved</p> <p>Unanimously Approved</p> <p>Unanimously Approved</p>

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	<i>Motion to Approve: Dr. Berg; 2<sup>nd</sup>: Dr. David.</i>		
	<b>9. Alyson J. Brinker</b> The Chair reported there was one discrepancy in her application (inadvertent error). She has a clean NPDB and FCVS. He recommended approval for licensure. <i>Motion to Approve: Dr. Berg; 2<sup>nd</sup>: Dr. David.</i>		Unanimously Approved
	<b>10. Manuel H. DeCastro</b> Dr. David reported the applicant had a license in 2005-2009. No adverse actions reported in the NPDB and FSMB. <i>Motion to Approve: Dr. Berg; 2<sup>nd</sup>: Dr. David.</i>		Unanimously Approved
	<b>11. Anthony D. Goei</b> Dr. David reported that the applicant had a temporary license which expired in February 2024. No adverse actions in the NPDB and FSMB. He had one judgment and settled with the government for \$100,000.00; however, she recommended licensure. <i>Motion to Approve: Dr. Berg; 2<sup>nd</sup>: Dr. David.</i>		Unanimously Approved
	<b>12. Marc L. Kahn</b> Dr. David reported that the applicant had his license revoked for one day for failure to comply with CME requirements in MI; he was fined but was subsequently reinstated when CME requirements were met. In addition, there was one judgment for failure to diagnose, but the judgment was in his favor (no cause for action; case closed). <i>Motion to Approve: Dr. Berg; 2<sup>nd</sup>: Dr. David.</i>		Unanimously Approved
	<b>B. Application(s): For Limited Licensure</b>		
	<b>1. Ian Walters</b> The Chair reported the application was complete with no issues in the NPDB. <i>Motion to approve: Dr. Berg; 2<sup>nd</sup>: Dr. David.</i>		Unanimously Approved
	<b>C. Full Licensure Renewals 2023 – (see attached listing)</b>		Noted
	<b>D. The Regulation of the Practice of Acupuncture by Physicians in Guam</b> The Chair summarized the following understanding: Anything a nurse or physician assistant is licensed to do, could be done by a licensed physician; and anything a psychologist is licensed to do, could be done by a licensed psychiatrist. He, therefore, solicited the thoughts of the Board regarding whether physicians, if trained in acupuncture, would require GBAHE approval. Dr. David provided an overview of her understanding of the acupuncture training for western and oriental medicine training in China. Dr. Duenas stated that he was aware of a Guam licensed neurologist, who had received acupuncture training in Thailand and the USA, and performed acupuncture outside of the clinic. The Chair stated that he is aware of situations where physicians		Chair to consult with the FSMB Chair

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	received acupuncture training during residency as part pain management. Dr. Cruz stated that he has personal experience, where he received medical acupuncture training at Stanford and was subsequently provided a letter of authorization from GBME without requiring approval from the GBAHE. The Chair stated that based on foregoing precedence provided, it would be fair to conclude that physicians, who receive acupuncture training, could also be authorized to provide such services. In any case, the Chair stated that he would seek guidance from the Chair of the FSMB on this issue. As a secondary issue, he will also inquire about the applicability of a similar concept pertaining to chiropractic care for those receiving osteopathic manipulation training; the Chair acknowledged Dr. Cruz's stated position that the training between the two are similar but different, <i>Motion to seek guidance from the Chair of the FSMB: Dr. Berg; 2<sup>nd</sup>: Dr. David.</i>			
IX. <b>Announcement</b>	Next regularly scheduled board meeting: Wednesday, April 10, 2024 at 4:00 pm. <i>NOTE: Changed the date of the meeting to 17 April 2024.</i> Dr. Duenas informed the Board that he will be retiring from the GMHA. The Chair, on behalf of the GBME, expressed his appreciation for his medical service to the community. He personally extended his appreciation to Dr. Duenas for his support and encouragement of Dr. Berg to practice in Guam.	GBME		Changed Meeting Date to 4/17/2024
X. <b>Adjournment</b>	<i>Motion to Adjourn: Dr. Berg.</i>	GBME	1724	Adjourned

Minutes Drafted by: FLAME TREE Freedom Center, Inc.

Date Submitted: 3/17/2024

Submitted by the GBME Secretary:

Date:

Approved by the GBME with or without changes:



Date: 5/8/2024

Certified by or Attested by the Chairperson:



Date: 5/8/2024