

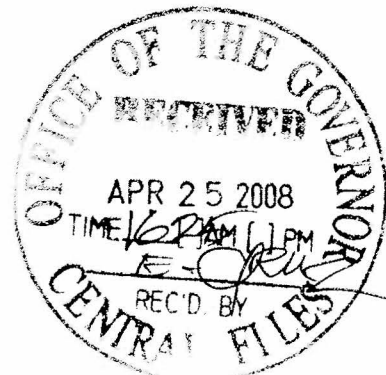


**MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN**  
TWENTY-NINTH GUAM LEGISLATURE  
155 Hessler Place, Hagåtña, Guam 96910

**FILE COPY**

April 25, 2008

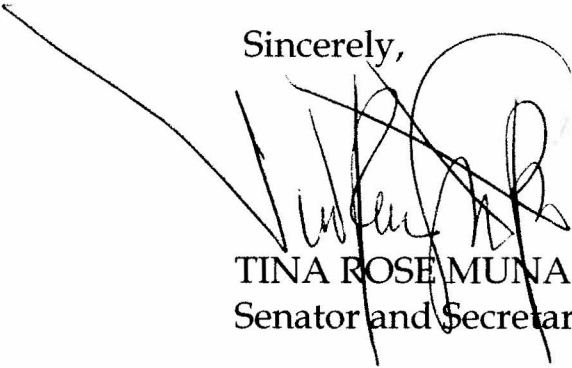
The Honorable Felix P. Camacho  
*I Maga'lahaen Guåhan*  
*Ufisinan I Maga'lahi*  
Hagåtña, Guam 96910



Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 255(EC), 269(EC), 277(LS); and Substitute Bill Nos. 12(LS) & 156(EC) which were passed by *I Mina'Bente Nuebi Na Liheslaturan Guåhan* on April 25, 2008.

Sincerely,

  
TINA ROSE MUNA BARNES  
Senator and Secretary of the Legislature

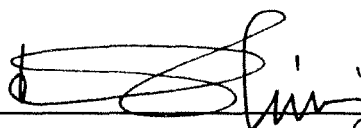
Enclosures (5)

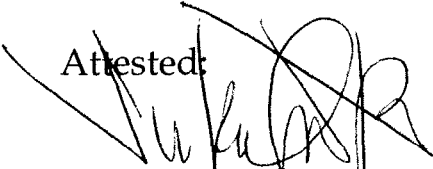
I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN  
2008 (SECOND) Regular Session

FILE COPY

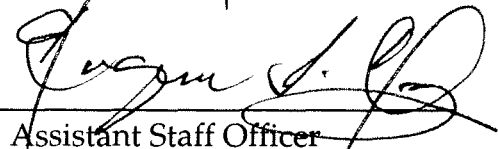
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 277 (LS), "AN ACT TO APPROVE THE ADMINISTRATIVE RULES AND REGULATIONS FOR THE GUAM BOARD OF NURSE EXAMINERS," was on the 25<sup>th</sup> day of April, 2008, duly and regularly passed.

  
Dr. David L.G. Shimizu  
Acting Speaker

Attested:  
  
Tina Rose Muña Barnes  
Senator and Secretary of the Legislature

-----  
This Act was received by *I Maga'lahaen Guåhan* this 25<sup>th</sup> day of APRIL, 2008, at 4:25 o'clock P.M.

  
Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:  
  
\_\_\_\_\_  
FELIX P. CAMACHO  
*I Maga'lahaen Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

***I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN***  
**2008 (SECOND) Regular Session**

**Bill No. 277 (LS)**

As amended.

Introduced by:

Frank F. Blas, Jr.  
Edward J.B. Calvo  
B. J.F. Cruz  
James V. Espaldon  
Mark Forbes  
Judith Paulette Guthertz, DPA  
Frank T. Ishizaki  
J. A. Lujan  
Tina Rose Muña Barnes  
A. B. Palacios, Sr.  
v. c. pangelinan  
R. J. Respicio  
Dr. David L.G. Shimizu  
Ray Tenorio  
J. T. Won Pat, Ed. D.

**AN ACT TO APPROVE THE ADMINISTRATIVE RULES AND  
REGULATIONS FOR THE GUAM BOARD OF NURSE  
EXAMINERS.**

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

2        **Section 1. Approval of Administrative Rules and Regulations.** The  
3        Administrative Rules and Regulations submitted by the Guam Board of Nurse  
4        Examiners to the Secretary of *I Liheslaturan Guåhan* on March 06, 2008 and  
5        attached hereto as Exhibit A, in conformance to the provisions of Article 3 of Title  
6        10, Guam Code Annotated; Article 1, Chapter 6 of Title 10, Guam Code  
7        Annotated; and Article 3, Chapter 9 of Title 5 of the Guam Code Annotated are  
8        hereby approved.

# **GUAM BOARD OF NURSE EXAMINERS**

## **Administrative Rules and Regulations Revised 2007**

### **LEGISLATIVE MANDATES**

- 10 GCA, Article 3 Nurse Practice Act, P.L. 16-123 (1983)
- 10 GCA Article 1, Chapter 6 (1997 Update)
- P. L. 24-106 Advanced Practice Registered Nurse (1998 Update)
- 10 GCA Article 3 (1998 Update)
- 10 GCA Article 3 (2003 Update)
- P.L. 24-20 Certification of Nurse Assistants (May 12, 1997)

**Approved 10/11/2007**

**EXHIBIT A**

**GUAM BOARD OF NURSE EXAMINERS  
(GBNE)**

**BOARD MEMBERS**

Lillian Perez-Posadas, RN, MN, Chairperson (GMHA)  
Margaret Hattori-Uchima, RN, MSN, Vice Chair (UOG)  
James Finch, RN, CNM, Member (DPHSS & APRN)  
Evangeline Manibusan, RN, NP, Member  
(DPHSS & APRN)  
Ruth Camat, LPN, Member (SDA)  
Janalyn Damian, Public Member  
Maria Tigulo, RN, BSN, Member

