

*I Mina'trentai Singko Na Liheslaturan Guåhan*  
**APPOINTMENTS**

DOCUMENT NO.	APPOINTEE	POSITION	AGENCY	APPT. DATE	TERM LENGTH	CMTE REFERRED	DATE REFERRED	PUBLIC HEARING DATE	CMTE REPORT FILED	DATE CONFIRMED	NOTES
35GL-20-2374	Scott R. Shay, MD	Member	Guam Board of Medical Examiners	10/26/20	Four (4) Years; May 13, 2020 to May 12, 2024 To fill the seat of Dr. Vincent S. Duenas, whose term has expired	Committee on Health, Tourism, Historic Preservation, Land, and Justice	10/30/20	11/23/20 9:00 a.m.	11/27/20 3:31 p.m.		



**SENATOR THERESE M. TERLAJE**

Committee on Health, Tourism, Historic Preservation, Land and Justice

*I Mina'trentai Singko na Liheslaturan Guåhan*

35<sup>th</sup> Guam Legislature

November 27, 2020

**The Honorable Tina Rose Muña Barnes**

Speaker

*I Mina'trentai Singko na Liheslaturan Guåhan*

163 Chalan Santo Papa

Hagåtña Guam, 96910

VIA: **The Honorable Régine Biscoe Lee** *RBA*  
Chairperson, Committee on Rules

**RE: Committee Report on the Appointment of Scott R. Shay, MD to serve as a Member of the Guam Board of Medical Examiners**

*Håfa Adai* Speaker Barnes:

Transmitted herewith is the Committee Report on the **Executive Appointment of Scott R. Shay, MD** to serve as a Member, Guam Board of Medical Examiners, and which was referred to the Committee on Health, Tourism, Historic Preservation, Land and Justice.

Committee votes are as follows:

<u>5</u>	TO CONFIRM
<u>0</u>	TO NOT CONFIRM
<u>0</u>	TO REPORT OUT ONLY
<u>0</u>	TO ABSTAIN
<u>0</u>	TO PLACE IN INACTIVE FILE

**COMMITTEE ON RULES  
RECEIVED:**

November 27, 2020

11:35 A.M.

Sincerely,

*Therese M. Terlaje*  
**Therese M. Terlaje**

Mailing Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Office Address: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) | [www.senatorterlaje.com](http://www.senatorterlaje.com)



*SENATOR THERESE M. TERLAJE*

Committee on Health, Tourism, Historic Preservation, Land and Justice

*I Mina' trentai Singko na Libeslaturan Guåhan*

35<sup>th</sup> Guam Legislature

## COMMITTEE REPORT

# Nomination of Scott R. Shay, MD

As a Member of  
the Guam Board of Medical Examiners

To serve a term of four (4) years; May 13,  
2020 to May 12, 2024, to fill the seat of Dr.  
Vincent S. Dueñas, whose term has expired.

---

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Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) | [www.senatorterlaje.com](http://www.senatorterlaje.com)



**SENATOR THERESE M. TERLAJE**

Committee on Health, Tourism, Historic Preservation, Land and Justice

*I Mina' trentai Singko na Libeslaturan Guåhan*

35<sup>th</sup> Guam Legislature

November 27, 2020

**MEMORANDUM**

**To:** All Members  
Committee on Health, Tourism, Historic Preservation, Land and Justice

**From:** Senator Therese M. Terlaje <sup>TMT</sup>  
Committee Chairperson

**Subject:** Committee Report on the Appointment of Scott R. Shay, MD

Transmitted herewith for your consideration is the Committee Report on the appointment of **Scott R. Shay, MD** to serve as a *Member of the Guam Board of Medical Examiners*.

This report includes the following:

- Copy of COR Referral of the Appointment
- Copy of the Appointment Letter to the Speaker
- Copy of the Appointment Packet & Supporting Documents
- Notices of Public Hearing & Other Correspondence
- Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Supporting Documents
- Committee Report Digest
- Committee Vote Sheet

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

*Si Yu'os Ma'åse'!*

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Office Address: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) | [www.senatorterlaje.com](http://www.senatorterlaje.com)

Senator Régine Biscoe Lee,  
Chair

Senator Amanda L. Shelton,  
Vice Chair

Speaker Tina Rose Muña Barnes,  
Member

Vice Speaker Tena Cruz Nelson,  
Member

Senator Kelly Marsh (Taitano), PhD,  
Member

Senator Sabina Flores Perez,  
Member



Senator Clynton E. Ridgell,  
Member

Senator Joe S. San Agustin,  
Member

Senator Jose "Pedo" Terlaje,  
Member

Senator Therese M. Terlaje,  
Member

Senator James C. Moylan,  
Member

Senator Mary Camacho Torres,  
Member and Chair, Subcommittee on Protocol

**COMMITTEE ON RULES**  
*I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN*  
35<sup>TH</sup> GUAM LEGISLATURE

October 30, 2020

# MEMO

**To:** **Rennae Meno**  
Clerk of the Legislature

**Attorney Ana Won Pat-Borja**  
Legislative Legal Counsel

**From:** **Senator Régine Biscoe Lee**  
Chair, Committee on Rules

**Re:** **Referral of Appointment**

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*Buenas yan Håfa adai.*

As Chair of the Committee on Rules, I am forwarding the referral of the following appointment:

**Appointee:** **Scott R. Shay, MD**

**Position:** **Member, Guam Board of Medical Examiners**

The appointee's nomination packet may be referenced in the Guam Legislature's website at <http://guamlegislature.com/index/messages-and-communications/>. Please refer to the follow document:

**"35GL-20-2374 - Office of the Governor of Guam - Appointment and Supporting Documents for Scott R. Shay, MD, Member, Guam Board of Medical Examiners."**

Please ensure that the aforementioned appointment is referred to the **Committee on Health, Tourism, Historic Preservation, Land, and Justice, chaired by Senator Therese M. Terlaje.**

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this matter.

Respectfully,

**Senator Régine Biscoe Lee**  
Chair, Committee on Rules



*I Mina'trentai Singko Na Liheslaturan Guåhan*  
**APPOINTMENTS**

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35GL-20-2374	Scott R. Shay, MD	Member	Guam Board of Medical Examiners	10/26/20	Four (4) Years; May 13, 2020 to May 12, 2024 To fill the seat of Dr. Vincent S. Duenas, whose term has expired	Committee on Health, Tourism, Historic Preservation, Land, and Justice	10/30/20				

UFISINAN I MAGA'HÅGA  
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO  
MAGA'HÅGA • GOVERNOR



JOSHUA F. TENORIO  
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

October 26, 2020

Honorable Tina Rose Muña Barnes  
Speaker  
*I Mina'trentai Singko Na Liheslaturan Guåhan*  
Guam Congress Building  
163 Chalan Santo Papa  
Hagatna, Guam 96932

35GL-20-2374  
Speaker Tina Rose Muña Barnes

OCT 30 2020  
Time 10:21 AM (1) PM  
Received By: Matt

**Re: Board Appointment**

Dear Madame Speaker:

By virtue of the authority vested in me pursuant to the Organic Act of Guam and the local laws applicable to the following position, I am pleased to transmit the following appointment and supporting documents for:

APPOINTEE: Scott R. Shay, MD  
POSITION: Member, Guam Board of Medical Examiners  
TERM LENGTH: **Four (4) Years; May 13, 2020 to May 12, 2024**  
**To fill the seat of Dr. Vincent S. Duenas, whose term has expired.**

The appointment is subject to the consent of *I Liheslaturan Guåhan*. Please schedule a hearing at your earliest convenience.

*Senseramente,*

**LOURDES A. LEON GUERRERO**  
*Maga'hågan Guåhan*  
Governor of Guam

cc: Lt. Governor of Guam

UFISINAN I MAGA'HAGA  
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO  
MAGA'HAGA • GOVERNOR



JOSHUA F. TENORIO  
SICUNDO MAGA'LÁHI • LIEUTENANT GOVERNOR

October 26, 2020

Scott R. Shay, MD

Dear Dr. Shay:

Pursuant to my authority under 10 GCA § 12203, I am appointing you to serve as a

**MEMBER, GUAM BOARD OF MEDICAL EXAMINERS**  
**Term Length: Four (4) Years; May 13, 2020 to May 12, 2024**  
**To fill the seat of Dr. Vincent S. Duenas, whose term has expired**

Appointing you to this position comes with great responsibility because you will have a vital role to perform which will place many demands on your time and energy. Integrity and honesty are virtues that I prioritize for my Administration to exemplify, and I know that you will do the same while in service to the people of Guam. Your responsibilities shall be significant and consequential. I trust that you will fulfill your duties and set a standard for others to follow.

I appreciate your willingness to serve in this position, and I am confident that your time will be spent in a manner to improve the island of Guam.

This appointment is subject to the advice and consent of *I Liheslaturan Guåhan*. If you have any questions or concerns, please contact the Office of the Governor.

*Senseramente,*

A handwritten signature in black ink, appearing to read 'Lourdes A. Leon Guerrero'.

**LOURDES A. LEON GUERRERO**  
*Maga'hagan Guåhan*  
Governor of Guam

cc: Lt. Governor of Guam  
Chairman, Guam Board of Medical Examiners  
Administrator, HPLO

RICARDO J. BORDALLO GOVERNOR'S COMPLEX • HAGÁTÑA, GUAM 96910  
P.O. BOX 2950 • HAGÁTÑA, GUAM 96932  
671.472.8931 • 671.472.8932/6



**LOURDES A. LEON GUERRERO**  
Governor



**JOSHUA F. TENORIO**  
Lieutenant Governor

## OFFICE OF THE GOVERNOR OF GUAM Nomination and Appointment Information Sheet

The following information is required for submission to the  
Speaker of / *Liheslaturan Guåhan* in accordance with Title 4, Guam Code Annotated Section 2103

### NOMINEE INFORMATION

<i>Last Name</i> SHAY	<i>First Name</i> SCOTT	<i>Middle Initial</i> R.
<i>Mailing Address</i> [REDACTED]		<i>Apartment/Unit #</i> [REDACTED]
<i>City</i> [REDACTED]	<i>State</i> [REDACTED]	<i>Zip Code</i> [REDACTED]
<i>Phone</i> [REDACTED]	<i>E-mail Address</i> [REDACTED]	
<i>Position to which Appointment is Made</i> Member, Guam Board of Medical Examiners		
<i>Are you a citizen of the United States?</i> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
<i>If no, are you authorized to work in the United States?</i> Yes <input type="checkbox"/> No <input type="checkbox"/>		

### EDUCATION

<i>SCHOOL (Name, City and State)</i>	<i>DATES OF ATTENDANCE</i>	<i>TYPE OF DEGREE</i>	<i>YEAR EARNED</i>
<i>High School</i> Crater High School	1976 - 1980	High School Diploma	1980
<i>College</i> University of California, Davis	1980 - 1984	Pre-Med	1984
<i>Graduate School</i> Saint Louis University School of Medicine	1984 - 1989	MD	1989
<i>Other Degree</i> US Naval Hospital, Oakland	1991 - 1993	Residency	

**EMPLOYMENT HISTORY**

<b>Name of Present/Last Employer and Mailing Address</b> Guam Regional Medical City Dededo, Guam	<b>Position Title</b> Director, Radiology
	<b>Dates Held</b> 1/2016 - Present

<b>Previous Employer and Mailing Address</b> Penrose Hospital Colorado Springs, CO	<b>Position Title</b> Director, Neurointerventional
	<b>Dates Held</b> 2/2014 - 11/2015

<b>Previous Employer and Mailing Address</b> Geisinger Health System Pennsylvania, NJ	<b>Position Title</b> Director, Neurointerventional
	<b>Dates Held</b> 10/2011 - 4/2012

<b>Previous Employer and Mailing Address</b> Neuroscience Institute The Queen's Medical Center Honolulu, HI	<b>Position Title</b> Director, Neuroninterventional
	<b>Dates Held</b> 1/2009 - 9-2010

<b>Previous Employer and Mailing Address</b> Vanderbilt University School of Medicine Nashville, N	<b>Position Title</b> Chief, Neuroradiology Asst. Prof.
	<b>Dates Held</b> 1/2007 - 12/2008

**PRIOR GOVERNMENT OF GUAM SERVICE**

<b>Agency or Department Name</b>		<b>Position Title</b>
<b>Address</b>	<b>Phone No.</b>	<b>Dates Held</b>

<b>Agency or Department Name</b>		<b>Position Title</b>
<b>Address</b>	<b>Phone No.</b>	<b>Dates Held</b>

**PRIOR GOVERNMENT SERVICE (EXCLUDING GOVERNMENT OF GUAM)**

<i>Agency or Department Name</i>		<i>Position Title</i>	
<i>Address</i>	<i>Phone No.</i>	<i>Dates Held</i>	

<i>Agency or Department Name</i>		<i>Position Title</i>	
<i>Address</i>	<i>Phone No.</i>	<i>Dates Held</i>	

**TRAINING**

<i>INSTITUTE/SEMINARS/ON-THE-JOB TRAINING</i>	<i>DATE</i>
Fellowship, Interventional Neuroradiology	7/2005 - 6/2006
Fellowship, Interventional Radiology	7/1996 - 6/1997
Residency, Stanford University Medical Center	7/1993 - 6/1995

**AWARDS**

<i>List all educational, professional, civic awards, and recognition for public service:</i>
TOP DOC 2015, Colorado Springs, Colorado, 1998 Halo for Heroes, Donation to Penrose Hospital from Philanthropist patient

**PROFESSIONAL INVOLVEMENT**

<i>List involvement on a local/national/international level. List organizations, activities participated in, and offices held:</i>
Board Certified Radiology, 1998 CAQ Interventional Radiology

### COMMUNITY / CIVIC INVOLVEMENT

<i>List organizations, activities participated in, and offices held:</i>

### PUBLICATIONS AND PRESENTATIONS

<i>List any published articles, papers delivered at professional meetings, etc.:</i>

### MILITARY SERVICE (Please attach Form DD-214)

<i>BRANCH</i>	<i>DATES OF SERVICE</i>	<i>RANK AT DISCHARGE</i>	<i>TYPE OF DISCHARGE</i>
US NAVY	1989 - 2000	LT CDR	HONORABLE

### OTHER INFORMATION

(1) Have you ever been found guilty of a felony in any court, whether within or without the United States?

