

Office of the Governor of Guahan

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 10/12/2010
Time 8:10 AM
Received by [Signature]

OCT 11 2010

30-10-0828
AM 9:28
[Signature]

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guahan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Substitute Bill 416-30 (COR) "AN ACT TO AMEND SUBSECTIONS (a) AND (b) OF §12203 OF PART 1, ARTICLE 2; AND SUBSECTIONS (a) AND (b) OF §12803 OF PART 1, ARTICLE 8 OF CHAPTER 12 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO PROVISIONS APPLICABLE TO THE BOARD OF MEDICAL EXAMINERS, AND THE GUAM BOARD OF ALLIED HEALTH EXAMINERS," which I signed into law on August 28, 2010 as **Public Law 30-195**.

Sins eru yan Magåhet,

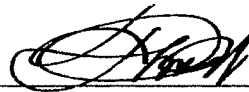
FELIX P. CAMACHO
I Maga'låhen Guahan
Governor of Guahan

Attachment: copy of Bill

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 416-30 (COR), "AN ACT TO AMEND SUBSECTIONS (a) AND (b) OF §12203 OF PART 1, ARTICLE 2; AND SUBSECTIONS (a) AND (b) OF §12803 OF PART 1, ARTICLE 8 OF CHAPTER 12 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO PROVISIONS APPLICABLE TO THE BOARD OF MEDICAL EXAMINERS, AND THE GUAM BOARD OF ALLIED HEALTH EXAMINERS", was on the 16th day of August, 2010, duly and regularly passed.

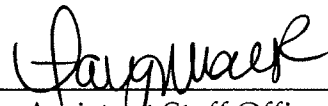


Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 17th day of Aug., 2010, at
4:40 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahaen Guåhan

AUG 28 2010

Date: _____

Public Law No. P.L. 30-195

I MINA'TRENTA NA LIHESLATURAN GUAHAN
2010 (SECOND) Regular Session

Bill No. 416-30 (COR)

As substituted by the Committee on Economic Development,
Health & Human Services, and Judiciary,
and amended on the Floor.

Introduced by:

F. B. Aguon, Jr.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
E. J.B. Calvo
B. J.F. Cruz
J. V. Espaldon
Judith P. Guthertz, DPA
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
R. J. Respicio
Telo Taitague
Ray Tenorio
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* SUBSECTIONS (a) AND (b) OF §12203 OF PART 1, ARTICLE 2; AND SUBSECTIONS (a) AND (b) OF §12803 OF PART 1, ARTICLE 8 OF CHAPTER 12 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO PROVISIONS APPLICABLE TO THE BOARD OF MEDICAL EXAMINERS, AND THE GUAM BOARD OF ALLIED HEALTH EXAMINERS.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent:** The conduct, provision and
3 quality of health care services rank among the highest concerns of the people of
4 Guam. *I Liheslaturan Guåhan* finds it appropriate that the people of Guam have
5 the opportunity to review and comment upon the appointment of the health care
6 professionals responsible for the development and implementation of health care
7 policy. It is critical, as well, that other health care professionals be duly accorded
8 the opportunity to review and comment upon appointment of those so tasked to
9 oversee the conduct of their respective health care fields.

10 *I Liheslaturan Guåhan* further finds that with regard to the Guam Board of
11 Allied Health Examiners, there is a need to address, as well, the issue of reasonable
12 term limits for those responsible for promoting and regulating allied health care
13 services. Term limits will ensure a continuing public review and approval process
14 by which the people of Guam may participate in assessing the selection of a new
15 member, and/or the evaluation of the performance of a member being reappointed.

16 It is the intent of *I Liheslaturan Guåhan* to require that any nomination for
17 appointment to the Board of Medical Examiners *or* the Guam Board of Allied
18 Health Examiners be subject to the advice and consent of *I Liheslaturan Guåhan*,
19 and ensuring thereby, the public's opportunity to assess and comment upon the
20 desirability of appointees, as well as the conduct and performance of the Board
21 collectively. Further, it is the intent of *I Liheslaturan Guåhan*, with respect to the
22 Guam Board of Allied Health Examiners, to mandate reasonable term limits for
23 members serving on the Board. A two (2) year term, with an opportunity for
24 reappointment or replacement, helps to ensure the continuing desirability of Board
25 members.

1 **Section 2.** Subsections (a) and (b) of §12203 of Article 2 - *Physicians*
2 *Practice Act*, of Part 1, Chapter 12 of Title 10, Guam Code Annotated, are
3 *amended* to read:

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

8 (b) *At least* six (6) of the seven (7) members *shall* be physicians
9 licensed in Guam, *shall* be persons of recognized professional ability and
10 integrity, and *shall* have practiced in Guam for *at least* five (5) consecutive
11 years immediately preceding the appointment. All members *shall* be
12 citizens or permanent residents of the United States who have resided in
13 Guam for *at least* five (5) consecutive years immediately preceding the
14 appointment. One (1) of the physician board members *shall* be the Medical
15 Director of the Guam Memorial Hospital Authority (GMHA) who meets the
16 above criteria; otherwise, *I Maga’lahen Guåhan shall* nominate and appoint
17 a qualified physician from the GMHA staff. Provided that of the initial
18 members appointed under this Article, appointments *shall* be made so that
19 three (3) members of the Board, sitting or newly appointed, *shall* serve for
20 two (2) years, and four (4) members, sitting or newly appointed *shall* serve
21 for a term of four (4) years, until a successor is appointed and qualified. No
22 member shall serve more than three (3) consecutive terms.

23 The members of the Board sitting as of the date of enactment of this
24 Article who meet the requirements and limitations placed upon membership
25 by this Article *shall* remain in office until the expiration of their respective
26 terms. When a vacancy occurs, *I Maga’lahen Guåhan shall* nominate and
27 appoint a new member within sixty (60) days of the commencement of the

1 vacancy, which *shall* be subject to the advice and consent of *I Liheslaturan*
2 *Guåhan*.

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

6 **Section 3.** Subsections (a) and (b) of §12803 of Article 8 – *Allied Health*
7 *Practice Act*, of Part 1, Chapter 12 of Title 10, Guam Code Annotated, are
8 amended, to read:

9 “(a) Creation. There is established, in and for the government of
10 Guam, a Guam Board of Allied Health Examiners, composed of a
11 representative from each of the professions being examined for licensure of
12 which currently there are nine (9) members nominated and appointed by *I*
13 *Maga’lahen Guåhan*, with the advice and consent of *I Liheslaturan Guåhan*.
14 *I Maga’lahen Guåhan shall* appoint two (2) additional members, one (1)
15 member for the Respiratory Therapist, and one (1) member for the
16 Nutritionist/Clinical Dietician, and *shall* appoint additional members for any
17 other allied health profession being examined for licensure that the Board
18 includes in its licensing procedure, and specifically recommend to *I*
19 *Maga’lahen Guåhan* to appoint a board member representative. The Board
20 *shall* examine applicants for licensure within the allied health professions
21 *not* having separate Board of Examiners enacted by *I Liheslaturan Guåhan*.

22 The term of appointment *shall* be for a period of three (3) years, at the
23 end of which *I Maga’lahen Guåhan shall* either reappoint the member or
24 nominate and appoint a new member, either of which case *shall* be with the
25 advice and consent of *I Liheslaturan Guåhan*.

26 (b) Requirement. The members of the Board *shall* have practiced in
27 their respective disciplines for *at least* five (5) consecutive years

1 immediately preceding the appointment. All members *shall* be citizens or
2 permanent residents of the United States who have resided in Guam for *at*
3 *least* five (5) consecutive years immediately preceding the appointment.
4 The members of the Board sitting as of the date of enactment of this Act
5 who meet the requirements and limitations placed upon membership by this
6 Act *shall* remain in office until the expiration of their respective terms.
7 When a vacancy occurs, *I Maga'lahaen Guåhan shall* appoint a new member
8 within sixty (60) days of the commencement of the vacancy, with the advice
9 and consent of *I Liheslaturan Guåhan*.

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

13 **Section 4.** All other Subsections and Parts of §12203 of Article 2, Part 1,
14 Chapter 12, Title 10, Guam Code Annotated, and, §12803 of Article 8, Part 1,
15 Chapter 12, Title 10, Guam Code Annotated, respectively, are *not* affected by this
16 Act, and *shall* continue in full force and effect until otherwise provided by law.

17 **Section 5. Effective Date.** The provisions contained in this Act *shall* take
18 effect *no later than* January 2, 2011; whereupon *I Maga'lahaen Guåhan shall* have
19 the option of reappointing incumbent Board members, or appointing new Board
20 members, who *shall* serve in accordance with the provisions contained herein.

6

I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

Date: 8/16/10

VOTING SHEET

SBill No. 416-30(COR)

Resolution No. _____

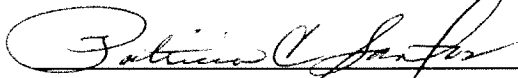
Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
AGUON, Frank B., Jr.	✓				
BLAS, Frank F., Jr.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J. F.	✓				
ESPALDON, James V.	✓				
GUTHERTZ, Judith Paulette	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
TAITAGUE, Telo	✓				
TENORIO, Ray	✓				
WON PAT, Judith T.	✓				

TOTAL

15 _____

CERTIFIED TRUE AND CORRECT:


Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



**COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH & HUMAN SERVICES, AND JUDICIARY**

I Mina' Trenta na Liheslaturan Guåhan • 30th Guam Legislature
238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910
Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

RECEIVED
AUG 13 AM 3:38
WJW

August 12, 2010

Honorable Judith T. Won Pat
Speaker
I Mina' Trenta na Liheslaturan Guåhan
155 Hesler Place
Hagatña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

**RE: Committee Report - Bill No. 416-30 (COR), as Substituted by the
Committee.**

Dear Speaker Won Pat:

Transmitted herewith is the **Committee Report** on Transmitted herewith for your consideration is the Committee Report on **SUBSTITUTE BILL No. 416 – “AN ACT RELATIVE TO PROVISIONS APPLICABLE TO THE BOARD OF MEDICAL EXAMINERS, AND, THE GUAM BOARD OF ALLIED HEALTH EXAMINERS; BY RESPECTIVELY AMENDING SUBSECTIONS (a) AND (b) OF §12203 OF ARTICLE 2, AND, SUBSECTIONS (a) AND (b) OF §12803 OF ARTICLE 8, OF PART 1, CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED”**; Sponsored by Senator Frank B. Aguon, Jr., and referred to the Committee on Economic Development, Health & Human Services, and Judiciary. Bill No. 416-30 (COR) was publicly heard on July 14, 2010.

Committee votes are as follows:

<u>5</u>	TO PASS
_____	NOT TO PASS
_____	ABSTAIN
<u>4</u>	TO REPORT OUT ONLY
_____	TO PLACE IN INACTIVE FILE

Respectfully,

SENATOR FRANK B. AGUON, JR.

Attachment

FRANK B. AGUON, JR.
SENATOR, CHAIRMAN

ADOLPHO B. PALACIOS, SR.
SENATOR, VICE CHAIRMAN

JUDITH T. WON PAT
SPEAKER
EX-OFFICIO MEMBER

BENJAMIN J.F. CRUZ
VICE SPEAKER

TINA ROSE MUÑA BARNES
LEGISLATIVE SECRETARY

THOMAS C. ADA
SENATOR

JUDITH P. GUTHERTZ
SENATOR

RORY J. RESPICIO
SENATOR

FRANK F. BLAS, JR.
SENATOR

TELO TAITAGUE
SENATOR

RAY TENORIO
SENATOR



**COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH AND HUMAN SERVICES, AND JUDICIARY**
I Mina'Trenta Na Liheslaturan Guåhan • 30th Guam Legislature
238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910
Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

**COMMITTEE
REPORT
ON**

BILL NO. 416-30 (COR), as Substituted

Sponsored by Senator Frank B. Aguon, Jr.

BILL No. 416 – “AN ACT RELATIVE TO PROVISIONS APPLICABLE TO THE BOARD OF MEDICAL EXAMINERS, AND, THE GUAM BOARD OF ALLIED HEALTH EXAMINERS; BY RESPECTIVELY AMENDING SUBSECTIONS (a) AND (b) OF §12203 OF ARTICLE 2, AND, SUBSECTIONS (a) AND (b) OF §12803 OF ARTICLE 8, OF PART 1, CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED.”



**COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH & HUMAN SERVICES, AND JUDICIARY**

I Mina' Trenta na Liheslaturan Guåhan • 30th Guam Legislature

238 Archbishop F.C. flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910

Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

August 12, 2010

MEMORANDUM

To: ALL MEMBERS

Committee on Economic Development, Health & Human Services, and
Judiciary

From: SENATOR FRANK B. AGUON, JR.
Committee Chairperson

Subject: Committee Report on Bill No. 416-30 (COR), as Substituted.

Transmitted herewith for your consideration is the Committee Report on **SUBSTITUTE BILL No. 416 – “AN ACT RELATIVE TO PROVISIONS APPLICABLE TO THE BOARD OF MEDICAL EXAMINERS, AND, THE GUAM BOARD OF ALLIED HEALTH EXAMINERS; BY RESPECTIVELY AMENDING SUBSECTIONS (a) AND (b) OF §12203 OF ARTICLE 2, AND, SUBSECTIONS (a) AND (b) OF §12803 OF ARTICLE 8, OF PART 1, CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED”;** Sponsored by Senator Frank B. Aguon, Jr.

This report includes the following:

- Committee Voting Sheet
- Committee Report Narrative / Digest
- Substitute Bill No. 416-30 (COR)
- Copy of Bill No.416-30 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Copy of COR Referral of Bill No. 416-30 (COR)
- Notices of Public Hearing (1st and 2nd)
- Copy of the Public Hearing Agenda
- Related News Articles (Public hearing publication of public notice)

Please take the appropriate action on the attached voting 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'!

Attachment

FRANK B. AGUON, JR.
SENATOR, CHAIRMAN

ADOLPHO B. PALACIOS, SR.
SENATOR, VICE CHAIRMAN

JUDITH T. WON PAT
SPEAKER
EX-OFFICIO MEMBER

BENJAMIN J.F. CRUZ
VICE SPEAKER

TINA ROSE MUÑA BARNES
LEGISLATIVE SECRETARY

THOMAS C. ADA
SENATOR

JUDITH P. GUTHERTZ
SENATOR

RORY J. RESPICIO
SENATOR

FRANK F. BLAS, JR.
SENATOR

TELO TAITAGUE
SENATOR

RAY TENORIO
SENATOR



**COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH AND HUMAN SERVICES, AND JUDICIARY**
I Mina' Trenta na Liheslaturan Guåhan • 30th Guam Legislature
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COMMITTEE VOTING SHEET

BILL NO. 416-30 (COR), as Substituted

BILL No. 416 – “AN ACT RELATIVE TO PROVISIONS APPLICABLE TO THE BOARD OF MEDICAL EXAMINERS, AND, THE GUAM BOARD OF ALLIED HEALTH EXAMINERS; BY RESPECTIVELY AMENDING SUBSECTIONS (a) AND (b) OF §12203 OF ARTICLE 2, AND, SUBSECTIONS (a) AND (b) OF §12803 OF ARTICLE 8, OF PART 1, CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED.”