**VOLUNTEER CONSULTANTS IN THE REVIEW AND REVISIONS  
OF THE ADMINISTRATIVE RULES & REGULATIONS**

Ernestina T. Blas, RN, BSN  
Mary T. Sanchez, RN, BSN

**GBNE ADMINISTRATIVE SUPPORT STAFF**

Margarita B. Gay, RN, MN  
GBNE Nurse Administrator (Interim)  
MaryLou Loualhati  
Roma Basa  
Janet Cruz  
Margaret Guerrero

**GUAM BOARD OF NURSE EXAMINERS**  
**ADMINISTRATIVE RULES AND REGULATIONS**

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## **Article 1**

### **Title and Purpose**

#### **1.1 Title.**

The Nurse Practice Act shall be known and may be cited as the “**Act**” of the Guam Board of Nurse Examiners (GBNE) in accordance with Article 3 of Title 10 Guam Code Annotated (1983; 1997, 1998 and 2003 Updates). The Guam Board of Nurse Examiners (GBNE) may also be referred to as the “**Board**”.

#### **1.2 Description of the Act.**

The Act establishes the regulation of the practice of nursing. The Act also creates, authorizes and empowers the GBNE to regulate the practice of nursing and to enforce the provisions of the Act. P.L. 24-20 further authorizes the Board to regulate the practice of nurse assistants and P.L. 24-206 authorizes the Board to regulate the practice of advanced practice registered nurses.

#### **1.3 Purpose.**

The Legislature finds that the practice of nursing is directly related to the public welfare of the citizens of Guam and is subject to regulations and control in the public interest to assure that practitioners are qualified and competent. It is further declared that the practice of nursing, as defined in the Act, merits and deserves the confidence of the public and that only qualified persons be permitted to engage in the practice of nursing. The legislature recognizes that the practice of nursing is continually evolving and responding to changes within health care patterns and systems.

## **Article 2**

### **Guam Board of Nurse Examiners**

#### **2.1 Establishment.**

There is within the Department of Public Health & Social Services of the Government of Guam the Guam Board of Nurse Examiners.

#### **2.2 Board Composition.**

- (a)** The Board shall be composed of seven (7) members appointed by the Governor. The term of office shall be three (3) years. No member shall serve more than two (2) consecutive terms. All members shall serve, in addition to their regular term, until their successors are appointed.
- (b)** The term of office of each member shall commence on July 1 following the appointment and the terms of the members shall be rotated so that no more than three (3) members’ term shall expire each year. The present members of the Board shall serve as members of this Board until their successors are qualified, appointed and sworn.
- (c)** Any vacancy in the membership of the Board shall be filled for the period of the un-expired term in the same manner as was the original appointment.

### **2.3 Qualifications of Members.**

- (a) The Board members shall include five (5) Registered Nurses (RNs), one (1) Licensed Practical Nurse (LPN) and one (1) public member. Of the six (6) licensed nurses (5 RNs and 1 LPN), there will always be at least one representation from:
  - (1) a nursing education program
  - (2) community health nursing
  - (3) hospital nursing
  - (4) advanced practice registered nursing (APRN)
- (b) The Board shall solicit nominees of qualified candidates from nursing agencies and nursing organizations and submit such listing to the Governor for his selection, appointment and swearing in.
- (c) Each member shall be a citizen or permanent resident of the United States and be a resident of the Territory of Guam for at least two (2) years immediately preceding appointment.
- (d) Each licensed nurse member shall be a current holder of a valid Guam license to practice as a Registered Nurse (RN), Licensed Practical Nurse (LPN) and/or Advanced Practice Registered Nurse (APRN) and have been actively engaged in the practice of nursing for five (5) years immediately preceding appointment. Four members shall have a minimum of a baccalaureate degree in nursing.
- (e) Each RN member shall be a member of the island's professional nursing organization.
- (f) The public member shall be a person who is not licensed as a health care provider; is not a parent, spouse, sibling, or child of any living person licensed as a health care provider, and is not a student in a health educational program; does not have a direct or indirect financial interest in health care services; is not a member of any public or private health care organization board of control; and has at least a high school diploma or equivalency.
- (g) Membership shall represent both genders.

### **2.4 Powers and Duties of the Board.**

The Board shall:

- (a) Meet annually in the month of January and elect a Chairperson, a Vice Chairperson, and a Secretary. The Board may hold other meetings as necessary to conduct its business. Four (4) members, including one officer, shall constitute a quorum.
- (b) Interpret and enforce the provisions of the Act. The Board shall have all of the duties, powers, and authority specifically granted by and necessary to the enforcement of the Act, as well as other duties, powers and authority as it may be granted by appropriate status.
- (c) Make, adopt, amend, repeal, and enforce such administrative rules and regulations in compliance with the Administrative Adjudication Law (Chapter 9, Title 5 of the Guam Code Annotated) and with the approval of the Commission on Licensure as it deems necessary for the proper administration and enforcement of the Act and to protect the public health, safety and welfare.
- (d) Conduct the following in accordance with Article 2.4(c):

