

**GUAM BOARD OF EXAMINERS FOR DENTISTRY**  
**Health Professional Licensing Office Board Conference Room**  
**Terlaje Professional Bldg., 2<sup>nd</sup> Flr. Ste.209, Hernan Cortez Ave, Hagatna, Guam 96910**  
**REGULAR SESSION BOARD MEETING MINUTES**  
**Wednesday, December 19, 2018**

**MEMBERS PRESENT:** Dr. Antonio Rapadas, DDS Chairman; Dr. Robert Yang, DMD, Secretary; Dr. E. Sauget, DDS, DMD, Vice-Chair

**ABSENT:** Dr. Janice Malilay, DDS, Member; Dr. Cora Webb, DDS, Member; Robert Weinberg, Legal Counsel

**OTHERS PRESENT:** Roma Basa; Mae Pangelinan, HPLO- Staff

**I. CALL TO ORDER:**

Having established a quorum, Dr. A Rapadas called the meeting to order at 3:27 p.m.

**II. CONFIRMATION OF PUBLIC NOTICE:**

Dr. A. Rapadas announced – Notices have been properly printed: 2 days prior and 5 days prior to meeting. – All in order for the notices.

**III. APPROVAL OF AGENDA:** It was motioned by *Dr. E. Sauget* to approve the agenda, seconded by *Dr. R. Yang* (E. Sauget/ R. Yang) *Motion passes.*

**IV. REVIEW OF MINUTES: October 17, 2018 and November 21, 2018**

Moved by *Dr. E. Sauget* to approve and seconded by *Dr. R. Yang*. *Motion passes.* (E. Sauget/R.Yang)

**V. OLD BUSINESS:**

- A. Elsie Smith case ref: Hugh Sule, DDS; Salvador Enriquez case 10-02 – *Status Quo, waiting for a lawyer; waiting for final approval from GSA and AG office*
- B. Kennedy case 10-01 – *Status Quo, waiting for a lawyer; waiting for final approval from GSA and AG office*
- C. Hugh Sule vs GBED Case 09-01- *Status Quo, waiting for a lawyer; waiting for final approval from GSA and AG office*
- D. Roma Basa – HPLO Status update on GSA

**Discussion/Recommendation/Action:**

A, B, C, Status – update by Roma Basa – HPLO – Updated the board on the status on selecting a lawyer and GSA. Will do legwork for the RFP (Request for Proposal) for GSA, meaning it is sealed, IFB (Invitation for Bid) meaning it will be done by GSA. Dental Board's revenue is \$24,573.00 for FY18. Roma will keep the board posted.

Roma has the scope of work. It is still ongoing, already has the contract, will have Rob review it and to see if it is to be awarded to the same lawyer.

- E. GBED Forms – Patient and Assistant Release of Liability and a waiver or consent form.

**Discussion/Recommendation/Action:**

*Dr. E. Sauget* – found a Dentist and Assistant waiver form. Patient and Candidate disclaimer form. Will make one for the Assistant. *Dr. E. Sauget* will adapt the disclaimer forms to Guam version. *Dr. R. Yang* motions that *Dr. E. Sauget* will continue and prepare forms based on his research with Hawaii's disclaimer forms and to make it into Guam's version. Seconded by *Dr. E. Sauget*. (*R. Yang/E. Sauget*) *Motion passes.*

- F. Complaint No 2018-002: Salvador Cruz Vs. Dr. Ben Malabanan, Jr., DDS- Update: Mr. Cruz called to say he got a full refund back from Dr. Ben Malabanan, Jr., DDS.

**Discussion/Recommendation/Action:**

Lengthy discussion – *Dr. R. Rapadas* read that Mr. Cruz did get a refund, but he still has issues on the way Dr. Malabanan practices dentistry. *Dr. R. Yang* sees that Mr. Cruz still wants to move forward with his complaint. *Dr. E. Sauget* and *Dr. R. Yang* noted their concern on his complain about Dr. Malabanan’s “Standard of Care” and “Practice of Dentistry”. It was motioned by *Dr. R. Yang* that based on the complaint we need to obtain patient’s records from Dr. Malabanan after we get consent from Mr. Cruz. Use the final revised letter of complaint to send to Dr. Malabanan. Mae will contact Dr. Malabanan’s office to obtain patient’s records for evaluation and treatment on the complaint. After the board reviews the records, a decision will be made if they will meet with Dr. Malabanan to discuss the complaint. *Dr. E. Sauget* seconded. (*R. Yang/E. Sauget*) Motion passes.

- G. Public Law 34-127 Establishment of a Military Limited Volunteer Dental License for dentists licensed with the Guam-Based Military Credentialing Office to enable them to volunteer in the civilian community.

**Discussion/Recommendation/Action:**

*Dr. A. Rapadas* – **TABLED** - Do they apply to get a Guam Dental License? *Dr. R. Yang* moves to get the Legal Counsel’s opinion on Section 2. § 12420. Seconded by *Dr. E. Sauget* (*R. Yang/E. Sauget*) Motion Passes.

**VI. NEW BUSINESS:**

Applications for review and approval:

1. Dr. Jurga Martini - Dentist (PBIS) **Tabled**
2. Sharurah S. Aquino - Dental Assistant
3. Kenneth Miranda - Dental Assistant

**Discussion/Recommendation/Action:**

*Dr. A. Rapadas*- motions to table **Dr. Jurga Martini’s**. It Shows a conflict of claims, number of claims and the claim she quoted on her PBIS report. We will send her a letter requesting an update on the number of claims and the amount of claims as quoted. She needs to explain more on each of them. Seconded by *Dr. R. Yang*. Motion passes.

*Dr. E. Sauget* moves to approve **Sharurah S. Aquino** and grant a Dental Assistant license. Seconded by *Dr. R. Yang*. Motion passes. (*E. Sauget/R. Yang*) *Dr. E. Sauget* moves to approve **Kenneth Miranda** a Dental Assistant license after reviewing police report and found Nothing reported. Seconded by *Dr. R. Yang* (*E. Sauget/R. Yang*) Motion passes.

**VII. OTHER BUSINESS:**

- A. Letter to Dr. Kim’s on his specialty issue and advertisement.

**Discussion/Recommendation/Action:**

*Dr. A. Rapadas* was asked to write a letter to Dr. Kim about his practice and his ad. He did not write a letter because he didn’t see any violation. *Dr. R. Yang* motions to table Dr. Kim’s Specialty issue until all the other board members are present.

- B. Next Board Meeting: January 16, 2019, 3:00 p.m.

**VIII. ADJOURNMENT:** *Dr. E. Sauget* motions to adjourn at 4:05 p.m. Seconded by *R. Yang*. (*E. Sauget/R. Yang*). Motion passes.