SPONSORED BY SENATOR FRANK B. AGUON, JR.

	SIGNATURE	TO PASS	NOT TO PASS	REPORT OUT ONLY	ABSTAIN	PLACE IN INACTIVE FILE
FRANK B. AGUON, JR. Chairman		✓				
ADOLPHO B. PALACIOS, SR. Vice Chairman		✓				
BENJAMIN J.F. CRUZ Vice Speaker		✓				
TINA ROSE MUÑA BARNES Legislative Secretary				✓		
THOMAS C. ADA				✓		
JUDITH P. GUTHERTZ						
RORY J. RESPICIO						
FRANK F. BLAS, JR.				✓		
TELO TAITAGUE				✓		
RAY TENORIO						



COMMITTEE REPORT DIGEST

BILL NO. 416-30 (COR), as Substituted

I. OVERVIEW: The Committee on Economic Development, Health & Human Services, and Judiciary conducted a public hearing on July 14, 2010. The Hearing convened at 09:00 A.M. in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of **BILL No. 416 – “AN ACT RELATIVE TO PROVISIONS APPLICABLE TO THE BOARD OF MEDICAL EXAMINERS, AND, THE GUAM BOARD OF ALLIED HEALTH EXAMINERS; BY RESPECTIVELY AMENDING SUBSECTIONS (a) AND (b) OF §12203 OF ARTICLE 2, AND, SUBSECTIONS (a) AND (b) OF §12803 OF ARTICLE 8, OF PART 1, CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED”**; sponsored by Senator Frank B. Aguon, Jr.

Public Notice Requirements

Notices were disseminated via hand-delivery/fax and/or e-mail to all senators and all main media broadcasting outlets on July 07, 2010 (5-Day Notice), and again on July 12, 2010 (48-Hour Notice). Notices were published in the Marianas Variety on July 07, 2010, and in the Marianas Variety on July 12, 2010.

Senators Present

Senator Frank B. Aguon, Jr.	Chairperson
Senator Adolpho B. Palacios, Sr.	Vice-Chairperson
Speaker Judith T. Won Pat	Ex-Officio Member
Senator Thomas C. Ada	Committee Member
Senator Tina R. Muna-Barnes	Committee Member
Senator Judith P. Guthertz	Committee Member
Senator Telo T. Taitague	Committee Member
Senator Ray Tenorio	Committee Member
Senator Anthony Ada	Senator

The public hearing on agenda item Bill No. 416-30 (COR) was Called-to-Order.

II. SUMMARY OF TESTIMONY & DISCUSSION

CHAIRMAN FRANK B. AGUON, JR., convened the Public Hearing on Bill No. 416-30 (COR), and as primary sponsor, explained that members of the Guam Board of Medical Examiners and the Guam Board of Allied Health Examiners are not required to undergo legislative conformation subsequent to their appointment. Further, that in the case of the members of the Guam Board of Allied Health Examiners, there are no term limits. Members may serve continuously for an indefinite period without requiring reappointment. Considering the important role the members of the respective boards have in developing and overseeing healthcare policies, it is appropriate that the people of Guam have the opportunity to review the qualifications and performance of the members on an ongoing basis.

Mamie Balajadia, Chairperson, Guam Board of Allied Health Examiners: [Note: Testimony on Bill 416-30 (COR) was given during her testimony on Bill No, 415-30 (COR), which is relative to amending and clarifying the GBAHE enabling legislation. Signed Bill 416 Sign-in Sheet - Opposed]; provided oral testimony **OPPOSED** to Bill No. 416-30 (COR). Stated that it was not necessary to mandate term limits and require legislative confirmation. Further stated the Board has been working hard on developing and administering healthcare policies.

Dr. Joel Joseph, DVM: Provided oral testimony **IN SUPPORT** of Bill No.416-30 (COR), but would like to see the bill cleared up a little bit. Stated he would like to see overlapping terms which is lacking. Also stated that it should be limited to two terms - you can't have the same people there all the time. Further, if a profession does not have a participant; that is the choice of the profession. If you don't have enough people that want to get involved, if you don't vote you have to stick with what happened.

David Crisostomo, private citizen: Provided written and oral testimony **IN SUPPORT** of Bill No. 413-30 (COR). Stated he is in favor of term limits. He expressed concerns over the power of the board and their *responsibilities for a group who has the power of judge, jury and executioner all in one group that has tremendous financial conflict of interest.*

Further, stated that all practicing professions who fall under the purview of the GBAHE should be represented.

Wayne Butler, Individual Marriage & Family Therapist, and Vice-President of his association: Provided oral testimony **IN SUPPORT** of Bill No. 413-30 (COR). I do support Bill 416-30. He stated that there should be a review after a certain period of time. Four years terms would be appropriate since the appointing authority stays in power for 4 years. He would like to see staggered terms for continuity despite some of the problems that have happened. Prefers to see that the governor choose from nominations made by the local association, organization or formal group - otherwise they're not being truly represented by their profession. Supports legislative confirmation, expressed concern that his is the largest organization for a particular profession, and there are times when his profession is not represented.

Dianne Strong, private citizen: [Note: Testimony on Bill 416-30 (COR) was given during her testimony on Bill No, 415-30 (COR), which is relative to amending and clarifying the GBAHE enabling legislation. Signed Bill 416 Sign-in Sheet – In Support]. Provided oral testimony **IN SUPPORT** of Bill No. 413-30 (COR). Stated support for term limits and legislative confirmation.

Public Hearing Sign-in Sheet: The following persons signed in and stated their position, but did not personally testify during the Public Hearing on Bill No. 416-30 (COR):

- **Laurel Leoy: SUPPORT.**
- **Benjamin Schiff: SUPPORT.**
- **Vince Pereda: OPPOSED.**
- **Illegible Signature, GBAHE: OPPOSED.**

James F. Clements: Signed in, however did not personally testify nor state his position on Bill No. 416-30 (COR).

Chairman: There being no further testimony or questions by Senators, Chairman Aguon adjourned the public hearing on Bill No. 416-30 (COR).

III. FINDINGS & RECOMMENDATIONS

The Committee on Economic Development, Health and Human Services, and Judiciary, finds that the statutory requirement of legislative confirmation and the setting of term limits, with an opportunity for reappointment and reconfirmation, are consistent with existing public policy for other boards and commissions.

The Committee on Economic Development, Health & Human Services, and Judiciary, hereby reports out **Bill No. 416-30 (COR), as Substituted.** *with the recommendation to PASS.*

**MINA' TRENTA NA LIHESLATURAN GUAHAN
THIRTIETH GUAM LEGISLATURE
2010 (SECOND) Regular**

Bill No. 416-30(corr)

Introduced by:

FRANK B. AGUON, JR. 

**AN ACT RELATIVE TO PROVISIONS
APPLICABLE TO THE BOARD OF MEDICAL
EXAMINERS, AND, THE GUAM BOARD OF
ALLIED HEALTH EXAMINERS; BY
RESPECTIVELY AMENDING SUBSECTIONS (a)
AND (b) OF §12203 OF ARTICLE 2, AND,
SUBSECTIONS (a) AND (b) OF §12803 OF
ARTICLE 8, OF PART 1, CHAPTER 12, TITLE 10,
GUAM CODE ANNOTATED.**

2010 JUN 11 PM 4: 22



1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Finding and Intent:** The conduct, provision and
3 quality of health care services ranks among the highest concerns of the people of
4 Guam. *I Liheslaturan Guahan* finds it appropriate that the people of Guam have
5 the opportunity to review and comment upon the appointment of the health care
6 professionals responsible for the development and implementation of health care
7 policy. It is critical, as well, that other health care professionals be duly accorded
8 the opportunity to review and comment upon appointment of those so tasked to
9 oversee the conduct of their respective health care fields.

10 *I Liheslaturan Guahan* further finds that with regard to the Guam Board of
11 Allied Health Examiners, there is a need to address, as well, the issue of reasonable
12 term limits for those responsible for promoting and regulating allied health care
13 services. Term limits will ensure a continuing public review and approval process

1 by which the people of Guam may participate in assessing the selection of a new
2 member, and/or the evaluation of the performance of a member being reappointed.

3 It is the intent of *I Liheslaturan Guahan* to require the that any nomination
4 for appointment to the Board of Medical Examiners or the Guam Board of Allied
5 Health Examiners be subject to the advice and consent of *I Liheslaturan Guahan*,
6 and ensuring thereby, the publics opportunity to assess and comment upon the
7 desirability of appointees, as well as the conduct and performance of the Board
8 collectively. Further, it is the intent of *I Liheslaturan Guahan* with respect to the
9 Guam Board of Allied Health Examiners, to mandate reasonable term limits for
10 members serving upon the Board. A two (2) year term, with an opportunity for
11 reappointment or replacement, helps to ensure the continuing desirability of board
12 members.

13 **Section 2.** Subsections (a) and (b) of §12203 of Article 2 - *Physicians*
14 *Practice Act*, Part 1, Chapter 12, Title 10, Guam Code Annotated, are amended, to
15 read:

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

20 (b) At least six (6) of the seven (7) members shall be physicians licensed in
21 Guam, shall be person of recognized professional ability and integrity, and shall
22 have practiced in Guam for at least five (5) years. All members shall be citizens or
23 permanent residents of the United States who have resided in Guam for five (5)
24 years. One (1) of the physician board member shall be the Medical Director of the
25 Guam Memorial Hospital Authority (‘GMHA’) who meets the above criteria

1 otherwise *I Maga'lahaen Guahan* shall nominate and appoint a qualified physician
2 from the GMHA staff. Provided that of the initial members appointed under this
3 Article, appointments shall be made so that three (3) members of the Board, sitting
4 or newly appointed, shall serve for two (2) years, and four (4) members, sitting or
5 newly appointed shall serve for a term of four (4) years, until a successor is
6 appointed and qualified. No member shall serve more than three (3) consecutive
7 terms.

8 The members of the Board sitting at the date of enactment of this Article
9 who meet the requirements and limitations placed upon membership by this Article
10 shall remain in office until the expiration of their respective terms. When a
11 vacancy occurs, *I Maga'lahaen Guahan* shall nominate and appoint a new member
12 within sixty (60) days of the commencement of the vacancy, which shall be
13 subject to the advice and consent of *Liheslaturan Guahan*.

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

17 **Section 3.** Subsections (a) and (b) of §12803 of Article 8 – *Allied Health*
18 *Practice Act*, Part 1, Chapter 12, Title 10, Guam Code Annotated, are amended, to
19 read:

20 “(a) Creation. There is established, in and for the government of Guam, a
21 Guam Board of Allied Health Examiners, composed of a representative from each
22 of the profession being examined for licensure of which currently there are nine (9)
23 members nominated and appointed by *I Maga'lahaen Guahan*, with the advice and
24 consent of *Liheslaturan Guahan*. *I Maga'lahaen Guahan* shall appoint two (2)

1 additional members, one (1) member for the Respiratory Therapist and one (1)
2 member for the Nutritionist/Clinical Dietician, and shall appoint additional
3 members for other allied health profession being examined for licensure that the
4 Board includes in the its licensing procedure and specifically recommend to *I*
5 *Maga'lahaen Guahan* to appoint a board member representative. There shall be no
6 Board member appointment with less than ten (10) allied health professionals
7 qualified applicants for licensure within that allied health profession of the
8 applicants. The Board shall examine applicants for licensure within the allied
9 health professions *not* having separate Board of Examiners enacted by
10 *Liheslaturan Guahan*.

11 The term of appointment shall be for a period of two (2) years, at the end of
12 which *I Maga'lahaen Guahan* shall either reappoint the member or nominate and
13 appoint a new member, either of which case shall be with the advice and consent
14 of *Liheslaturan Guahan*.

15 (b) Requirement. The members of the Board shall have practiced in their
16 respective disciplines for at least five (5) years. All members shall be citizens or
17 permanent residents of the United States who have resided in Guam for at least
18 five (5) years. The members of the Board sitting at the date of enactment of this
19 Act who meet the requirements and limitations placed upon membership by this
20 Act shall remain in office until the expiration of their respective terms. When a
21 vacancy occurs, *I Maga'lahaen Guahan* shall appoint a new member within sixty
22 (60) days of the commencement of the vacancy, with the advice and consent of
23 *Liheslaturan Guahan*.

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

4 **Section 4.** All other Subsections and Parts of §12203 of Article 2, Part 1,
5 Chapter 12, Title 10, Guam Code Annotated, and, §12803 of Article 8, Part 1,
6 Chapter 12, Title 10, Guam Code Annotated, respectively, are *not* affected by this
7 Act, and *shall* continue in full force and effect until otherwise provided by law.

**MINA' TRENTA NA LIHESLATURAN GUAHAN
THIRTIETH GUAM LEGISLATURE
2010 (SECOND) Regular**

Bill No. 416-30 (COR), as Substituted
By the Committee on Economic Development,
Health & Human Services, and Judiciary

Introduced by:

FRANK B. AGUON, JR.

**AN ACT RELATIVE TO PROVISIONS
APPLICABLE TO THE BOARD OF MEDICAL
EXAMINERS, AND, THE GUAM BOARD OF
ALLIED HEALTH EXAMINERS; BY
RESPECTIVELY AMENDING SUBSECTIONS (a)
AND (b) OF §12203 OF ARTICLE 2, AND,
SUBSECTIONS (a) AND (b) OF §12803 OF
ARTICLE 8, OF PART 1, CHAPTER 12, TITLE 10,
GUAM CODE ANNOTATED.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Finding and Intent: The conduct, provision and quality of health care services ranks among the highest concerns of the people of Guam. *I Liheslaturan Guahan* finds it appropriate that the people of Guam have the opportunity to review and comment upon the appointment of the health care professionals responsible for the development and implementation of health care policy. It is critical, as well, that other health care professionals be duly accorded the opportunity to review and comment upon appointment of those so tasked to oversee the conduct of their respective health care fields.

