I Mina Bente Ocho Na Liheslaturan Guahan 2005 (FIRST) Regular Session

Bill No. 🛓	79 (EC)
------------	---------

Introduced by:

1

2

3

4

5

6

7

8

9

10

11

12

13

M. Cruz U. Mark Forbes

AN ACT TO RE-ESTABLISH THE COMMISSION ON LICENSURE TO PRACTICE THE HEALING ARTS IN GUAM AS PROVIDED FOR IN SECTION 12202 OF CHAPTER 12, ARTICLE 2, TITLE 10 OF THE GUAM CODE ANNOTATED.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative findings and intent. The Commission on Licensure to Practice the Healing Art in Guam was abolished pursuant to Public Law 26-76 for failing to meet in over twelve (12) months. *I Liheslaturan Guahan* finds that it is important that the Commission be re-established and activated to provide direction, execution and enforcement of the provisions of this chapter, especially in light of the growing number of concerns within the various disciplines under its purview.

Section 2. Re-establishment. Section 12202 of Chapter 12, Article 2, Title 10 of the Guam Code Annotated is hereby re-established.

Section 3. Severability. *If* any provision of this Law or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall *not* affect other provisions or applications of this Law, which can be given effect without the invalid provisions or application, and to this end the provisions of this Law are severable.



Senator Mike Cruz, M.D. Chairman. Committee on Health & Human Services I Mina'Bente Ocho Na Liheslaturan Guåhan 155 Hesler St., Hagåtña, Guam 9691💇 🦈 😂

Tel: (671) 477-5960/2/3 Fax: (671) 477-5984

email: senmike@ite.net

July 20, 2005

The Honorable Mark Forbes Speaker, I Mina' Bente Ocho na Liheslaturan Guåhan 155 Hesler Street Hagatña, Guam 96910

The Committee on Health and Human Services, to which Bill No. 79 (EC) was referred, wishes to report back the same with the recommendation TO DO PASS Bill No. 79 (EC): "AN ACT TO RE-ESTABLISH THE COMMISSION ON LICENSURE TO PRACTICE THE HEALING ARTS IN GUAM AS PROVIDED FOR IN SECTION 12202 OF CHAPTER 12, ARTICLE 2, TITLE 10 OF THE **GUAM CODE ANNOTATED."**

Transmitted herewith for your consideration and action is the Committee Report on the above subject matter.

The voting record is as follows:

8	TO PASS
0	NOT TO PASS
0	TO REPORT OUT ONLY
0	ABSTAIN
0	INACTIVE FILE

Copies of the Committee Report and other pertinent documents are attached for your information. Thank you for your time and attention regarding this matter.

MIKE CRUZ, M.D.

Senator

Attachments



Senator Mike Cruz, M.D. Chairman, Committee on Health & Human Services I Mina'Bente Ocho Na Liheslaturan Guåhan 155 Hesler St., Hagåtña, Guam 96910 Tel: (671) 477-5960/2/3 Fax: (671) 477-5984

email: senmike@ite.net

MEMORANDUM

TO:

Committee Members

FROM:

Chairman, Committee on Health and Human Services

SUBJECT:

Committee Report on Bill No. 79 (EC)- "AN ACT TO RE-ESTABLISH THE COMMISSION ON LICENSURE TO PRACTICE THE HEALING ARTS IN GUAM AS PROVIDED FOR IN SECTION 12202 OF CHAPTER 12, ARTICLE 2, TITLE 10 OF THE

GUAM CODE ANNOTATED."

Transmitted herewith for your information and action is the report on Bill No. 79 (EC) from the Committee on Health and Human Services.

This memorandum is accompanied by the following:

- 1. Committee Voting Sheet
- 2. Committee Report
- 3. Bill No. 79 (EC)
- 4. Copy of §12202, of Chapter 12, Article 2, Title 10 of the GCA
- 5. Written Testimony
- 6. Public Hearing Sign-in Sheet
- 7. Fiscal Note/Fiscal Note Waiver
- 8. Notice of Public Hearing

Please take appropriate action on the attached voting sheet. If you need additional information about the report or accompanying documents, please do not hesitate to contact my office.

Thank you for your time and attention regarding this matter.

MIKE CRUZ, M.D.

