



I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN  
2006 (SECOND) Regular Session

Bill No. 299 (EQ)

Introduced by:

Mike Cruz, MD   
E. J.B. Calvo 

AN ACT TO *AMEND* SECTION 12101(o), ARTICLE 1, CHAPTER 12, TITLE 10 OF THE GUAM CODE ANNOTATED, *AMEND* SECTIONS 12802(a)(xi) AND 12827, ARTICLE 8, CHAPTER 12, TITLE 10 OF THE GUAM CODE ANNOTATED, *AMEND* SECTION 121901 AND TABLE OF CONTENTS OF ARTICLE 19, CHAPTER 12, TITLE 10 OF THE GUAM CODE ANNOTATED, *AMEND* SECTIONS 121903(a) AND 121903(b), ARTICLE 19, CHAPTER 12, TITLE 10 OF THE GUAM CODE ANNOTATED, *ADD* A NEW SECTION 121904, ARTICLE 19, CHAPTER 12, TITLE 10 OF THE GUAM CODE ANNOTATED AND THE FOLLOWING SUBSECTION 121904 IS *RENUMBERED*, AND *ADD* A NEW SECTION 121907, ARTICLE 19, CHAPTER 12, TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE LICENSURE OF THE VETERINARY MEDICINE PROFESSION.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Legislative Statement.** *I Liheslaturan Guåhan* finds that the  
3 current statute of the licensure of Veterinarians needs to be updated to meet national  
4 standards of the profession, as well as acted upon as a companion bill to Article 8,  
5 Chapter 12, Division 1, Part 1, Title 10 of the Guam Code Annotated, relative to the  
6 Allied Health Practice Act.

7 **Section 2.** Section 12101(o), Article 1, Chapter 12, Division 1, Part 1, Title 10  
8 of the Guam Code Annotated is hereby *amended* to read as follows:

9 ~~"(o) 'Practice of Veterinary' means:~~

10 ~~(1) the diagnosis, treatment, correction, in any manner or by~~  
11 ~~any means change, relief or prevention of animal disease,~~  
12 ~~deformity, defect, injury or other physical or mental~~

1 condition, including the prescription or administration of  
2 any drug, medicine, biologic, apparatus, application,  
3 surgery, anesthetic or other therapeutic or diagnostic  
4 substance or technique, and the use of any procedure for  
5 artificial insemination, testing for pregnancy, diagnosing  
6 and treating sterility or infertility, or rendering advice with  
7 regard to any of these;

8 (2) ~~the representation, directly or indirectly, publicly or~~  
9 ~~privately, of an ability and willingness to do any act~~  
10 ~~mentioned in Paragraph (1) of this Subsection; or~~

11 (3) ~~the use of any title, words, abbreviation or letters in a~~  
12 ~~manner, or under circumstances, which includes the belief~~  
13 ~~that the person using them is qualified to do any act~~  
14 ~~mentioned in Paragraph (1) of this Subsection.~~

15 (o) 'Practice of veterinary medicine' shall mean the practice of  
16 veterinary medicine, surgery, obstetrics and dentistry, which allow one to  
17 diagnose, medically and/or surgically treat all diseases and injuries of all  
18 animals, other than man. This includes prescribing or administering drugs,  
19 medicine, biologic, apparatus, application, anesthetic, or therapeutic or  
20 diagnostic substance or technique, or the use of any manual or mechanical  
21 procedure for artificial insemination, testing for pregnancy or for correcting  
22 sterility or infertility, or to render advice or recommendation with regard to  
23 any of the above."

24 Section 3. Section 12802(a)(xi), Article 8, Chapter 12, Part 1, Division 1,  
25 Title 10 of the Guam Code Annotated is hereby *amended* to read as follows:

1           "§ 12802.   Definitions.

2           (a)   Licensed Allied Health Professions. For purposes of this Act,  
3 the following Allied Health professions shall be licensed under the *Guam*  
4 *Board of Allied Health Examiners*:

5           ~~(xi)   '*Veterinary medicine*' shall mean veterinary surgery, obstetrics,~~  
6           ~~dentistry means to diagnose, treat, correct, change, relieve or~~  
7           ~~prevent animal disease, deformity, defect, injury or other physical~~  
8           ~~or mental condition, including the prescription or administration~~  
9           ~~of any drug, medicine, biologic, apparatus, application,~~  
10           ~~anesthetic, or therapeutic or diagnostic substance or technique, or~~  
11           ~~the use of any manual or mechanical procedure for artificial~~  
12           ~~insemination, testing for pregnancy or for correcting sterility or~~  
13           ~~infertility, or to render advice or recommendation with regard to~~  
14           ~~any of the above;~~

15           (11) '*Veterinary medicine*' shall mean the practice of veterinary  
16           medicine, surgery, obstetrics and dentistry, which allow one to  
17           diagnose, medically and/or surgically treat all diseases and  
18           injuries of all animals, other than man. This includes prescribing  
19           or administering drugs, medicine, biologic, apparatus,  
20           application, anesthetic, or therapeutic or diagnostic substance or  
21           technique, or the use of any manual or mechanical procedure for  
22           artificial insemination, testing for pregnancy or for correcting  
23           sterility or infertility, or to render advice or recommendation with  
24           regard to any of the above;"