I Liheslaturan Guahan further finds that with regard to the Guam Board of Allied Health Examiners, there is a need to address, as well, the issue of reasonable term limits for those responsible for promoting and regulating allied health care

1 services. Term limits will ensure a continuing public review and approval process
2 by which the people of Guam may participate in assessing the selection of a new
3 member, and/or the evaluation of the performance of a member being reappointed.

4 It is the intent of *I Liheslaturan Guahan* to require the that any nomination
5 for appointment to the Board of Medical Examiners or the Guam Board of Allied
6 Health Examiners be subject to the advice and consent of *I Liheslaturan Guahan*,
7 and ensuring thereby, the publics opportunity to assess and comment upon the
8 desirability of appointees, as well as the conduct and performance of the Board
9 collectively. Further, it is the intent of *I Liheslaturan Guahan* with respect to the
10 Guam Board of Allied Health Examiners, to mandate reasonable term limits for
11 members serving upon the Board. A two (2) year term, with an opportunity for
12 reappointment or replacement, helps to ensure the continuing desirability of board
13 members.

14 **Section 2.** Subsections (a) and (b) of §12203 of Article 2 - *Physicians*
15 *Practice Act*, Part 1, Chapter 12, Title 10, Guam Code Annotated, are amended, to
16 read:

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

21 (b) At least six (6) of the seven (7) members shall be physicians licensed in
22 Guam, shall be person of recognized professional ability and integrity, and shall
23 have practiced in Guam for at least five (5) years. All members shall be citizens or
24 permanent residents of the United States who have resided in Guam for five (5)
25 years. One (1) of the physician board member shall be the Medical Director of the

1 Guam Memorial Hospital Authority ('GMHA') who meets the above criteria
2 otherwise *I Maga'lahaen Guahan* shall nominate and appoint a qualified physician
3 from the GMHA staff. Provided that of the initial members appointed under this
4 Article, appointments shall be made so that three (3) members of the Board, sitting
5 or newly appointed, shall serve for two (2) years, and four (4) members, sitting or
6 newly appointed shall serve for a term of four (4) years, until a successor is
7 appointed and qualified. No member shall serve more than three (3) consecutive
8 terms.

9 The members of the Board sitting at the date of enactment of this Article
10 who meet the requirements and limitations placed upon membership by this Article
11 shall remain in office until the expiration of their respective terms. When a
12 vacancy occurs, *I Maga'lahaen Guahan* shall nominate and appoint a new member
13 within sixty (60) days of the commencement of the vacancy, which shall be
14 subject to the advice and consent of *Liheslaturan Guahan*.

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

18 **Section 3.** Subsections (a) and (b) of §12803 of Article 8 – *Allied Health*
19 *Practice Act*, Part 1, Chapter 12, Title 10, Guam Code Annotated, are amended, to
20 read:

21 “(a) Creation. There is established, in and for the government of Guam, a
22 Guam Board of Allied Health Examiners, composed of a representative from each
23 of the profession being examined for licensure of which currently there are nine (9)
24 members nominated and appointed by *I Maga'lahaen Guahan*, with the advice and

1 consent of *Liheslaturan Guahan*. *I Maga'lahen Guahan* shall appoint two (2)
2 additional members, one (1) member for the Respiratory Therapist and one (1)
3 member for the Nutritionist/Clinical Dietician, and shall appoint additional
4 members for other allied health profession being examined for licensure that the
5 Board includes in the its licensing procedure and specifically recommend to *I*
6 *Maga'lahen Guahan* to appoint a board member representative. There shall be no
7 Board member appointment with less than ten (10) allied health professionals
8 qualified applicants for licensure within that allied health profession of the
9 applicants. The Board shall examine applicants for licensure within the allied
10 health professions *not* having separate Board of Examiners enacted by
11 *Liheslaturan Guahan*.

12 The term of appointment shall be for a period of three (3) years, at the end of
13 which *I Maga'lahen Guahan* shall either reappoint the member or nominate and
14 appoint a new member, either of which case shall be with the advice and consent
15 of *Liheslaturan Guahan*.

16 (b) Requirement. The members of the Board shall have practiced in their
17 respective disciplines for at least five (5) years. All members shall be citizens or
18 permanent residents of the United States who have resided in Guam for at least
19 five (5) years. The members of the Board sitting at the date of enactment of this
20 Act who meet the requirements and limitations placed upon membership by this
21 Act shall remain in office until the expiration of their respective terms. When a
22 vacancy occurs, *I Maga'lahen Guahan* shall appoint a new member within sixty
23 (60) days of the commencement of the vacancy, with the advice and consent of
24 *Liheslaturan Guahan*.

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

4 **Section 4.** All other Subsections and Parts of §12203 of Article 2, Part 1,
5 Chapter 12, Title 10, Guam Code Annotated, and, §12803 of Article 8, Part 1,
6 Chapter 12, Title 10, Guam Code Annotated, respectively, are *not* affected by this
7 Act, and *shall* continue in full force and effect until otherwise provided by law.

PUBLIC HEARING SIGN-IN SHEET

Wednesday, July 14, 2010 • 09:00 A.M. • Guam Legislature, Public Hearing Room

BILL NO. 416-30 (COR)

An act relative to provisions applicable to the Board of Medical Examiners and the Guam Board of Allied Health examiners; by respectively amending Subsections (a) and (b) of §12203 of Article 2, and Subsections (a) and (b) of §12803 of Article 8 of Part 1, Chapter 12, Title 10, Guam Code Annotated.

NAME	AGENCY OR ORGANIZATION (IF ANY)	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	CONTACT NUMBER	EMAIL ADDRESS
✓ Wayne Butler	-	✓		✓		
✓ Mamie Balajadia	GBAHE	oppose	✓	✓	688-6264	
_____	GBAHE	oppose			647-2425	
✓ Vince Perea	GBAHE	oppose			687-8415	
✓ Soel Joseph	Wise Owl	support		✓	646-2273	wisecow@wisecow.net
✓ Kourtney Low	self	oppose		✓		
✓ David Crisostomo	self		✓	✓	727-5655	djaguaferm@yahoo
Jigme Strong	self	Support	✓	✓	687-3647	strong@guam.net
James F. Clements	Self				969-1692	jclements162@y.c.
Benjamin Schiff	self / G.S.P.-C.A.	Support		✓	964-488-6877	
/	/	/	/	/	/	/
/	/	/	/	/	/	/
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Guam Board Of Allied Health Examiners

July 14, 2010

Honorable Frank Aguon Jr.
Chair, Committee on Economic Development,
Health & Human Services and Judiciary
30th Guam Legislature
155 Hesler Place
Hagatna, Guam 96910

RE: Bill 416-30
AN ACT RELATIVE TO PROVISIONS
APPLICABLE TO THE BOARD OF MEDICAL
EXAMINERS AND, THE GUAM BOARD OF
ALLIED HEALTH EXAMINERS; BY
RESPECTIVELY AMENDING SUBSECTIONS (a)
AND (b) of §12203 of ARTICLE 2, AND,
SUBSECTIONS (a) AND (b) OF §12803 OF
ARTICLE 8, OF PART 1, CHAPTER 12, TITLE 10,
GUAM CODE ANNOTATED

Dear Senator Aguon and Members of this Distinguish Committee:

At the July 9, 2010 meeting of the Guam Board of Allied Health Examiners (GBAHE), members present voted NOT IN SUPPORT of subject bill relative to sections pertaining to GBAHE.

The Board would like to bring to your attention to the following issue relative to the subject Bill:

- 1) Term of appointment for two (2) years is limited and would pose a severe problem on the operation and function of the Board. We would like to point out the difference in the ~~term~~ term for the Medical Board and the Allied Health Board. If indeed a term limit is necessary, the same that applies to the Medical Board should apply to the Allied Health Board as well. And even more so due to the many disparate disciplines involved. While the Physicians on the Medical Board have a symbiotic and collegial relationship, the Allied Health Board members and disciplines do not overlap quite as much. Generally, research is required for each discipline in order to better understand each other's professions and issues. It is actually harder to be sitting on the Allied Health Board serving so many different professions and two years would be grossly inadequate to learn to deal with the processes and personalities involved.
- 2) "No Board member appointment with less than ten (10) allied health professionals". Currently, the Board seats eleven (11) disciplines. Please note that not all licensees are practicing on Guam or met the five (5) years residence requirement.

For Acupuncture, there are eight (8) licensees.

For Audiology, there are two (2) licensees.

For Chiropractor, there are twenty-one (21) licensees.

For Clinical Psychology, there are twenty (20) licensees.

For Dietician, there are eight (8) licensees.

For Home Nursing Administrator, there is one (1) licensee.

For Individual, Marriage and Family Therapy, there are forty nine (49) licensees.

For Occupational Therapy, there are nine (9) licensees.

For Physical Therapy, there are thirty-six (36) licensees.

For Physician Assistant, there are twenty five (25) licensees.

For Podiatry, there are five (5) licensees.

For Respiratory Therapy, there are twelve (12) licensees.

For Speech and Language Pathology, there are thirteen (13) licensees.

For Veterinary Medicine, there are seventeen (17) licensees.

- 3) The time and effort required of a Board member, as it is currently experienced by Board members, are long and unappreciated. Other than meeting on a monthly basis, some members spent many personal hours performing his/her other duties as required losing substantial income. May I include that even legislative stipulation of paying board members stipend for attending meeting, it is not so in reality. May I say that if any board member takes receiving stipends seriously, the Legislature would find no professionals willingly to serve on the Board much less having to go through excruciating legislature process and scrutiny. Thus, what may happen is the delay of granting licenses as well as causing problem for the Board to function as a regulatory body and ultimately protecting the public.

In summary, subject Bill is not supported by members serving on the Board.

Very Sincerely,


MAMIE C. BALAJADIA, Ed.D.
Chair, GBAHE

Testimony on Bill 416-30COR
July 14, 2010
Provided by
David P. Crisostomo

Under the proposed bill concerning the Guam Board of Medical Examiners GCA10, Chapter 12, Part 1, Article 2, 12203 subsection a:

I hope to see a change in the way the members of this board are selected. They should be appointed by the Governor AND approved by the Legislature. Also, members with terms of 4 years should NOT make up the majority. Rather they should only comprise 25% of the membership of the Board.

Under the proposed bill concerning the Guam Board of Allied Health Examiners GCA10, Chapter 12, Part 1, Article 8, 12803 subsection a and b:

The membership number is appropriate. The term of the board members is disturbing. The fact that there is no term mentioned in the law, it infers that members are there until they decide to leave or are removed. This is a very unacceptable way of operating a Board. There must be staggered term limits and the members with the longest term should not comprise more than 25% of the membership of the Board. There must be a confirmation process for all members of this Board. Also, there should be representation for professions with less than 10 practitioners, that fall under the purview of this Board. I question the representation of veterinarians, since I don't believe there are 10 licensed veterinarians in Guam. But I still firmly believe that if you are to govern a group, they must have representation.

I also have grave concerns about subsection (c) concerning their powers and responsibilities. There is no review or check on these powers and herein lies the problem. If this board has members who have all been together for some time, they have developed friendships to the point of agreeing to support each other for a majority vote. There must be a process where a board member or the entire Board can be subject to an in-depth examination of their work with complete access to all records of all meetings. We don't need a Board with a "black ops" security blanket for their work in protecting the people of Guam. Accountability is critical and has been shown recently in the case against Dr. Joel Joseph wherein the Board has been sued by Dr. Joseph, and the court threw out the case because of violation of the open government law and awarded Dr. Joseph reimbursement for his legal fees. This has cost the people of Guam thousands of dollars, not to mention the legal expense of using the Attorney General's office to represent the board. The Board will never be held accountable for this "FUBAR" and that is a discredit to the people of Guam.

I am even more gravely concerned at section (d) Immunity. This is the reason the Board can act in such a rogue manner.

They are protected by law from any damages "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.”

This includes refusing to obey a court ordered subpoena. This is a very scary scenario for a group of people with such a financially vested interest in the professions they are representing. For the government to allow such power to a group of professionals with 6-7 figure incomes is naïve at best and at worst, criminal. The previously mentioned case concerning Dr. Joseph makes this clearly visible. Amongst other personal issues between Dr. Joseph and other veterinarians, is the fact that Dr. Joseph has garnered a majority of business as compared to all the other island veterinarians. There is clearly a professional jealousy factor that has found its way into the Board as a way of eliminating this competition. But, whether or not this a fact, it is still human nature to want to succeed and make money. Any competitive edge may be taken when needed. Even if there were a remote possibility that this can happen, the Board must be shielded from becoming a marketing and personal weapon.

It is my opinion that this Board has not “performed in good faith and within the scope of the function of the Board” and as such are not entitled to immunity and must be reviewed.

Again, the Board as a whole and individual members must be accountable for their actions. Immunity to a certain level may be necessary, but not as a blanket benefit. This blanket entices deceit and other moral turpitude.

This Board has violated subsection (g), under section **12822 Compulsory Reporting and Investigation**, Article 8, Chapter 12, Title 10, wherein “The Board shall promptly acknowledge all reports received under this Section. Persons or entities reporting under this Section shall also be promptly informed of the Board's final disposition of the matters reported. This is in reference to a report concerning the physical impairment of another veterinarian. Since the Board is authorized to use it’s discretion when responding to a report of impairment, they have obviously decided against investigating the report, because this veterinarian is a member of the Board. This again points to the unfair treatment given by this Board, favoring some and brutally attacking others

While this section is entitled “**Compulsory Reporting and Investigation**”, the details only show that reporting is compulsory but ‘investigation’ is in fact NOT compulsory. This appears to be an intentional way of protecting the Board from being responsible and accountable and MUST be changed.

Fwd: Testimony for Bills 415 & 416 Inbox X

Frank Aguon, Jr. to me, ron

[show details](#) Jul 18 (2 days ago) [Reply](#)

FYI, Report...

FBA

----- Forwarded message -----
 From: **S.W. Butler** <imft010@yahoo.com>
 Date: Fri, Jul 16, 2010 at 1:49 AM
 Subject: Testimony for Bills 415 & 416
 To: aguonaguam@gmail.com

Honorable Frank B. Aguon, Jr.:

This letter is meant to be a follow up to my oral testimony on Bills 415-30 (COR) and 416-30 (COR). Thank you for holding a public hearing on the Bills and for the opportunity to share my thoughts.

I am in favor of both Bills. And I have some thoughts about how to strengthen them.