Attachments



Voting Sheet

BILL NO. 79 (EC)- AN ACT TO RE-ESTABLISH THE COMMISSION ON LICENSURE TO PRACTICE THE HEALING ARTS IN GUAM AS PROVIDED FOR IN SECTION 12202 OF CHAPTER 12, ARTICLE 2, TITLE 10 OF THE GUAM CODE ANNOTATED.

Name 1110	To Pass	Not to Pass	To Report Out Only	Abstain	To Place in <u>Inactive File</u>
Mike Cruz, M.D., Chairman	<u> </u>				
Jesse A. Lujan, Vice Chairman			***************************************		
Lawrence F. Kasperbauer, Member		************		Market Market Control of Control	
Ray Tenorio, Member	$\frac{v}{f}$				
Antonio R. Unpingco, Member			****		water best de la company
Edward J.B. Calvo, Member				-	***************************************
Joanne M.S. Brown Member	V		******		
Frank B. Aguon, Jr., Member	V		-	***********	
Lou A. Leon Guerrero, Member	was discount of the same			new Security Control of Control o	*******
Benjamin J.F. Cruz, Member	- Barrier Control - Contro				***************************************
Rory J. Respicio, Member			**************************************		Aug. 11.00
Adolpho B. Palacios, Sr., Member	V	Alternative descriptions			
Mark Forbes, Ex-Officio Member	2			-	-



Senator Mike Cruz, M.D. Chairman, Committee on Health & Human Services I Mina'Bente Ocho Na Liheslaturan Guåhan 155 Hesler St., Hagåtña, Guam 96910

Tel: (671) 477-5960/2/3 Fax: (671) 477-5984 email: senmike@ite.net

Committee Report on

Bill No. 79 (EC)

AN ACT TO RE-ESTABLISH THE COMMISSION OF LICENSURE TO PRACTICE THE HEALING ARTS IN GUAM AS PROVIDED FOR IN SECTION 12202 OF CHAPTER 12, ARTICLE 2, TITLE 10 OF THE GUAM CODE ANNOTATED.

COMMITTEE REPORT

BILL NO. 79 (EC)

AUTHOR: M. Cruz, 2nd M. Forbes

TITLE:

An act to re-establish the commission on licensure to practice the healing arts in Guam as provided for in section 12202 of Chapter 12, Article 2, Title 10 of the Guam Code Annotated.

Members present:

Chairman Mike Cruz

Senator Adolpho Palacios Senator Frank Aguon, Jr.

Other senators present:

Senator Robert Klitzkie

Chairman Mike Cruz called the public hearing to order and advised that all present was to hear testimony on Bill No. 79, an act to re-establish the commission on licensure to practice the healing arts in Guam as provided for in section 12202 of Chapter 12, Article 2, Title 10 of the Guam Code Annotated. He welcomed senators Palacios and Aguon and proceeded to explain that, as the bill author, the re-establishment of this commission is important based on his experience as the most recent Chairman before its abolishment.

Senator M. Cruz noted that the commission had not met in a while, and explained that the purpose of the commission was to allow a venue for the chairs from each section of the healing arts to discuss common areas of similarities and/or differences. He noted that this would allow each section come together with others as "one greater healthcare team." He included that this commission only need to meet on a yearly basis.

Senator Cruz noted that no other type of health planning counsel exists. With the reestablishment, the different chairs from the various disciplines would be permitted to discuss shortcomings, try to help alleviate shortages, state recommendations or assist in the planning to ensure better healthcare. Senator Cruz stressed that without the commission there would be no opportunity for the "leaders" to come together.

Senator M. Cruz invited Doctor Loerzel, M.D., a representative for the Guam Board of Medical Examiners, to present his testimony.

Dr. Arthur Loerzel, M.D. thanked the Chairman and other senators for the opportunity to present oral testimony in favor of Bill 79. He stated that the Board of Medical Examiners agree to support Bill No. 79 as read by the Chairman. He sees only positive things coming out of the bill. He suggests some specific wording regarding the finances and the staffing pattern. Specifically, he states that there are problems with the board because of the licensure fees going to the general fund.

Chairman Cruz noted that in the past the Commission acted with the same staff that currently takes care of the different licensure boards. He pointed out that the shortage in staff is an issue that must be taken up with Public Health.

Senator Palacios questioned the appointment process of the members of this particular commission.

Chairman Cruz stated that the members are already appointed by the Governor.

Senator Palacios questioned if there were expiration dates for the different terms. He further questioned if the former commission members would be automatically reinstated when the re-establishment of the commission occurs.