- (1) Develop standards for and periodically evaluate basic nursing and nurse assistant educational programs to ensure adherence to established standards.
- (2) Enforce educational standards and rules set forth in these administrative rules and regulations.
- (3) Require criminal background checks on all applicants.
- (4) License qualified applicants for registered nurses, licensed practical nurses and certified nurse assistants by examination, endorsement, renewal and reinstatement.
- (5) Regulate the practice of Advanced Practice Registered Nurses (APRNs).
- (6) Maintain a record of all persons regulated by the Board.
- (7) Develop and enforce standards for nursing practice.
- (8) Develop rules to govern delegation by and to nurses.
- (9) Develop standards for maintaining competence of licensees continuing or returning to practice, including the use of continuing education units.
- (10) Require agencies employing nurses, nurse assistants and APRNs to appoint a Chief Administrative Nurse.
- (11) Collect and analyze data regarding nursing education, nursing practice, and nursing resources.
- (12) Issue subpoenas in connection with investigations, inspections and hearings.
- (13) Have reasonable access to records to assist the Board in its investigations. The Board shall maintain any records obtained pursuant to this paragraph.
- (14) Order licensees to submit to physical, mental health or chemical dependency evaluations for cause.
- (15) Cause prosecution of allegations of violation of the Act.
- (16) Conduct hearings, compel attendance of witnesses and administer oaths to persons giving testimony at hearings.
- (17) Close discipline sessions and hearings to the public.
- (18) Discipline licensees as needed.
- (19) Maintain membership in national organizations that develop and regulate national licensure examinations and exclusively promote the improvement of the legal standards of the practice of nursing for the protection of the public health, safety and welfare.
- (20) Facilitate the National Council of Licensure Examination (NCLEX) according to the rules of the National Council of State Boards of Nursing or its designated testing services and the Board.
- (21) Establish alternative programs for monitoring nurses who voluntarily seek treatment for chemical dependency, mental health, or physical health conditions that can lead to disciplinary actions by the Board.
- (22) Regulate the manner in which nurses announce their practice to the public.
- (23) Issue a modified license to practice nursing to an individual to practice within a limited scope of practice or with accommodations or both, as specified by the Board.
- (24) Inform licensees about changes in the law and rules and regulations regarding the practice of nursing.
- (25) Maintain records of proceedings as required by the laws of Guam.

- (26) Provide consultation, conduct conferences, forums, studies and research on nursing education and practice.
  - (27) Ensure that a qualified registered nurse is employed to serve as the Executive Officer and approve such additional staff positions as may be necessary, in the opinion of the Board, to administer and enforce the provision of the Act.
  - (28) Delegate to the Executive Officer those activities that expedite the functions of the Board.
  - (29) Employ or have access to professional and support staff, investigators, legal counsel, and other personnel necessary for the Board to carry out its functions.
  - (30) Determine and collect reasonable fees.
  - (31) Receive and expend funds, in addition to appropriations from the Government of Guam, provided such funds are received and expended for the pursuit of the authorized objectives of the Board; such funds are maintained in a separate account; and periodic reports of the receipt and expenditures of funds are submitted to the Governor.
  - (32) Adopt a seal that shall be in the care of the Executive Officer and shall be affixed only in such a manner as prescribed by the Board.
  - (33) Submit an Annual Report to the Governor and the Legislature in January of each year on the activities of the Board over the past fiscal year.
  - (34) Appoint advisory committees to assist the Board in the implementation of the Act. Members of the advisory committees shall not be compensated.
  - (35) Have immunity from individual civil liability for damages for any act done or omitted in good faith in performing the functions of the Board (P.L. 18-48:9; P.L. 20-26:1; and, P.L. 20-177:30).
- (e) Comply with the requirements of the Open Government Law (P.L. 13-35, as amended) but when the Board is preparing examinations, grading examinations discussing the eligibility of a person to be licensed or reviewing evidence obtained at a hearing or disciplinary action, the Board shall meet in executive session and may exclude the press and members of the public.
  - (f) These rules shall not be construed to require the Board of Nursing to report violations of the provisions of the Act whenever, in the opinion of the Board, the public interest will be served adequately by a suitably written notice of warning.

**2.5 Removal of a Board Member.**

The Governor may remove any member from the Board for cause including, but not limited to, neglect of any duty required by law, incompetence, unprofessional or dishonorable conduct. A member subject to disciplinary proceedings shall disqualify himself/herself from Board business until such charge(s) are adjudicated.

**2.6 Compensation.**

Each member of the Board shall be compensated in the same manner as are other members of board and commissions of the Government of Guam.

**2.7 Executive Officer.**

- (a) The Board shall ensure the employment of the Executive Officer with the following qualifications:

- (1) Master's degree or higher from an accredited college or university with at least three (3) years experience in nursing practice, including administration, teaching, or supervision in nursing educational programs, supervision in health agencies or nursing regulations; or
  - (2) Bachelor's degree in nursing and at least five (5) years experience in nursing practice, including administration, teaching or supervision in nursing educational programs, supervision in health agencies or nursing regulations.
- (b) The Executive Officer shall be responsible for:
- (1) Performing the administrative responsibilities of the Board.
  - (2) Employment of personnel needed to carry out the functions of the Board.
  - (3) Maintaining and securing the Seal of the Board.

### **Article 3**

#### **Professional Conduct, Scope of Practice, Pronouncement of Death and Definitions**

##### **3.1 Professional Conduct.**

- (a) The Registered Nurse (RN), including all Advanced Practice Registered Nurses (APRNs) shall:
- (1) Practice in accordance with the Act and the GBNE Administrative Rules and Regulations;
  - (2) Uphold federal and state regulations regarding controlled substances and alcohol;
  - (3) Practice nursing only when in functional, physical and mental health;
  - (4) Be accountable for own nursing actions and competencies;
  - (5) Practice or offer to practice only within the scope permitted by law and within registrant's own educational preparation and competencies;
  - (6) Seek instruction and supervision from qualified individuals when implementing new or unfamiliar nursing activities;
  - (7) Delegate professional responsibilities only to individuals whom the registrant knows or believes to be qualified by education, experience or licensure to perform and supervise those persons to whom nursing activities have been delegated;
  - (8) Be accountable for the quality of nursing care delegated to others;
  - (9) Report unsafe, unethical, illegal health care or conditions to appropriate authorities;
  - (10) Maintain a functional level of practice consistent with education and experience background and in accordance with professional responsibilities;
  - (11) Assume responsibility for continued professional and personal growth and education to reflect knowledge and understanding of current nursing care practice.
- (b) The Licensed Practical Nurse (LPN) shall:
- (1) Practice in accordance with the Act and the GBNE Administrative Rules and Regulations;
  - (2) Uphold federal and state regulations regarding controlled substances and alcohol;