Yes  No  If so, please specify in detail: \_\_\_\_\_

Address of the Court: \_\_\_\_\_

Date(s) of Conviction: \_\_\_\_\_

Specific Infraction Committed: \_\_\_\_\_

**(2) Have you ever been declared mentally incompetent by any court, whether within or without the United States?**

Yes  No  If so, please specify in detail the reasons and facts related to such declaration:

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**(3) Have you ever been found not guilty or not punishable in any criminal proceedings by reason of insanity?**

Yes  No

**(4) Have you ever been confined to a mental institution for any reason?**

Yes  No  If so, please specify in why the appointing authority believes you that you are not suffering from any mental illness or affliction:

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**LOURDES A. LEON GUERRERO**  
*Governor*

**JOSHUA F. TENORIO**  
*Lieutenant Governor*



**OFFICE OF THE GOVERNOR OF GUAM**

**Statement of Financial Interests**

(Required by 4 G.C.A. §13104.1)

TO:           The Honorable Lourdes A. Leon Guerrero  
                Governor of Guam  
                Ricardo J. Bordallo Governor's Complex  
                Adelup, Guam 96910

FROM:       SCOTT R, SHAY, MD

- I have no financial interest in any business
- I do have interest(s) in the following business(es):

NAME AND ADDRESS OF BUSINESS INTEREST	TYPE AND AMOUNT OF INTEREST

  
\_\_\_\_\_  
Signature

10/8/2020  
\_\_\_\_\_  
Date

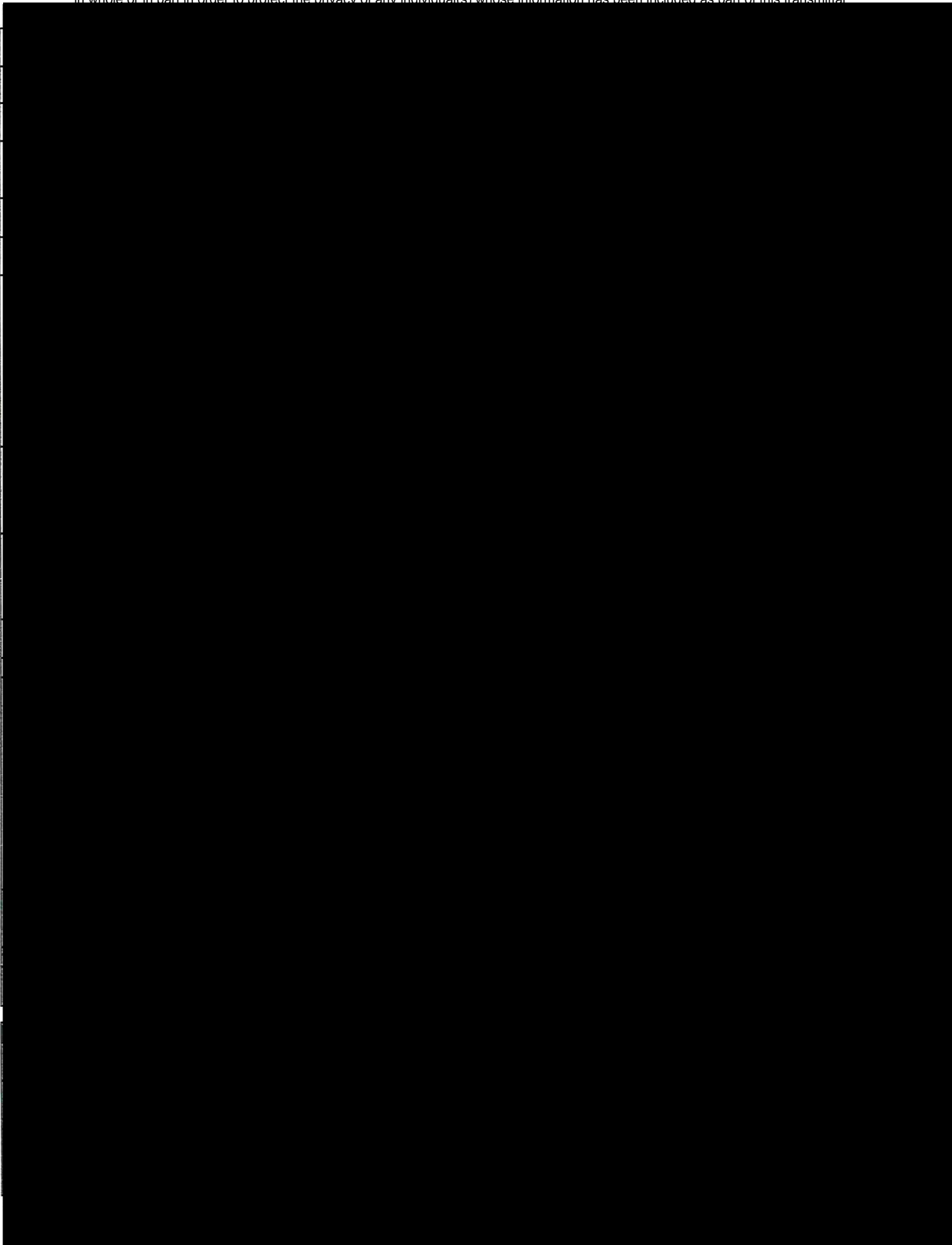
**AFFIDAVIT / DECLARATION UNDER PENALTY OF PERJURY**

I, the undersigned, do hereby depose and say that: (1) I have read and reviewed the information contained in the attached Appointment/Nomination letter from the Governor of Guam; (2) that the matters contained in the Appointment/Nomination letter, together with all attachments thereto, are true and correct and that I am competent to testify to said matters; and (3) that this Declaration is made for the purpose of complying with the requirements of 4 G.C.A. Section 2103.5.

I declare under penalty of perjury under the laws of Guam (4 G.C.A. Section 4308) that the foregoing is true and correct.

**Scott R. Shay, MD**   
\_\_\_\_\_  
Print Name and Signature

**10/8/2020**  
\_\_\_\_\_  
Date







Government of Guam  
GUAM POLICE DEPARTMENT  
RECORDS & IDENTIFICATION SECTION  
P.O. Box 23909  
Guam Main Facility, Guam 96921



October 20, 2020

SUBJECT: CRIMINAL HISTORY RECORD

NAME:	Scott Raymond SHAY		
DATE OF BIRTH:	[REDACTED]	FINGERPRINT#:	NONE
<input checked="" type="checkbox"/>	The individual has no record of criminal conviction(s) in the Guam Police Department files that are subject to Guam law.		

\*\*\*\*\*NOTHING FOLLOWS\*\*\*\*\*

THIS INFORMATION MAY BE LIMITED TO A LOCAL CRIMINAL OFFENSE ONLY AND IS NOT INTENDED FOR USE FOR ANY LOCAL STATE, OR FEDERAL LAW ENFORCEMENT AGENCY.

*[Handwritten initials]*

By Direction: jfloIII

*[Handwritten signature]*

for STEPHEN C. IGNACIO  
Chief of Police

The absence of an original GUAM POLICE seal invalidates this print  
REVISED 04/2017



# SUPERIOR COURT OF GUAM

Guam Judicial Center • 120 West O'Brien Drive • Hagatña, Guam 96910

Telephone (671) 475-3370/475-3449

Fax (671) 472-2856

DANIELLE T. ROSETE  
Clerk of Court

Name: SCOTT RAYMOND SHAY

SS#:

ID# GUAM DL [REDACTED]

Date of Birth: [REDACTED]

## CERTIFICATE OF SEARCH

The undersigned Clerk hereby certifies the following results of a diligent search of the records of this Court:

### Criminal Cases:

- A.  No Case Found
- B. 1. Criminal Case No.
- 2. Criminal Case No.
- 3. Criminal Case No.
- 4. Criminal Case No.
- 5. Criminal Case No.

Criminal Record: Page 1 of 1

### Civil Cases:

- A.  No Case Found
- B. 1. Civil Case No.
- 2. Civil Case No.
- 3. Civil Case No.
- 4. Civil Case No.
- 5. Civil Case No.

Civil Record: Page 1 of 1

Request for further information may be addressed at the Records Division of the Superior Court of Guam, Guam Judicial Center, 120 West O'Brien Drive, Hagatña, Guam. Hours of operation are Monday – Friday, 8:00 a.m. to 5:00 p.m. Closed Saturday, Sunday and local/federal holidays. Court Clearances are Non-Refundable.

Dated: 10/21/2020

DANIELLE T. ROSETE  
Clerk of Court

BY:   
CHRISTIANE CACHERO-XIAO  
Deputy Clerk

Prepared By: CCX



The absence of an original Court Seal invalidates this document



Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt;

## FIRST NOTICE OF VIRTUAL PUBLIC HEARINGS: Monday, November 23, 2020 beginning at 9:00 a.m.

1 message

Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt;

Mon, Nov 16, 2020 at 7:16 AM

To: Speaker's Office <speaker@guamlegislature.org>, Senator Telena Cruz Nelson <Senatortcnelson@guamlegislature.org>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, Senator Regine Biscoe Lee <senatorbiscoelee@guamlegislature.org>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Senator Sabina Perez <office@senatorperez.org>, Sabina Perez <sabina@senatorperez.org>, Clynt Ridgell <clyntridgell@guamlegislature.org>, Senator Jose Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, Senator Louise Borja Muna <senatorlouise@gmail.com>, Senator Telo Taitague <senatortelot@gmail.com>, "Mary C. Torres" <senatormary@guamlegislature.org>, James Moylan <senatormoylan@guamlegislature.org>, Marsh Taitano <office.senatorkelly@guamlegislature.org>, "Senator Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Senator William Mendiola Castro <sen.wilcastro@gmail.com>

Cc: phnotice@guamlegislature.org, Guam MIS <mis@guamlegislature.org>, Audio / Video <av@guamlegislature.org>, Tom Unsioq <sgtarms@guamlegislature.org>

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November 16, 2020

### MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Therese M. Terlaje, Chairperson

## Committee on Health, Tourism, Historic Preservation, Land and Justice

Subject: **FIRST NOTICE of Virtual Public Hearing - Monday, November 23, 2020 beginning at 9:00 a.m.**

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*Håfa Adai*

Please be advised that the Committee on Health, Tourism, Historic Preservation, Land and Justice will convene a virtual public hearing on **Monday, November 23, 2020 beginning at 9:00 a.m. utilizing the Zoom meeting virtual platform.**

### AGENDA

#### **9:00AM to 11:00AM- CONFIRMATION HEARINGS FOR THE FOLLOWING APPOINTMENTS:**

- Scott R. Shay, MD - Member, Guam Board of Medical Examiners
- Luis G. Cruz, MD - Member, Guam Board of Medical Examiners
- Ronald T. Lagaña - Member, Guam Ancestral Lands Commission

#### **11:00AM to 1:00PM**

· **BILL NO. 406-35 (COR)** - Régine Biscoe Lee / Therese M. Terlaje- AN ACT TO ADD A NEW § 75108(j) TO CHAPTER 75 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO MAKING ANY CHAMORRO LAND TRUST COMMISSION (CLTC) LEASE SUBJECT TO COMPLETE DEFEASANCE FOR ILLEGAL DUMPING, AND TO FURTHER DIRECTING THE CLTC TO ADOPT RULES AND REGULATIONS TO IMPLEMENT THE TERMS OF THIS ACT. BILL LINK: [http://www.guamlegislature.com/Bills\\_Introduced\\_35th/Bill%20No.%20406-35%20\(COR\).pdf](http://www.guamlegislature.com/Bills_Introduced_35th/Bill%20No.%20406-35%20(COR).pdf)

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- **BILL NO. 280-35 (LS) - Telen Cruz Nelson**- AN ACT TO AMEND § 76103 ARTICLE 1 OF CHAPTER 76, TITLE 21, GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING PARTNERSHIP BETWEEN THE GUAM HISTORIC PRESERVATION OFFICER AND THE LEGISLATIVE COMMITTEE CHAIR OF WHICH AGENCY THE GUAM STATE HISTORIC PRESERVATION OFFICE FALLS UNDER CONCERNING PROGRAMMATIC AGREEMENT NEGOTIATIONS. BILL LINK: [http://www.guamlegislature.com/Bills\\_Introduced\\_35th/Bill%20No.%20280-35%20\(LS\).pdf](http://www.guamlegislature.com/Bills_Introduced_35th/Bill%20No.%20280-35%20(LS).pdf)
- **OVERSIGHT HEARING:** STATE HISTORIC PRESERVATION OFFICE REGARDING MARIANA ISLAND TESTING AND TRAINING PROGRAMMATIC AGREEMENT.

If you would like to participate in the virtual hearing to provide testimony on any of the agenda items, please email [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) or call 472-3586 with your name and contact number **before COB on Friday, November 20, 2020**. Written testimonies may be submitted via email to the Office of the Senator Therese M. Terlaje.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4, and stream online via *I Liheslaturan Guåhan's* [live feed](#) on Youtube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. In compliance with the Americans with Disabilities Act, individuals requiring assistance or accommodations should contact the Office of Senator Therese M. Terlaje by phone or via email. We look forward to your participation! *Si Yu'os Ma'åse'!*

### **Office of Senator Therese M. Terlaje**

Committee on Health, Tourism, Historic Preservation, Land and Justice

*I Mina'trentai Singko na Liheslaturan Guåhan*

35th Guam Legislature

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#### 4 attachments

 **First Notice\_November 23, 2020 Virtual Public Hearings.pdf**  
350K

 **Scott R. Shay, MD- GBME .pdf**  
1618K

 **Luis G. Cruz, MD- GBME.pdf**  
1388K

 **Ronald T. Laguana- GBME .pdf**  
1389K



## SENATOR THERESE M. TERLAJE

Committee on Health, Tourism, Historic Preservation, Land and Justice  
*I Mina' trentai Singko na Libeslaturan Guåhan*  
35<sup>th</sup> Guam Legislature

November 16, 2020

### MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Therese M. Terlaje, Chairperson *TMT*  
Committee on Health, Tourism, Historic Preservation, Land and Justice

Subject: **FIRST NOTICE of Virtual Public Hearing** - Monday, November 23, 2020 beginning at 9:00 a.m.

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*Håfa Adai,*

Please be advised that the Committee on Health, Tourism, Historic Preservation, Land and Justice will convene a virtual public hearing on **Monday, November 23, 2020 beginning at 9:00 a.m. utilizing the Zoom meeting virtual platform.**

### AGENDA

#### 9:00AM to 11:00AM- CONFIRMATION HEARINGS FOR THE FOLLOWING APPOINTMENTS:

- SCOTT R. SHAY, MD - MEMBER, GUAM BOARD OF MEDICAL EXAMINERS.
- LUIS G. CRUZ, MD - MEMBER, GUAM BOARD OF MEDICAL EXAMINERS.
- RONALD T. LAGUANA - MEMBER, GUAM ANCESTRAL LANDS COMMISSION.

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Mailing Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Office Address: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) | [www.senatorterlaje.com](http://www.senatorterlaje.com)

MAKING ANY CHAMORRO LAND TRUST COMMISSION (CLTC) LEASE SUBJECT TO COMPLETE DEFEASANCE FOR ILLEGAL DUMPING, AND TO FURTHER DIRECTING THE CLTC TO ADOPT RULES AND REGULATIONS TO IMPLEMENT THE TERMS OF THIS ACT.

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# GDOE reopening decision may come next month

By John O'Connor  
john@postguam.com

The Guam Department of Education is targeting Dec. 15 as the date a decision could come as to whether in-person classes can be opened for instruction in January.



Jon Fernandez

Surges in COVID-19 cases prevented GDOE from holding traditional classroom instruction when the school year began in August. The department has been relying entirely on remote learning, through either online instruction or hard copy materials, as Guam's public and private schools remain closed at the governor's order.

January was cited as the earliest GDOE might be able to resume in-person classes, given the current public health emergency. But the likelihood of that happening may be slipping away as more cases - and deaths - are reported regularly as Guam inches closer to the new year.

A total of 101 new cases were reported Wednesday, mostly from testing at the Department of Corrections. Guam's 93rd COVID-19-related death was confirmed Friday.

On Thursday, Fernandez said, "Like I told my team today, yesterday was the worst set of statistics

we've seen since March. It's at its highest levels from a positivity standpoint and from a 14-day new cases perspective. So that the chances we can open schools - those chances are getting slimmer the worse that the numbers get."

In-person classes will not take place unless the situation improves, Fernandez added. Gov. Lou Leon Guerrero also will need to lift the school closures, although her office is regularly communicating with GDOE about reopening discussions.

Nonetheless, GDOE's school readiness task force was called on to plan ahead should the situation allow for a January opening. The task force has been briefing the Guam Education Board every week since October, according to GDOE spokeswoman Isa Baza.

GDOE is using a reopening dashboard, essentially a COVID-19 transmission risk assessment, to help guide decision-making about when classes can safely resume, and the department also has scheduled a series of stakeholder meetings this month to discuss plans for potentially reopening in January.

"We're also planning two more comprehensive surveys of our stakeholders in November and December," Fernandez said. "Part of our decisions are going to be also taking into account some of the perceptions or concerns of our stakeholders."

# October foster care stipends paid; September pending second batch

By John O'Connor  
john@postguam.com

Foster care stipends for September remain partially paid while October payments have been remitted, according to Janela Carrera, spokeswoman for the Department of Public Health and Social Services.

Stipends for September were split into two batches. The first batch was paid following some issues with distribution, but the second has not gone out, Carrera said Thursday. The health department is waiting for the Department of Administration to issue the payments.

"We still have not received the allotment. It was the end of the fiscal year. It's a reprogramming of the moneys. We submitted the documentation to reprogram the moneys but, we check the accounts every day and it's just a funding issue," she said.

Carrera acknowledged that Public Health is receiving phone calls from foster families about the September stipend and is assuring them that payment will be sent once funding is available.

"We are hoping that the funding will be made available as soon as possible," Carrera said.

Stipends are normally received the following month and the shortfall in September hit some families hard in October.

## 'I had to skip payments on bills'

As one foster parent of two young children told The Guam Daily Post, on the condition of anonymity, after paying for babysitting services due to school closures, she was left with \$135 from the September stipend to spend on her foster children in October.

For the essentials the stipend couldn't cover, she used her paycheck from work.

"I had to skip payments on bills for the month," the parent said. "I had to cut down on things I got for them and it sure is a struggle."

The parent said she went broke that month and used her October stipend, received in November, to help pay bills. Even now, things remain difficult, she said. Since she is unable to send the children to school during the day, babysitting is costing her \$700 per month, she said, normally leaving about \$450 from the stipend to spend on the children.