Senator Klitzkie said that re-establishment of the board would not pick up the former members. He also noted that former members could become reinstated if Public Law 26-76 became ineffective with respect to this particular commission.

Chairman Cruz questioned how it would be possible that the terms all start anew with each of the different titled chairs as a re-establishment of the commission.

Senator Klitzkie asked how each member of the commission is chosen.

Chairman Cruz stated that members of the commission are appointed by the governor as follows: the director of Public Health and Social Services or his designee; and the chairpersons from the Boards of Nurse Examiners, Medicine, Dentistry, Pharmacy, and Allied Health. He noted they are already current chairs, and that the governor is giving an additional duty beyond the chairmanships.

Senator Klitzkie commented that it the statute needed action from the executive, then the executive would reappoint.

Chairman Cruz raised an issue regarding the appointment of the Chief Medical Officer of GMHA. He explains that there is no such officer and that is a needed change before the bill is reported out. He notes that there is only the President of the Medical Staff, the Associate Administrator of Medical Services, or the Medical Director. He asked for suggestions/ thoughts on the change that needs to be made.

Dr. Loerzel, M.D. noted that the title of "Medical Director" is not stable and tends to shift.

Chairman Cruz clarified that the title has always been Associate Administrator of Medical Services. He noted that the Chief Medical Officer would mean either the President of the Medical Staff or the Associate Administrator of Medical Services.

Dr. Loerzel, M.D. commented that it would be a "wash" and there could be pros and cons for each. He thinks that President of the Medical Staff is a good choice as well.

Chairman Cruz asked if the panel had anymore questions.

Senator Aguon thanked the chairman and apologized for not hearing the testimony. He noted that the process is unclear because it was a general provision in Public Law 26-76 that arbitrarily eliminated any commission/ board that has not met within the previous 12 months. He commented that the appointment process is a legal question because the provision was not specific. He suggests legal guidance and concluded stating that he is in full support of the provision because he believes that the chairman is in a position to recognize the need for this particular commission.

Chairman Cruz thanked Senator Aguon for the recommendation

Dr. Loerzel, M.D. wonders if making a new law would decrease confusion.

Senator Aguon stated that it's a legal technicality whether to recode it and re-establish it or whether the law is already sufficient to re-enact the particular provision.

Chairman Cruz asked if there are any other testimonies for Bill 79 – hearing none – he concluded the public hearing on Bill 79.

COMMITTEE FINDING: The Committee on Health and Human Services finds that it is necessary to re-establish the commission on licensure to practice the healing arts in Guam to allow the leadership of the various disciplines in the healing profession to properly govern themselves with regard to their rules and regulations, statutes and policies by which they adhere to in their duties to care for the people of Guam.

COMMITTEE RECOMNDATION: The Committee on Health and Human Services recommends that Bill No. 79, an act to re-establish the commission on licensure to practice the healing arts in Guam as provided for in section 12202 of Chapter 12, Article 2, Title 10 of the Guam Code Annotated, be submitted to I Mina Bente Ocho Na Liheslaturan Guahan with a recommendation TO PASS.

I Mina Bente Ocho Na Liheslaturan Guahan 2005 (FIRST) Regular Session

Bill No. <u>29</u> (EC)

Introduced by:

1

8

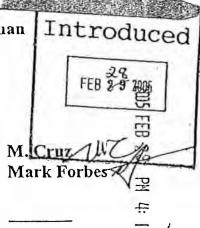
9

10

11

12

13



AN ACT TO RE-ESTABLISH THE COMMISSION ON LICENSURE TO PRACTICE THE HEALING ARTS IN GUAM AS PROVIDED FOR IN SECTION 12202 OF CHAPTER 12, ARTICLE 2, TITLE 10 OF THE GUAM CODE ANNOTATED.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative findings and intent. The Commission on Licensure to Practice the Healing Art in Guam was abolished pursuant to Public Law 26-76 for failing to meet in over twelve (12) months. *I Liheslaturan Guahan* finds that it is important that the Commission be re-established and activated to provide direction, execution and enforcement of the provisions of this chapter, especially in light of the growing number of concerns within the various disciplines under its purview.

Section 2. Re-establishment. Section 12202 of Chapter 12, Article 2, Title 10 of the Guam Code Annotated is hereby re-established.

Section 3. Severability. If any provision of this Law or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provisions or applications of this Law, which can be given effect without the invalid provisions or application, and to this end the provisions of this Law are severable.