- (3) Practice nursing only when in functional, physical and mental health;
- (4) Be accountable for own nursing actions and competencies;
- (5) Perform only those nursing activities within the scope permitted by law and for which educationally prepared;
- (6) Perform nursing actions only under direction except as stated in the Act in the event of an emergency in which an individual's life or health are in imminent danger;
- (7) Seek instruction and supervision from qualified individuals when implementing new or unfamiliar nursing activities;
- (8) Report unsafe, unethical, illegal health care or conditions to appropriate authorities;
- (9) Assume responsibility for continued growth and education to reflect knowledge and understanding of current nursing care practice.

### 3.2 Scope of Practice.

#### (a) Registered Nurse (RN).

The scope of practice for a Registered Nurse means that full scope of professional nursing, with or without compensation or personal profit that incorporates caring for all clients in all settings and, it includes, but is not limited to:

- (1) Providing comprehensive assessment of the health status of clients, families, groups and communities;
- (2) Developing a comprehensive nursing plan that establishes nursing diagnoses, goals to meet the identified health care needs and nursing interventions to resolve the identified nursing diagnoses;
- (3) Implementing nursing care through the execution of independent nursing strategies and prescribed medical regimen;
- (4) Managing nursing care through cohesive, coordinated care management within and across care settings;
- (5) Delegating and assigning nursing interventions to implement the plan of care;
- (6) Providing for the maintenance of safe and effective nursing care rendered directly or indirectly;
- (7) Promoting a safe and therapeutic environment;
- (8) Providing health teaching and counseling to promote, attain and maintain the optimum health care of clients, families, groups and communities;
- (9) Advocating for clients, families, groups and communities by attaining and maintaining what is in the best interest of the clients, families, groups and or communities;
- (10) Evaluating responses to interventions and the effectiveness of the plan of care;
- (11) Communicating and collaborating with other health care professionals in the management of health care and the implementation of the total health care regimen;
- (12) Acquiring and applying critical new knowledge and technologies to practice domain;
- (13) Managing, supervising and evaluating the practice of nursing;
- (14) Teaching the theory and practice of nursing;

- (15) Participating in development of policies, procedures and systems to support the client;
- (16) Other acts that require education and training as prescribed by the Board;
- (17) Additional nursing services shall commensurate with the Registered Nurse' experience, continuing education and demonstrated competencies.

Each Registered Nurse is accountable to clients, the nursing profession and the Board for complying with the requirements of the Act and the quality of nursing care rendered; and, for recognizing limits of knowledge and experience and planning for management of situations beyond the RN's expertise.

**(b) Licensed Practical Nurse (LPN).**

The scope of practice for the Licensed Practical Nurse (LPN) means a directed scope of nursing practice, with or without compensation or personal profit, under the supervision of the Registered Nurse, Advanced Practice Registered Nurse (APRN), licensed physician or licensed dentist who are authorized by statute to delegate health care activities and functions; and, includes but is not limited to:

- (1) Collecting data and conducting focused assessments of the health status of clients;
- (2) Planning nursing care during care episode for clients with stable conditions;
- (3) Participating in the development and modification of the comprehensive plan of care for all types of clients;
- (4) Implementing the appropriate aspects of the strategy of care within the LPN scope of practice;
- (5) Participating in nursing care management through delegating, assigning and directing nursing interventions that may be performed by others, including other licensed practical nurses that do not conflict with the Act;
- (6) Maintaining safe and effective nursing care rendered directly or indirectly;
- (7) Promoting a safe and therapeutic environment;
- (8) Participating in health teaching and counseling to promote, attain and maintain the optimum health level of client;
- (9) Serving as an advocate for the client by communicating and collaborating with other health service personnel;
- (10) Participating in the evaluation of client responses to interventions;
- (11) Communicating and collaborating with other health care professionals in the nursing practice management;
- (12) Providing input into the development of policies and procedures;
- (13) Other acts that require education and training as prescribed by the Board;
- (14) Additional nursing services shall commensurate with the licensed practical nurse' experience, continuing education and demonstrated competencies.

Each nurse is accountable to clients, the nursing profession and the Board for complying with the requirements of the Act and the quality of nursing care rendered; and, for recognizing limits of knowledge, experience and planning for management of situations beyond the LPN's experience.

**(c) Advanced Practice Registered Nurse (APRN).**

The scope of practice for the Advanced Practice Registered Nurse (APRN) by Certified Registered Nurse Practitioners (CRNPs), Certified Registered Nurse Anesthetists (CRNAs), Certified Nurse Midwives (CNMs) and Clinical Nurse Specialists (CNSs) is based on knowledge and skills acquired in basic nursing



education, licensure as a Registered Nurse, graduation from or completion of a graduate level APRN program accredited by a national accrediting body and, current certification by a national certifying body in the appropriate APRN specialty. Practice as an APRN means an expanded scope of nursing practice, with or without compensation or personal profit, and includes but is not limited to:

- (1) Assessing clients, synthesizing and analyzing data; and understanding and applying nursing principles at an advanced level of nursing practice;
- (2) Analyzing multiple sources of data, identifying alternative possibilities as to the nature of a health care problem and selecting appropriate treatment;
- (3) Making independent decisions in solving complex client care problems;
- (4) Developing a plan that establishes diagnoses, goals to meet the identified health care needs and prescribing a regimen of health care treatment;
- (5) Performing acts of diagnosing, prescribing, administering and dispensing therapeutic measures, including legend drugs and controlled substances within the APRN's focus of practice;
- (6) Managing clients' physical and psychosocial health-illness status;
- (7) Providing for the maintenance of a safe and effective nursing care rendered directly or indirectly;
- (8) Promoting a safe and therapeutic environment;
- (9) Providing expert guidance and teaching;
- (10) Participating in client and health systems management;
- (11) Advocating for clients, groups and communities by attaining and maintaining what is in the best interest of the client or group;
- (12) Evaluating responses to interventions and the effectiveness of the plan of care and the health regimen;
- (13) Communicating and working effectively with clients, families and other members of the health care team;
- (14) Utilizing research skills, acquiring and applying critical new knowledge and technologies to practice domain;
- (15) Teaching the theory and practice of advance practice nursing;

Each APRN is accountable to clients, the nursing profession and the Board for complying with the requirements of the Act and the quality of nursing care rendered; for recognizing limits of knowledge and experience; planning for management of situations beyond the APRN's expertise; and, for consulting with or referring clients to other health care providers as appropriate.

**(d) Certified Nurse Assistant (CNA).**

The scope of practice for the Certified Nurse Assistant (CNA) requires the individual to complete a prescribed Nurse Assistant (NA) program approved by the Board and shall pass the National Council of State Boards of Nursing (NCSBN) certification examination for Nurse Assistants and be issued a certification to practice on Guam. The scope of practice, with or without compensation or personal profit, shall be limited to the supervision of a Registered Nurse, Licensed Practical Nurse or Advanced Practice Registered Nurse. The delegated activities include but are not limited to:

- (1) Conducting assigned assessments of the health status of clients, i.e. taking, recording and, as indicated, reporting client's blood pressure readings,

- pulse rates, respiration rates, body temperature readings and fluid intake and output measurements;
- (2) Providing personal and oral hygiene care, basic and routine treatment procedures and range of motion exercises as directed;
  - (3) Promoting a safe, clean and therapeutic environment conducive to patient's safety, comfort and privacy when providing care;
  - (4) Reporting events that pose an actual or potential safety risk to patients, staff and others;
  - (5) Documenting clearly, concisely and accurately nursing assistant procedures done and observations made using proper notation and abbreviation requirements;
  - (6) Serving as an advocate for the client by communicating expressed or observed needs to the Registered Nurse;
  - (7) Participating in the development and modification of the client's plan of care;
  - (8) Completing ongoing certification and regular assessment of skills and training needs;
  - (9) Performing other Nursing Assistant acts that require education and training as prescribed by the Board.

Each Certified Nurse Assistant (CNA) is accountable to the clients, the nursing profession and the Board for complying with the requirements of the Act and the quality of care rendered; and, for recognizing limits of knowledge and experience beyond the expertise of the CNA.

### **3.3 Pronouncement of Death (P.L. 27-05:2)**

A Registered Nurse may pronounce death in compliance with the following:

- (a) The health care facility, agency or licensed home health care provider has adopted written policies and procedures that provide for the determination and pronouncement of death by an RN;
- (b) Person/Patient/Client is certified "anticipated death" by the attending physician;
- (c) Person/Patient/Client is in a health care facility, a private home served by a licensed home health care provider, or in a government/private health care agency;
- (d) After diagnosing the absence of human responses, the RN shall:
  - (1) Document the clinical criteria for the determination and pronouncement in the person's/patient's medical or clinical record;
  - (2) Notify the certifying physician;
  - (3) Complete the Death Certificate by entering the name of the deceased, presence of contagious disease if known, date and time of death and signature;
  - (4) Contact the funeral home identified by the family who shall be responsible for transporting the corpse to the funeral home;
  - (5) Notify the Guam Police Department and the Chief Medical Examiner immediately if there is any suspicious nature that may be different from the anticipated death.

### **3.4 Definitions**

**Abuse** – physical injury caused by other than accidental means; neglect which leads to physical harm; failure to provide direct care for resident or client; verbal abuse; theft or misuse of resident funds or property; wrongful touching; or any other deprivation of patient or resident’s rights, which may be the result of intentional or negligent behavior.

**Absolute discharge from sentence** – completion of any court imposed sentence including imprisonment, probation, parole, community supervision or any form of court supervision.

**Accredited Program for Advanced Practice Nurse Practitioner** – an educational program accredited by the American Association of Nurse Anesthetists, American College of Nurse Midwives, American Nurses Association, National League for Nursing or State Board of Nursing.

**Accredited School of Professional Nursing** – a school conducted for the purpose of giving professional nursing education that complies with the standards prescribed by these Rules and Regulations; included are schools of nursing of states, countries, islands or territories which are accredited by the boards of nurse examiners of such states and have standards equivalent to those of Guam.

**Accountability** – a state of being responsible and answerable or legally liable for action, including supervision.

**Action Taken** – collective decision made by a majority of the members of a public agency; a collective commitment or promise by a majority of the members of a public agency to make a positive or a negative decision; or, an actual vote by a majority of the members of a public agency when sitting as a body or entity, upon a motion, proposal, resolution or order (GCA Section 3228-A).

**Adjunct Faculty** – temporary nursing faculty, in addition to regular program faculty, used to enrich student experiences.

**Advanced Assessment** – assessment by an APRN based on additional knowledge and skill developed, a graduate level nursing education program in APRN category, and the APRN’s experience working in the APRN role.

**Advanced Nursing Education** – an additional approved program of study in nursing which results in a certificate or degree beyond the basic nursing education.

**Alford Plea** – plea agreements where the defendant may plead guilty yet not admit all the facts that comprise the crime.