With regard to Bill 415-30 (COR) there are four (4) sections I believe could be improved. First, in Section 1 12802 c) 9 Supervision, the Board is tasked with establishing rules that define direct and indirect supervision for each of the professions it regulates. I've heard enough discussion at Board meetings about the different requirements for the different professions that I agree that separate rules need to be developed for each profession. Ideally these rules should be developed in collaboration with the members of the profession that is being regulated, and often the Board does consult with members of the profession, but there is nothing in the Bill that requires this. My suggestion then is that I would like to see a requirement for the Board to collaborate with the local association, organization, other formal group of members of the profession, or in none of the foregoing exist with a majority of the members of the profession. And require that the rules developed by this collaboration be approved by a vote of the local association, organization, other formal group, or a majority of the members of the profession.

Secondly, in a similar vein with Section 3 12809 CEU, the Board is to establish CEU requirements for each of the professions it regulates. I think it is a reasonable idea to establish different CEU requirements for each of the professions regulated by the Board. Again I like the law to require collaboration between the Board and the profession being regulated. So, require collaboration between the Board and the local association, organization, other formal group of members of the profession, or a majority of the members of that profession. And require that the rules be approved by the local association, organization, other formal group, or a majority of the members of the profession.

Thirdly, Section 5 12819 Fee Schedule, allows the Board to establish rules to assess fees for licensure, renewal and related functions. I am concerned that the Bill does not require an objective basis for the establishment of fees. Without an objective basis fees can easily be set either too high or too low. I would recommend that an objective basis such as an audit by the Guam Auditor be required as a basis for the setting of any fees.

Finally, Section 6 12821 Procedures for Enforcement and Disciplinary Action. a), reads "The Board shall prove the charges by a preponderance of the evidence, provided that the licensee must prove an affirmative defense". I am concerned that requiring the licensee to prove an affirmative defense shifts the burden of proof to the licensee and not the person accusing him or her. In other words, the licensee is required to prove that he or she is not guilty, rather than the person accusing them having to prove that they are guilty. This appears to me to violate the principle of innocent until proven guilty.

In addition, I think that the standard of preponderance of the evidence is too low in actions that have the potential of depriving a person of their livelihood. I would like to see the requirement raised to "Clear and Convincing" evidence. I think this level of proof helps to protect both licensees and the Board, protecting the licensee somewhat from frivolous charges and making it less likely that Board decisions will be overturned on appeal.

There were two (2) other issues raised during the hearing that I would like to speak to here. The first was a statement that there was no Public Hearing held by the Board on this portion of Article 8 and therefore the Board should be required to start over with this section. It is true that no Public Hearing was held by the Board on this section of the law. I suspect that if a Public Hearing had been held the issues being raised now could have been addressed. However, I don't believe that the lapse is so great and the legislation so complicated or flawed that the process needs to be restarted. I think that the basic legislation is sound enough and the areas of disagreement small enough that there should be no reason not to go forward at the current level.

The second issue that was raised was with regard to Section 2. new subsection 1 Subcommittees. The proposal would exempt subcommittees organized to investigate disciplinary complaints from the Open Government Law. I do have some mixed emotions about this, but on balance it seems to me that an investigation prior to charges being brought against a licensee should be private. Not doing so would make it possible for a person with ulterior motives to make frivolous charges against a practitioner. These charges would then be public and could ruin the reputation of the licensee without being true. Once the subcommittee reports back to the Board and the Board believes that there is merit to the charges against the licensee the process should be public and transparent.

With regard to Bill 416-30 (COR), specifically with regard to Section 3 Subsections (a) and (b) of Article 8. I agree that the Legislature should provide oversight of the Board by approving and consenting to the placement of any particular member of a profession on the Board and by requiring periodic reviews of the members by requiring renomination and re-approval and re-consent by the Legislature.

I think that requiring renomination, re-approval, and re-consent every two (2) years is too frequent. Such a frequency could have the effect of losing all institutional knowledge and sense of history within the Board and could lead to delays and mistakes as people unfamiliar with laws and procedures attempt to enforce very complex laws, rules, and regulations. I believe that staggered four (4) year terms with about half of the Board members up for renomination, re-approval, and re-consent at any one time would give sufficient oversight and prevent problems.

I think that it's important to promote new ideas and prevent procedures or personalities from becoming ossified. To that end I would like to see term limits where possible. I think that the general rule should be no more than two (2) four (4) year terms with exceptions made for members of professions with less than ten (10) members eligible to sit on the Board.

The current process of nominating members to the Board does not include input from the members of the profession being represented. It is my belief that the members of the profession know the other members of their profession better than anyone else and know who would best represent them as a whole. I would therefore recommend that the Governor be required to nominate a person from a list of no more than three (3) recommendations provided to him or her by the local association, organization, formal group, or majority of members of the profession to be represented. And that if the Governor has not made a nomination to the Legislature within sixty (60) days of a vacancy on the Board that the local association, organization, other formal group, or a majority of members of the profession be allowed to make a nomination directly to the Legislature for its advice and consent to place the nominee on the Board.

Thank you once again for this opportunity to provide testimony on these very important Bills.

Respectfully,

Wayne Butler, IMFT

Testimony of Dianne M. Strong, Ed.D.

Incarcerated Veterans Rights Activist

July 14, 2010

**Committee on Economic Development,
Health & Human Services and Judiciary
30th Guam Legislature**

Public Hearing on **Bills 415-30 (COR) and 416-30 (COR)**

Chairperson: Senator Frank B. Aguon, Jr.
Vice Chairperson: Senator Adolpho B. Palacios, Sr.

Members:

Senator Tina Rose Muna-Barnes; Senator Judith P. Guthertz; DPA Senator Frank F. Blas Jr.; Senator Ray Tenorio; Vice-Speaker Benjamin J.F. Cruz; Senator Thomas C. Ada; Senator Rory J. Respicio; Senator Telo T. Taitague

Honorable Chairman Aguon and Senators of the 30th Guam Legislature:

I wish to preface my testimony today with my public acknowledgment that members of the Guam Board of Allied Health Examiners perform a critical mission for the people and animals residing on the island of Guam.

That being said, I wish to state for the record, that this Board through poor oversight by others and lack of legal guidance from the Office of the Attorney General, has violated the civil rights of health practitioners who have either sought licensing or who have fought to not lose their licensing.

As you know, the general law on administrative adjudications on Guam is found in **5 GCA §§ 9100-9312**, entitled the "Administrative Adjudication Law" ("AAL").

The Guam Board of Allied Health Examiners must go through the Triple A process -- the Guam Administrative Adjudication Law -- in order for its rules and regulations to be legally adopted.

Among the many purposes for policies and procedures for Guam's Public Boards are the following:

- (1) to follow Territorial and US laws (such as the Open Government Law, Constitutional due process guarantees, etc.)
- (2) to safeguard the rights of all
- (3) to enable public participation
- (4) to provide transparency in the actions they take
- (5) to provide accountability to the public

- (6) to provide consistency and equal treatment for all
- (7) to set policy which benefits the people of Guam

Current hearings by the Board are in violation of 5 GCA §§8103 and 9226, and 8111, the Open Government Law, 9 GCA §80.76, the Fifth and Fourteenth Amendments to the United States Constitution, and 48 USC §1424b(e), as amended.

The Guam Board of Allied Health Examiners [GBAHE] passed a Resolution 2010-01 which bans all recording devices from their Government of Guam Board meetings.

One June 4, 2010, a notice was posted on the wall outside that read: "No cell phones and video or audio recording devices will be allowed in the conference room." The sign explained that the policy had been adopted by the Guam Board of Allied Health Examiners as Resolution 2010-01.

Senator Tina Rose Muña Barnes has cited an opinion from the Legislative Legal Counsel who cites **5 GCA §8112 of Guam's Open Government Law** that expressly provides for the attendance at agency meetings by duly accredited news reporters and photographers. She wrote: "since the GBAHE is a GovGuam entity, they are subject to the Open Government Law."

However, Assistant Attorney General David Highsmith, who is the legal counsel for the GBAHE, counters that "Neither the First Amendment nor the Open Government Law creates a right to tape a public meeting. **The Board has authority to conduct its meetings as it wishes.**" Highsmith cited 5 GCA §8103 and §8112.

The Senator has forwarded her concerns to Acting AG Weisenberger seeking a final decision.

In a news release Senator Barnes wrote, "the actions of the GBAHE violate the very spirit of the Open Government Law."

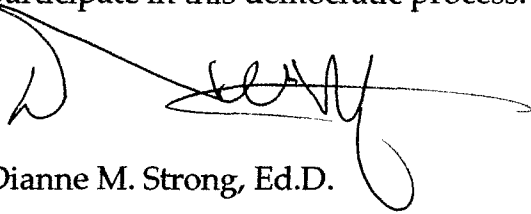
The Legislature declares it is the policy of this Territory that the formation of public policy and decisions is public and shall not be conducted in secret. The people of Guam do not yield their individual rights to public agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

I salute Senator Muna-Barnes for her strong efforts in safeguarding the civil rights of members of our democracy. As one who is knowledgeable about the flagrant violations and illegal actions of the Guam Parole Board, I want to reinforce the importance of Guam's public boards following the Open Government Law and all others laws they have been sworn to uphold.

With all this said, I propose that one of these bills be amended to include a complete description of steps to be taken to assure compliance with Open Government Law.

Included would be specific language addressing the issue of Open meetings versus Executive Sessions, and differentiation between media and members of the public, any prohibition against recording devices, etc.

Thank you, Chairman Aguon, and fellow Senators, for this opportunity to participate in this democratic process. May God guide you in your deliberations.

A handwritten signature in black ink, appearing to read 'Dianne M. Strong', with a large, sweeping flourish extending to the right.

Dianne M. Strong, Ed.D.

130 Chalan Ayuyu

Yona, GU 96915

strong@guam.net

SUPREME COURT
 GUAM
 17 MAR -7 10 5 20
 ALFRED M. ...
 CLERK OF ...
 176

IN THE SUPERIOR COURT OF GUAM

DR. JOEL JOSEPH D.V.M fka)
 JOEL SCHIFF,)
)
 Plaintiff,)
 vs)
)
 GUAM BOARD OF LAW)
 EXAMINERS,)
 Defendant.)
)
)
)

CIVIL CASE NO. CV190-07
 ORDER SETTING CASE SCHEDULE

To: Attorney William Gavras - Counsel for Plaintiff
 Attorney Seaton Woodley - Counsel for Defendant


IT IS ORDERED that the parties shall comply with the schedule listed below. Penalties, including but not limited to sanctions, may be imposed for non-compliance.

CASE SCHEDULE

CASE EVENT	DEADLINE or EVENT DATE
Case Filed	February 15, 2007
Deadline for Discovery Cutoff	
Deadline for Witness & Exhibit Lists & Documentary Exhibits	April 11, 2007
Deadline for Motions	April 11, 2007
Deadline for Oppositions	April 25, 2007
Deadline for Replies	May 02, 2007
Hearing on all Motions	<i>**To be scheduled at Pre Trial Conf. Hrg.**</i>
1 st Pre Trial Conference	April 11, 2007 @ 330pm
Bench Trial	June 15, 2007 @ 9am

DATE: MAR 07 2007


 ELIZABETH BARRETT-ANDERSON
 Judge, Superior Court of Guam

Received for Service
 9:30 AM
 3/8 2007

 Marshal, Superior Court
 Guam

D

In the Superior Court of Guam

DR. JOEL JOSEPH,

} Special Proceedings Case No. SH012409PM 4: 58

Petitioner,

CLERK OF COURT

vs.

BY 

GUAM BOARD OF ALLIED HEALTH
CARE EXAMINERS,

Respondent.

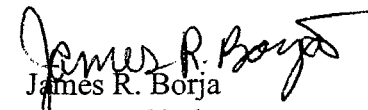
Notice of Entry on Docket

To: MITCHELL F. THOMPSON, Esq., - Attorney for Petitioner
OFFICE OF THE ATTORNEY GENERAL - Attorney for Respondent

On **May 24, 2010** the **JUDGMENT GRANTING PEREMPTORY WRIT OF MANDATE/REVIEW** filed on **May 18, 2010** was entered on the Docket in this matter.

Dated: May 24, 2010

RICHARD B. MARTINEZ
Clerk of Court
Superior Court of Guam

By: 
James R. Borja
Deputy Clerk

Declaration of Mailing

On **May 24, 2010** after I had enclosed and sealed a copy of the Notice of Entry of Docket in an envelope addressed to the individual(s) in said notice, I caused the same envelope(s) with postage affixed to be placed in the U.S. mailbox.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Dated: May 24, 2010


James R. Borja
Declarant

6

Fwd: MY TESTIMONY AGAINST GUAM ALLIED BOARD OF HEALTH EXAMINERS Inbox X

Frank Aguon, Jr. to me, ron

[show details](#) Jul 18 (2 days ago)[Reply](#)

FYI. Report...

FBA

----- Forwarded message -----

From: **Dianne M. Strong Strong** <strongdiver44@gmail.com>

Date: Fri, Jul 16, 2010 at 7:08 AM

Subject: MY TESTIMONY AGAINST GUAM ALLIED BOARD OF HEALTH EXAMINERS

To: Nieves Mateme <nieves@guamlegislature.org>, Adolpho Palacios <senabopalacios@gmail.com>, munabarnes@gmail.com, aguon4guam@gmail.com**Testimony of Dianne M. Strong, Ed.D.***Incarcerated Veterans Rights Activist*

July 14, 2010

Committee on Economic Development,
Health & Human Services and Judiciary
30th Guam LegislaturePublic Hearing on **Bills 415-30 (COR) and 416-30 (COR)****Chairperson:** Senator Frank B. Aguon, Jr.**Vice Chairperson:** Senator Adolpho B. Palacios, Sr.**Members:**

Senator Tina Rose Muna-Barnes; Senator Judith P. Guthertz; DPA Senator Frank F. Blas Jr.; Senator Ray Tenorio; Vice-Speaker Benjamin J.F. Cruz; Senator Thomas C. Ada; Senator Rory J. Respicio; Senator Telo T. Tailague

Honorable Chairman Aguon and Senators of the 30th Guam Legislature:

I wish to preface my testimony today with my public acknowledgment that members of the Guam Board of Allied Health Examiners perform a critical mission for the people and animals residing on the island of Guam.

That being said, I wish to state for the record, that this Board through poor oversight by others and lack of legal guidance from the Office of the Attorney General, has violated the civil rights of health practitioners who have either sought licensing or who have fought to not lose their licensing.

As you know, the general law on administrative adjudications on Guam is found in 5 GCA §§ 8100-9312, entitled the "Administrative Adjudication Law" ("AAL").

The Guam Board of Allied Health Examiners must go through the Triple A process – the Guam Administrative Adjudication Law – in order for its rules and regulations to be legally adopted.