10 GCA - HEALTH AND SAFETY DIV. 1 - PUBLIC HEALTH

Article 2. Physicians Practice Act.

NOTE: $\S\S12206-12228$ were repealed by P.L. 24-208:1 and new $\S\S12201-12217$ were added by P.L. 24-208:3. Original $\S\S12201-12205$ were transferred to Article 1 and renumbered to $\S\S12102-12106$ by P.L. 24-208:2.

§12201.	Statement of Policy.
§12202.	Definitions.
§12203.	Guam Board of Medical Examiners.
§12204.	Examinations.
§12205.	Requirements for Full Licensure.
§12206.	Graduates of Foreign Medical Schools.
§12207.	Licensure by Endorsement and Temporary and Special Licensure.
§12208.	Limited Licensure for Physicians in Postgraduate Training.
§12209.	Disciplinary Action Against Licensees.
§12210.	Procedures for Enforcement and Disciplinary Action.
§12211.	Impaired Physicians.
§12212.	Compulsory Reporting and Investigation.
§12213.	Protected Action and Communication.
§12214.	Unlawful Practice of Medicine: Violations and Penalties
§12215.	Renewal of Licensure
§12216.	Rules and Regulations.
§12217.	Funding and Fees.

§12201. Statement of Policy. The practice of medicine is a privilege granted by the people acting through their elected representatives. It is not a natural right of individuals. In the interests of public health, safety and welfare, and to protect the public from the unprofessional, improper, incompetent, unlawful, fraudulent and/or deceptive practice of medicine, it is necessary to provide laws and regulations to govern the granting and subsequent use of the privilege to practice medicine. The primary responsibility and obligation of the Guam Board of Medical Examiners is to protect the people of Guam.

§12202. Definitions. (a) For purposes of this Article, the definition of the *practice of medicine* should include the following words and phrases which are defined to mean:

CH. 12 - MEDICAL PRACTICES

ART. 2 - PHYSICIANS PRACTICE ACT - 1998 UPDATE - P. 14

10 GCA - HEALTH AND SAFETY DIV. 1 - PUBLIC HEALTH

- (1) advertising, holding out to the public or representing in any manner that one is authorized to practice medicine in the jurisdiction:
- (2) offering or undertaking to prescribe, order, give or administer any drug or medicine for the use of any other person;
- (3) offering or undertaking to prevent or to diagnose, correct and/or treat in any manner or by any means, methods, or devices any disease, illness, pain, wound, fracture, infirmity, defect or abnormal physical or mental condition of any person, including the management of pregnancy and parturition;
- (4) offering or undertaking to perform any surgical operation upon any person;
- (5) rendering a written or otherwise documented medical opinion concerning the diagnosis or treatment of a patient, or the actual rendering of treatment to a patient within a state by a physician located outside the state as a result of transmission of individual patient data by electronic or other means from within a state to such physician or his or her agent;
- (6) rendering determination of medical necessity or appropriateness of proposed treatment; and
- (7) using the designation Doctor, Doctor of Medicine, Doctor of Osteopathy, Physician, Surgeon, Physician and Surgeon, Dr., M.D., D.O. or any combination thereof in the conduct of any occupation or profession pertaining to the prevention, diagnosis or treatment of human disease or condition, unless such a designation additionally contains the description of another branch of the healing arts for which one holds a valid license in the jurisdiction.
- (b) The definition of *exceptions to the Act* include the following:
- (1) students while engaged in training in a medical school approved by the Guam Board of Medical Examiners, or while engaged in graduate medical training under the supervision of the

CH. 12 - MEDICAL PRACTICES

ART. 2 - PHYSICIANS PRACTICE ACT - 1998 UPDATE - P. 15

10 GCA - HEALTH AND SAFETY DIV. 1 - PUBLIC HEALTH

medical staff of a hospital or other health care facility approved by the Guam Board of Medical Examiners for such training, except that those engaged in graduate medical training shall hold a limited license issued by the Guam Board of Medical Examiners for such training;