**Approval** – the process by which the Board evaluates and grants official recognition to a nursing education or nurse assistant program which meets established uniform and reasonable standards. There are four (4) categories of approval:

- (a) **Initial Approval** – an authorization granted by the Board for new nursing programs to admit students and to enter into contractual agreements with clinical facilities. No student shall be admitted until the institution has received the written notification of Initial Approval from the Board subsequent to the application review and site visit.
- (b) **Full Approval** – status granted by the Board to programs that meet the requirements of the law and the Administrative Rules and Regulations of the Board.
- (c) **Continuation of Full Approval** – status granted annually by the Board to programs that meet the standards set forth herein. A Certificate of Continuing Full Approval is contingent upon an annual review of the program by the Board.

(d) **Conditional/Probational Approval** – status designated to a program which is determined to be deficient in a specified area. The Board shall notify the program of the specific deficient area(s) and the time limitation to correct the stated deficiencies.

**Anticipated Death** – a death caused by a life-limiting illness, infirmity or disease as certified by the attending physician and that the prognosis was discussed with the patient and the patient’s family; and, that the patient consented to a “No Resuscitation” order or has executed an Advanced Directive indicating the same.

**Assignment** – designating nursing activities to be performed by another nurse, nurse assistant or assistive personnel that are consistent with his/her scope of practice and role description.

**Authorized Person** – professional nurse, physician or dentist currently licensed on Guam.

**Board** – Guam Board of Nurse Examiners.

**Board of Nursing** – other nursing boards.

**Certification by Endorsement** – the process by which a nurse assistant, currently certified by any of the United States or its Territories, can practice as a nurse assistant on Guam, upon meeting the requirements set forth by the Board.

**Chief Administrative Nurse** – the registered nurse who shall be employed to oversee the provision of nursing care and services by registered nurses, licensed practical nurses and certified nurse assistants in an organization, regardless of title.

**Client** – any recipient of nursing care be it an individual, family, group or community.

**Client-Centered Health Care Plan** – identification of desired goals, strategies for meeting goals and processes for promoting, attaining and maintaining optimal client health outcomes. The multidisciplinary health care team partners with the client to develop the plan of care. Team members identify, respect and care about client differences, values, preferences and expressed needs.

**Clinical Facilities** – those institutions which are established in a community for the delivery of health care services, such as hospitals, extended care facilities, nursing homes, etcetera.

**Clinical Judgment** – the application of the nurse’ knowledge and experience in making decisions about the care of the client.

**Content Validity** – the degree to which an examination is representative of a defined body of knowledge.

**Commission on Graduates of Foreign Nursing Schools (CGFNS) Qualifying Examination** – an examination administered by the CGFNS that must be taken and passed by all graduates of schools of nursing in foreign countries prior to applying for a nursing licensure by examination with Guam as the original RN licensure.

**Community Health Nursing** – a specialty of nursing practice that focuses on the health needs of communities and aggregates and in particularly vulnerable populations; a synthesis of nursing practice and public health practice applied to promoting and preserving the health of populations and communities.

**Compact** – an agreement between two or more states established for the purpose of remedying a particular problem of interstate concern.

**Competence** – the application of knowledge and the interpersonal, decision-making and psychomotor skills expected for the practice role within the context of nursing, health care, public safety and welfare.

**Competence Assessment** – evaluation of the practitioner’s knowledge, skills and abilities. Assessment mechanisms may include examination, peer review, professional portfolio and professional certification.

**Competence Conduct** – the health and behavior expectations that may be evaluated through reports from the individual practitioner, employer reports and discipline checks. Part of competence conduct is assurance that licensees possess the functional abilities to perform the essential functions of the nursing role.

**Competence Development** – the method by which a practitioner gains, maintains or refines practice knowledge, skills and abilities. This development can occur through a formal education program, continuing education or clinical practice and, is expected to continue throughout the practitioner’s career.

**Competency** – the ability to perform skillfully and proficiently the role of the license/certificate holder. The role encompasses essential knowledge, judgment, attitudes, values, skills and abilities which are varied in range and complexity. Competency is a dynamic concept, changing as the licensee achieves a higher stage of development within the role. It is based on educational training, preparation, expertise and standards of practice.

**Comprehensive Assessment by an RN** – an extensive data collection, initially and ongoing, for clients, families, groups and communities addressing anticipated changes in client conditions as well as emergent changes in a client’s health status; recognizing alterations to previous client conditions; synthesizing the biological, psychological and social aspects of the client’s condition; evaluating the impact of nursing care; and, using this broad and complete analysis to make independent decisions and nursing diagnoses; plan nursing interventions; evaluate need for different interventions; and, the need to communicate and consult with other health care members.

**Cooperating Agency** – an independent health care facility used by a program to provide its students with practical clinical experience and training.

**Cooperation** – a joint effort of cooperating, assisting and working together for a common benefit.

**Course** – a series of sessions devoted to one specific area of a subject. It may include a number of related topics.

**Cultural Bias** – non-nursing elements of examination items that may influence the performance of culturally distinct groups of examinees.

**Curriculum** – the systematic arrangement of learning experiences that include courses, clinical experience and other activities needed to meet the requirements of the basic nursing or the nurse assistant program and of the degree or certificate conferred by the program provider/parent institution.

**Date of Application** – the actual date on which the completed application form/packet was received by GBNE.

**Delegation** – entrusting the performance of selected nursing duties to qualified and competent as well as legally able individuals to perform selected nursing tasks in a selected situation while retaining the accountability and responsibility for the completion of such tasks.

**Denial** – the Board’s decision to refuse issuance of a current license for cause upon application.

**Direction** – monitoring and guiding the practice of another through written or verbal communication.

**Direct Supervision** – being in close physical proximity within the facility to provide direct observation, direction, procedural guidance and evaluation of nursing care rendered.

**Director** – a registered professional nurse who shall be employed by the controlling authority to administer the (1) nursing educational program or the nurse assistant educational program of a learning institution; or, (2) nursing services of a health facility or school health.

**Distance Education** – teaching/learning strategies used to meet the learning needs of students when students and faculty are separate from each other.