Among the many purposes for policies and procedures for Guam's Public Boards are the following:

- (1) to follow Territorial and US laws (such as the Open Government Law, Constitutional due process guarantees, etc.)
- (2) to safeguard the rights of all
- (3) to enable public participation
- (4) to provide transparency in the actions they take
- (5) to provide accountability to the public
- (6) to provide consistency and equal treatment for all
- (7) to set policy which benefits the people of Guam

Current hearings by the Board are in violation of 5 GCA §§8103 and 9226, and 8111, the Open Government Law, 9 GCA §80.76, the Fifth and Fourteenth Amendments to the United States Constitution, and 48 USC §1424b(e), as amended.

The Guam Board of Allied Health Examiners [GBAHE] passed a Resolution 2010-01 which bans all recording devices from their Government of Guam Board meetings.

One June 4, 2010, a notice was posted on the wall outside that read:

"No cell phones and video or audio recording devices will be allowed in the conference room." The sign explained that the policy had been adopted by the Guam Board of Allied Health Examiners as Resolution 2010-01.

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The Senator has forwarded her concerns to Acting AG Weisenberger seeking a final decision.

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The Legislature declares it is the policy of this Territory that the formation of public policy and decisions is public and shall not be conducted in secret. The people of Guam do not yield their individual rights to public agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

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With all this said, I propose that one of these bills be amended to include a complete description of steps to be taken to assure compliance with Open Government Law.**Included would be specific language addressing the issue of Open meetings versus Executive Sessions, and differentiation between media and members of the public, any prohibition against recording devices, etc.**

Thank you, Chairman Aguon, and fellow Senators, for this opportunity to participate in this democratic process. May God guide you in your deliberations.

Dianne M. Strong, Ed.D.
130 Chalan Ayuyu
Yona, GU 96915
stronga@guam.netDianne M. Strong, Ed.D.
130 Chalan Ayuyu
Yona, GU 96915

(671) 789-4500

7/20/2010



COMMITTEE ON RULES

I Mina' Trenta na Liheslaturan Guåhan • 30th Guam Legislature

155 Hesler Place, Hagatña, Guam 96910 • tel: (671)472-7679 • fax: (671)472-3547 • roryforguam@gmail.com

**SENATOR
RORY J.
RESPICIO
CHAIRPERSON**

**SENATOR
Judith P. Guthertz
VICE
CHAIRPERSON**

**MAJORITY
MEMBERS:**

**Judith T. Won Pat
SPEAKER**

**Benjamin J. F. Cruz
VICE SPEAKER**

**Tina Rose Muña Barnes
LEGISLATIVE SECRETARY**

**Thomas C. Ada
SENATOR**

**Frank B. Aguon, Jr.
SENATOR**

**Adolpho B. Palacios, Sr.
SENATOR**

**Vicente C. Pangelinan
SENATOR**

**MINORITY
MEMBERS:**

**Frank F. Blas, Jr.
SENATOR**

**James V. Espaldon
SENATOR**

June 14, 2010

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Chairperson, Committee on Rules

Subject: Referral of Bills No. 414-30(COR) through 417-30(COR)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bills No. 414-30(COR) through 417-30(COR).

Please ensure that the subject bills are referred, in my name, to the respective committees, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina' Trenta Na Liheslaturan Guåhan*.

Should you have any questions, please contact Stephanie Mendiola or Elaine Tajalle at 472-7679.

Si Yu'os Ma'åse'!

(1) Attachment

2010 JUN 14 PM 4:51
MM

I Mina'Trenta Na Liheslaturan Guåhan

Bill Log Sheet

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date)
B414-30 (COR)	Telo Taitague, R. J. Respicio, B.J.F. Cruz	An act to add a new §49119 to Chapter 49 of 10GCA relative to creating the ultra-low sulfur diesel fuel standard for diesel fuel sold on Guam.	6/11/10 4:13 p.m.	6/14/10	Committee on Rules, Natural Resources, Federal, Foreign, and Micronesian Affairs			
B415-30 (COR)	Frank B. Aguon, Jr.	An act to promote the efficiency of the Guam Board of Allied Health Examiners and to clarify portions of the board's enabling legislation, by amending Article 8 of Chapter 12, Title 10, Guam Code Annotated.	6/11/10 4:22 p.m.	6/14/10	Committee on Economic Development, Health and Human Services, and Judiciary			

B416-30 (COR)	Frank B. Aguon, Jr.	An act relative to provisions applicable to the Board of Medical Examiners, and, the Guam Board of Allied Health Examiners; by respectively amending Subsections (a) and (b) of §12203 of Article 2, and, Subsections (a) and (b) of §12803 of Article 8, of Part 1, Chapter 12, Title 10, Guam Code Annotated.	6/11/10 4:23 p.m.	6/14/10	Committee on Economic Development, Health and Human Services, and Judiciary			
B417-30 (COR)	Frank B. Aguon, Jr.	An act to make Guam's streets safer by lowering the legal blood alcohol level for motor vehicle operators from 0.08% to 0.05%; by amending Subsections (b), (d), and (e) of §18102 of Article 1, Chapter 18, Title 16, Guam Code Annotated, Safe Streets Act; and by amending Subsection (g) of §18102 relative to minors; this act shall be known as the amended Safe Streets Act.	6/11/10 4:23 p.m.	6/14/10	Committee on Public Safety, Law Enforcement, and Senior Citizens			



**COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH AND HUMAN SERVICES, AND JUDICIARY**

I Mina'Trenta Na Liheslaturan Guåhan • 30th Guam Legislature

238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910

Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

FRANK B. AGUON, JR.
SENATOR, CHAIRMAN

ADOLPHO B. PALACIOS, SR.
SENATOR, VICE CHAIRMAN

JUDITH T. WON PAT
SPEAKER
EX-OFFICIO MEMBER

BENJAMIN J.F. CRUZ
VICE SPEAKER

TINA ROSE MUÑA BARNES
LEGISLATIVE SECRETARY

THOMAS C. ADA
SENATOR

JUDITH P. GUTHERTZ
SENATOR

RORY J. RESPICIO
SENATOR


FRANK F. BLAS, JR.
SENATOR

TELO TAITAGUE
SENATOR

RAY TENORIO
SENATOR

July 6, 2010

TO: Honorable Senators/Committee Members
*Committee on Economic Development,
Health & Human Services, and Judiciary*

FROM: Senator Frank B. Aguon, Jr. 
Chairman

SUBJECT: NOTICE OF PUBLIC HEARING – FIRST NOTICE
Wednesday, July 14, 2010 – 9:00 am

Buenas yan Hafa Adai!

Please be advised that the Committee on Economic Development, Health & Human Services, and Judiciary will be conducting a public hearing on **WEDNESDAY, JULY 14, 2010, 9:00 AM** in the **LEGISLATURE'S PUBLIC HEARING ROOM**.

Please see the attached agenda for the public hearing. Should you have any questions, please contact Mr. Ron Teehan from my office.

Un dangkulo' na Si Yu'os Ma'ase'.

Attachment (1)

Cc: Sergeant-at-Arms/Protocol/AV
MIS
Stephanie Mendiola, COR
Clerk's Office



SENATOR FRANK B. AGUON, JR.

Chairman, Committee on Economic Development,
Health & Human Services, and Judiciary
I Mina' Trenta Na Liheslaturan Guåhan
(Thirtieth Guam Legislature)



PRESS RELEASE

FOR IMMEDIATE RELEASE

July 6, 2010

NOTICE OF PUBLIC HEARING

In accordance with the Open Government Law 24-109, relative to notice for public meetings, please let this serve as 5 days notice for a Public Hearing by the Committee on Economic Development, Health & Human Services, and Judiciary, scheduled for

DATE: Wednesday, July 14, 2010
TIME: 9:00 am
PLACE: Guam Legislature Public Hearing Room

Please see attached Agenda for listing of Bills that will be heard on this day. Persons with disabilities needing special accommodations/services, or for more information, please contact Mr. Ron Teehan, Committee Director at 969-1495/6.

#####

MEDIA DISTRIBUTION: (fax, email or hand delivery)

KUAM TV/Radio	637-9870
News Talk K57 / Power98	477-3982
PDN	477-3079
PNC News	477-0793
Marianas Variety	648-2007
Marianas Media / Guam News Factor	477-2240
Hit Radio 100	472-7663
K-Stereo / KISH	477-6411
KPRG News	734-2958
KGTF	734-3476
Adventist Radio	565-2983
Harvest Radio	477-7136
Joy 92FM	477-4678

PUBLIC HEARING - 1ST NOTICE

from **Frances Lizama** <lizama.frances@gmail.com>
to gerry@mvguam.com,
john@marianasmedia.com,
"AGUON, Mindy - KUAM" <671mindy@gmail.com>,
"ARROYO, Patti - K57" <parroyo@k57.com>,
"ARTERO, Sonya - KUAM" <sonya@kuam.com>,
"CAGURANGAN, MarVic - MarVariety" <marvic@mvguam.com>,
"CATAHAY, Michelle - KUAM" <michele@kuam.com>,
"COFFMAN, Travis - K57" <thebigshow@k57.com>,
"DALENO, Gaynor - PDN" <gdumat-ol@guampdn.com>,
"DALENO, Gaynor Dumat-ol" <gdumat-ol@guam.gannett.com>,
"GEORGE, Duane M" <dmgeorge@guam.gannett.com>,
"GIBSON, Ray - K57" <rgibson@k57.com>,
"GIBSON, William - K57" <breakfastshowk57@gmail.com>,
GLIMPSES <managingeditor@glimpses.guam.com>,
"GLIMPSES - PALACIOS, Ivan" <reporter1@glimpsesofguam.com>,
"GODLEWSKI, Stephanie - PDN" <smgodlewski@guampdn.com>,
"HART, Therese - MarVariety" <therese@mvguam.com>,
"KELMAN, Brett - Guam Gannett" <bmkelman@guam.gannett.com>,
"KERRIGAN, Kevin - SPB" <kevin@spbguam.com>,
KPRG <kprg@guam.net>,
KSTO-KISH <kstokish@gmail.com>,
"MACALUSO, David - PNC" <dmacaluso@spbguam.com>,
"MATANANE, Sabrina - KUAM" <sabrina@kuam.com>,
"MELYAN, Catriona - PDN" <cmelyan@guampdn.com>,
"MUNA, Audrey" <audreymuna@yahoo.com>,
PACIFIC NEWS CENTER <news@spbguam.com>,
"PEREZ, Alicia - KSTO/KISH" <kstone@ite.net>,
"RUDOLPH, Michael - Marianas Media" <michael@marianasmedia.com>,
"SALAS, Jason - KUAM" <jason@kuam.com>,
"TAITANO, Zita - MarVariety" <zytaitano@gmail.com>,
"TYQUIENGCO, Josh - SPB" <jtyquiengco@spbguam.com>,
"WATANABE, Masako - Guam Gannett" <mwatanabe@guam.gannett.com>

date Tue, Jul 6, 2010 at 7:54 AM
subject PUBLIC HEARING - 1ST NOTICE
mailed-by gmail.com

Hafa Adai to All:

Please see attached Notice of Public Hearing and Agenda from Sen. Frank B. Aguon, Jr. Please see press release for details.

Un dangkulo' na Si Yu'os Ma'ase' and have a great day.

--
FRANCES S. LIZAMA
Office of Senator Frank B. Aguon, Jr.
30th Guam Legislature
Committee on Economic Development,
Health & Human Services, and Judiciary
238 Archbishop F.C. Flores St.
DNA Bldg (old PDN), Suite 701A
Hagatna, Guam 96910
Tel: 671.969.1495/6
Fax: 671.969.1497

NOTE: Blocked calls are not displayed on this report.
 For more information, see Junk Fax Report and the Caller ID History report.

Last 30 Transactions

Date	Time	Type	Station ID Caller ID	Duration	Pages	Result
Jun 24	4:27PM	Received		0:55	0	No fax
			6716334372			
Jun 24	5:14PM	Received		0:45	0	No fax
			6716334372			
Jun 25	9:07AM	Fax Sent	6716474044	0:30	1	OK
Jun 25	4:07PM	Fax Sent	4724036	0:29	1	OK
Jun 28	8:50AM	Received		0:19	1	OK
			6714752000			
Jun 28	9:01AM	Received	+6716494146	0:24	1	OK
			6716494146			
Jun 28	9:59PM	Received		0:30	2	OK
			6715655065			
Jul 2	12:43PM	Fax Sent	4723459	1:10	1	Error 350
Jul 2	5:09PM	Fax Sent	9691497	0:59	0	Cancel
Jul 2	5:10PM	Fax Sent	6469048	0:30	1	OK
Jul 6	8:50AM	Fax Sent	6379870 - KUAM	1:06	2	OK
Jul 6	8:54AM	Fax Sent	4773982 - K57 / Power98	0:55	2	OK
Jul 6	8:57AM	Fax Sent	4773079 - PDN	1:25	2	OK
Jul 6	8:59AM	Fax Sent	4770793 - PNC News	0:58	2	OK
Jul 6	9:02AM	Fax Sent	6482007	1:04	1	Error 403
Jul 6	9:04AM	Fax Sent	4727663 - Hit Radio 100	0:53	2	OK
Jul 6	9:06AM	Fax Sent	4776411 - K-Stereo / KISH	1:29	2	OK
Jul 6	9:09AM	Fax Sent	7342958 - KPRG News	0:53	2	OK
Jul 6	9:12AM	Fax Sent	7343476 - KGTF	0:54	2	OK
Jul 6	9:14AM	Fax Sent	5652983 - Adventist Radio	1:04	2	OK
Jul 6	9:16AM	Fax Sent	4777136 - Harvest Radio	0:55	2	OK
Jul 6	9:18AM	Fax Sent	4774678 - Joy 92FM	0:57	2	OK
Jul 6	9:20AM	Fax Sent	6482007	0:46	1	Error 350
Jul 6	9:22AM	Fax Sent	4772240	3:14	1	Error 326
Jul 6	9:25AM	Received		0:46	0	No fax
			6714725022			
Jul 6	10:12AM	Fax Sent	4773321	3:24	2	OK
Jul 6	10:32AM	Fax Sent	6482007	0:46	1	Error 403
Jul 6	10:45AM	Fax Sent	6482007	1:53	2	Error 405
Jul 7	10:02AM	Received	7345738	0:59	3	OK
			6717345738			
Jul 7	10:20AM	Fax Sent	7345738	0:54	2	OK



SENATOR FRANK B. AGUON, JR.