1           **Section 4.** Section 12827, Article 8, Chapter 12, Part 1, Division 1, Title  
2 10 of the Guam Code Annotated is hereby *amended* to read as follows:

3           "~~§ 12827.~~§ 12826. Prescriptive Authority for Allied Health  
4 **Professionals.** A physician assistant may administer, prescribe and dispense  
5 any licensed drug and 'Schedule Drugs II - V' that fall within the scope of  
6 practice of his or her supervising physician. Physician assistants, podiatrists,  
7 and veterinarians must maintain a current Federal Drug Enforcement  
8 Administration certification and a current Guam Control Substance  
9 Registration from Department of Public Health and Social Services.

10           A clinical psychologist ~~and physician assistant~~ may ~~administer, order~~  
11 ~~and prescribe and dispense~~ any licensed drug as a delegated authority of the  
12 Collaborative Practice Agreement ('CPA'). To qualify for prescriptive  
13 authority, the ~~Allied Health Professional~~ clinical psychologist must have all  
14 of the following:

- 15           (1) a valid Federal Drug Enforcement Administration ('DEA')  
16           certification;
- 17           (2) a current Guam Control Substance Registration from Department  
18           of Public Health and Social Services;
- 19           (3) Collaborative Practice Agreement (CPA) approved by all of the  
20           following three (3) boards: the Board of Allied Health Examiners  
21           ('BAHE'), the Board of Pharmacy ('BOP'), and the Board of  
22           Medical Examiners ('BOME');
- 23           (4) The CPA shall always have a physician available, preferably the  
24           physician signing for the CPA but an alternate physician shall be  
25           designated during his/her absence. (~~The Allied Health~~

1 ~~Professional~~ clinical psychologist must submit a scope of practice  
2 list of drugs, the CPA for approval by the BAHE, BOP and  
3 BOME. At the discretion of the board(s), the ~~Allied Health~~  
4 ~~Professional~~ clinical psychologist and his collaborative physician  
5 may be requested to be present for evaluation of the applicant's  
6 prescriptive authority. The ~~Allied Health Professional~~ clinical  
7 psychologist shall *not* include any drug on the list that he or she is  
8 *not* competent to prescribe or drugs that are not routinely  
9 administered within his/her scope of practice. The Board of  
10 Pharmacy or Board of Medical Examiners has the authority to  
11 amend the list of drugs. The clinical psychologist's prescriptive  
12 authority ~~of the Allied Health Professional~~ shall be revoked for an  
13 invalid Guam or Federal DEA registration, and may be revoked  
14 for any violation of this Act and its rules and regulations as  
15 determined by the Guam Board of Allied Health Examiners.  
16 Prescriptive Authority shall be renewed at the time of licensure  
17 renewal.);

- 18 (5) proof of completion of a nationally and professionally accepted  
19 ~~pharmaceutical~~ curriculum in the area of ~~clinical mental health~~  
20 medical psychology by the clinical psychologist. A minimum of  
21 300 hundred hours of intensive didactic instruction shall consist  
22 of the following core areas of instruction: neurosciences,  
23 pharmacology, \_\_\_\_\_ psychopharmacology, \_\_\_\_\_ physiology,  
24 pathophysiology, appropriate and relevant physical and  
25 laboratory assessment, and clinical pharmacotherapeutics;



1 (a) Misrepresentation of Title.

2 (b) Misuse of Words and Terms.

3 § 121901. **Definitions.** For purposes of this Article, the following  
4 words and phrases have been defined to mean:

5 ~~(a) 'Animal' means any animal other than man which includes, but is~~  
6 ~~not limited to, fowl, birds, fish, and reptiles, wild or domestic, living or dead.~~

7 (a) 'Animal' means any member of the animal kingdom other than  
8 humans, and includes fowl, fish, and reptiles, wild or domestic, whether  
9 living or dead.

10 ~~(b) 'Practice of veterinary medicine' means to diagnose, treat, correct,~~  
11 ~~change, relieve or prevent animal disease, deformity, defect, injury, or other~~  
12 ~~physical or mental condition, including the prescription or administration of~~  
13 ~~any drug, medicine, biologic, apparatus, application, anesthetic, or~~  
14 ~~therapeutic or diagnostic substance or technique, or the use of any manual or~~  
15 ~~mechanical procedure for artificial insemination, testing for pregnancy or for~~  
16 ~~correcting sterility or infertility, or to render advice or recommendation with~~  
17 ~~regard to any of the above.~~

18 (b) 'Animal control' means animal health and animal population  
19 control programs, which include some or all of the following services:  
20 sterilization, worming, rabies vaccinations, general health examinations, pet  
21 licensing, and emergency or critical care services needed in conjunction with  
22 other services.

23 ~~(c) 'Veterinary medicine' includes veterinary surgery, obstetrics,~~  
24 ~~dentistry and all other branches or specialties of veterinary medicine.~~

1       (c) 'Diagnosis' means the act or process of identifying or determining  
2 the health status of an animal through examination and the opinion derived  
3 from that examination.

