

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

Bill No 300 (EC)

Introduced by:

Mike Cruz, MD 
E. J.B. Calvo 

AN ACT TO AMEND SECTIONS 12802(a)(viii) AND SECTION 12827, ARTICLE 8, CHAPTER 12, PART 1, DIVISION 1, TITLE 10 OF THE GUAM CODE ANNOTATED, AMEND SECTIONS 121603, 121604, AND 121609, ARTICLE 16, CHAPTER 12, PART 2, DIVISION 1, TITLE 10 OF THE GUAM CODE ANNOTATED, AND ADD A NEW SECTION 121610, ARTICLE 16, CHAPTER 12, PART 2, DIVISION 1, TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE LICENSURE OF THE PHYSICIAN ASSISTANT PROFESSION.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

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

7 *I Liheslaturan Guåhan* further finds that the licensure of Physician
8 Assistants, pursuant to the Allied Health Practice Act, is under the purview of
9 the Guam Board of Allied Health Examiners. Under the Allied Health
10 Practice Act, Physician Assistants are required to submit documents for
11 Prescriptive Authority with three (3) local Boards: the Guam Board of Allied
12 Health Examiners, Guam Board of Medical Examiners, and Guam Board of
13 Pharmacy, which is not practiced anywhere in the United States. More

1 importantly, all three boards share the same support staff and resources under
2 the direction of the Department of Public Health and Social Services.
3 Therefore, it is the intent of *I Liheslaturan Guåhan* to grant the full authority of
4 licensure and prescriptive authority to one single board, the Guam Board of
5 Allied Health Examiners.

6 **Section 2.** Section 12802(a)(viii), Article 8, Chapter 12, Part 1, Division 1,
7 Title 10 of the Guam Code Annotated is hereby *amended* to read as follows:

8 **"§ 12802. Definitions.**

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

12 (viii)(8) *'Physician Assistant'* shall mean a Board licensed person,
13 qualified by academic and practical training, who provides patient
14 services under the indirect supervision of a licensed physician. A
15 physician assistant is *not* an independent practitioner."

16 **Section 3.** Section 12827, Article 8, Chapter 12, Part 1, Division 1, Title
17 10 of the Guam Code Annotated is hereby *amended* and *renumbered* to read as
18 follows:

19 **~~§ 12827.~~ § 12826. Prescriptive Authority for Allied Health**
20 **Professionals.** A physician assistant may administer, prescribe and dispense
21 any licensed drug and 'Schedule Drugs II - V' that fall within the scope of
22 practice of his or her supervising physician. Physician assistants, podiatrists,
23 and veterinarians must maintain a valid Federal Drug Enforcement
24 Administration certification and a valid Guam Control Substance Registration
25 from Department of Public Health and Social Services.

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

- 6 (1) a valid Federal Drug Enforcement Administration ('DEA')
7 certification;
- 8 (2) a current Guam Control Substance Registration from Department
9 of Public Health and Social Services;
- 10 (3) Collaborative Practice Agreement (CPA) approved by all of the
11 following three (3) boards: the Board of Allied Health Examiners
12 ('BAHE'), the Board of Pharmacy ('BOP'), and the Board of
13 Medical Examiners ('BOME');
- 14 (4) The CPA shall always have a physician available, preferably the
15 physician signing for the CPA but an alternate physician shall be
16 designated during his/her absence. ~~(The Allied Health~~
17 ~~Professional~~ clinical psychologist must submit a scope of practice
18 list of drugs; and the CPA for approval by the BAHE, BOP and
19 BOME. At the discretion of the board(s), the ~~Allied Health~~
20 ~~Professional~~ clinical psychologist and his collaborative physician
21 may be requested to be present for evaluation of the applicant's
22 prescriptive authority. The ~~Allied Health Professional~~ clinical
23 psychologist shall *not* include any drug on the list that he or she is
24 *not* competent to prescribe or drugs that are not routinely
25 administered within his/her scope of practice. The Board of

1 Pharmacy or Board of Medical Examiners has the authority to
2 amend the list of drugs. The clinical psychologist's prescriptive
3 authority ~~of the Allied Health Professional~~ shall be revoked for an
4 invalid Guam or Federal DEA registration, and may be revoked
5 for any violation of this Act and its rules and regulations as
6 determined by the Guam Board of Allied Health Examiners.
7 Prescriptive Authority shall be renewed at the time of licensure
8 renewal.);