Foster parents receive \$576.63 per month per child up to age 11. At 12 to 18 years old, the stipend is \$779.43 per child.

## Public Health may seek AG opinion on identifying locations where COVID-19 cases are confirmed

Public health officials aren't identifying establishments or organizations where COVID-19 cases have been found, but may begin to do so.

While the Department of Public Health and Social Services has received guidance from the Office of the Attorney General of Guam, the DPHSS director said on Nov. 9 that the department likely will have to request an opinion, particularly in light of new information from the federal government.

DPHSS Director Art San Agustin said during a press conference that Public Health recently received information from the Centers for Disease Control and Prevention regarding identifying establishments.

He said Public Health is working to find the "middle ground" in identifying companies or establishments where COVID-19 cases are found.

"We're looking at the idea, perhaps, of asking for an opinion as opposed to guidance of the attorney general," said San Agustin, acknowledging that it could "take a little longer."

San Agustin reiterated that Public Health officials want to work in a

"collaborative effort" with businesses and organizations to which confirmed COVID-19 cases are traced.

The press conference was held with Black Construction Corp., which recently announced it had a cluster of COVID-19-positive cases among its foreign skilled workers group at the company's worker barracks.

San Agustin lauded Black Construction and other companies that report positive cases for "stepping up."

"Today is an opportunity to show that working together with us can yield a lot of positive results in terms of partnership, rapid testing results and also working with them to further mitigate further spread of the virus," San Agustin stated.

## Privacy concerns

DPHSS had identified establishments, including businesses, churches and even airline flights in the past where COVID-19 cases were found. Then it stopped, saying it had to respect the privacy of organizations and establishments. But officials again released a list of businesses visited by military personnel who broke protocol and went to local restaurants and bars. Then Public Health stopped again, reiterating the need to protect privacy but also noting it had to respect Health Insurance Portability and Accountability Act, or HIPAA, rules.

(Daily Post Staff)

## SENATOR THERESA M. TERLAJE

1 Mina'trental Singko na Liheslaturan  
Guahan 35<sup>th</sup> Guam Legislature



Committee on Health,  
Tourism, Historic  
Preservation, Land and Justice

### VIRTUAL PUBLIC HEARINGS • Monday, November 23, 2020

#### AGENDA

#### 9:00 AM to 11:00 AM- Executive Appointment Hearings:

- Scott R. Shay, MD, Member, Guam Board of Medical Examiners
- Luis G. Cruz, MD, Member, Guam Board of Medical Examiners
- Ronald T. Lagaña, Member, Guam Ancestral Lands Commission

#### 11:00 AM to 1:00 PM- Virtual Public Hearings:

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- **Oversight Hearing:** State Historic Preservation Office regarding Mariana Island Testing and Training Programmatic Agreement.

Please email [senatorterlaje@qmail.com](mailto:senatorterlaje@qmail.com) or call 472-3586, if you would like to participate to provide testimony on any of these agenda items no later than COB on November 20, 2020 or require any special accommodations or further information. The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4; stream online via Liheslaturan Guahan's live feed at [http://www.guamlegislature.com/live\\_feed.htm](http://www.guamlegislature.com/live_feed.htm). This ad is paid for with government funds.



Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt;

## SECOND & AMENDED NOTICE of Virtual Public Hearing – Monday, November 23, 2020 beginning at 9:00 a.m.

1 message

Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt;

Fri, Nov 20, 2020 at 5:47 PM

To: Speaker's Office <speaker@guamlegislature.org>, Senator Telena Cruz Nelson <Senatortcnelson@guamlegislature.org>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, Senator Regine Biscoe Lee <senatorbiscoelee@guamlegislature.org>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Senator Sabina Perez <office@senatorperez.org>, Sabina Perez <sabina@senatorperez.org>, Clynt Ridgell <clyntridgell@guamlegislature.org>, Senator Jose Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, Senator Louise Borja Muna <senatorlouise@gmail.com>, Senator Telo Taitague <senatortelot@gmail.com>, "Mary C. Torres" <senatormary@guamlegislature.org>, James Moylan <senatormoylan@guamlegislature.org>, Marsh Taitano <office.senatorkelly@guamlegislature.org>, "Senator Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Senator William Mendiola Castro <sen.wilcastro@gmail.com>

Cc: phnotice@guamlegislature.org, Guam MIS <mis@guamlegislature.org>, Audio / Video <av@guamlegislature.org>, Tom Unsioq <sgtarms@guamlegislature.org>

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November 20, 2020

### MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Therese M. Terlaje, Chairperson  
Committee on Health, Tourism, Historic Preservation, Land and Justice

Subject: **SECOND & AMENDED NOTICE of Virtual Public Hearing – Monday, November 23, 2020 beginning at 9:00 a.m.**

---

*Håfa Adai*

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## Office of Senator Therese M. Terlaje

### Committee on Health, Tourism, Historic Preservation, Land and Justice

*I Mina'trentai Singko na Liheslaturan Guåhan*

35th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910


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 **Second & AMENDED Notice\_November 23, 2020 PH's.pdf**  
347K



## SENATOR THERESE M. TERLAJE

Committee on Health, Tourism, Historic Preservation, Land and Justice  
*I Mina' trentai Singko na Libeslaturan Guåhan*  
35<sup>th</sup> Guam Legislature

November 20, 2020

### MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Therese M. Terlaje, Chairperson <sup>TMT</sup>  
Committee on Health, Tourism, Historic Preservation, Land and Justice

Subject: **SECOND & AMENDED NOTICE of Virtual Public Hearing –**  
Monday, November 23, 2020 beginning at 9:00 a.m.

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*Håfa Adai*

Please be advised that the Committee on Health, Tourism, Historic Preservation, Land and Justice will convene a virtual public hearing on **Monday, November 23, 2020 beginning at 9:00 a.m. utilizing the Zoom meeting virtual platform.**

### AGENDA

#### 9:00AM to 11:00AM- CONFIRMATION HEARINGS FOR THE FOLLOWING APPOINTMENTS:

- SCOTT R. SHAY, MD - MEMBER, GUAM BOARD OF MEDICAL EXAMINERS.
- LUIS G. CRUZ, MD - MEMBER, GUAM BOARD OF MEDICAL EXAMINERS.
- ~~RONALD T. LAGUANA - MEMBER, GUAM ANCESTRAL LANDS COMMISSION.~~  
**POSTPONED DUE TO LEGISLATIVE SESSION**

~~11:00AM to 1:00PM~~ **POSTPONED DUE TO LEGISLATIVE SESSION**

- 
- ~~**BILL NO. 406 35 (COR)** Régine Biscoe Lee / Therese M. Terlaje AN ACT TO ADD A NEW § 75108(j) TO CHAPTER 75 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO MAKING ANY CHAMORRO LAND TRUST COMMISSION (CLTC) LEASE SUBJECT TO COMPLETE DEFEASANCE FOR ILLEGAL DUMPING, AND TO FURTHER DIRECTING THE CLTC TO ADOPT RULES AND REGULATIONS TO IMPLEMENT THE TERMS OF THIS ACT.~~
  - ~~**BILL NO. 407 35 (COR)** Régine Biscoe Lee AN ACT TO ADD A NEW § 75108(c)(3) TO CHAPTER 75 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING THE CHAMORRO LAND TRUST COMMISSION (CLTC) TO OBTAIN A UTILITY VERIFICATION FROM THE GUAM WATERWORKS AUTHORITY (GWA) AND THE GUAM POWER AUTHORITY (GPA) FOR ANY RESIDENTIAL OR AGRICULTURAL LOT IT PLANS TO LEASE PRIOR TO EXECUTING ANY SUCH LEASE.~~

~~2:00 PM to 5:00 PM~~ **POSTPONED DUE TO LEGISLATIVE SESSION**

- ~~**BILL NO. 163 35 (COR)** Therese M. Terlaje AN ACT TO ADD A NEW § 30109(m) TO CHAPTER 30 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE OFFICE OF THE ATTORNEY GENERAL OF GUAM TO ENTER INTO CONTINGENCY FEE AGREEMENTS FOR THE PROTECTION OF GUAM'S ENVIRONMENT AND HISTORIC PROPERTIES.~~
- ~~**BILL NO. 280 35 (LS)** Telena Cruz Nelson AN ACT TO AMEND § 76103 ARTICLE 1 OF CHAPTER 76, TITLE 21, GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING PARTNERSHIP BETWEEN THE GUAM HISTORIC PRESERVATION OFFICER AND THE LEGISLATIVE COMMITTEE CHAIR OF WHICH AGENCY THE GUAM STATE HISTORIC PRESERVATION OFFICE FALLS UNDER CONCERNING PROGRAMMATIC AGREEMENT NEGOTIATIONS~~
- ~~**OVERSIGHT HEARING:** STATE HISTORIC PRESERVATION OFFICE REGARDING MARIANA ISLAND TESTING AND TRAINING PROGRAMMATIC AGREEMENT.~~

If you would like to participate in the virtual hearing to provide testimony on any of the agenda items, please email [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) or call 472-3586 with your name and contact number. Written testimonies may be submitted via email to the Office of the Senator Therese M. Terlaje.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4, and stream online via *I Liheslaturan Guåhan's* [live feed](#) on Youtube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. In compliance with the

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Americans with Disabilities Act, individuals requiring assistance or accommodations should contact the Office of Senator Therese M. Terlaje by phone or via email. We look forward to your participation! *Si Yu'os Ma'åse'!*

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GUAM DAILY POST • SATURDAY, NOVEMBER 21, 2020

GEC continued from page 1

from 9 a.m. to nearly 8 p.m., included the tabulation of 272 absentee ballots for nearly all the races, a recount for the Yigo mayoral race and the GEB race and the resolution of administrative matters before certification.

"The results are now official," GEC Vice Chairwoman Alice Tajeron said after the adoption of the motion to certify the general election results, around 7:39 p.m.

**13-vote margin for the win**

In the Yigo mayoral race, Sanchez won by a 13-vote margin over Frances Lizama, a Democrat, after the recount. Sanchez is the current Republican vice mayor of Yigo.

This is one of the closest races in Guam election history, according to GEC Executive Director Maria Pangelinan.

"I'm glad it's over. Now we can put this election to rest and move forward and continue to work for Yigo," Sanchez said, after GEC released the results of the Yigo mayoral recount about 3 p.m.

Tabulation and other administrative matters continued after that.

The absentee ballots didn't change the results of the election.

**From senators to judges**

When the absentee ballot tabulation and recount were completed, GEC's Tajeron and members Patrick Civile, Jerry Crisostomo, Joe Mafnas, Toni Gumataotao and Carissa Pangelinan certified 54 election winners.

GEC Chairman Michael Perez was excused from the meeting.

Among the certified winners are the 15 members of the incoming 36th Legislature, 19 mayors, seven vice mayors, the public auditor, six members of the Guam Education Board and two members of the Consolidated Commission on Utilities.

Also included were one justice and three judges who voters retained.

GEC will certify the result of the congressional runoff election won by Delegate Michael San Nicolas on Dec. 2, after the counting of absentee and provisional ballots, Pangelinan said.

**'Move on now'**

Friday's recount didn't change the results of the Yigo mayoral race and the Guam Education Board race.

Sanchez's vote tally increased to 788, and Lizama's to 775.

That's a 13-vote difference, compared to an eight-vote difference initially that triggered an automatic recount.

Both Sanchez and Lizama were at the GEC office from 9 a.m. until about 3 p.m. to wait for the recount results.

"A lot of anxiety," Sanchez said after a six-hour wait on Friday, on top of the 17-day wait since the Nov. 3 election. "I'm glad it's over with and we move on now."

Sanchez thanked Yigo voters for trusting him to serve them. He also thanked the five other mayoral candidates.

"We will still work together to move the village forward," he said.

At the GEC office where the recount was held, Sanchez and Lizama gave each other a congratulatory hug after the final tally was announced.

Lizama told Sanchez that she's willing to offer her help "in moving things forward."

"From the very beginning, I've always said I leave it up to the Lord. I have plans but he has better plans for me. It's always about the people in the community. I'm content," Sanchez said. "We just have to move forward and make the best out of being able to help out the community."

In the Guam Education Board race, Crisostomo initially held a 77-vote lead over seventh-place finisher Deborah Ellen, 9,255 votes versus 9,178 votes.

After Friday's recount, the total number of votes for Crisostomo changed to 9,362 and for Ellen, 9,288, the final difference shrinking to 74.

RULES continued from page 1

- If sharing food, assign one person to serve food.

- If food is self-serve, have an adequate number of single-use utensils for each person to use for each dish; a receptacle should also be accessible and available to hold all used utensils.

- Use single-use articles, such as disposable containers, paper plates and plastic utensils.

**Yigo church has more COVID-19 cases**

There are now four Our Lady of Lourdes Catholic Church parishioners who have tested positive for COVID-19, according to the Archdiocese of Agaña.

The latest parishioner, reported on Friday, was a contact of another positive case announced earlier.

The archdiocese and other local agencies have recently announced new positive cases. Guam Waterworks Authority closed down its Upper Tumon center on Friday after an employee tested positive and Guam Election Commission officials had to track down possible contacts

of a precinct official who worked during the Nov. 17 runoff election.

The latest Yigo parishioner to have contracted the virus was part of a group of 15 parishioners who underwent testing Thursday in connection to the Nov. 15 positive individual. The 14 other people tested negative for the virus.

The latest people to test positive have not attended Mass at Our Lady of Lourdes since Sunday, Nov. 8. The church underwent deep cleaning and extensive sanitization on Nov. 11. Following Public Health and Archdiocese protocols, the church is able to remain open because of this.

**Barrigada precinct**

A person who served as a precinct official for Barrigada Precinct 15 (A-Ck) during the Runoff Election on Nov. 17 tested positive for COVID-19 during the late afternoon of Nov. 19, according to GEC officials.

The official who tested positive serviced only one curbside voter and is now at the isolation facility, according to a press release from the Guam Election Commission. The remaining four precinct officials are in self-quarantine. **(Daily Post Staff)**

PANDEMIC continued from page 1

company called Paradise Earth, she said.

**Grateful for the opportunity**

Despite the shift in career path, she said she's grateful to the company for hiring her in these challenging times.

"I was anxious to get back to work. My husband remains employed but it's always good to have extra income to pay all the bills," she said.

Her new job involves sanitizing office spaces and surfaces, a job niche that the COVID-19 pandemic has opened up.

"The job itself is easy. It's not a job I'm so passionate about because it's not what I was used to, but I am happy and thankful to have a job at all during this pandemic," Ignacio told The Guam Daily Post. "With the holidays approaching, this will also allow me to buy gifts for family besides paying the bills."

Similar to the plight of 30,000-plus workers affected by COVID-19, Ignacio has been receiving federal Pandemic Unemployment Assistance, which will expire soon for her and most Guam workers after reaching their 39-week mark.

The federal PUA program that the Guam Department of Labor administers, she said, is a big help to many families such as hers.

Ignacio said she had been with Terry's Local Comfort Food since the day the restaurant opened in Yigo, and then moved to Tumon.

"I left for a year to work for a franchise company, but I went back to Terry's. So it's really sad that they're not opening again because of COVID. I am thankful for the restaurant," Igna-



**GRABBING OPPORTUNITIES:** April Ignacio, a former restaurant supervisor, says there are a number of opportunities even in the midst of a pandemic, especially if one is not too picky about available jobs that help pay the bills. When not working, she rides to ease the stress and anxiety of staying home for months. Photo courtesy of April Ignacio

ciado said. Tumon, once bustling with tourists and local employees working in the tourism industry, remains nearly a ghost town as COVID-19 travel restrictions keep tourists from traveling to Guam.

**A job offer**

Ignacio said she joined a Bible study group and one of the people at the study asked her if she was still looking for a job.

"I said 'yes,'" she said, and she followed up with the company.

She was able to start working in October, mostly after office hours.

"My message to others who also lost their job, don't stop looking for a new job. Grab every opportunity. Don't feel so sorry for yourself because that feeling will not get you anywhere," she said. "I wish everyone success."