Chairman, Committee on Economic Development,
Health & Human Services, and Judiciary
I Mina' Trenta Na Liheslaturan Guåhan
(Thirtieth Guam Legislature)



PRESS RELEASE

FOR IMMEDIATE RELEASE

July 6, 2010

Handwritten signature and date: 7/6/10

NOTICE OF PUBLIC HEARING

In accordance with the Open Government Law 24-109, relative to notice for public meetings, please let this serve as 5 days notice for a Public Hearing by the Committee on Economic Development, Health & Human Services, and Judiciary, scheduled for

DATE: Wednesday, July 14, 2010
TIME: 9:00 am
PLACE: Guam Legislature Public Hearing Room

Please see attached Agenda for listing of Bills that will be heard on this day. Persons with disabilities needing special accommodations/services, or for more information, please contact Mr. Ron Teehan, Committee Director at 969-1495/6.

#####

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PNC News	477-0793
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Marianas Media / Guam News Factor	477-2240
Hit Radio 100	472-7663
K-Stereo / KISH	477-6411
KPRG News	734-2958
KGTF	734-3476
Adventist Radio	565-2983
Harvest Radio	477-7136
Joy 92FM	477-4678

Handwritten number: 478-6402

World Briefs

Three headless bodies found in car in Mexico

CHILMANG (AP) - Police have found the decapitated bodies of three men inside a burned-out car in the drug-gang-plagued Mexican state of Sinaloa. The heads had been put on the vehicle's hood.

The Sinaloa state attorney general's office says one of the burned bodies was in the driver's seat, another in the back seat and the third was in the trunk.

Investigators found the car Monday in the city of Apogastua, near the Pacific coast.

Clinton criticizes Russia on Georgia

TBILISI (AP) - U.S. Secretary of State Hillary Rodham Clinton rebuked Russia on Monday for failing to live up to the cease-fire agreement it signed nearly two years ago to end the fighting in this small former Soviet state.

She asserted that Russia is occupying parts of Georgia and building permanent military bases in contravention of the treaty.

Israel eases blockade of Hamas-ruled Gaza



◀ Israeli workers examine goods bound for Gaza at Kerem Shalom terminal on the Israel-Gaza border. Israel pledged Sunday it will immediately allow all goods into Gaza except weapons and items deemed to have a military use.

The new blockade rules come in response to an outcry following a deadly Israeli raid on a blockade-busting flotilla at the end of May.

Gaza business leaders and rights activists said the measures are far short of what Gaza needs, and that the only active cargo crossing, Kerem Shalom, may not be enough to bring in all the goods now permitted.

Israeli officials said the remaining restrictions, including on exports, are essential for maintaining security.

On Monday, goods dropped off at Kerem Shalom included washing machines, which were previously banned from import.

KEREM SHALOM (AP) - Israel is easing its blockade of Hamas-ruled Gaza to allow in virtually all consumer goods, items from household cleaners to timber that had been banned from import for years.

But because Israel will continue to ban most travel and exports and restrict the import of desperately needed construction materials, the new rules are unlikely to resolve the territory's decimated economy or allow rebuilding of all that was destroyed in last year's war.

The White House welcomed the changes that were announced



NATIONAL BOARD & ADMIN. & OFFICERS
 EXECUTIVE DIRECTOR
 NATIONAL COUNCIL ON PUBLIC HEALTH
 1200 K Street, N.W., Suite 1000, Washington, D.C. 20004
 202-462-8400 • www.naph.org

NOTICE OF PUBLIC HEARING

WEDNESDAY, JULY 14, 2010 9:00 AM

GUAM LEGISLATURE PUBLIC HEARING ROOM

BILL NO. 389-30 (COM) - Relative to protecting journalists and the freedom of the press, and relative to providing penalties for violating the freedom of the press.

BILL NO. 419-30 (COM) - To provide the Community Health Center Council's authorization to accept and expend funds from the Community Health Center Reopening Funds and its related accountability for frequently monthly financial reports and annual audit.

BILL NO. 413-30 (COM) - Relative to the construction of a new Northern High School.

BILL NO. 415-30 (COM) - To promote efficiency of the Guam Board of Allied Health Examiners, and to clarify portions of the Board's enabling legislation.

BILL NO. 416-30 (COM) - Relative to provisions applicable to the Board of Medical Examiners, and Guam Board of Allied Health Examiners.

BILL NO. 423-30 (COM) - To authorize and require the incorporation, and covering of the use of medical cannabis by licensed physicians to patients with debilitating medical conditions, and to create cannabis dispensaries, to be known as "Compassionate Care Centers," to make medical cannabis available for such patients. Act shall be known as "The Compassionate Health Care Act of 2010."

BILL NO. 431-30 (COM) - Relative to providing utilization and cost information on current and prospective health insurance companies who provide health care coverage to GovGuam employees and retirees.

To view the full text of the Bills listed above, visit the Guam Legislature website at www.guamlegis.gov. For more information, contact the Legislative Information Office at leginfo@guamlegis.gov or by telephone at (787) 487-3333. For more information, contact the Legislative Information Office at leginfo@guamlegis.gov or by telephone at (787) 487-3333. For more information, contact the Legislative Information Office at leginfo@guamlegis.gov or by telephone at (787) 487-3333.

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**COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH AND HUMAN SERVICES, AND JUDICIARY**
I Mina'Trenta Na Liheslaturan Guåhan • 30th Guam Legislature
238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910
Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com


FRANK B. AGUON, JR.
SENATOR, CHAIRMAN

July 12, 2010

ADOLPHO B. PALACIOS, SR.
SENATOR, VICE CHAIRMAN

TO: Honorable Senators/Committee Members
*Committee on Economic Development,
Health & Human Services, and Judiciary*

JUDITH T. WON PAT
SPEAKER
EX-OFFICIO MEMBER

FROM: Senator Frank B. Aguon, Jr. 
Chariman

BENJAMIN J.F. CRUZ
VICE SPEAKER

TINA ROSE MUÑA BARNES
LEGISLATIVE SECRETARY

SUBJECT: NOTICE OF PUBLIC HEARING – SECOND NOTICE
Wednesday, July 14, 2010 – 9:00 am

THOMAS C. ADA
SENATOR

Buenas yan Hafa Adai!

JUDITH P. GUTHERTZ
SENATOR

Please be advised that the Committee on Economic Development, Health & Human Services, and Judiciary will be conducting a public hearing on **WEDNESDAY, JULY 14, 2010, 9:00 AM** in the **LEGISLATURE'S PUBLIC HEARING ROOM**.

RORY J. RESPICIO
SENATOR

FRANK F. BLAS, JR.
SENATOR

Please see the attached agenda for the public hearing. Should you have any questions, please contact Mr. Ron Teehan from my office.

TELO TAITAGUE
SENATOR

Un dangkulo' na Si Yu'os Ma'ase'.

RAY TENORIO
SENATOR

Attachment (1)

Cc: Sergeant-at-Arms/Protocol/AV
MIS
Stephanie Mendiola, COR
Clerk's Office

PUBLIC HEARING - 2nd NOTICE P.H. NOTICES X

from **Frances Lizama** <lizama.frances@gmail.com>
to "SEN. ADA, Thomas C." <tom@senatorada.org>,
"SEN. ADA, Tony" <senatorTonyada@guamlegislature.org>,
"SEN. BLAS, Frank F., Jr." <frank.blasjr@gmail.com>,
"SEN. CALVO, Eddie J.B." <sencalvo@gmail.com>,
"SEN. ESPALDON, James V." <senator@espaldon.com>,
"SEN. GUTHERTZ, Judith P." <judiguthertz@pticom.com>,
"SEN. MUNA BARNES, Tina Rose" <tinamunabarnes@gmail.com>,
"SEN. PALACIOS, Adolpho B., Sr." <abpalacios@gmail.com>,
"SEN. PANGELINAN, Ben" <senbenp@guam.net>,
"SEN. RESPICIO, Rory J." <roryforguam@gmail.com>,
"SEN. TAITAGUE, Telo" <senatortelo@gmail.com>,
"SEN. TENORIO, Ray" <ray@raytenorio.com>,
"SPKR WON PAT, Judi" <speaker@judiwonpat.com>,
"VICE SPKR CRUZ, Benjamin J.F." <senadotbjacruz@gmail.com>
cc "BLAS, Roland" <roland@judiwonpat.com>,
"DEFENSOR, Sahara" <sahara@judiwonpat.com>,
"DUARTE, Mark" <mark@judiwonpat.com>,
"TORRES, Frank B." <fbtorres@judiwonpat.com>,
"CAMACHO, Jimmy" <jcamacho@senatorada.org>,
"GILLHAM, Julliette" <office@senatorada.org>,
"LUHR, Cyrus" <cyrus@senatorada.org>,
"SANTOS, Nicole" <nsantos@senatorada.org>,
"SUNGA, Jay" <ajsunga@senatorada.org>,
"ATALIG, Louise A." <louise_atalig@yahoo.com>,
"CASTRO, James P." <jamespcastro@gmail.com>,
"FEJERAN, Mary C." <maryfejeran@gmail.com>,
"SAYAMA, Mark" <sayama01@yahoo.com>,
"GOGUE, Elaine" <epgogue@hotmail.com>,
"UNPINGCO, Joy" <joyunpingco@gmail.com>,
"ALONSO, Maya" <maya@guamlegislature.org>,
"BLAS, Jon" <jonatwork2010@gmail.com>,
"CRUZ, Jose Jr." <josecruzjr17@yahoo.com>,
"LG, Peter" <peterlg@gmail.com>,
"LIDIA, Mike" <mike.lidia9@gmail.com>,
"MATANANE, Tammy" <tpmatanane@yahoo.com>,
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"DUENAS, Mona" <mona.duenas@gmail.com>,
"ROBERTO, Phil" <roberto.phil@gmail.com>,
"MUNA, Rose" <rsmuna@yahoo.com>,
"TUPAZ, Robert" <rob.tupaz@gmail.com>,
"WYTTENBACH-SANTOS, Richard" <doc.wyppenbachsantos@gmail.com>,
rlikeke05@gmail.com,
"BAUTISTA, Ana" <anaaleah@yahoo.com>,
"BRECHT, Chelsa Muna" <chelsamunabrecht@yahoo.com>,

"KOMIYAMA, Velma" <vel.komiyama@yahoo.com>,
 "McDONALD, Elaine" <andrasgrandma@yahoo.com>,
 "MUNA-BRECHT, Chelsa" <cmunabrecht@guamlegislature.org>,
 "BURGOS, Fred" <feaburgos@gmail.com>,
 "CEPEDA, Patrick" <patrickcepeda@hotmail.com>,
 "CRUZ, Priscilla" <pjtcruz@yahoo.com>,
 "DIAZ, Jonathan" <jonbdiaz@gmail.com>,
 "CIPOLLONE, Lisa" <cipo@guamlegislature.org>,
 "HILLS, Derick" <derickhills@live.com>,
 "OKADA, Anjelica" <aokada@guamlegislature.org>,
 "MENDIOLA, Stephanie" <sem@guamlegislature.org>,
 "OKADA, Tina" <tinaokada@gmail.com>,
 "PHILLIPS, Bill R." <phillipsguam@gmail.com>,
 "TAJALLE, Elaine V." <elainevtll@gmail.com>,
 "LEE, Edward G." <teddytaz_222@yahoo.com>,
 "PEREZ, Mike" <mjperez48@yahoo.com>,
 "CEPEDA, Mermae" <mermae@raytenorio.com>,
 "EVARISTO, Jessica" <jessica@raytenorio.com>,
 "LG, Phillip" <phill@raytenorio.com>


date Mon, Jul 12, 2010 at 10:20 AM
 subject PUBLIC HEARING - 2nd NOTICE
 mailed-by gmail.com

Hafa Adai Senators:

Please find attached 2nd Notice of Public Hearing and Agenda. Please see notice for details.

--

FRANCES S. LIZAMA
 Office of Senator Frank B. Aguon, Jr.
 30th Guam Legislature
 Committee on Economic Development,
 Health & Human Services, and Judiciary
 238 Archbishop F.C. Flores St.
 DNA Bldg (old PDN), Suite 701A
 Hagatna, Guam 96910
 Tel: 671.969.1495/6
 Fax: 671.969.1497

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SENATOR FRANK B. AGUON, JR.

Chairman, Committee on Economic Development,
Health & Human Services, and Judiciary
I Mina' Trenta Na Liheslaturan Guåhan
(Thirtieth Guam Legislature)



PRESS RELEASE

FOR IMMEDIATE RELEASE

July 12, 2010

NOTICE OF PUBLIC HEARING

In accordance with the Open Government Law 24-109, relative to notice for public meetings, please let this serve as 48 hours notice for a Public Hearing by the Committee on Economic Development, Health & Human Services, and Judiciary, scheduled for

DATE: Wednesday, July 14, 2010
TIME: 9:00 am
PLACE: Guam Legislature Public Hearing Room

Please see attached Agenda for listing of Bills that will be heard on this day. Persons with disabilities needing special accommodations/services, or for more information, please contact Mr. Ron Teehan, Committee Director at 969-1495/6.