**Emergency** – a sudden state of danger, conflict or crisis requiring immediate intervention.

**Episodic Care** – nursing care that occurs at non-specific intervals, focused on the individual and situation at hand.

**Faculty-Directed Clinical Practice** – the role of nursing program faculty in overseeing student clinical learning including those programs utilizing preceptors.

**Federal Requirement** – requirements imposed by the Omnibus Budget Reconciliation Act (OBRA) of 1987 and the regulations adopted pursuant thereto.

**Focused Assessment by the LPN** – an appraisal of the client's status and situation at hand, contributing to ongoing data collection and comprehensive assessment by the registered nurse, deciding who needs to be informed of the information and when to inform.

**Governing Institution** – refers to an institution of higher learning which administers a nursing education program.

**Graduate Nurse** – refers to an individual who has successfully completed a basic nursing educational program but has not been licensed through the national (NCLEX-RN) examination.

**Graduate Practical Nurse** – refers to an individual who has successfully completed a practical nurse educational program but has not been licensed through the national (NCLEX-PN) examination.

**Graduate Nurse Assistant** – refers to an individual who has successfully completed a nurse assistant educational program but has not been certified through the national (NNAAP) certification examination.

**Grandfathering** – the provision in the local law exempting those individuals who are already in or a part of the existing system that is being regulated. It is an exception to a restriction that allows all those who are already practicing to continue practicing even if they would be denied licensure or certification by the newly established restriction.

**Health Care Provider** – an individual authorized by licensure or certification to prescribe and or administer various aspects of health care services.

**Health Care Facility** – a private, municipal, state, federal or military hospital, mental health and substance abuse hospital, public health, skilled nursing facility, kidney disease, cancer treatment center (excluding freestanding units), intermediate care facility, long-term care facility, nursing home, hospice facility or home health agency.

**Inactive** – status of the licensed nurse who voluntarily chooses not to engage in nursing during the succeeding year and chooses not to renew his/her license at the time of renewal shall not be required to pay the renewal fee as long as he/she remains *inactive*. Should the nurse wish to resume his/her nursing practice at some future time, he/she shall notify the Board and become reinstated by meeting such requirements as the Board may prescribe.

**Independent Nursing Strategy** – nursing activities based on nursing assessment within the nurse’ scope of practice and standards and not subject to control by others.

**Informatics** – information technology that can be used to communicate, manage knowledge and data, mitigate error and support decision making processes and options.

**Interdisciplinary Faculty** – faculty from other professions who, in addition to regular program faculty, add diversity and enrich student learning experiences.

**Interdisciplinary Team** – all individuals involved in providing a client’s care, who cooperate, collaborate, communicate and integrate care to ensure that care is continuous and reliable.

**Internationally Educated Nurse** – a nurse educated outside of the U.S. who applies for state licensure or seeks temporary authorization to practice as a graduate nursing student to complete program objectives.

**Interpretive Statement** – a statement developed by a board of nursing to provide guidance, clarification and direction regarding nursing practice, procedures or policies to ensure compliance with acceptable standards of nursing practice as defined in the Act and the GBNE Administrative Rules and Regulations.

**Lapsed Certificate** – the termination of an individual’s certificate to practice due to the certificate holder’s failure to renew one’s certificate within the specified time and is therefore unauthorized to practice.

**Lapsed License** – the termination of an individual’s nursing license to practice due to the license holder’s failure to renew his/her license within a specified period of time and is therefore unauthorized to practice.

**License** – a current document permitting/authorizing an individual to practice as a registered nurse, licensed practical nurse or as an advanced practice registered nurse.

**Licensure by Endorsement** – the granting of authority to practice nursing based on an individual’s licensure in another jurisdiction with comparable requirements.

**Licensure by Examination** – the granting of authority to practice nursing based on successfully passing the national licensure (NCLEX) RN or LPN examination.

**Licensure Reinstatement** – the granting of authority to restore or reestablish a nursing licensure that has lapsed, suspended, revoked or voluntarily surrendered.

**Licensure Renewal** – the process in which legal authority to practice is renewed periodically.

**Limited License** – the granting of authority to practice nursing within a specified legal scope of practice or in a restricted capacity.

**Medicaid** – the federal government program of medical care designed for those who are unable to afford the cost of regular medical services which is financed by the state and federal governments.

**Medicare** – the federal government program of medical care specifically designed for the elderly.

**Modified License** – a license to practice nursing within a scope of practice, with or without limitations, accommodations or both as specified by the Board through a non-disciplinary process.

**Moral Turpitude** – conduct that involves one or more of the following:

- (1) Intentional, knowing or reckless conduct that causes injury or places another in fear of imminent harm;
- (2) Conduct done knowingly contrary to justice or honesty;

- (3) Conduct that is contrary to the accepted and customary rule of right and duty that a person owes to fellow human beings and society in general; and,
- (4) Conduct that is wrong in itself even if no statute were to prohibit the conduct.

**National Certifying Body** – an organization that has as one of its purposes the issuance of certification of registered nurses, nurse anesthetists, nurse midwives, nurse practitioners, or clinical nurse specialists referred to in these regulations as professional certification, and whose certification of such persons by examination is accepted by the Board.

**NCLEX-PN** – the National Council Licensure Examinations for Practical Nurses is used in the U.S. and its territories to assess licensure applicant’s knowledge, skills and abilities.

**NCLEX-RN** – the National Council Licensure Examinations for Registered Nurses is used in the U.S. and its territories to assess licensure applicant’s knowledge, skills and abilities.

**Nolo Contendere** – a “no contest” plea in a criminal case that result in a similar effect as pleading guilty.

**Nurse Assistant Educational Program** – a program designed to prepare nurse assistants which is offered by a school, college, nursing facility or other institutions that have been granted Initial Approval, Full Approval or Continuation of Full Approval by the Board to provide such a program.