**SENATOR THERESA M. TERLAJE**  
 I Mina'trental Singko na Liheslaturan  
 Guåhan 35<sup>th</sup> Guam Legislature

**Committee on Health, Tourism, Historic Preservation, Land and Justice**

**VIRTUAL PUBLIC HEARINGS • Monday, November 23, 2020**

**AGENDA**

**9:00 AM to 11:00 AM- Executive Appointment Hearings:**

- Scott R. Shay, MD, Member, Guam Board of Medical Examiners
- Luis G. Cruz, MD, Member, Guam Board of Medical Examiners
- Ronald T. Laguaña, Member, Guam Ancestral Lands Commission

**11:00 AM to 1:00 PM- Virtual Public Hearings:**

- **Bill No. 406-35 (COR)** - Regine Biscope Lee / Theresa M. Terlaje- AN ACT TO ADD A NEW § 75108(j) TO CHAPTER 75 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO MAKING ANY CHAMORRO LAND TRUST COMMISSION (CLTC) LEASE SUBJECT TO COMPLETE DEFEASANCE FOR ILLEGAL DUMPING, AND TO FURTHER DIRECTING THE CLTC TO ADOPT RULES AND REGULATIONS TO IMPLEMENT THE TERMS OF THIS ACT.
- **Bill No. 407-35 (COR)** - Regine Biscope Lee- AN ACT TO ADD A NEW § 75108-(c)(3) TO CHAPTER 75 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING THE CHAMORRO LAND TRUST COMMISSION (CLTC) TO OBTAIN A UTILITY VERIFICATION FROM THE GUAM WATERWORKS AUTHORITY (GWA) AND THE GUAM POWER AUTHORITY (GPA) FOR ANY RESIDENTIAL OR AGRICULTURAL LOT IT PLANS TO LEASE PRIOR TO EXECUTING ANY SUCH LEASE.

**2:00 PM to 5:00 PM- Virtual Public Hearings:**

- **Bill No. 163-35 (COR)** - Theresa M. Terlaje- AN ACT TO ADD A NEW § 30108(m) TO CHAPTER 30 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE OFFICE OF THE ATTORNEY GENERAL OF GUAM TO ENTER INTO CONTINGENCY FEE AGREEMENTS FOR THE PROTECTION OF GUAM'S ENVIRONMENT AND HISTORIC PROPERTIES.
- **Bill No. 280-35 (LS)** - Teresa Cruz Nelson- AN ACT TO AMEND § 76103 ARTICLE 1 OF CHAPTER 76, TITLE 21, GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING PARTNERSHIP BETWEEN THE GUAM HISTORIC PRESERVATION OFFICER AND THE LEGISLATIVE COMMITTEE CHAIR OF WHICH AGENCY THE GUAM STATE HISTORIC PRESERVATION OFFICE FALLS UNDER CONCERNING PROGRAMMATIC AGREEMENT NEGOTIATIONS.
- **Oversight Hearing:** State Historic Preservation Office regarding Mariana Island Testing and Training Programmatic Agreement.

Please email [senator@terlaje.com](mailto:senator@terlaje.com) or call 472-3586, if you would like to participate to provide testimony on any of these agenda items no later than COB on November 20, 2020 or require any special accommodations or further information. The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60-A; stream online via Liheslaturan Guåhan's live feed at [http://www.guamlegislature.com/live\\_feed.htm](http://www.guamlegislature.com/live_feed.htm). This ad is paid for with government funds.





Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt;

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**Notice of Confirmation Hearing on appointment to the GBME**

1 message

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**Senator Therese Terlaje** <senatorterlajeguam@gmail.com>  
To: "Yahoo Mailing (US)" [REDACTED]@yahoo.com>

Wed, Nov 18, 2020 at 8:04 AM

November 18, 2020

**Transmitted via electronic mail:**Scott R. Shay, MD  
Executive Appointee, Guam Board of Medical Examiners  
[REDACTED]@yahoo.com**SUBJECT: Confirmation Hearing on Executive Appointment to serve as a Member, Guam Board of Medical Examiners for a term of four (4) Years; May 13, 2020 to May 12, 2024, to fill the seat of Dr. Vincent S. Duenas, whose term has expired.***Håfa Adai* Dr. Shay,

The Virtual Confirmation Hearing for your appointment to the Guam Board of Medical Examiners, has been scheduled for **Monday, November 23, 2020 beginning at 9:00 a.m. via a Virtual Public Hearing**. The Zoom hearing link will be sent to you once issued to our office by the Guam Legislature's MIS Division. The Legislature guidance on virtual hearings is included with this notice for your reference.

The Committee looks forward to your testimony on your appointment. Please also be prepared to answer various questions by the Committee and members of the panel. You are encouraged to invite family, friends and/or colleagues to participate to provide oral testimony in support of your appointment. Individuals who would like to participate are required to register with our office via email at [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) with their full name, contact number and email address **no later than COB on Friday, November 20, 2020**, and must comply with legislative rules for this format.

Written testimony can also be submitted to the Committee via email to my office or by hand delivery to the Office of Senator Therese M. Terlaje at Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910; or to the mailroom of the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam. Should you have any questions, please contact my office at 472-3586.

Si Yu'os Ma'åse',  
Therese M. Terlaje**Office of Senator Therese M. Terlaje**

Committee on Health, Tourism, Historic Preservation, Land and Justice

*I Mina'trentai Singko na Liheslaturan Guåhan*

35th Guam Legislature

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## 2 attachments



**Notice of Legislative Confirmation Hearing\_Dr. Scott R. Shay, MD\_GBME.pdf**

393K



**35th Guam Legislature Virtual Hearing Guidance.pdf**

308K



## SENATOR THERESE M. TERLAJE

Committee on Health, Tourism, Historic Preservation, Land and Justice

*I Mina' trentai Singko na Libeslaturan Guåhan*  
35<sup>th</sup> Guam Legislature

November 18, 2020

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Scott R. Shay, MD

Executive Appointee, Guam Board of Medical Examiners

██████████@yahoo.com

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Si Yu'os Ma'åse',

  
Therese M. Terlaje

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**SENATOR THERESE M. TERLAJE**

Committee on Health, Tourism, Historic Preservation, Land and Justice  
*I Mina' trentai Singko na Liheslaturan Guåhan*  
35<sup>th</sup> Guam Legislature

**VIRTUAL PUBLIC HEARING AGENDA**

**Monday, November 23, 2020**

**beginning at 9:00 a.m.**

*via Zoom Conference platform*

**(PLEASE LOG ON TO THE VIRTUAL LINK 15 MINUTES PRIOR TO THE  
SCHEDULED HEARING TIME)**

**9:00AM to 11:00AM: CONFIRMATION HEARINGS FOR THE  
FOLLOWING APPOINTMENTS:**

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- LUIS G. CRUZ, MD - MEMBER, GUAM BOARD OF MEDICAL EXAMINERS.

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**10 GCA HEALTH AND SAFETY  
CH. 12 MEDICAL PRACTICES**

(F) The non-resident licensed consulting physician rendering consultation shall abide by all local and federal laws with regard to patient confidentiality.

**SOURCE:** Added as part of Article 2 by P.L. 24-208:3(May 13, 1998). Subsection (b)(8) added by P.L. 29-092:3. (July 18, 2008).

**2012 NOTE:** In maintaining the general codification scheme of the GCA the Compiler changed the hierarchy of subsections beginning with “lowercase roman numerals” to “uppercase letters” in subsection (b)(8).

**§ 12203. Guam Board of Medical Examiners.**

(a) There is established, in and for the government of Guam, a Guam Board of Medical Examiners (BOARD) composed of seven (7) members who shall be nominated and appointed by *I Maga’lahen Guåhan*, with the advice and consent of *I Liheslaturan Guåhan*.

(1) At least six (6) of the seven (7) members shall be physicians licensed in Guam, shall be persons of recognized professional ability and integrity, and shall have practiced in Guam for at least five (5) consecutive years immediately preceding the appointment.

(2) All members shall be citizens or permanent residents of the United States who have resided in Guam for at least five (5) consecutive years immediately preceding the appointment.

(3) One (1) of the physician board members shall be the Medical Director of the Guam Memorial Hospital Authority (GMHA) who meets the above criteria; otherwise, *I Maga’lahen Guåhan* shall nominate and appoint a qualified physician from the GMHA staff.

(4) Provided that of the initial members appointed under this Article, appointments shall be made so that three (3) members of the Board, sitting or newly appointed, shall serve for two (2) years, and four (4) members, sitting or newly appointed shall serve for a term of four (4) years, until a successor is appointed and qualified.

**10 GCA HEALTH AND SAFETY  
CH. 12 MEDICAL PRACTICES**

(5) No member shall serve more than three (3) consecutive terms.

(6) The members of the Board sitting as of the date of enactment of this Article who meet the requirements and limitations placed upon membership by this Article shall remain in office until the expiration of their respective terms.

(7) When a vacancy occurs, *I Maga'lahaen Guåhan* shall nominate and appoint a new member within sixty (60) days of the commencement of the vacancy, which shall be subject to the advice and consent of *I Liheslaturan Guåhan*.

(8) Members of the Board shall receive a stipend and be compensated in the amount of Fifty Dollars (\$50.00) for attending a Board meeting, not to exceed One Hundred Dollars (\$100.00) per month.

(b) The Guam Board of Medical Examiners, within the context of this Article and the requirements of due process, shall have the following powers and responsibilities:

- (1) promulgate rules and regulations;
- (2) select and administer licensing examination(s);
- (3) evaluate medical education and training of applicants;
- (4) evaluate previous professional performance of applicants;
- (5) issue or deny initial or endorsement licenses;
- (6) approve or deny applications for license re-registration and renewal;
- (7) receive, review and investigate complaints;
- (8) receive, review and investigate reports received from law enforcement agencies, health care organizations, governmental agencies, insurers and other entities having information pertinent to the professional performance of licensees;

**10 GCA HEALTH AND SAFETY  
CH. 12 MEDICAL PRACTICES**

(9) issue subpoenas, subpoenas duces tecum, administer oaths, receive testimony and conduct hearings;

(10) discipline licensees found in violation of the Medical Practice Act;

(11) institute actions in its own name and enjoin violators of the Medical Practice Act;

(12) establish appropriate fees and charges to include support of active and effective pursuit of its legal responsibilities;

(13) re-instate revoked license at its discretion, but to use such discretionary authority in a consistent manner and with great assurances that the re-instatement of a license will not jeopardize the public; and

(14) develop and adopt its budget.

(15) receive, review and investigate a peer review finding and action received from a health care organization pertinent to the professional performance of a licensee. Upon the receipt of an appeal of a peer review finding and action, the Board shall have:

(A) the responsibility to review the peer review findings and action by a health care organization, and shall have the authority to either,

(i) uphold the peer review action and finding;

(ii) refer the peer review action back to the initiating health care organization for further consideration or reconsideration; or

(iii) reverse, vacate, or otherwise “void” the peer review action and findings.

(c) Immunity. There should be no liability, monetary or otherwise, on the part of, and no cause of action for damages should arise against any current or former member, officer, administrator, staff member, committee member, examiner, representative, agent, employee, consultant, witness or any other



**10 GCA HEALTH AND SAFETY  
CH. 12 MEDICAL PRACTICES**

person serving or having served the Board, either as a part of the Board's operation or as an individual, as a result of any act, omission, proceeding, conduct or decision related to his or her duties undertaken or performed in good faith and within the scope of the function of the Board.

(d) Indemnity. If a current or former member, officer, administrator, staff member, committee member, examiner, representative, agent, employee, consultant or any other person serving or having served the Board requests the government to defend him or her against any claim or action arising out of any act, omission, proceeding, conduct or decision related to his or her duties undertaken, or performed in good faith and within the scope of the function of the Board, and if such a request is made in writing at a reasonable time before trial, and if the person requesting defense cooperates in good faith in the defense of the claim or action, the government should provide and pay for such defense and should pay any resulting judgment, compromise or settlement.

(e) A member of the Board should be subject to removal when he or she:

(1) ceases to be qualified;

(2) is found guilty of a felony or an unlawful act involving moral turpitude by a court of competent jurisdiction;

(3) is found guilty of malfeasance, misfeasance or nonfeasance in relation to his or her Board duties by a court of competent jurisdiction;

(4) is found mentally incompetent by a court of competent jurisdiction;

(5) fails to attend three (3) successive Board meetings without just cause as determined by the Board; or

(6) is found in violation of the Physicians Practice Act.

(f) All physician members of the Board should hold full and unrestricted medical licenses in Guam, should be persons of recognized professional ability and integrity, and should have

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resided in Guam at least five (5) years and practiced in the jurisdiction long enough to have become familiar with policies and practice in the jurisdiction.

(g) The Board's public member who:

(1) is not a licensed physician or provider of health care;

(2) have no substantial personal or financial interests in the practice of medicine, or with any organization regulated by the Board; and

(3) is a resident of Guam.

(h) (1) The Board should be authorized to appoint committees from its membership and employ an executive secretary or director and other staff, including an adequate staff of investigators, to effectively perform its duties under the Act.

(2) It should also be assigned adequate legal counsel by the Office of the Attorney General and/or be authorized to employ private counsel or its own full-time attorney.

(i) Travel, expenses and daily compensation should be paid for each Board member's attendance, in or out of Guam, for education or training purposes directly related to Board duties and approved by the Board.

(j) (1) Telephone or other telecommunication conference should be an acceptable form of Board meeting for the purpose of taking emergency action to enforce the Physicians Practice Act, if the president alone or another officer and two (2) Board members believe the situation precludes another form of meeting.

(2) The Board should be authorized to establish procedures by which its committees may meet by telephone or other telecommunication conference system to take emergency action.

**SOURCE:** Subsections (a) and (b) amended by P.L. 30-195:2(Aug. 28 2010), effective, Jan. 2, 2011, pursuant to P.L. 30-195:5. Subsection (c)(15) added by P.L. 32-158:3 (May 21, 2014).

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**2018 NOTE:** Subsection/subitem designations altered/added pursuant to the authority granted by 1 GCA § 1606.

**§ 12204. Examinations.**

(a) Medical Licensing Examination(s).

(1) No person shall receive a license to practice medicine in Guam unless he or she has passed an examination or examinations satisfactory to the Board, including the National Board of Medical Examiners, FLEX, USMLE or future national examination.

(2) The Board shall approve the preparation and administration of an examination or examinations, in English, that it deems must be satisfactorily passed as part of its procedure for determining an applicant's qualification for the practice of medicine.

(3) Examinations shall be scored in a way to ensure the anonymity of applicants.

(4) Examinations shall be conducted at least annually, provided there are five (5) applicants of which one (1) of the applicants must be a resident of Guam.

(5) The Board shall stipulate the score required for passing the examination(s). The required passing score should be set before the administration of the examination(s).

(6) (A) Applicants shall be required to pass all examinations within a specific period of time after initial application in any jurisdiction.

(B) Specific requirements for the satisfactory completion of further medical education should be established by the Board for those applicants seeking to be examined after the specified passing period.

(7) The Board shall be authorized to limit the number of times an examination may be taken before the satisfactory completion of further medical education is required of an applicant.

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(8) Fees for any examination shall be paid by an applicant before the examination is given in accordance with specified deadlines.

(b) Examination Application. To apply for examination(s), an applicant shall provide the Board, and attest to the following information and documentation, no later than a date set by the Board:

(1) his or her full name and all aliases or other names ever used, current address, social security number and date and place of birth;

(2) a recent signed photograph, a handwriting sample (A set of fingerprints of the applicant may be requested if available.);

(3) an original of all documents and credentials required by the Board, or notarized photocopies or other verification acceptable to the Board of such documents and credentials;

(4) a list of all jurisdictions, United States or foreign, in which the applicant is licensed, or has applied for licensure, to practice medicine, or is authorized, or has applied for authorization to practice medicine;

(5) a list of all jurisdictions, United States or foreign, in which the applicant has been denied licensure or authorization to practice medicine or has voluntarily surrendered a license or an authorization to practice medicine;

(6) a list of all sanctions, judgments, awards, settlements or convictions against the applicant in any jurisdiction, United States or foreign, that would constitute grounds for disciplinary action under the Medical Practice Act or the Board's rules and regulations;

(7) a detailed educational history, including places, institutions, dates and program descriptions, of all his or her education, beginning with secondary schooling and including all college, pre-professional, professional and professional postgraduate education;

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(8) a detailed chronological life history, including places and dates of residence, employment and military service, United States or foreign; and

(9) any other information or documentation the Board determines necessary.

(c) Examination Security.

(1) Any individual found by the Board to have engaged in conduct that subverts or attempts to subvert the medical licensing examination process should, at the discretion of the Board, have his or her scores on the licensing examination withheld and/or declared invalid, be disqualified from the practice of medicine and/or be subject to the imposition of other appropriate sanctions. The Federation of State Medical Boards of the United States should be informed of all such actions.