#####

MEDIA DISTRIBUTION: (fax, email or hand delivery)

KUAM TV/Radio	637-9870
News Talk K57 / Power98	477-3982
PDN	477-3079
PNC News	477-0793
Marianas Variety	648-2007
Marianas Media / Guam News Factor	477-3340 478-6402
Hit Radio 100	472-7663
K-Stereo / KISH	477-6411
KPRG News	734-2958
KGTF	734-3476
Adventist Radio	565-2983
Harvest Radio	477-7136
Joy 92FM	477-4678

NOTE: Blocked calls are not displayed on this report.
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Last 30 Transactions

Date	Time	Type	Station ID Caller ID	Duration	Pages	Result
Jul 6	9:22AM	Fax Sent	4772240	3:14	1	Error 326
Jul 6	9:25AM	Received		0:46	0	No fax
			6714725022			
Jul 6	10:12AM	Fax Sent	4773321	3:24	2	OK
Jul 6	10:32AM	Fax Sent	6482007	0:46	1	Error 403
Jul 6	10:45AM	Fax Sent	6482007	1:53	2	Error 405
Jul 7	10:02AM	Received	7345738	0:59	3	OK
			6717345738			
Jul 7	10:20AM	Fax Sent	7345738	0:54	2	OK
Jul 7	1:29PM	Received		0:45	0	No fax
			6714758509			
Jul 7	2:07PM	Received	6714723400	0:37	2	OK
			6714723400			
Jul 7	2:09PM	Received	6714723400	0:37	2	OK
			6714723400			
Jul 7	4:51PM	Fax Sent	4722422	0:27	1	OK
Jul 7	4:59PM	Fax Sent	4775297	0:42	1	OK
Jul 7	5:12PM	Fax Sent	6533434	0:55	2	OK
Jul 8	8:06AM	Received	671 649 0145	0:25	1	OK
			6716490145			
Jul 9	2:37PM	Fax Sent	4773321	0:52	1	OK
Jul 9	4:00PM	Received		0:45	0	No fax
			6714732300			
Jul 9	4:06PM	Received	671 339 5716	0:34	2	OK
			6714732300			
Jul 12	10:02AM	Fax Sent	6379870 - KUAM TV/ Radio	1:02	2	OK
Jul 12	10:04AM	Fax Sent	4773982 - K-57 / Power 98	0:51	2	OK
Jul 12	10:06AM	Fax Sent	4773079 - PDN	1:18	2	OK
Jul 12	10:08AM	Fax Sent	4770793 - PNC NEWS	1:24	2	OK
Jul 12	10:11AM	Fax Sent	4786402 - Mar Media / GNF	1:21	2	OK
Jul 12	10:13AM	Fax Sent	4727663 - Hit Radio 100	0:52	2	OK
Jul 12	10:14AM	Fax Sent	4776411 - K-Stereo / KISH	1:23	2	OK
Jul 12	10:16AM	Fax Sent	7342958 - KPRG News	0:51	2	OK
Jul 12	10:20AM	Fax Sent	7343476 - KGTF	0:57	2	OK
Jul 12	10:21AM	Fax Sent	5652983 - Adventist Radio	1:10	2	OK
Jul 12	10:23AM	Fax Sent	4777136 - Harvest Radio	0:58	2	OK
Jul 12	10:25AM	Fax Sent	4774678 - Joy 92FM	0:52	2	OK
Jul 12	10:26AM	Fax Sent	6482007	0:47	1	Error 350


PUBLIC HEARING - 2ND NOTICE P.H. NOTICES X

from **Frances Lizama** <lizama.frances@gmail.com> [hide def](#)
to gerry@mvguam.com,
john@marianasmedia.com,
"AGUON, Mindy - KUAM" <671mindy@gmail.com>,
"ARROYO, Patti - K57" <parroyo@k57.com>,
"ARTERO, Sonya - KUAM" <sonya@kuam.com>,
"CAGURANGAN, MarVic - MarVariety" <marvic@mvguam.com>,
"CATAHAY, Michelle - KUAM" <michele@kuam.com>,
"COFFMAN, Travis - K57" <thebigshow@k57.com>,
"DALENO, Gaynor - PDN" <gdumat-ol@guampdn.com>,
"DALENO, Gaynor Dumat-ol" <gdumat-ol@guam.gannett.com>,
"GEORGE, Duane M" <dmgeorge@guam.gannett.com>,
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"GIBSON, William - K57" <breakfastshowk57@gmail.com>,
GLIMPSES <managingeditor@glimpses.guam.com>,
"GLIMPSES - PALACIOS, Ivan" <reporter1@glimpsesofguam.com>,
"GODLEWSKI, Stephanie - PDN" <smgodlewski@guampdn.com>,
"HART, Therese - MarVariety" <therese@mvguam.com>,
"KELMAN, Brett - Guam Gannett" <bmkelman@guam.gannett.com>,
"KERRIGAN, Kevin - SPB" <kevin@spbguam.com>,
KPRG <kprg@guam.net>,
KSTO-KISH <kstokish@gmail.com>,
"MACALUSO, David - PNC" <dmacaluso@spbguam.com>,
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"MUNA, Audrey" <audreymuna@yahoo.com>,
PACIFIC NEWS CENTER <news@spbguam.com>,
"PEREZ, Alicia - KSTO/KISH" <kstonews@ite.net>,
"RUDOLPH, Michael - Marianas Media" <michael@marianasmedia.com>,
"SALAS, Jason - KUAM" <jason@kuam.com>,
"TAITANO, Zita - MarVariety" <zytaitano@gmail.com>,
"TYQUIENCO, Josh - SPB" <jtyquiengco@spbguam.com>,
"WATANABE, Masako - Guam Gannett" <mwatanabe@guam.gannett.com>
date Mon, Jul 12, 2010 at 10:23 AM
subject PUBLIC HEARING - 2ND NOTICE
mailed-by gmail.com

Hafa Adai All:

Please find attached 2nd Notice of Public Hearing and Agenda. Please see notice for details.

--
FRANCES S. LIZAMA
Office of Senator Frank B. Aguon, Jr.
30th Guam Legislature
Committee on Economic Development,
Health & Human Services, and Judiciary
238 Archbishop F.C. Flores St.
DNA Bldg (old PDN), Suite 701A
Hagatna, Guam 96910
Tel: 671.969.1495/6
Fax: 671.969.1497

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**COMMITTEE ON ECONOMIC DEVELOPMENT,
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FRANK B. AGUON, JR.
SENATOR, CHAIRMAN

ADOLPHO B. PALACIOS, SR.
SENATOR, VICE CHAIRMAN

JUDITH T. WON PAT
SPEAKER
EX-OFFICIO MEMBER

BENJAMIN J.F. CRUZ
VICE SPEAKER

TINA ROSE MUÑA BARNES
LEGISLATIVE SECRETARY

THOMAS C. ADA
SENATOR

JUDITH P. GUTHERTZ
SENATOR

RORY J. RESPICIO
SENATOR

FRANK F. BLAS, JR.
SENATOR

TELO TAITAGUE
SENATOR

RAY TENORIO
SENATOR

July 12, 2010

Mr. J. Peter Roberto, Acting Director
123 Chalan Kareta
Dept. of Public Health and Social Services
Mangilao, Guam 96913

Subject: Notice of Public Hearing – Wednesday, July 14, 2010, 9:00 am

Dear Mr. Roberto:

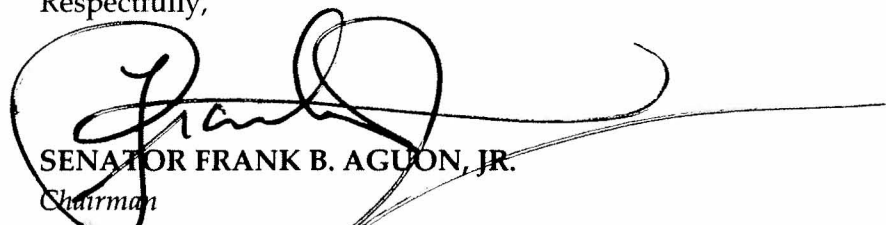
Buenas yan Hafa Adai! The Committee on Economic Development, Health & Human Services, and Judiciary will be conducting a public hearing on **Wednesday, July 14, 2010, 9:00 am** in the Guam Legislature Public Hearing Room. Please see attached Agenda for this public hearing.

I invite the participation of you, your staff and the respective Board Chairpersons at this public hearing, and to also provide testimony on these legislations. Written testimony may be emailed, faxed or hand-delivered to my office. For copies of the bills, please visit the Guam Legislature's website at www.guamlegislature.com.

If you have any question, please contact Mr. Ron Teehan, Committee Director from my office.

Un Dangkulo' Na Si Yu'os Ma'ase'.

Respectfully,


SENATOR FRANK B. AGUON, JR.
Chairman
I Mina'Trenta Na Liheslaturan Guåhan
(30th Guam Legislature)

Attachment (1)

Cc: Chairperson, Guam Board of Allied Health Examiners (GBAHE)

NOTICE OF PUBLIC HEARING P.H. NOTICES X


from **Frances Lizama** <lizama.frances@gmail.com>
 to **"TAIJERON, Bertha - DPHSS"** <bertha.taijeron@dphss.guam.gov>
 date **Tue, Jul 13, 2010 at 2:45 PM**
 subject **NOTICE OF PUBLIC HEARING**
 mailed-by **gmail.com**

[hide details](#)

Hafa Adai Bert:

I really appreciate your help in forwarding this notice to the Acting Director. Please confirm receipt of this notice via email to lizama.frances@gmail.com.
Un dangkulo' na Si Yu'os Ma'ase' and have a great day.

FRANCES S. LIZAMA
 Office of Senator Frank B. Aguon, Jr.
 30th Guam Legislature
 Committee on Economic Development,
 Health & Human Services, and Judiciary
 238 Archbishop F.C. Flores St.
 DNA Bldg (old PDN), Suite 701A
 Hagatna, Guam 96910
 Tel: 671.969.1495/6
 Fax: 671.969.1497

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from **Bertha Taijeron** <bertha.taijeron@dphss.guam.gov>
 to **Frances Lizama** <lizama.frances@gmail.com>
 date **Tue, Jul 13, 2010 at 2:48 PM**
 subject **Re: NOTICE OF PUBLIC HEARING**

[hide det:](#)

Hi Frances,

Thanks for sending over....I have already forwarded to our Acting Director.

Bert

- Show quoted text -

--

Bertha Taijeron
 Program Coordinator
 Department of Public Health and Social Services
 123 Chalan Kareta
 Mangilao, Guam 96913-6304
 PH: (671) 735-7125
 FAX: (671) 734-5910

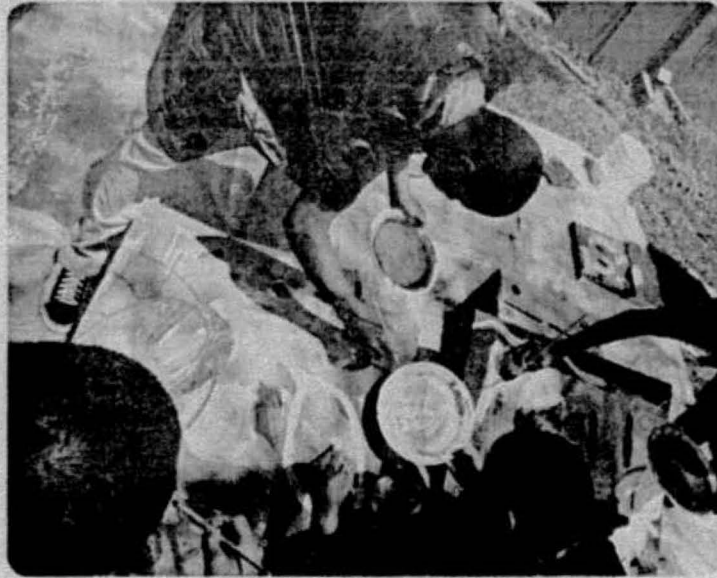


Photo courtesy of Sanctuary Inc.

Youth clients of Sanctuary, Inc. paint on a canvas with guidance from Robert Miley.

Robert Miley's exhibit opens today

(SANCTUARY Inc.) – An exhibit by Arizona artist Robert Miley, featuring pieces created from the Release the Fear workshops, will debut today from 2 p.m. to 5 p.m. on the second floor of the Bank of Guam Headquarters in Hagatna.

Tickets are available for \$10 each at the Sanctuary offices in Chalan Pago. All proceeds from the event will benefit Sanctuary, Incorporated to continue promoting positive youth development on our island.

Sanctuary, Incorporated of Guam, through a grant from the Guam Council of Arts and Humanities, is honored to host

Miley and his Release the Fear Program on Guam.

Through the experimental creative process, Release the Fear workshops empower youth with the tools to overcome the paralyzing effects of fear and violence, allowing them to discover their true potential and purpose in life.

Guam inspired Miley over 20 years ago to begin these projects with at-risk youth and Miley is back on Guam to return the inspiration to our island youth.

This project is made possible through sponsorships from Delta Airlines, Pacific Islands

Club, Proa Restaurant, Graphic Center, Guam Community College and the Bank of Guam.

Sanctuary, Incorporated of Guam is a local non-profit organization that has been assisting Guam's youth and families for almost 39 years. Hundreds of teens take refuge in Sanctuary's Co-Ed Emergency and Transitional Living Program shelters every year and over 2,000 youth and 1,000 adults are helped through our outreach and prevention programs. In 2004, Sanctuary opened the region's only residential treatment center for youth with drug and alcohol dependency.

Calvo - Tenorio leads cleanup drive

(CALVO-Tenorio campaign) – The Calvo-Tenorio youth group cleaned the area between the Pago Bay bridge and the intersections of Routes 10 and 4. This is the second clean-up the volunteers held.

They were joined by gubernatorial candidate Eddie Baza Calvo in picking up plastic bottles, aluminum cans, cigarette butts, and other trash strewn throughout the route.

"This is a labor of love for us," Calvo said. "We're helping out the many other volunteers and groups who truly make a difference by cleaning up our island. I really have to hand it to our youth group. They are action-oriented, because their ultimate goal is to inspire other young adults to have their voices heard, do more, and make their vote their voice. Cleaning up Guam is one of those ways they inspire others. Hopefully, this effort inspires more people to



Gubernatorial candidate Eddie B. Calvo, left, poses with youth supporters after the cleanup in Pago Bay.

register to vote and voice their opinions at the ballot."

If elected, Calvo will appoint his running mate, Ray Tenorio, to lead islandwide beautification. Tenorio's legislative

program, LegWork, is responsible for several cleanups in the past and the reclamation of the large retaining wall on the northbound lane of Marine Corps Drive, East Hagatna.

Community Calendar

The Guam Board of Registration for Professional Engineers, Architects and Land Surveyors will hold a regular meeting on Thursday, July 29, at 4 p.m. in the board's conference room, located in the East-West Business Center, Unit D-Suite 208, Upper Tumon. Call 646-3113.

The Guam Veterans Commission will hold its quarterly meeting on Thursday, July 15, at 9:30 a.m. in the large conference room located in the Governors Complex. Adrlup. For info, call 475-8388.

The Council of Post Secondary Institution Certification will hold a meeting on Friday, July 23, at 3 p.m. in the UOG School of Education faculty lounge. For info, call 735-2557.

The Lofte Treatment Center will undergo a JCAHO Accreditation visit from July 13 to 15. For info, call 777-1144.

The Government of Guam

Retirement Fund Board of Trustees regular board meeting is scheduled for noon on Friday, July 30, in the Retirement Fund conference room located at 424 Route 8, Maite. Call 475-8900.

The Civil Service Commission Board will hold a meeting on Tuesday, July 13, at 5:30 p.m. in the CSCB conference room located on the seventh floor, suite 709, of the ITC Building in Tamuning. For info, call 647-1855.

The National Society Daughters of the American Revolution will hold an open meeting on Wednesday, July 14, from noon to 1:30 p.m. at the Vet Center, Reflection Center, Suite 201, 222 Chalan Santa Papa, Hagatna. Current and former DAR members and any women over 18 who wish to inquire about eligibility are invited to attend the informational and discuss forming a Guam Chapter of the organization. For more info, call Joyce O. Segaloff at 647-6767.



PUBLIC NOTICE

The Guam Council on the Arts and Humanities Agency will hold a Special Board Meeting on Monday, July 19, 2010 at 2:00 pm at the CAHA Office, Suite 405, DNA Building (formerly PNB Bldg) in Hagatna.