- (2) those providing service in cases of emergency where no fee or other consideration is contemplated, charged or received;
- (3) commissioned medical officers of the armed forces of the United States and medical officers of the United States Public Health Service or the Veterans Administration of the United States in the discharge of their official duties and/or within Federally controlled facilities, provided that such persons who hold medical licenses in the jurisdiction should be subject to the provisions of the Act and provided that all such persons should be fully licensed to practice medicine in one (1) or more jurisdictions of the United States;
- (4) those practicing dentistry, nursing, optometry, podiatry, psychology or any other of the healing arts in accord with, and as provided by the laws of Guam;
- (5) those practicing the tenets of a religion or ministering to the sick or suffering by mental or spiritual means in accord with such tenets, provided that no person should be exempt from the public health laws of Guam or the Federal government;
- (6) a person administering a lawful domestic or family remedy to a member of his or her own family; and
- (7) those fully licensed to practice medicine in another jurisdiction of the United States who briefly render emergency medical treatment or briefly provide critical medical service at the specific lawful direction of a medical institution or Federal agency that assumes full responsibility for that treatment or service and is approved by the state medical board.

CH. 12 - MEDICAL PRACTICES

ART. 2 - PHYSICIANS PRACTICE ACT - 1998 UPDATE - P. 16



Senator Mike Cruz, M.D. Chairman, Committee on Health & Human Services I Mina'Bente Ocho Na Liheslaturan Guåhan 155 Hesler St., Hagåtña, Guam 96910 Tel: (671) 477-5960/2/3 Fax: (671) 477-5984 email: senmike@ite.net

No written testimony was received by the Committee.

Sign-in Sheet

Public Hearing Thursday, June 2, 2005 9:00 a.m.

Bill 79 (EC)- An Act to Re-Establish the Commission of Licensure To Practice the Healing Arts In Guam As Provided For In Section 12202 of Chapter 12, Article 2, Title 10 of the Guam Code Annotated.

Name Anthur Loevzel, Mu.	Department/Agency (Oral)	Contact Number 637-5436

Bureau of Budget & Management Research Fiscal Note of Bill No. _____79(ES)_____

Bill Title (Preamble): AN ACT TO RE-ESTABLISH THE COMMISSION ON LICENSURE TO PRACTICE THE HEALING ARTS IN GUAM AS PROVIDED FOR IN SECTION 12202 OF CHAPTER 12, ARTICLE 2, TITLE 10 OF THE GUAM CODE ANNOTATED.

Department/Agenc	y Appropriation Information	
Dept./Agency Affected: DPHSS Dept./Agency Head: Arthur U. Sar		Agustin, Acting
Department's General Fund (GF) appropriation(s) to date: DPHSS=\$47,811,763		\$47,811,763
Department's Other Fund (specify):DPHSS: \$4,071,117 (HFF), \$322,000 (EHF) \$150,000 (Safe Homes)		\$4,543,117
Total Department/Agency Appropriation(s) to date:		\$52,354,880

Fund Source Inf	ormation of Proposed Appropriation		
	General Fund:	Other (specify):	Total:
FY 2005 Adopted Revenues	\$447,441,000	\$0	\$447,441,000
FY Appro. to P.L. 28-43	(\$448,014,817)	\$0	(\$448,014,817)
Sub-total:	(\$573,817)	\$0	(\$573,817)
Less appropriation in Bill	50	\$0	so
Total:	(\$573,817)	\$0	(\$573,817)

		Estir	mated Fiscal Impact o	F BIN		
	One Full Fiscal Year	For Remainder of Current FY (if applicable)	Second Year	Third Year	Fourth Year	Fifth Year
General Fund	eral Fund \$0		\$0	\$0	\$0	\$0
Other Fund:	\$0	50	SO	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

1. Does the bill contain "revenue generating" provisions?			1.1	Yes	/X/	No
If Yes, see attachment						
2. Is amount appropriated adequate to fund the intent of the appropriation?	/X/	N/A	1 1	Yes	1.1	No
If no, what is the additional amount required? \$						
3. Does the Bill establish a new program/agency?			1 1	Yes	/X /	No
If yes, will the program duplicate existing programs/agencies?	/X/	N/A	1 1	Yes	1.1	No
Is there a federal mandate to establish the program/agency?			1 1	Yes	/X/	No
4. Will the enactment of this Bill require new physical facilities?			1 1	Yes	/ X /	No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason:			/ X /	Yes	1 1	No
/ / Requested agency comments not received by due date / / Other: _						

		α , $p\uparrow$ 100	
Analyst:	ď	Date: 6.14.05 Director: Date: 6/14/05 Carlos P. Bordallo	
•			

Footnote: The Bill proposes to re-establish the Commission on Licensure to Practice the Healing Arts on Guam. The Commission was abolished by P.L. 26-76 as a result of failing to meet in over twelve (12) months. Note that the Commission is comprised of the Director of DPHSS; Director of DMHSA; Board Chairpersons of the Board of Medical Examiners, Allied Health, Dentistry, Nurse Examiners; Chief Medical Officer of GMHA and a member of the Mayors Council.