(2) Conduct that subverts or attempts to subvert the medical licensing examination process should include, but not be limited to:

(A) conduct that violates the security of the examination materials, such as removing from the examination room any of the examination materials; reproducing or reconstructing any portion of the licensing examination; aiding by any means in the reproduction or reconstruction of any portion of the licensing examination; selling, distributing, buying, receiving or having unauthorized possession of any portion of a future, current or previously administered licensing examination;

(B) conduct that violates the standard of test administration, such as communicating with any other examinee during the administration of the licensing examination; copying answers from another examinee or permitting one's answers to be copied by another examinee during the administration of the licensing examination; having in one's possession during the administration of the licensing examination any books,

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notes, written or printed materials or data of any kind, other than the examination distributed; and/or

(C) conduct that violates the credentialing process, such as falsifying or misrepresenting educational credentials or other information required for admission to the licensing examination; impersonating an examinee or having an impersonator take the licensing examination on one's behalf.

(3) The Board shall provide written notification to all applicants for medical licensure of the prohibitions on conduct that subverts or attempts to subvert the licensing examination process, and of the sanctions imposed for such conduct. A copy of such notification attesting that he or she read and understood the notification should be signed by the applicant and filed with his or her application.

**2013 NOTE:** Pursuant to the authority granted by 1 GCA § 1606, numbers and/or letters in subsection (c)(2) were altered to adhere to the Compiler's alpha-numeric scheme.

**§ 12205. Requirements for Full Licensure.**

(a) The applicant shall provide the Board and attest to the following information and documentation in a manner required by the Board:

(1) his or her full name and all aliases or other names ever used, current address, social security number, and date and place of birth;

(2) a recent signed photograph, a set of fingerprints of the applicant, if requested, and a sample of handwriting;

(3) originals of all documents and credentials required by the Board, or notarized photocopies or other verification acceptable to the Board of such documents and credentials;

(4) a list of all jurisdictions, United States or foreign, in which the applicant is licensed, or has applied for licensure to practice medicine, or is authorized or has applied for authorization to practice medicine;

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(5) a list of all jurisdictions, United States or foreign, in which the applicant has been denied licensure or authorization to practice medicine or has voluntarily surrendered a license or an authorization to practice medicine;

(6) a list of all sanctions, judgments, awards, settlements or convictions against the applicant in any jurisdiction, United States or foreign, that would constitute grounds for disciplinary action under the Medical Practice Act or the Board's rules and regulations;

(7) a detailed educational history, including places, institutions, dates and program descriptions of all his or her education, beginning with secondary schooling and including all college, pre-professional, professional and professional postgraduate education;

(8) a detailed chronological life history, including places and dates of residence, employment and military service, United States or foreign; and

(9) any other information or documentation the Board determines necessary.

(b) (1) The applicant shall possess the degree of Doctor of Medicine or Osteopathy from a medical college or school located in the United States, its territories or possessions, or Canada that was approved by the Board or by a private nonprofit accrediting body approved by the Board at the time the degree was conferred.

(2) No person who graduated from a medical school that was not so approved at the time of graduation should be examined for licensure, or be licensed in Guam based on credentials or documentation from that school.

(c) The applicant shall have satisfactorily completed at least thirty-six (36) months of progressive postgraduate medical training approved by the Board or by a private nonprofit accrediting body approved by the Board in an institution in the United States, its territories or possessions, or Canada approved

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by the Board or by a private nonprofit accrediting body approved by the Board.

(d) The applicant shall have passed medical licensing examination(s) satisfactory to the Board.

(e) The applicant shall have demonstrated a familiarity with the statutes and regulations of Guam relating to the practice of medicine and the appropriate use of controlled or dangerous substances.

(f) The applicant shall be physically, mentally and professionally capable of practicing medicine in a manner acceptable to the Board and should be required to submit to a physical, mental or professional competency examination or a drug dependency evaluation if deemed necessary by the Board.

(g) The applicant shall not have been found guilty by a competent authority, United States or foreign, of any conduct that would constitute grounds for disciplinary action under the regulations of the Board or the Act. The Board should be authorized, at its discretion, to modify this restriction for cause, but it should be directed to use such discretionary authority in a consistent manner.

(h) (1) The applicant, at the discretion of the Board, shall make a personal appearance before the Board or a representative thereof for interview, examination or review of credentials at the request of the Board.

(2) At the discretion of the Board, the applicant may be required to present his or her original medical education credentials for inspection at the time of personal appearance.

(i) (1) The applicant shall be held responsible for verifying to the satisfaction of the Board the validity of all credentials required for his or her medical licensure.

(2) The Board shall review and verify medical credentials and screen applicant records through recognized national physician information services (e.g. the Federation of State Medical Boards' Board Action Data Bank and Credentials Verification Service, the files of the American



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Medical Association and the American Osteopathic Association, and other national data banks and information resources).

(j) The applicant shall have paid all fees and have completed and attested to the accuracy of all application and information forms required by the Board.

**2018 NOTE:** Subsection/subitem designations altered/added pursuant to the authority by 1 GCA § 1606.

**§ 12206. Graduates of Foreign Medical Schools.**

(a) Such applicants shall possess the degree of Doctor of Medicine or Osteopathy, Bachelor of Medicine or Osteopathy, or a Board-approved equivalent based on satisfactory completion of educational programs acceptable to the Board.

(b) Such applicants shall be eligible by virtue of their medical education and training for unrestricted licensure or authorization to practice medicine in the country in which they received that education and training.

(c) Such applicants shall have passed an examination acceptable to the Board that adequately assesses the applicants' basic medical knowledge.

(d) Such applicants shall be certified by the Educational Commission for Foreign Medical Graduates or its Board-approved successor(s), or by an equivalent Board-approved entity.

(e) Such applicants shall have a demonstrated command of the English or Chamorro language satisfactory to the Board.

(f) The Board shall be authorized to establish regulations requiring all such applicants to satisfactorily complete at least thirty-six (36) months of Board approved, progressive postgraduate medical training.

(g) All credentials, diplomas and other required documentation in a foreign language submitted to the Board by or on behalf of such applicants shall be accompanied by notarized English translations acceptable to the Board.

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(h) Such applicants shall have satisfied all of the applicable requirements of the United States Immigration and Naturalization Service.

**§ 12207. Licensure by Endorsement and Temporary and Special Licensure.**

(a) Licensure Without Examination. The Board is authorized, at its discretion, to issue a license by endorsement to an applicant who:

(1) has complied with all current medical licensing requirements save that for examination;

(2) has passed a medical licensing examination given in English in another state, the District of Columbia, a territory or possession of the United States or Canada, provided the Board determines that examination was equivalent to its own current examination;

(3) has a valid current medical license in another state, the District of Columbia, a territory or possession of the United States or Canada; and

(4) Required to take SPEX if last examination was taken more than ten (10) years ago.

(b) Endorsement for Certified Applicants: The Board is authorized, at its discretion, to issue a license by endorsement to an applicant who:

(1) has complied with all current medical licensing requirements save that for examination; and

(2) has passed the examination of and been certified by a certifying agency recognized by the Board (e.g., the National Board of Medical Examiners or the National Board of Examiners for Osteopathic Physicians and Surgeons), provided the Board determines that examination was equivalent to its own current examination and was not a specialty board examination.

(c) Endorsement Examination: Notwithstanding any other provisions of the act, the Board is authorized to require applicants for full and unrestricted medical licensure by

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endorsement who have not been formally tested by a United States or Canadian medical licensing jurisdiction, a Board-approved medical certifying agency or a Board-approved medical specialty board within a specific period of time before application (e.g. eight (8) or ten (10) years to pass a written and/or oral medical examination approved by the Board for that purpose.)

(d) Temporary Licensure. The Board is authorized to establish regulations for issuance of a temporary medical license for the intervals between Board meetings. Such a license should:

(1) be granted only to an applicant demonstrably qualified for a full and unrestricted medical license under the requirements set by the Medical Practice Act and the regulations of the Board; and

(2) automatically terminate on the date of the next Board meeting at which the holder could be considered for a full and unrestricted medical license.

(e) Special Purpose License to Practice Medicine Across Guam/State Lines. The Board is authorized, at its discretion, to issue a special purpose license to practice medicine across Guam lines to an applicant who:

(1) holds a full and unrestricted license to practice in at least one (1) other state or United States jurisdiction;

(2) has not had previous disciplinary or other action taken against him or her by any state or jurisdiction; and

(3) must be at least qualified to be licensed in Guam. Exceptions to the special purpose license to practice medicine across Guam lines include the following:

(A) the practice of medicine across state lines by a licensed physician on an irregular or infrequent basis, provided such practice occurs less than once a week or involves less than one percent (1%) of the physician's diagnostic or therapeutic practice;

(B) the informal practice of medicine by a licensed physician is without compensation or

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expectation of compensation. (The practice of medicine conducted within the parameters of a contractual relationship shall not be considered informal and shall be subject to regulation by the Guam Board of Medical Examiners.);

(C) physician specialist, or field of authority is not available locally; and

(D) the practice of medicine in terms of diagnosis and treatment of a patient is under the responsibility of a locally licensed physician.

(f) Special Licensure. The Board is authorized to issue conditional, restricted or otherwise circumscribed licenses as it determines necessary.

(g) Military Limited Volunteer Medical License.

(1) A physician who practices medicine on Guam under a license issued pursuant to this Subsection may only practice at the Department of Public Health and Social Services, the Guam Memorial Hospital Authority, the Community Health Centers, or a clinic or outreach event that primarily provides services for indigent populations, and the physician shall not receive direct or indirect compensation or payment of anything of monetary value in exchange for the medical services rendered by the physician to the indigent patients.

(2) The Board is authorized to issue a Military Limited Volunteer Medical License to an applicant who:

(A) is licensed and in good standing as a physician in another state;

(B) maintains credentials within the military credentialing system and authorizes the Guam-based Military Credentialing Office to provide to the Guam Board of Medical Examiners the required verification documents and military commander's approval; and

(C) agrees to be subject to Board rules and regulations, including those regarding disciplinary

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action, license registration and renewal, and continuing medical education, throughout the duration of the Military Limited Volunteer Medical licensure.

(3) A Military Limited Volunteer Medical License shall be issued

(A) at no charge to the applicant,

(B) be valid for a period of two (2) years, and

(C) may be renewed and maintained according to registration requirements as prescribed by the Board.

(4) The license shall be in effect upon receipt of the application packet by the Guam Board of Medical Examiners subject to final review. This presumptive eligibility for licensure is contingent upon

(A) the appropriate military commander's authorization allowing the physician to practice in the community, and

(B) the appropriate collaborative sharing of information between the Military Credentialing Office and the Guam Board of Medical Examiners.

**SOURCE:** Added by P.L. 24-208:2 (May 13, 2008). Subsection (g) added by P.L. 34-126:2 (Oct. 17, 2018).

**2018 NOTE:** This section was originally entitled "*Examination Facilities*," as repealed and reenacted by P.L. 16-123:9 (Dec. 28, 1982). Repealed by P.L. 24-208:1 (May 13, 2008).

Subsection designations added/alterd pursuant to the authority granted by 1 GCA § 1606.

**2011 NOTE:** In maintaining the general codification scheme of the GCA the Compiler changed the hierarchy of subsections (e)(3) beginning with "numbers" to "Uppercase letters."

**§ 12208. Limited Licensure for Physicians in Postgraduate Training.**

(a) To be eligible for limited licensure, the applicant should have completed all the requirements for full and unrestricted medical licensure, except postgraduate training or specific examination requirements.

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(b) (1) The application for limited licensure shall be made directly to the Board in the jurisdiction where the applicant's postgraduate training is to take place.

(2) The institution supervising the applicant's postgraduate training program director shall have established procedures whereby the status of an applicant's limited license is verified prior to acceptance into a postgraduate training program, and such acceptance shall be made only after an applicant demonstrates that he or she holds a limited license issued by the Board specifically for the purpose of postgraduate training.

(c) The Board shall be directed to establish by regulation restrictions for the limited license to assure that the holder will practice only under appropriate supervision and at locations acceptable to the Board.

(d) The limited license shall be renewable annually with the approval of the Board and upon the written recommendation of the supervising institution, including a written evaluation of performance, until such time as Board regulations require the achievement of full and unrestricted medical licensure.

(e) (1) The program directors responsible for postgraduate training shall report to the Board, in writing, any disciplinary actions taken against an individual with a limited license.

(2) They shall also report to the Board, in writing, any individual who has not been advanced in the program or who has been dropped from the program for performance or ethical reasons.

(3) Directors of postgraduate training programs should also be required to submit an annual written report to the Board on all individuals enrolled in their programs.

(A) This annual report shall include any disciplinary actions taken against, or restrictions placed upon, any individual in the program.

(B) The report shall also include the reason(s) for any individual's failure to advance in the program, as

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well as a full explanation of any individual's absence from the program of fourteen (14) days or more.

(C) Failure to submit such a report to the Board shall be considered a violation of the mandatory reporting provisions of the Medical Practice Act, and shall be grounds to initiate such disciplinary action as the Board deems appropriate, including fines levied against the supervising institution and suspension of the program director's medical license.

(f) The disciplinary provisions of the Physicians Practice Act shall apply to the holders of the limited license as if they held full and unrestricted medical licensure.

(g) The issuance of a limited license shall not be construed to imply that a full and unrestricted medical license will be issued at any future date.

(h) The Board may issue a visiting physician temporary permit to practice medicine to an applicant who intends to practice under the supervision of a licensed Guam physician, excluding training in postgraduate training programs:

(1) for educational purposes;

(2) to practice charity care to underserved populations in Guam; provided, that the supervising physician or visiting physician may not impose fees or receive compensation for the care they provide, as further defined in 7 GCA § 16102(e);

(3) in cases of declared emergency disasters;

(4) for the provision of forensic psychiatric examinations related to criminal matters; or

(5) for the provision of charitable specialized medical care for which the applying physician has demonstrated good cause for the issuance of the permit.

(6) A visiting physician must not have a medical license that is under restriction, disciplinary order, or probation in another state, territory, or country.

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(7) A visiting physician must be supervised by a physician who:

(A) has an unrestricted license in Guam;

(B) has not been the subject of a disciplinary order, unless the order was administrative in nature; and

(C) takes responsibility for the visiting physician during his/her stay in Guam, and must remain the patient's primary physician.

(8) A visiting physician must present written verification from the physician who will be supervising the applicant that the physician will provide continuous supervision of the applicant. Constant physical presence of the physician is not required, but the physician must remain readily available.

(9) A visiting physician must present written verification from the supervising physician as to the purpose for the requested permit.

(10) A visiting physician may not maintain an office in Guam, or appoint a place in Guam for seeing, examining or treating a patient, or any other activity that the Board designates as exempt from the application.

(11) Except in emergency cases, a visiting physician temporary permit application must be submitted no later than sixty (60) days prior to the visiting physician entering Guam. Applications not adjudicated by the Health Professional Licensing Office by the sixty-first (61st) day following submission shall automatically be approved.

(12) Visiting physician temporary permits shall be valid for no more than ten (10) working days, and for a specified locale and purpose. The Board may extend the length of the temporary permit for up to an additional ten (10) days if the applicant shows good cause for why the extended time is needed.



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(13) Due to the charitable and emergency nature of the service, there shall be no fee assessed for the visiting physician temporary permit.

(14) Liability protection for the charitable and uncompensated care provided by the visiting physician is provided for in 7 GCA, Chapter 16 (Volunteer Liability Protection).

**SOURCE:** Added by P.L. 24-208:3 (May 13, 1998). Subsection (h) added by P.L. 34-074:2 (Feb. 9, 2018).

**2018 NOTE:** Section 3 of P.L. 34-074 states the following:

The GBME *shall* promulgate rules to implement the provisions of this Act within ninety (90) days of enactment.

Subsection/subitem designations altered/added pursuant to the authority granted by 1 GCA § 1606.

**NOTE:** This section was originally entitled, "*Preservation of Documents.*" Added by P.L. 15-123:10 (Dec. 29, 1982) as GC § 27107, codified as 10 GCA 10 GCA § 12208, repealed by P.L. 24-208:1 (May 13, 1998).