Persons requiring special accommodations should contact the GCAHA Office at 475-2781/2/3661 or fax at 477-2786.

"Paid with government funds by Guam CAHA"



SENATOR FRANK B. AGUIAR, II, Chairman
Legislative Special Committee on ECONOMIC DEVELOPMENT,
HEALTH AND HUMAN SERVICES, AND TOURISM
1, Miwa Terata Pna Edificacion (Lobby) - 30th, Guam Legislature
200, Washington P.C. Plaza 10, DNA Bldg., 5th Floor, Hagatna, Guam 96910
Tel: (671) 969-1800 • Fax: (671) 969-1807 • Email: aguiarfrank@gmail.com

NOTICE OF PUBLIC HEARING WEDNESDAY, JULY 14, 2010 9:00 AM GUAM LEGISLATURE PUBLIC HEARING ROOM

BILL NO. 389-30 (COR) - Relative to protecting journalists and the Freedom of the Press, and relative to providing penalties for violating the Freedom of the Press.

BILL NO. 410-30 (COR) - To restore the Community Health Center Council's authorization to access and expend funds from the Community Health Center Revolving Fund, and to ensure accountability by requiring monthly financial reports and annual audit.

BILL NO. 413-30 (COR) - Relative to the construction of a new Northern High School.

BILL NO. 415-30 (COR) - To promote efficiency of the Guam Board of Allied Health Examiners and to clarify portions of the Board's enabling legislation.

BILL NO. 416-30 (COR) - Relative to provisions applicable to the Board of Medical Examiners, and Guam Board of Allied Health Examiners.

BILL NO. 423-30 (COR) - To authorize and regulate the recommending and certifying of the use of medicinal cannabis by licensed physicians to patients with debilitating medical conditions, and to create cannabis dispensaries, to be known as "Compassionate Care Centers," to make medicinal Cannabis available for such patients; act shall be known as "The Compassionate Health Care Act of 2010."

BILL NO. 431-30 (COR) - Relative to providing utilization and cost information to current and prospective health insurance companies who provide health care coverage to GovGuam employees and retirees.

To view the full text of the Bills listed above, visit the Guam Legislature website at www.guamlegislature.com. Written testimonies are to be presented, the Committee requests copies be submitted 1 day prior to hearing date to: OFC. CH. SEN. FRANK B. AGUIAR, II, 238 ARCHBISHOP P.C. FLOORS 5T, DNA BLDG., STE 701A, HAGATNA, GU 96910; email: aguiarfrank@gmail.com, or Fax to 969-1807. Individuals requiring special accommodations services, or for more information, please contact Rep. Terhan at 969-1495/4.



SENATOR FRANK B. AGUON, JR., *Chairman*
**COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH & HUMAN SERVICES, AND JUDICIARY**
I Mina'Trenta Na Liheslaturan Guåhan • 30th Guam Legislature
238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910
Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

AGENDA

WEDNESDAY, JULY 14, 2010, 9:00 AM
GUAM LEGISLATURE PUBLIC HEARING ROOM

BILL NO. 398-30 (COR)

An act adding a new Chapter 10 to Title 6 of the Guam Code Annotated relative to protecting journalists and the Freedom of the Press, and to add a new Chapter 91 to Title 9 of the Guam Code Annotated relative to providing penalties for violating the Freedom of the Press.

BILL NO. 410-30 (COR)

An act to restore the Community Health Center Council's authorization to access and expend funds from the Community Health Center Revolving Fund; by repealing Subsection (g) of §3811, Art. 8, Ch. 3, 10 GCA; and to ensure accountability by requiring monthly financial reports and an annual audit.

BILL NO. 413-30 (COR)

An act to add a new Chapter 58B to Title 5 Guam Code Annotated relative to the construction of a new Northern High School.

BILL NO. 415-30 (COR)

An act to promote the efficiency of the Guam Board of Allied Health Examiners and to clarify portions of the Board's enabling legislation, by amending Article 8 of Chapter 12, Title 10, Guam Code Annotated.

BILL NO. 416-30 (COR)

An act relative to provisions applicable to the Board of Medical Examiners and the Guam Board of Allied Health examiners; by respectively amending Subsections (a) and (b) of §12203 of Article 2, and Subsections (a) and (b) of §12803 of Article 8 of Part 1, Chapter 12, Title 10, Guam Code Annotated.

BILL NO. 423-30 (COR)

An act to authorize and regulate the recommending and certifying of the use of medicinal *cannabis* by licensed physicians to patients with debilitating medical conditions, and to create cannabis dispensaries, to be known as "Compassionate Care Centers," to make medicinal *cannabis* available for such patients. This act shall be known as "The Compassionate Health Care Act of 2010."

BILL NO. 431-30 (COR)

An act to amend §4302 (b) Chapter 4, Article 3, Title 4 Guam Code Annotated relative to providing utilization and cost information to current and prospective health insurance companies who provide health care coverage to government of Guam employees and retirees.

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MESSAGE CONFIRMATION

JUN-14-2010 09:34 AM MON

FAX NUMBER : 4772240
NAME : GNF

NAME/NUMBER : 4722825
PAGE : 3
START TIME : JUN-14-2010 09:34AM MON
ELAPSED TIME : 00' 24"
MODE : STD ECM
RESULTS : [O.K]



COMMITTEE ON RULES

I Mina' Trenta na Liheslaturan Guåhan • 30th Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • tel: (671)472-7679 • fax: (671)472-3547 • roryforguam@gmail.com

SENATOR
RORY J.
RESPICIO
CHAIRPERSON

SENATOR
Judith P. Gutherz
VICE
CHAIRPERSON

MAJORITY
MEMBERS:

Judith 'I. Won Pat
SPEAKER

Benjamin J. F. Cruz
VICE SPEAKER

Tina Rose Muña Barnes
LEGISLATIVE SECRETARY

Thomas C. Ada
SENATOR

Frank B. Agnon, Jr.
SENATOR

Adolpho B. Palacios, Sr.
SENATOR

Vicente C. Pangelinan
SENATOR

MINORITY
MEMBERS:

Frank F. Blas, Jr.
SENATOR

James V. Espaldon
SENATOR

June 14, 2010

VIA FACSIMILE
(671) 472-2825

Ms. Bertha Duenas
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Notes – Bills No. 414-30 (COR)
through 417 (COR)

Hafa Adai Ms. Duenas:

Transmitted herewith is a listing of *I Mina' Trenta na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 G.C.A §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Rory J. Respicio

Attachment (2 pages)

*Rec'd 6/14/10
by Jaleen*



COMMITTEE ON RULES

I Mina' Trenta na Liheslaturan Guåhan • 30th Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • tel: (671)472-7679 • fax: (671)472-3547 • roryforguam@gmail.com

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June 14, 2010

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Director
Bureau of Budget & Management Research
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Attachment (2 pages)

2010 JUN 14 AM 11:03

I Mina'Trenta Na Liheslaturan Guåhan

Bill Log Sheet

June 11, 2010

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
B414-30 (COR)	Telo Taitague, R. J. Respicio, B. J.F. Cruz	An act to add a new §49119 to Chapter 49 of 10GCA relative to creating the ultra-low sulfur diesel fuel standard for diesel fuel sold on Guam.	6/11/10 4:13 p.m.						
B415-30 (COR)	by Frank B. Aguon, Jr.	An act to promote the efficiency of the Guam Board of Allied Health Examiners and to clarify portions of the board's enabling legislation, by amending Article 8 of Chapter 12, Title 10, Guam Code Annotated.	6/11/10 4:22 p.m.						

B416-30 (COR)	Frank B. Aguon, Jr.	An act relative to provisions applicable to the Board of Medical Examiners, and, the Guam Board of Allied Health Examiners; by respectively amending Subsections (a) and (b) of §12203 of Article 2, and, Subsections (a) and (b) of §12803 of Article 8, of Part 1, Chapter 12, Title 10, Guam Code Annotated.	6/11/10 4:22 p.m.						
B417-30 (COR)	Frank B. Aguon, Jr.	An act to make Guam's streets safer by lowering the legal blood alcohol level for motor vehicle operators from 0.08% to 0.05%; by amending Subsections (b), (d), and (e) of §18102 of Article 1, Chapter 18, Title 16, Guam Code Annotated, Safe Streets Act; and by amending Subsection (g) of §18102 relative to minors; this act shall be known as the amended Safe Streets Act.	6/11/10 4:23 p.m.						

MINA' TRENTA NA LIHESLATURAN GUAHAN
THIRTIETH GUAM LEGISLATURE
2010 (SECOND) Regular

Bill No. 416-30(COR)

Introduced by:

FRANK B. AGUON, JR.



AN ACT RELATIVE TO PROVISIONS
APPLICABLE TO THE BOARD OF MEDICAL
EXAMINERS, AND, THE GUAM BOARD OF
ALLIED HEALTH EXAMINERS; BY
RESPECTIVELY AMENDING SUBSECTIONS (a)
AND (b) OF §12203 OF ARTICLE 2, AND,
SUBSECTIONS (a) AND (b) OF §12803 OF
ARTICLE 8, OF PART 1, CHAPTER 12, TITLE 10,
GUAM CODE ANNOTATED.

2010 JUN 11 PM 4: 22



1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Finding and Intent:** The conduct, provision and
3 quality of health care services ranks among the highest concerns of the people of
4 Guam. *I Liheslaturan Guahan* finds it appropriate that the people of Guam have
5 the opportunity to review and comment upon the appointment of the health care
6 professionals responsible for the development and implementation of health care
7 policy. It is critical, as well, that other health care professionals be duly accorded
8 the opportunity to review and comment upon appointment of those so tasked to
9 oversee the conduct of their respective health care fields.

10 *I Liheslaturan Guahan* further finds that with regard to the Guam Board of
11 Allied Health Examiners, there is a need to address, as well, the issue of reasonable
12 term limits for those responsible for promoting and regulating allied health care
13 services. Term limits will ensure a continuing public review and approval process

1 by which the people of Guam may participate in assessing the selection of a new
2 member, and/or the evaluation of the performance of a member being reappointed.

3 It is the intent of *I Liheslaturan Guahan* to require the that any nomination
4 for appointment to the Board of Medical Examiners or the Guam Board of Allied
5 Health Examiners be subject to the advice and consent of *I Liheslaturan Guahan*,
6 and ensuring thereby, the publics opportunity to assess and comment upon the
7 desirability of appointees, as well as the conduct and performance of the Board
8 collectively. Further, it is the intent of *I Liheslaturan Guahan* with respect to the
9 Guam Board of Allied Health Examiners, to mandate reasonable term limits for
10 members serving upon the Board. A two (2) year term, with an opportunity for
11 reappointment or replacement, helps to ensure the continuing desirability of board
12 members.

13 **Section 2.** Subsections (a) and (b) of §12203 of Article 2 - *Physicians*
14 *Practice Act*, Part 1, Chapter 12, Title 10, Guam Code Annotated, are amended, to
15 read:

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

20 (b) At least six (6) of the seven (7) members shall be physicians licensed in
21 Guam, shall be person of recognized professional ability and integrity, and shall
22 have practiced in Guam for at least five (5) years. All members shall be citizens or
23 permanent residents of the United States who have resided in Guam for five (5)
24 years. One (1) of the physician board member shall be the Medical Director of the
25 Guam Memorial Hospital Authority (‘GMHA’) who meets the above criteria

1 otherwise *I Maga'lahren Guahan* shall nominate and appoint a qualified physician
2 from the GMHA staff. Provided that of the initial members appointed under this
3 Article, appointments shall be made so that three (3) members of the Board, sitting
4 or newly appointed, shall serve for two (2) years, and four (4) members, sitting or
5 newly appointed shall serve for a term of four (4) years, until a successor is
6 appointed and qualified. No member shall serve more than three (3) consecutive
7 terms.

8 The members of the Board sitting at the date of enactment of this Article
9 who meet the requirements and limitations placed upon membership by this Article
10 shall remain in office until the expiration of their respective terms. When a
11 vacancy occurs, *I Maga'lahren Guahan* shall nominate and appoint a new member
12 within sixty (60) days of the commencement of the vacancy, which shall be
13 subject to the advice and consent of *Liheslaturan Guahan*.

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

17 **Section 3.** Subsections (a) and (b) of §12803 of Article 8 – *Allied Health*
18 *Practice Act*, Part 1, Chapter 12, Title 10, Guam Code Annotated, are amended, to
19 read:

20 “(a) Creation. There is established, in and for the government of Guam, a
21 Guam Board of Allied Health Examiners, composed of a representative from each
22 of the profession being examined for licensure of which currently there are nine (9)
23 members nominated and appointed by *I Maga'lahren Guahan*, with the advice and
24 consent of *Liheslaturan Guahan*. *I Maga'lahren Guahan* shall appoint two (2)

1 additional members, one (1) member for the Respiratory Therapist and one (1)
2 member for the Nutritionist/Clinical Dietician, and shall appoint additional
3 members for other allied health profession being examined for licensure that the
4 Board includes in the its licensing procedure and specifically recommend to *I*
5 *Maga'lahaen Guahan* to appoint a board member representative. There shall be no
6 Board member appointment with less than ten (10) allied health professionals
7 qualified applicants for licensure within that allied health profession of the
8 applicants. The Board shall examine applicants for licensure within the allied
9 health professions *not* having separate Board of Examiners enacted by
10 *LiheSlaturan Guahan*.

11 The term of appointment shall be for a period of two (2) years, at the end of
12 which *I Maga'lahaen Guahan* shall either reappoint the member or nominate and
13 appoint a new member, either of which case shall be with the advice and consent
14 of *LiheSlaturan Guahan*.

15 (b) Requirement. The members of the Board shall have practiced in their
16 respective disciplines for at least five (5) years. All members shall be citizens or
17 permanent residents of the United States who have resided in Guam for at least
18 five (5) years. The members of the Board sitting at the date of enactment of this
19 Act who meet the requirements and limitations placed upon membership by this
20 Act shall remain in office until the expiration of their respective terms. When a
21 vacancy occurs, *I Maga'lahaen Guahan* shall appoint a new member within sixty
22 (60) days of the commencement of the vacancy, with the advice and consent of
23 *LiheSlaturan Guahan*.

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

4 **Section 4.** All other Subsections and Parts of §12203 of Article 2, Part 1,
5 Chapter 12, Title 10, Guam Code Annotated, and, §12803 of Article 8, Part 1,
6 Chapter 12, Title 10, Guam Code Annotated, respectively, are *not* affected by this
7 Act, and *shall* continue in full force and effect until otherwise provided by law.