4       ~~(d) 'Veterinary hospital' or 'veterinary clinic' means a facility for the~~  
5 ~~veterinary care of animals, wherein all activities are directly supervised by a~~  
6 ~~licensed veterinarian.~~

7       (d) 'Veterinarian' shall mean any person licensed to practice  
8 veterinary medicine, surgery, and dentistry, and the various branches  
9 thereof;

10       (e) 'Veterinary medicine' shall mean the practice of veterinary  
11 medicine, surgery, obstetrics and dentistry, which allow one to diagnose,  
12 medically and/or surgically treat all diseases and injuries of all animals,  
13 other than man. This includes prescribing or administering drugs, medicine,  
14 biologic, apparatus, application, anesthetic, or therapeutic or diagnostic  
15 substance or technique, or the use of any manual or mechanical procedure for  
16 artificial insemination, testing for pregnancy or for correcting sterility or  
17 infertility, or to render advice or recommendation with regard to any of the  
18 above; and

19       (f) 'Veterinary hospital or veterinary clinic' shall mean a facility, either  
20 permanent or temporary, for the diagnosis and/or treatment of animals,  
21 either medically and/or surgically, wherein a licensed veterinarian directly  
22 or indirectly supervises all activities."

23       **Section 6.** Sections 121903(a) and 121903(b), Article 19, Chapter 12,  
24 Division 1, Part 2, Title 10 of the Guam Code Annotated is hereby *amended* to  
25 read as follows:



1           "§ 121903. Exceptions to Licensure Requirements. These rules shall  
2 *not* be construed to prohibit:

3           ~~(a) a person who is a regular student in a veterinary school from~~  
4 ~~performing duties or actions assigned by his instructors, or from working~~  
5 ~~under the direct supervision of a licensed veterinarian during a school~~  
6 ~~vacation period;~~

7           ~~(b) a person practicing veterinary medicine upon his own animals,~~  
8 ~~being assisted in such practice by his employees when they are normally~~  
9 ~~employed in the conduct of such person's business, or being assisted in such~~  
10 ~~practice by some other person gratuitously; or~~

11           (a) a person who is a part-time or full-time student in a veterinary  
12 school who participates in diagnosis and treatment as part of their  
13 educational experience and under the direct supervision of a licensed  
14 veterinarian in good standing;

15           (b) a person practicing veterinary medicine as a bona fide owner of  
16 his/her own animals; or "

17           **Section 7.** A new Section 121904, Article 19, Chapter 12, Division 1,  
18 Part 2, Title 10 of the Guam Code Annotated is hereby *added* and the  
19 following section is hereby *renumbered* to read as follows:

20           "**§ 121904. Scope of Practice.**     The practice of veterinary medicine  
21 includes veterinary medicine, veterinary surgery, and veterinary dentistry, as  
22 described below:

23           (a) Diagnosing, administering or prescribing a drug, medicine,  
24 appliance, application, or treatment of whatever nature for the prevention,  
25 cure or relief of a wound, fracture, bodily injury, or disease of animals;

1 (b) Performing a surgical or dental operation upon an animal; and

2 (c) Represents himself or herself as engaged in the practice of  
3 veterinary medicine, veterinary surgery, or veterinary dentistry in any of its  
4 branches.

5 ~~§ 121904.~~ § 121905. Professional Conduct; Additional Provisions.

6 The following acts are deemed unprofessional conduct and are subject to  
7 disciplinary action as delineated in Article 1, *General Regulations*, of these  
8 rules and regulations:

9 (a) cruelty to animals, as defined by Guam law, or as determined by  
10 the Board; *and*

11 (b) failure to maintain their professional premises in a sanitary  
12 condition."

13 **Section 8.** A new Section 121907, Article 19, Chapter 12, Division 1,  
14 Part 2, Title 10 of the Guam Code Annotated is hereby *added* to read as  
15 follows:

16 "§ 121907. Prohibited Acts.

17 (a) Misrepresentation of Title. Except as otherwise provided under  
18 this Article, a person may not represent or imply to the public by use of the  
19 title 'licensed veterinarian,' by other title, by description of services, methods  
20 or procedures that the person is authorized to practice veterinarian medicine  
21 services on Guam.

22 (b) Misuse of Words and Terms. Unless authorized to engage in  
23 veterinarian medicine practice under this Article, a person may not use any  
24 words, letters or titles in such connection or under such circumstances as to  
25 induce the belief that the person using them is engaged in the practice of

1 veterinary medicine, veterinary surgery, or veterinary dentistry. The use  
2 shall be a prima facie evidence of the intention to represent himself or herself  
3 as engaged in the practice of veterinary medicine, veterinary surgery or  
4 veterinary dentistry."

5       **Section 9. Severability.** *If any provision of this Law or its application*  
6 *to any person or circumstance is found to be invalid or contrary to law, such*  
7 *invalidity shall not affect other provisions or applications of this Law, which*  
8 *can be given effect without the invalid provisions or application, and to this*  
9 *end the provisions of this Law are severable.*