**§ 12209. Disciplinary Action Against Licensees.**

(a) Range of Actions. The range of disciplinary actions available to the Board include, but not limited to, the following:

- (1) revocation of the medical license;
- (2) suspension of the medical license;
- (3) probation;
- (4) stipulations, limitations, restrictions and conditions relating to practice;
- (5) censure, including specific redress, if appropriate;
- (6) reprimand;
- (7) chastisement;
- (8) monetary redress to another party;
- (9) a period of free public or charity service;
- (10) satisfactory completion of an educational, training and/or treatment program or programs;

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(11) fine; and

(12) payment of disciplinary costs.

The Board at its discretion may take such actions singly or in combination as the nature of the violation requires.

(b) Letter of Concern. The Board is authorized to issue a confidential letter of concern to a licensee when, though evidence does not warrant formal proceedings, the Board has noted indications of possible errant conduct by the licensee that could lead to serious consequences and formal action. In its letter of concern the Board is authorized, at its discretion, to request clarifying information from the licensee.

(c) Examination/Evaluation. The Board is authorized, at its discretion, to require professional competency, physical, mental or chemical dependency examination(s) or evaluation(s) of any applicant or licensee, including withdrawal and laboratory examination of bodily fluids.

(d) Grounds for Action. The Board is authorized to take disciplinary action for unprofessional or dishonorable conduct, which should be defined to mean, but not be limited to, the following:

(1) fraud or misrepresentation in applying for or procuring a medical license or in connection with applying for or procuring periodic re-registration of a medical license;

(2) cheating on, or attempting to subvert, the medical licensing examination(s);

(3) the commission or conviction of a gross misdemeanor or a felony, related to the practice of medicine, or the entry of a guilty or nolo contendere plea to a gross misdemeanor or a felony charge;

(4) conduct likely to deceive, defraud or harm the public;

(5) making a false or misleading statement regarding his or her skill, or the efficacy or value of the medicine treatment or remedy prescribed by him or her or at his or

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her direction in the treatment of any disease or other condition of the body or mind;

(6) representing to a patient that an incurable condition, sickness, disease or injury can be cured;

(7) willfully or negligently violating the confidentiality between physician and patient, except as required by law;

(8) negligence in the practice of medicine as determined by the Board;

(9) being found mentally incompetent or of unsound mind by any court of competent jurisdiction;

(10) being physically or mentally unable to engage safely in the practice of medicine;

(11) practice or other behavior that demonstrates an incapacity or incompetence to practice medicine;

(12) the use of any false, fraudulent or deceptive statement in any document connected with the practice of medicine;

(13) practicing medicine under a false or assumed name;

(14) aiding or abetting the practice of medicine by an unlicensed, incompetent or impaired person;

(15) allowing another person or organization to use his or her license to practice medicine;

(16) commission of any act of sexual misconduct, which exploits the physician-patient relationship in a sexual way;

(17) habitual or excessive use or abuse of drugs, alcohol or other substances that impair ability;

(18) prescribing, selling, administering, distributing, ordering or giving any drug legally classified as a controlled substance, or recognized as an addictive or dangerous drug for other than medically accepted therapeutic purposes;

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(19) violating any state or Federal law or regulation relating to controlled substances;

(20) obtaining any fee by fraud, deceit or misrepresentation;

(21) employing fraudulent billing practices;

(22) directly or indirectly giving or receiving any fee, commission, rebate or other compensation for professional services not actually and personally rendered, though this prohibition should not preclude the legal functioning of lawful professional partnerships, corporations or associations;

(23) disciplinary action of another state or jurisdiction against a license or other authorization to practice medicine based upon acts or conduct by the licensee similar to acts or conduct that would constitute grounds for action as defined in this Section, a certified copy of the record of the action taken by the other state or jurisdiction being conclusive evidence thereof;

(24) failure to report to the Board any adverse action taken against him or her by another licensing jurisdiction, United States or foreign, by any peer review body, by any health care institution, by any professional or medical society or association, by any governmental agency, by any law enforcement agency or by any court for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this Section;

(25) failure to report to the Board surrender of a license or other authorization to practice medicine in another state or jurisdiction, or surrender of membership on any medical staff or in any medical or professional association or society while under disciplinary investigation by any of those authorities or bodies for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this Section;

(26) any adverse judgment, award or settlement against the licensee resulting from a medical liability claim related

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to acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this Section;

(27) failure to report to the Board any adverse judgment, settlement or award arising from a medical liability claim related to acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this Section;

(28) failure to transfer pertinent and necessary medical records to another physician in a timely fashion when legally requested to do so by the subject patient or by a legally designated representative of the subject patient;

(29) improper management of medical records;

(30) failure to furnish the Board, its investigators or representatives, information legally requested by the Board;

(31) failure to cooperate with a lawful investigation conducted by the Board;

(32) willful negligence in complying with the regulations of the Guam Board of Allied Health Examiners or the Guam Board of Nurse Examiners pertaining to physician supervision of physician assistants and advance nurse practitioners;

(33) violation of any provision(s) of the Medical Practice Act or the rules and regulations of the Board or of an action, stipulation or agreement of the Board;

(34) failure to follow generally accepted infection control procedures; and

(35) failure to comply with any state statute or board regulation regarding a licensee's reporting responsibility for HIV, HVB (hepatitis B virus) or HVC (hepatitis C virus) sero-positive status.

**§ 12210. Procedures for Enforcement and Disciplinary Action.**

(a) Board Authority. The Board is empowered to commence legal action to enforce the provisions of the Medical Practice Act

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and to exercise full discretion and authority with respect to disciplinary actions.

(b) Separation of Functions. In the exercise of its power, the Board's investigative and judicial functions are to assure fairness and the Board should be required to act in a consistent manner in the application of disciplinary sanctions.

(c) Administrative Procedures. The existing administrative procedures act or similar statute, in whole or in part, should either be applicable to, or serve as the basis of, the procedural provisions of the Medical Practice Act. The procedural provisions should provide for

- (1) investigation of charges by the Board;
- (2) notice of charges to the accused;
- (3) an opportunity for a fair and impartial hearing for the accused before the Board or its examining committee;
- (4) an opportunity for representation of the accused by counsel;
- (5) the presentation of testimony, evidence and argument;
- (6) subpoena power and attendance of witnesses;
- (7) a record of proceedings; and
- (8) judicial review by the courts in accordance with the standards established by the jurisdiction for such review.

(d) Standard of Proof. The Board should be authorized to use preponderance of the evidence as the standard of proof in its role as trier of fact.

(e) Informal Conference. Notwithstanding any provision of law, the Board is authorized at its discretion to meet in informal conference with an accused licensee who seeks, or agrees to, such a conference.

- (1) Disciplinary action taken against a licensee as a result of such an informal conference and agreed to in writing by the Board and the accused licensee should be

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binding and a matter of public record. However, license revocation and suspension shall be dealt with in open hearing.

(2) The holding of an informal conference shall not preclude an open hearing if the Board determines such is necessary.

(f) Summary Suspension.

(1) The Board is authorized to summarily suspend a license prior to a formal hearing when it believes such action is required due to imminent threat to public health and safety.

(2) The Board is authorized to summarily suspend a license by means of a vote conducted by telephone conference call, or other electronic means, if appropriate Board officials believe such prompt action is required.

(3) Proceedings for a formal hearing should be instituted simultaneously with the summary suspension.

(A) The hearing shall be set within thirty (30) days of the date of the summary suspension.

(B) No court action shall lift or otherwise interfere with such suspension while the Board proceeds in a timely fashion. However, the Board shall at the request of the court provide a brief summary.

(g) Cease and Desist Orders/Injunctions. The Board is authorized to issue a cease and desist order and/or obtain an injunction to restrain any person or any corporation or association and its officers and directors from violating the provisions of the Medical Practice Act.

(1) Violation of an injunction should be punishable as contempt of court.

(2) No proof of actual damage to any person is required for issuance of a cease and desist order and/or an injunction, nor should issuance of an injunction relieve those enjoined from criminal prosecution for violation of the Medical Practice Act.

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(h) Board Action Reports. All the Board's final disciplinary actions and license denials, including related findings of fact and conclusions of law, shall be matters of public record.

(1) Such actions and denials shall be promptly reported to the Board Action Data Bank of the Federation of State Medical Boards of the United States within thirty (30) days of the action being taken, to any other data repository required by law and to the media.

(2) Voluntary surrender of and voluntary limitation(s) on the medical license of any person shall also be matters of public record and shall also be reported to the Federation of State Medical Boards of the United States and to any other data repository required by law.

(i) Tolling Periods of License Suspension or Restriction. The Board shall provide, in cases of license suspension or restriction, that any time during which the disciplined physician practices in another jurisdiction without comparable restriction, it shall not be credited as part of the period of suspension or restriction.

**2018 NOTE:** Subsection/subitem designations altered/added pursuant to the authority granted by 1 GCA § 1606.

**§ 12211. Impaired Physicians.**

(a) For purposes of this Article the term 'impairment' is defined as the inability of a licensee to practice medicine with reasonable skill and safety by reason of:

(1) mental illness; or

(2) physical illness, or condition, including, but not limited to, those illnesses or conditions that would adversely effect cognitive, motor or perceptive skills; or

(3) habitual or excessive use or abuse of drugs, defined by law as controlled substances, of alcohol or of other substances that impair ability.

(b) The Board shall have available to it an impaired physician program approved by the Board and charged with the management of physicians who are in need of evaluation and





## SENATOR THERESE M. TERLAJE

Committee on Health, Tourism, Historic Preservation, Land and Justice

*I Mina' trentai Singko na Liheslaturan Guåhan*

35<sup>th</sup> Guam Legislature

### COMMITTEE REPORT DIGEST

#### I. OVERVIEW

The **Committee on Health, Tourism, Historic Preservation, Land and Justice** convened a virtual public hearing on **Monday, November 23, 2020** beginning at **9:00 AM** in *I Liheslatura's* Virtual Conference Platform. Among the items on the agenda was the consideration of the appointment of **Scott R. Shay, MD** to serve as a **Member** of the **Guam Board of Medical Examiners**, and whose appointment history is as follows:

- Appointed by *I Maga'Hågan Guåhan* on October 26, 2020 to serve Four (4) years; May 13, 2020 to May 12, 2024, to fill the seat of Dr. Vincent S. Dueñas, whose term has expired;
- Appointment packet forwarded to *I Liheslatura* on October 30, 2020;
- Appointment packet forwarded to this committee for public consideration on October 30, 2020.

#### **Public Notice Requirements**

Notices for this Confirmation Hearing were disseminated via email to all senators and all main media broadcasting outlets on Monday, November 16, 2020 (5-Day Notice) and again on Friday, November 20, 2020 (48-Hour Notice). The notice was also published in the Guam Daily Post on Monday, November 16, 2020 & Saturday, November 21, 2020.

#### **Senators Present**

Senator Therese M. Terlaje, Chairperson

Speaker Tina Rose Muña Barnes

Senator Telo T. Taitague

#### **Appearing Before the Committee**

Scott R. Shay, MD- Appointee

Luis G. Cruz, MD- Appointee ((*Note that panel interview of appointees took place simultaneously*))

Dr. Nathaniel B. Berg, Chairperson, Guam Board of Medical Examiners

Roy Adonay, Administrator, Guam Radiology Clinic

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## II. SUMMARY OF TESTIMONY & DISCUSSION

The virtual public hearing was called to order at 9:00 a.m. Chairperson Therese M. Terlaje presented the agenda items that would be heard during the hearing. The appointment of Scott R. Shay, MD to serve as a Member of the Guam Board of Medical Examiners was the first item on the agenda. During the hearing, oral testimony provided, and questions asked by the panel of Dr. Scott R. Shay took place simultaneously with that of Guam Board of Medical Examiners appointee, Dr. Luis G. Cruz, whose was the second item on the hearing agenda. The full hearing dialogue is included in this report.

**Chairperson Therese M. Terlaje:** *Hafa Adai.* Good morning. Thank you for joining us. We have two appointments on our agenda this morning. One is the appointment of Scott R Shay, MD as a member to the Guam Board of Medical Examiners for a term length of four years from May 13, 2020 to May 12, 2024 to fill the seat of Dr. Vincent S. Duenas, whose term has expired and the appointment of Louis G. Cruz, MD as a member to the Guam Board of Medical Examiners for a term length of four years from May 13, 2020 to May 12, 2024 to fill the seat of Kia Rahmani, whose term has expired.

I'd like to acknowledge the presence of Speaker Tina Muña Barnes. Thank you, Speaker for being here this morning. We will get started. So, since both of these nominees are for the Guam Board of Medical Examiners, I'm just going to read an excerpt from the statute which outlines the duties of the Guam Board of Medical Examiners. Some of the duties in section 12203 (b) of Chapter 12, Title 10, Guam Code Annotated include, evaluate previous professional performance of applicants; issue or deny initial or endorsement licenses; approve or deny applications for license re registration and renewal; receive, review and investigate complaints; receive, review and investigate reports received from law enforcement agencies, health care organizations, governmental agencies, insurers and other entities having information pertinent to the professional performance of licensees; discipline licensees found in violation of the Medical Practice Act; revoked license at its discretion; consistent with great assurances that the reinstatement of a license will not jeopardize the public; receive, review and investigate a peer review finding and action received from a healthcare organization pertinent to the professional performance of a licensee.

Alright. So first we're going to hear from those who signed up to testify and then we will hear from the nominees themselves. So first we will hear from Mr. Roy Adonay and we are beginning now with the appointment of Dr. Shay. And so, we will hear from Mr. Roy Adonay who has signed up to testify. Roy, thank you for being here this morning and you're welcome to testify.

**Roy Adanoy, Guam Radiology Clinic Administrator:** Thank you Madam Senator, Madam Speaker Tina Muña Barnes and the rest of the folks out there. I am ready to testify for both because both are in the medical community. The nominees are not even aware that I'm testifying on their behalf. Because of the fact that you know I feel that they're really vital members of our community. First and foremost, I'd like to see madam senator, if I can just go ahead and testify for both?

**Chairperson Therese M. Terlaje:** Okay, sure.

**Roy Adanoy, Guam Radiology Clinic Administrator:** We want to do it right now. Okay.

**Chairperson Therese M. Terlaje:** If you can do it separate, it's better. But, either way.

**Roy Adanoy, Guam Radiology Clinic Administrator:** So, first and foremost I am in support of the nomination of Dr. Luis Cruz to be appointed as part of the Guam Board of Medical Examiners. And I'd just like to say that Dr. Luis Cruz and I have known each other for quite a number of years, working together in the community on many cases in different capacity. I find Dr. Luis Cruz to be a very diligent individual, a very easy person to work with and he really is very much into listening to his patients. From my background, with my involvement with the Guam Board of Medical Examiner, it is quite important for an individual to always listen to the people out there in the community. Dr. Luis Cruz has proven that on many, many occasions. When cases are being brought up to his attention, even though those cases are probably sometimes not his particular patient, he is always willing to assist, is willing to help. And, as I mentioned he is always on point and always reminding me about several of those cases. So, the diligence is very much there and yet easy to work with. I think he's really going to be a true asset over there in the Guam Board of Medical Examiner. Dr. Luis Cruz has had, from my particular experience, many, many numerous compliments from his patients. Patients always feel that they can always talk to this particular physician. I don't want to miss also saying that he's also a very nice guy. So, it has been a pleasure like always working with Dr. Luis Cruz. So once again without further ado, I'd like to give my full support in the nomination of Dr Luis Cruz.

**Chairperson Therese M. Terlaje:** Thank you Roy.

**Roy Adanoy, Guam Radiology Clinic Administrator:** And now can I do the second one ma'am?

**Chairperson Therese M. Terlaje:** Yes.

**Roy Adanoy, Guam Radiology Clinic Administrator:** Sorry because...

**Dr. Luis Cruz, GBME Nominee:** Thank you. Thank you, Roy.

**Roy Adanoy, Guam Radiology Clinic Administrator:** We are also running a clinic over here that is quite busy. Now Dr. Scott Shay, we have known each other for the past five years and he has proven himself to be always making himself available to many of our needs in the community. When things are needed at the Guam Memorial Hospital or here at Guam Radiology or over there, he always is willing to lend his support and help without even thinking about, "How am I even going to get paid for this?" Or, "Am I even going to be compensated for this?"

He does the work and talks about the things later on and same thing with Dr. Luis Cruz. He's quite diligent and easy to work with. One thing that I also find about Dr. Scott Shay is that he's always in the front of what's going on. He doesn't like to hear the words, "No, we cannot do it." He always tried his very best and said, "No, we can certainly do this. We can certainly have." I remember one case of a mother of one of the physicians that he ended up assisting and making sure, because if this person doesn't get an operation here and that person will fly and that person will pass away, he would also...I mean like that person will eventually will die. But Dr. Scott Shay would without even thinking about it really made himself very much available for that one. These are the kind of physicians that we want out there. Those who are very proactive, who are very easy to work with. Who doesn't even like to think right away of like how they're going to be compensated?