The Bill does not make an appropriation and the members of the Commission on Licensure are not entitled to stipends. Therefore, any fiscal impact as result of meetings held by the Commission should be minimal.

"Guam's Best Game at Guam's Best Facility" Guam International Country Club Just off Marine Drive @ Dededo/Yigo ED PAYOUT ---

Payout on Monday Payout on Tuesday

tter X Game Daily" . or less "\$15,000.00"**

ick to 14 nos. at \$15,000.00).

esday, May 31, 2005 ouble Blackout in 63 nos. or less 1) Junier Jackpet. \$1,000.00 1) Indian Star (33 nes.) "New Game" \$1,000,00 1) Lrg Picture Frame (38 nos.). Buy Two 10/10 Acros and get the 3rd 10/10 Across for half off! t & Progressive Jackpot lames begin at 7:15 pm. Hotline 632-4646 ng Amateur Golf

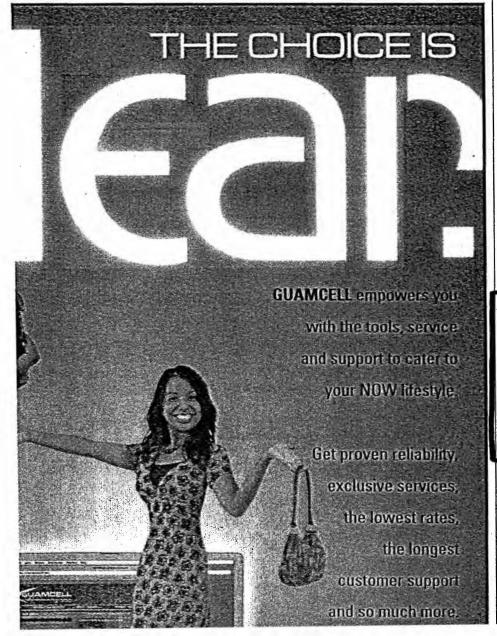


Tel: 633-4473 · Fax: 633-4474

AMERICAN

MOVING

Household goods, General



LOCAL

GOVERNMENT MEETINGS

May 31

Civil Service Commission Board: 5:30 p.m. May 31, second floor of the Hakubotan Building, Tamuning. Hearing on A. Ramos vs. Guam Waterworks Authority; N. Prakash vs. Department of Education. Call 647-1855/7 or TDD 647-1872.

Professional Engineers, Architects and Land Surveyors Board: 4 p.m. May 31, board conference room, upper Tumon. Call 646-3115.

June 1

Chamorro Land Trust Commission: 4 p.m. June 1, Guam Ancestral Lands Commission conference room, Suite 101, Anigua Commercial Building. Call 475-4251.

Mayors Council of Guam: 10 a.m. June 1 (each first Wednesday), council's conference room, Ada's Commercial and Professional Center, Suite 111F, Hagatña. Call 472-6940 or 477-8461.

June 2

Application Review Committee: 9:30 a.m. June 2, Department of Land Management conference room, first floor. Hearing on conditional use permit for John S. and Sun O. Euh; zone variance for Atkins Kroll. Call 475-5219/5255.

Civil Service Commission Board: 5:30 p.m. June 2, second floor, Hakubotan Building, Tamuning. Hearing on V. Winn vs. Department of Education. Call 647-1855/7 or TDD 647-1872.

Public hearing for Committee on Health and Human Services: 9 a.m. June 2, Legislature's public hearing room, Hagåtña. Bill 79, to reestablish the Commission on Licensure to practice the healing arts in Guam; Bill 107, relative to the eligibility and qualifications for esthetician license. The public is invited to present oral testimony or send written testimony by faxing 477-5984 or e-mail: senmike@ite.net.

GovGuam Retirement Fund Board Of Trustees: Noon June 2, Retirement Fund conference room, Route 8, Maite. Call 475-8900/1.

Guam Interagency Coordinating Council: 6 p.m. June 2, Guam Memorial Hospital Authority classroom, fourth floor, Tamuning. For special accommodations, call Cathy Tydingco or Leilani Taitague, 735-

Guam Memorial Hospital Au-