- 9 (5) proof of completion of a nationally and professionally accepted
10 ~~pharmaceutical~~ curriculum in the area of ~~clinical mental health~~
11 medical psychology by the clinical psychologist. A minimum of
12 300 hundred hours of intensive didactic instruction shall consist of
13 the following core areas of instruction: neurosciences,
14 pharmacology, _____ psychopharmacology, _____ physiology,
15 pathophysiology, appropriate and relevant physical and
16 laboratory assessment, and clinical pharmacotherapeutics;
- 17 (6) proof of passing a certifying examination in psychopharmacology
18 developed by a nationally recognized body approved by the
19 Board; and
- 20 (7) in order to obtain supervised and relevant clinical experience
21 sufficient to attain competency in the treatment of a diverse
22 patient population under the direction of qualified practitioners as
23 determined by the Board. The Clinical Psychologist shall see a
24 minimum of one hundred (100) patients in an inpatient and/or

1 outpatient settings that could include review of medical records,
2 grand rounds and other contacts as agreed upon."

3 **Section 4.** Subsection 121603(a), Section 121603, Article 16, Chapter 12,
4 Part 2, Division 1, Title 10 of the Guam Code Annotated is hereby *amended* to
5 read as follows:

6 **"§ 121603. Scope of Practice.**

7 (a) A physician assistant may provide any medical services when
8 such services are within his skills; and form a usual component of the
9 supervising physician's scope of practice ~~under the supervision of a~~
10 ~~supervising physician."~~

11 **Section 5.** Section 121604, Article 16, Chapter 12, Part 2, Division 1,
12 Title 10 of the Guam Code Annotated is hereby *amended* to read as follows:

13 **"§ 121604. Registration of Physician Assistant's Supervision.** Prior to
14 practicing on Guam, the licensed physician assistant shall present ~~to~~for
15 approval of the Board of Allied Health Examiners and Board of Medical
16 Examiners a completed application for supervision by a Guam-licensed
17 physician. The practice of the physician assistant must fall within the practice
18 of the supervising physician with whom the physician assistant is registered.
19 In the event of any changes of supervising physician, the names of the
20 supervising physicians must be provided to the above boards. The Board
21 must be notified at least ten (10) days prior to the effective date of change.
22 Practicing without a supervising physician shall be grounds for disciplinary
23 action, including revocation of license."

24 **Section 6.** Section 121609, Article 16, Chapter 12, Part 2, Division 1,
25 Title 10 of the Guam Code Annotated is hereby *amended* to read as follows:

1 "§ 121609. Prescriptive Authority. A physician assistant may
2 administer, prescribe and dispense any licensed drug ~~in accordance with~~
3 ~~§12827 of Chapter 12 of Title 10 of the Guam Code Annotated, and in~~
4 ~~accordance to any other rules and regulation established by the Board."~~and
5 'Schedule Drugs II - V' that falls within the scope of practice of his or her
6 supervising physician. Physician assistants must maintain a current Federal
7 Drug Enforcement Administration certification and a valid Guam Control
8 Substance Registration from Department of Public Health and Social
9 Services."

10 **Section 7.** A new Section 121610 is hereby *added* to Article 16, Chapter
11 12, Part 2, Division 1, Title 10 of the Guam Code Annotated to read as follows:

12 "**§ 121610. Denial, Suspension or Revocation of Licensure.**

13 (a) The Guam Board of Allied Health Examiners shall have authority
14 to refuse, revoke, or suspend the license of a Physician Assistant for any of the
15 following reasons:

16 (1) Conviction of a felony in the United States, U.S. territory, or any
17 foreign country. Conviction as used in this paragraph shall
18 include a finding or verdict of guilty, an admission of guilt, or a
19 plea of *nolo contendere*;

20 (2) Habitually using any habit-forming drug such as opium or any
21 derivatives, morphine, heroine, cocaine, or any habit-forming
22 drug;

23 (3) Fraud or deceit in obtaining initial approval as Physician
24 Assistant, or in the renewal of approval as a Physician Assistant,
25 or in the practice of the Physician Assistant profession; and

1 (4) Professional misconduct or incompetence, or gross carelessness or
2 manifest incapacity in the practice of medicine.

3 (b) Disciplinary measures: When the Guam Board of Allied Health
4 Examiners determines that the approval of a Physician Assistant may be
5 refused, revoked or suspended under the terms of this Act, it may:

6 (1) Deny the application for approval;

7 (2) Administer a public or private reprimand;

8 (3) Revoke, suspend, limit or otherwise restrict licensure and/or
9 registration;

10 (4) Require a Physician Assistant to submit to the care, counseling, or
11 treatment of a physician or physicians designated by the Board;

12 (5) Suspend enforcement of its finding thereof and place the
13 Physician Assistant on probation with the right to vacate the
14 probationary order; and

15 (6) Restore or re-issue, at its discretion, a license to serve as a
16 Physician Assistant, and impose the disciplinary or corrective
17 measure, which it might have originally imposed."

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