Dr. Scott Shay has always made himself available to many of the patients. And I know and he knows about that one. There are many, many cases that he's not compensated properly about that one. But it does not deter him from always helping the individuals out there. He is quite on top of his cases. I've never had any problem with him leaving any cases behind or cases that are just not properly dealt with. He, himself would call patients personally at their homes to be able to make sure that they're okay. And that is way beyond what we're expecting of him. So, you know, he's also making sure that all his paperwork is done.

So, I think those are the qualities needed that are out there in the Guam Board Medical Examiner. That he's always making himself available. I know that he will always be attending the meetings because that's the kind of person he is. And I know that he never hesitates on sharing his thoughts and his ideas regarding how to improve something about it. So, I look forward in having Dr. Scott Shay at the Guam Board of Medical Examiners. Thank you, madam senator.

**Chairperson Therese M. Terlaje:** Thank you very much Roy. and i appreciate you testifying on these nominees. and for your time this morning. *Si Yu'os Ma'ase.*

**Roy Adanoy, Guam Radiology Clinic Administrator**

I'm going to just excuse myself because we have like two hundred some patients today. So, I need to deal with that one. Madam Speaker, all the other senators, thank you for this opportunity. And good luck guys! I know that you're not going to have any problem. Bye bye.

**Chairperson Therese M. Terlaje:** Thank you very much. I'd also like to recognize the presence of the Minority Leader, Senator Telo Taitague and welcome Dr. Berg. We're going to proceed with the nominees unless you wanted to give some testimony as well. I can't hear you, Dr. Berg. Dr. Berg is the current Chairperson of the Guam Board of Medical Examiner.

**Dr. Nathaniel Berg, GBME Chairperson:** Sorry just dealing with five thousand things at once. Madam Chairwoman, thank you very much for allowing me to testify today. Senator Taitague and Speaker Barnes. thank you very much as well. Sorry, I'm kind of in between cases and add ons. I very much would like to speak. Are we speaking, and I apologize, I ran back in, are we're speaking specifically about Dr Shay right now?

**Chairperson Therese M. Terlaje:** I guess we're going to talk about both nominees at the same time.

**Dr. Nathaniel Berg, GBME Chairperson:** Okay. Oh yes, if you don't mind because I appreciate it if I could talk about both at the same time. So, I think doctor, let me talk first about Dr. Shay as Roy just talked about Dr. Shay as well.

I think the thing that distinguishes him as an individual radiologist from others, and I mean I think this is also important just as a physician and why I think he would be a very good member to, a good person to add to the board. He's gotten himself involved with the community of physicians at GRMC and outside. So, what the benefit of that is that he doesn't see himself simply as a proceduralist per se, but more as a physician and more importantly, a member of the community. He has helped to drive some processes that require that and that's where I see that he worked very well with other physicians.

For example, his stroke program that he, you could say single handedly did it, but that's actually not true. It's his leadership that did it. It involved a large number of people. That's a program that in a rural community like this, is extremely difficult to establish and we're very fortunate to have a neuro interventionalist who can go in and repeatedly demonstrate the benefit of dissolving clots in a person who's having a stroke much in the same way that it benefits patients who have had a similar event in the heart. We're all aware of that and we expect that if you go in and have a heart attack that someone's going to quickly do an angiogram to dissolve a clot if it's there. Or stent or whatever it is that's needed. In the brain this happens very frequently, as we all know and you know, strokes and aneurysms and other such things.

He has now established that if a patient gets to GRMC in time, they will get treated and many of them will have a complete and full recovery instead of dying or as they say, a fate worse than death, which they can have, meaning that they can't communicate and things like that.

So, the impact on the community is enormous and that could not happen single handedly. So, it's better to say that he led the charge in establishing everything that needed to get done at GRMC and getting the physician community educated and working with people within the healthcare arena. Including ambulance and emergency medical technicians, so they understand how quickly and where the patient needs to go at the time that the call comes in. I could go on and on. but the fact of the matter is it's an unusual thing to be able to establish that with one person taking the charge in a community where he came in and said, "I want this to happen and I'll stick with it." I wouldn't say we were surprised, but I wouldn't have been surprised that it had been somebody else that had given up because that's a hard thing to do but he did it.

Now the aspect of him reaching out beyond the patients, beyond just what he sees where he's calling family members, calling other physicians to coordinate care you'd hope that this happens everywhere, but it doesn't. He stands as an exception there in that he will go out of his way on weekends to coordinate care. Whether it's sending a patient off island and calling the providers off island or doing another thing that he did with our facility, which is to help us to get integrated so that if one of us were to go to GRMC today, and you had a head CT or another kind of exam, an abdominal CT, that they the reading physicians, now have access to the studies that were done at GMH or CHC for that matter or GRC. And we're working to get all facilities involved in that. So, we as a community, you don't want to repeat studies and you don't want to say something looks new when perhaps it was there a month ago and you can change what happens to a patient rapidly. And if you're in the emergency room on a Sunday night at two in the morning, you don't have time to call and ask, "the patient said he had an exam done a month ago. Could you pull it up?" Instead he has worked to integrate that. The impact is huge and indeed part of what makes me feel he'll make a great member of the board. He already has shown that he wants to improve the care systemically on Guam. He is someone who is responsible, and he's been involved in the administration at GRMC. I know that because we work together in many logistical things particularly with COVID. And he can, I think it is fair to say, that he has already demonstrated his willingness to improve quality of care on Guam, to put the time in that's necessary. Sometimes people don't realize the time that's necessary to be a good board member, but he already has done that. So, I feel incredibly confident and was very happy to see his name there. So that's that. I really don't have any hesitation to welcome him to the board and encourage you to review his record and you'll see that he's also extremely well qualified academically.

Now Dr. Cruz, I've had the pleasure of working with in various capacities both in his private practice and also in now, what he's also doing with GRMC and with the Surgeon Cell. Again, I think the important thing is as a physician who came back to Guam, he didn't just slip into the community sort of as some do. We all do. I'm not saying this is a negative way. But if you're looking for somebody to be in the board, it's not somebody who just came back to Guam and is practicing on Guam and therefore should be on the board.

I think we all know that you have to do what Dr. Shay did and what Dr. Cruz has demonstrated that he wants to do, which is to be more effective than just with his care that he provides his patients. Which is by the way incredibly good and brings a new facet of sports medicine that we didn't have. So, I think that the reaching out to help with the Olympics which I think everybody probably knows is not...there's no financial gain in that

because they lose their private practice. But he did that and it makes a huge difference for the sports community on Guam, which we all know is good for us as a community.

So, he has already done his own. I actually would say that that's sort of outside of healthcare to a certain extent. He's there to help the community of sports grow and be safe and have the young people who are involved not injure themselves and if they do get injured that he can rapidly be there to allow them to resume. That's a big deal for many of us. Being involved with the national guard also is important because he brings that perspective and also can help us when we deal with things that we often are confronted with which are on both sides of the fence. I myself am an army veteran and that's been extremely useful for me. But there are no other veterans on the board at the moment. So, and in fact I might add that Dr. Shay was also a veteran, unfortunately in the navy but we can deal with that. He gets maybe half credit for that. But for Dr. Cruz gets full credit for putting on the army green uniform and that is very beneficial to us in dealing with not just Guardsmen and reservists, but Guardsmen and women of course, and reservists, but also in dealing with things that occur on the other side of the fence as we call it. We deal more and more with that because the federal government has started to shift a lot of the care to the outside. Also, as I think all of you know, the care has also been changing in terms of military physicians working out in the community. Which is much more common now than it was before. So, we have to deal with issues that relate to what's happening at Naval Hospital, at the Anderson Clinic, as well as, in the community in a way that we didn't have to before. Those challenges are there for us.

Dr. Cruz as many of you may know is extraordinarily easy to deal with and gets along very well with people who are strongly strengthened in one way or the other. We find that on the Physician Advisory Group for the Governor that they're very strongly opinionated people and I even think within the Surgeon Cell you find that as well. He's quite adept at trying to take out the personal and emotional aspects of things that are inherent to what we do on the board. Everybody feels. There's no, you never...when cases get settled, you never want to strive for one person wins and one person loses. If you can find a method where the person who complains and the person who the complaint is against feel that they were treated appropriately and that things happened in a way that is very reasonable, that's what we look for all the time. Not to have one person feel they won, and the other person feel they lost.

I think that Dr. Cruz has demonstrated that in the meetings that I've been privy to where he has a distinct ability to try and boil things down and help people understand that they may



not get everything, but they're listened to and we value their input. I think a lot of times people just need to feel valued and that's part of the board also is the value.

Additionally, I don't think it's bad to say I want to have more local representation as well so that the board reflects our community. So that I feel is important. We have a very diverse board, but we need more local physicians. and that I mean I'm saying that in a positive way. So, I think that this is a very good thing that the two physicians who are up today are...I think they'll bring a substantial benefit to the board and I strongly endorse both of them. I'm very happy to see both of their names and that's all I have to say because I've got to go poke somebody else with a needle I think or at least go talk to a patient hopefully.

**Chairperson Therese M. Terlaje:** Thank you very much.

**Dr. Nathaniel Berg, GBME Chairperson:** Yes, but I'll take a minute or so if you have any questions Madam Chairwoman, Speaker Muña Barnes or Senator Taitague.

**Chairperson Therese M. Terlaje:** Thank you very much Dr Berg. and because he has to go, we're going to hear from the nominees himself. But Speaker or Senator Taitague, if you have any questions of Dr. Berg before he goes? thank you.

**Speaker Tina Muña Barnes:** He said everything.

**Dr. Nathaniel Berg, GBME Chairperson:** Thank you.

**Chairperson Therese M. Terlaje:** Thank you very much.

**Dr. Nathaniel Berg, GBME Chairperson:** And congratulations to all of you on your election or reelection for all of you I should say.

**Chairperson Therese M. Terlaje:** Thank you. Take care.

**Speaker Tina Muña Barnes:** Thank you. Okay be safe.

**Chairperson Therese M. Terlaje**

So, we'll go now to Dr. Scott Shay. If you have any testimony you would like to provide in regard to your nomination, please proceed.

**Dr. Scott Shay, GBME Nominee:** I'm sorry. I just wanted to say, I've been here for five years and I think I have a pretty good feel for the medical community here. I work at GRMC. However, I do cover when the IR doc at GMH is off island. So, I do a few weeks a year over at the other hospital. I'm ex military. I was in the Navy for eleven years. So, I have rapport with the Naval Hospital as well. And as Dr. Berg mentioned, we, GRMC and GRC kind of collaborated on a radiologic front. So, I have a good working relationship. We share resources, equipment. Sometimes when one of us is missing a key item, we can cross pollinate our inventory. So, I think that, and as I say, I've talked to a lot of the primary care physicians in the community. I think I have a good understanding of the medical climate here on the island and in the region and I very much look forward to contributing more.

**Chairperson Therese M. Terlaje:** Thank you very much Dr. Shay. Dr. Cruz?

**Dr. Luis Cruz, GBME Nominee:** Hi. Good morning everyone. So, I was born and raised in Yoña where Senator Terlaje is from. And you know, as a local boy, you see a lot of challenges in the healthcare profession not the healthcare profession, but the healthcare field, where you know families are very important in taking care of their sick loved ones not only at home but also in the hospital. I'm a family medicine physician and a sports medicine physician. And I chose those specialties because I see that, as this pandemic has shown, that we are a sick population. Those specialties allow me to help promote prevention, help to help us.

What I'm really passionate about is trying to break the cycle of chronic disease that we see in our families. where generation after generation continues to develop diabetes, high blood pressure, heart disease and with trying to educate and empower my patients every day to really make those necessary health changes and lifestyle changes. And getting them involved in exercise and a healthy diet. So that's where I'm coming from and I'm happy to be nominated to the board to ensure that our island maintains our high quality of health that we have and to improve on areas that we need to. I am happy to be in the same group as Dr. Shay because he has brought a tremendous service to our island, to stroke patients, to liver patients where his services are much greatly needed, and he has saved lives. So, thank you Dr. Shay. That's all. Thank you.

**Chairperson Therese M. Terlaje:** Thank you doctor. So, I'm just going to highlight a couple of things from both of your resumes for those who are listening. So, we have from Dr. Shay; he's currently the Director of Radiology at GRMC since 2016; former Director of Neuro Interventional Radiology at Queen's Medical Center in Hawaii and at Geisinger Health Systems in New Jersey; a board Certified Radiologist since 1998; and served in the U.S. Navy 1989 2000.

Dr. Luis Cruz is a Father Duenas graduate 1991; Guam Army National Guard 2018 to present; currently physician at AMC; formerly at IHP; and a member of Workers Compensation Commission to present. Is that correct Dr Cruz? You're still a member of the Workers Compensation Commission?

**Dr. Luis Cruz, GBME Nominee:** Yes. but I was advised that if I do get accepted to the board, that I would have to resign that position.

**Chairperson Therese M. Terlaje:** Alright. thank you. And, a member of the Guam Medical Society, Guam Medical Association, a board member of the Oceania Regional and Anti Doping Organization, Medical Commission, Oceania National Olympic Committee. Alright. So, I'm going to allow Speaker Barnes. I know you have also a busy morning. So, if you would like to go first please.

**Speaker Tina Rose Muña Barnes:** *Si Yu'os ma'ase* Madam Chair. Thank you for giving me the opportunity. *Manana Si Yu'os* and just a comment not a question. I just want to say that I support both appointees. I want to thank the Governor for giving the opportunity to send down these two appointments and I just want to say, over four decades at least with Dr. Luis Cruz, that I'm going to disclose that he's extended family. He and my brother Jay were best friends since ever since and I just know that the work he does, the commitment that he has for the island of Guam, more importantly, being able to come home come home and share his expertise to the rest of the island and continuing to volunteer to step up, just being a part of the Surgeon Cell team just gives me the reassurance that Dr. Cruz will do well in the Guam Board of Medical Examiners.

I also want to thank Dr. Shay for stepping up to the plate as he too has been very, very supportive and literally having the love for the island and making sure that all those patients that need his expertise. I must say that a couple of years ago when I guess tragedy

struck with our islands, I mean for our family, if it weren't for Dr. Shay, I don't think my mother would be here today. I just want to thank both of them because they continue in the care of my mother today. But besides that, the work that they do in the community, the work that they have I want to say goes beyond reproach. And these guys...

**Chairperson Therese M. Terlaje:** Speaker, you're getting cut off...

**Speaker Tina Muña Barnes:** I want to say that if they want, because they're stepping up to the table that they will be excellent candidates for the Board. So, I support both their efforts and they will have my votes. Thank you. *Saina Ma'ase*.

**Chairperson Therese M. Terlaje:** Thank you very much, Speaker. Minority Leader, Senator Taitague.

**Minority Leader Senator Telo Taitague:** *Si Yu'os ma'ase* and good morning everybody. Thank you, Madam Chair, for the opportunity. Dr. Shay, Dr. Cruz, thank you for all wanting to step up to the plate and serve on this very, it could be a very controversial board at times. And you know, I'd like to know why the Governor chose, appointed you but unfortunately, she's not here to answer that question. So maybe I can ask you. Dr Shay, why do you want to serve on this board? Oh, you're mic. Sorry. You're muted. Okay.

**Dr. Scott Shay, GBME Nominee:** Yes. I'm sorry. Like I said, I've been here for five years. I've reached out and integrated with the Guam Memorial Hospital on a part time basis. I've linked up with some of the clinics and GRC and my next you know, I'm trying to bring a level of awareness and also an opportunity to interact with other members of the Guam Medical Board to try to optimize what I kind of came here for initially, which was to start the first stroke program. I also spent eleven years in the military. I think I have a lot to offer as far as other aspects of medicine in the region, not just what I do but what other needs that are required to optimize the improved health care in the region.

**Minority Leader Senator Telo Taitague:** And thank you Dr. Shay for that. You know the board I think has to deal with a lot more than you're talking about. I think...

**Dr. Scott Shay, GBME Nominee:** Oh yeah, I know. It's credentialing people. I understand that. When I came here, I had to present stuff to the board to get my license. There's also an

aspect of you know, there's always situations where problems can arise with healthcare delivery and adjudication of issues have to be performed. In the military we were tasked with that responsibility at big medical centers where I worked in the past. And so, I look forward to trying to share what I've learned in the past from the leadership programs in the military. And like I said, my goal is to become more of a vocal leader in the community.

**Minority Leader Senator Telo Taitague:** Okay, thank you. Thank you for that answer Dr. Shay. Dr. Cruz. yeah, I'm glad to see that you know like Dr. Berg said, we have a local boy on the Board and that's all in good intentions. So, I guess like Dr. Shay, I'm pretty sure he can ask you how to speak CHamoru, certain words you want to know of our culture's here. So, it's good to have someone on the board that's local but a lot of those who are serving on the Board have been here for many, many years. So, my question Dr. Cruz, I know you've been very busy. I read your resume and want to know why you want to serve on this board. What can you contribute to this board?

**Dr. Luis Cruz, GBME Nominee:** So, you know what I want to contribute to this Board is really to maintain a high standard of care and ensure that the quality of care remains on Guam. Gone are the days of you know, just because we need bodies here on Guam, as far as physicians or other healthcare providers, that we accept people who have not able to get any license anywhere else in the U.S. and so, with the relationships with different hospitals such as the Saint Luke's in the Philippines and the new hospital GRMC and other hospitals in the mainland, we don't need to be reducing our standards of care just because we think we need this particular provider. So that's my sort of foremost reason to be on this board.

Also, just to also try in some way to entice our locals. You know people that are doctors and other providers in the mainland that are from here but don't wish to come back here. Trying to reach out to them and having to see what or how the Board or the medical community can help bring them back to Guam and help them serve. Because we all need to come home and help our island. Thank you.

**Minority Leader Senator Telo Taitague:** Thank you. thank you, Dr. Cruz. Madam Chair, you know I don't doubt that these individuals, just hearing from Dr. Berg, as well as, and other people about these two physicians and their ability as doctors. That's where it all boils down to. You came to Guam because a group of medical examiners reviewed your history and what you had to offer. So I hope that as taking on this position, all aspects are looked at, especially on the patient's side and what they go through. I really appreciate again that you are stepping up to the plate and my door is always open. I will be keeping an eye on

this board. It's a very, very important board. Especially now, the situation that we're in right now. Thank you, Madam Chair, for the opportunity and good luck to you gentlemen.

**Chairperson Therese M. Terlaje:** Thank you very much Senator Taitague. I would like to ask a couple questions as well. I am very grateful to both of you for providing medical care on Guam to this high standard that you do. I have no questions about that, or you know any doubts at all. My questions are in regard to this regulatory capacity that you are going to be in on this Board. It's very unique on Guam because our community is so small. We've had the same experience in the lawyer's Bar. We have our own ethics committee. We're supposed to be investigating each other and reporting on each other. This is very difficult sometimes because of the small community however, necessary if we're going to protect the public. So, I appreciate your willingness to do this and I just want to ask you for the record; do you think any of your current business interests might present a conflict of interest or affect your ability to be impartial or serve impartially on this board? Dr. Shay?

**Dr. Scott Shay, GBME Nominee:** Yeah, yeah. Very important question. I have no disclosures to make because I have no business or financial allegiance to any private enterprise medical or non medical on the island. I mean I own a property where I live, and I work full time with at the Guam Regional Medical City. So, I don't think that there will be any situations where because of business interests that I will be compromised in my assessment of situations that may arise on the Board.

I do believe that it's imperative that physicians do, in a sense, police their own because I've been in communities where certain issues are kind of swept under the rug and it compromises future patient outcomes. So, I feel very strongly about being fair but not turning a blind eye to important issues that may pose a threat to the community.

**Chairperson Therese M. Terlaje:** Thank you. Dr. Cruz?

**Dr. Luis Cruz, GBME Nominee:** Yes, I feel that I can serve impartially, and I have no conflict of interest being on the Board. And again, yes. To just reiterate that yes, I can be fair but and of course we are dealing with people's livelihood as far as providers but at the same time we're also dealing with people's lives and to balance that and also with the legal aspects of patient care and to ensure that we maintain those high quality standards. Thank you.

**Chairperson Therese M. Terlaje:** And so, I'm not going to ask but I just want to put on the record. I was going to ask you whether you have any issues attending the board meetings given your present employment and obligations. but I'm going to give you some time. Please let me know if you do. Alright? Otherwise, because we may have to cut this hearing short, I'm just going to proceed with my next question.

There are several very controversial issues facing the Guam Medical Board. We've had complaints against physicians and some in the community believe the Board has not addressed these quick enough or they haven't addressed them impartially enough. That's the kind of atmosphere that you're walking into, I think.

Everyone wants this of course to be transparent and we've had some Oversight Hearings on the medical licensing boards to ensure that they make improvements. There are some improvements for example, the Patient Protection Through Information Act. They're beginning to comply with that which is a requirement to put information up online regarding patients, I mean sorry, physicians and complaints against them and outcomes of course. We found out through our oversight as we were trying to investigate malpractice and the malpractice licensing or the malpractice laws, arbitration laws we found that insurance, malpractice insurance companies were supposed to be reporting to the Board and they had not been and the Board had not followed up with it.

We also received and reviewed complaints that the investigations had taken just too long or were not handled impartially or transparently. Of course, you know the impact of this on the community. The community has to have trust in this Board. They have to trust you that despite your friendships and despite anything else, that you're going to act impartially. So, do you think that the Guam medical licensing minimal requirements which allow physicians to practice on Guam need to be improved? That's another role of the Board, to recommend changes to the laws if we need to have those. So, the question would just be, are you able to perform that function as well; To look at the laws and make recommendations for improvements where you think we have loopholes or where we are compromising standard of care? Dr. Shay?

**Dr. Scott Shay, GBME Nominee:** Absolutely Ma'am. Absolutely. So, like I said, I don't take this responsibility lightly and I fully understand that the Board has to be representing the people because we're in a position to evaluate for possible incompetency and that cannot be ignored. So, I understand that there can be some difficult decisions because as Dr. Cruz

mentioned, you know we're talking about people's livelihoods. But I think that lives trump livelihood.

**Chairperson Therese M. Terlaje:** Appreciate that. Dr. Cruz, do you want to add anything else?

**Dr. Luis Cruz, GBME Nominee:** No. I also take this responsibility very seriously and absolutely will look to maintain our standards and also review our standards and see if it is compromising our patients, any patient care and to address those.

**Chairperson Therese M. Terlaje:** Do you have any suggestions as to how the Board might address accusations of being non objective or how they could be more objective in evaluation/evaluating applicants or complaints against applicants in this small community?

**Dr. Scott Shay, GBME Nominee:** You know, I don't know the whole process with the complaints against physicians in the community or healthcare providers in the community. But I think that sometimes having a blinded situation where you're not aware of the identity of the physician, you have to obviously know the details of the case. But I'm not sure, not having been a member of the board yet. I'm not sure if identities are known at the outset but that might be a good change.

**Chairperson Therese M. Terlaje:** I know. Okay, so I realize you need to serve on the Board perhaps to have some ideas, but please don't hesitate while you are there to suggest to us lawmakers if there are any improvements that you see. Dr. Cruz did you want to add anything to that?

**Dr. Luis Cruz, GBME Nominee:** No and I think we do have to sort of get in there and see how things are being run and also the issues that need to be addressed. But also, just learning from our counterparts in the mainland or Hawaii and how they sort of run their Boards. You know, you hear stories of how Boards can be overzealous and then other Boards that are sort of more passive. So, just trying to understand the legalities as well. But yes, I agree that blinding the members from the names of the providers does make or can help and should make a difference in how we are processing these complaints.



**Chairperson Therese M. Terlaje:** I appreciate your testimony here today. Again, we will complete the committee reports to put this in front of the other Senators for their vote as to your confirmation. If you are confirmed, I do wish you the best. Of course, I think you know that despite the physicians being our heroes at this time, the community is still insisting and we hear it almost every day, at least I do because I am the health Chair, and I still receive complaints about actions of the Board or whether they're objective. So, I just really want to impress upon you that your work on this Board to bring trust to the board, to bring the public's trust to it, is crucial. It's critical. And if the public can trust the Board, then that's really going to help all of us be assured that we are receiving the standard of care that is good for our community.

If anyone else would like to add anything before we conclude. Speaker? Senator? Doctors? Again, thank you for your willingness to serve on this Board. I understand it takes quite a bit of time because you review a lot of applicants regularly and so I appreciate your willingness to spend time in this capacity and I'm grateful for it.

**Dr. Luis Cruz, GBME Nominee:** Thank you, Madam.

**Chairperson Therese M. Terlaje:** Alright, thank you. This public hearing is now adjourned. The time is 9:47 a.m. Thank you again for being here today. The public hearing was adjourned at 9:47 AM.

### III. FINDINGS & RECOMMENDATIONS

- Oral testimony in support of the appointment of Scott R. Shay, MD was provided by Dr. Nathaniel B. Berg, Chairperson of the Guam Board of Medical Examiners and Mr. Roy Adonay, Administrator of the Guam Radiology Clinic, during the public hearing.
- Dr. Shay stated for the record that he does not have any current business interests or other conflicts of interest that might affect his ability to serve as a member of the Board. Upon inquiry of the Committee Chairperson, Dr. Shay expressed the importance of improving or optimizing health care in the region as his motivation to be a member of the Board and the importance of ensuring that decisions made by the Board with regard to licensing and investigation of complaints do not compromise patient outcomes.

The Committee on Health, Tourism, Historic Preservation, Land and Justice hereby reports on the appointment of Scott R. Shay, MD to serve as a Member of the Guam Board of Medical Examiners, with the recommendation To do Confirm.



## SENATOR THERESE M. TERLAJE

Committee on Health, Tourism, Historic Preservation, Land and Justice

*I Mina' trentai Singko na Libeslaturan Guåhan*

35<sup>th</sup> Guam Legislature

### COMMITTEE VOTE SHEET

**Nomination of Scott R. Shay, MD to serve as a Member, Guam Board of Medical Examiners**

**Term Length: Four (4) Years; May 13, 2020 to May 12, 2024,**

**To fill the seat of Dr. Vincent S. Dueñas, whose term has expired.**

	SIGNATURE	TO DO CONFIRM	TO NOT CONFIRM	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
<b>Senator Therese M. Terlaje</b> Chairperson	<i>Therese M. Terlaje</i> 11/27/2020	✓				
<b>Senator Sabina Flores Perez</b> Vice Chairperson						
<b>Senator Kelly G. Marsh (Taitano), Ph.D.</b> Member	E-vote 11/27/2020	✓				
<b>Senator James C. Moylan</b> Member						
<b>Senator Louise B. Muña</b> Member	E-vote 11/27/2020	✓				
<b>Vice Speaker Telenia C. Nelson</b> Member						
<b>Senator Joe S. San Agustin</b> Member	E-vote 11/27/2020	✓				
<b>Senator Amanda L. Shelton</b> Member	E-vote 11/27/2020	✓				
<b>Senator Mary Camacho Torres</b> Member						

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Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt;

**Re: REQUEST FOR E-VOTE: Appointment of Scott R. Shay, MD as a Member of the Guam Board of Medical Examiners.**

1 message

**Louise Muna** <senatorlouise@gmail.com>  
To: Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Fri, Nov 27, 2020 at 10:16 AM

Hafa Adai,

To Do Confirm.

On Fri, Nov 27, 2020, 9:43 AM Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt; wrote:

Hafa Adai Committee Members:

Please see attached Committee Report for Scott R. Shay, MD as a **Member** of the **Guam Board of Medical Examiners**.

Please indicate your preferred action, based on the following options:

- To Do Confirm;
- To Not Confirm;
- To Report Out Only;
- To Abstain; or
- To Place in Inactive File.

Please submit your response as soon as possible. Your responses will be logged into the Committee Report Vote Sheet for Scott R. Shay, MD which will be filed with the Committee on Rules.

Si Yu'os Ma'åse'!

**Office of Senator Therese M. Terlaje**

Committee on Health, Tourism, Historic Preservation, Land and Justice

*I Mina'trentai Singko na Liheslaturan Guåhan*

35th Guam Legislature

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Senator Therese Terlaje <senatorterlajeguam@gmail.com>

## Re: REQUEST FOR E-VOTE: Appointment of Scott R. Shay, MD as a Member of the Guam Board of Medical Examiners.

1 message

Office of Senator Kelly Marsh (Taitano), PhD. <office.senatorkelly@guamlegislature.org> Fri, Nov 27, 2020 at 10:29 AM  
To: Senator Therese Terlaje <senatorterlajeguam@gmail.com>

To do confirm.



**Office of Senator Kelly Marsh (Taitano), PhD**  
**Committee on Heritage and the Arts, Parks, Guam Products, Hagåtña Revitalization, Self-Determination, and Regional Affairs**  
*I Mina'trentai Singko na Liheslaturan Guåhan* | 35th Guam Legislature  
Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910  
Telephone: (671) 989-5681/2



On Fri, Nov 27, 2020 at 9:43 AM Senator Therese Terlaje <senatorterlajeguam@gmail.com> wrote:  
Hafa Adai Committee Members:

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Si Yu'os Ma'åse'!

### Office of Senator Therese M. Terlaje

Committee on Health, Tourism, Historic Preservation, Land and Justice

*I Mina'trentai Singko na Liheslaturan Guåhan*

35th Guam Legislature

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website: [www.senatorterlaje.com](http://www.senatorterlaje.com)

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Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt;

**Re: REQUEST FOR E-VOTE: Appointment of Scott R. Shay, MD as a Member of the Guam Board of Medical Examiners.**

1 message

**Office of Senator Shelton Guam Legislature** <officeofsenatorshelton@guamlegislature.org> Fri, Nov 27, 2020 at 10:27 AM  
To: Senator Therese Terlaje <senatorterlajeguam@gmail.com>  
Cc: Senator Sabina Perez <office@senatorperez.org>, "Office of Senator Kelly Marsh (Taitano), PhD." <office.senatorkelly@guamlegislature.org>, James Moylan <senatormoylan@guamlegislature.org>, Senator Louise Borja Muna <senatorlouise@gmail.com>, Senator Telen Cruz Nelson <senatortcnelson@guamlegislature.org>, "Senator Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, "Mary C. Torres" <senatormary@guamlegislature.org>

To do confirm.

On Fri, Nov 27, 2020 at 9:43 AM Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt; wrote:

Hafa Adai Committee Members:

Please see attached Committee Report for Scott R. Shay, MD as a **Member** of the **Guam Board of Medical Examiners**.

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Si Yu'os Ma'åse'!

**Office of Senator Therese M. Terlaje**

Committee on Health, Tourism, Historic Preservation, Land and Justice

*I Mina'trentai Singko na Liheslaturan Guåhan*

35th Guam Legislature

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--

*Si Yu'os Ma'åse,***Office of the People • Senator Amanda L. Shelton**

11/27/2020

Gmail - Re: REQUEST FOR E-VOTE: Appointment of Scott R. Shay, MD as a Member of the Guam Board of Medical Examiners.



Legislative Secretary & Chairwoman of the Committee on Higher Education and the Advancement of Women, Youth, and Senior Citizens

35th Guam Legislature  
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Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt;

**Re: REQUEST FOR E-VOTE: Appointment of Scott R. Shay, MD as a Member of the Guam Board of Medical Examiners.**

1 message

Joe S. San Agustin &lt;senatorjoessanagustin@gmail.com&gt;

Fri, Nov 27, 2020 at 10:43 AM

To: Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt;

Cc: Senator Sabina Perez &lt;office@senatorperez.org&gt;, "Office of Senator Kelly Marsh (Taitano), PhD."

&lt;office.senatorkelly@guamlegislature.org&gt;, James Moylan &lt;senatormoylan@guamlegislature.org&gt;, Senator Louise Borja Muna &lt;senatorlouise@gmail.com&gt;, Senator Telen Cruz Nelson &lt;senatorcnelson@guamlegislature.org&gt;, Office of Senator Shelton Guam Legislature &lt;officeofsenatorshelton@guamlegislature.org&gt;, "Mary C. Torres" &lt;senatormary@guamlegislature.org&gt;

To Do Confirm

**The Office of Senator Joe S. San Agustin**

Committee on General Government Operations, Appropriations &amp; Housing

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35th Guam Legislature

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Hafa Adai Committee Members:

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Si Yu'os Ma'åse'!

**Office of Senator Therese M. Terlaje**

Committee on Health, Tourism, Historic Preservation, Land and Justice

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