**Nurse Licensure Compact (NLC)** – compact between participating states to facilitate the regulation of nurses. The compact is adopted by each state legislature, and allows a nurse licensed in a compact state to practice under a multi-state privilege in all other compact states.

**Nurse Licensure Compact Administrators (NLCA)** – nurse administrators of each compact state responsible for implementing and coordinating the NLC.

**Nursing** – both an art and a scientific process founded on a professional body of knowledge. It is a learned profession based on an understanding of the human condition across the lifespan and the relationship of a client with others and within the environment. It is a dynamic discipline that is continually evolving to include more sophisticated knowledge, technologies and client care activities.

**Nursing Program Faculty** – individuals employed full or part time by academic institutions responsible for developing, implementing, evaluating and updating curricula.

**Nursing Services** – the professional practice and auxiliary functions that support the client’s meeting of the client’s desired health goals and processes for promoting, attaining and maintaining optimal health outcomes.

**Nursing Student** – a person who is studying nursing in an approved educational program.

**Omnibus Budget Reconciliation Act (OBRA)** – a mandate (P.L. 100-203 of 1987) that created federal statutory requirements for nurse assistants’ education and certification, and requiring the establishment of a registry of nurse assistants employed in long-term care facilities, home care agencies and home health aides.

**Person** – an individual, corporation, partnership, association, unit of government or other legal entity.

**Practice** – the performance of services by a licensed or certified person that requires specific education, training and skills as specified in these rules and regulations.



**Practice of Nursing** – the assisting of clients or groups to attain or maintain optimal health, implementing a strategy of care to accomplish defined goals and evaluating responses to nursing care and treatment. It incorporates:

- (1) basic health care that helps both clients and groups of people cope with difficulties in daily living associated with their actual or potential health or illness;
- (2) those nursing activities that require a substantial amount of scientific knowledge or technical skills.

**Prescribed Devices** – an instrument or an apparatus intended for use in diagnosis or treatment and in the prevention of disease or restoration of health.

**Prescribing** – the act of determining which legend drugs and controlled substances shall be used by or administered to a client in compliance with applicable state and federal law.

**Prescriptive Authority** – the power granted to the APRN to assess the need for drugs, immunizing agents, or devices, selecting the remedy and writing a prescription to be filled by a licensed pharmacist.

**Primary Instructor** – refers to the registered nurse who is responsible for teaching and evaluating the students enrolled in a nurse assistant educational program and is currently licensed to practice on Guam.

**Professional Boundaries** – the space between the nurse' power and the client's vulnerability. The power of the nurse comes from the professional position and access to private knowledge to control this power differential and allows a safe relationship to meet the client's needs.

**Professional Certification** – a credential issued by a national certifying body meeting specified requirements acceptable to the Board that is used as a requirement for APRN licensure.

**Program** – a course of instruction designed to enable its students to practice as an RN, APRN, LPN or CNA.

**Program Provider** – refers to a school, college, nursing facility or other institutions that conducts a nursing assistant program.

**Quality Improvement Processes** – to identify errors and hazards in care; understand and implement basic safety design principles, such as standardization and simplification; continually understand and measure quality of care in terms of structure, process and outcomes in relation to client and community needs; and design and test interventions to change processes and system of care with the objective of improving quality.

**Registry** – the listing of all individuals who have been issued a license or certificate by the Board.

**Re-issuance** – the process of replacing a license or certificate by issuing a duplicate copy.

**Revocation** – the withdrawal of a nurse' license or a nurse assistant's certificate for cause or an order of annulment or cancellation of a license or certificate.

**Reinstatement** – the process of restoring a license or certificate to practice on Guam that has expired, lapsed, been suspended or revoked.

**Site Visit** – a visit to the program site by an agent of the Board to review the nursing or the nurse assistant educational program sponsored by the program provider.

**Standards of Nursing Practice** – those standards adopted by the Board that define and interpret legal definition of practice.

**Strategy of Nursing Care** – goal-oriented nursing activities developed within the client-centered health care plan to assist clients achieve optimal health potential.

**Supervision** – the provision of guidance by a qualified registered nurse for the accomplishment of a nursing task, function or activity. The guidance consists of direct, indirect or periodic observation and monitoring as well as establishing the initial direction, delegating, setting expectations, directing activities and courses of action, critical watching, overseeing, evaluating and changing a course of action.

**Suspension** – an order of withdrawal of a nurse’ or a nurse assistant’s right to practice for a definite or indefinite period of time due to cause.

**These Standards** – refers to the standards for accreditation and licensing as established in these rules and regulations.

**Unauthorized Practice** – the practice of nursing, such as a nurse assistant, licensed practical nurse, registered nurse or advanced practice registered nurse by any person who has not been authorized or licensed to practice under the provisions of the Act.

**Unlicensed Assistive Personnel** – any personnel who is unlicensed to whom nursing tasks are delegated, regardless of title.

**Violation** – failure of an employer of a licensed nurse or certified nurse assistant or any person acting as an agent for the nurse or nurse assistant in obtaining employment to verify the current status of the licensee’s authorization to practice nursing or nurse assistant on Guam. As used in the Act, the term “agent” includes, but not limited to, nurse recruiters and nurse registries.

## **Article 4**

### **Licensure for APRNs, RNs and LPNs**

#### **4.1 Requirements.**

- (a) In order to practice nursing in Guam, it is mandatory to obtain a license from the Guam Board of Nurse Examiners. Obtaining a Guam license to practice nursing is the responsibility of the individual nurse pursuant to P.L. 16-123, Nurse Practice Act of Title 10 Guam Code Annotated, Article 3(1983; 1997, 1998 and 2003 Updates).
- (b) Any person who holds a license to practice nursing in Guam shall use the legal title or the abbreviation as set forth in the Guam Nurse Practice Act of Title 10 Guam Code Annotated and Article 3, (1983; 1997, 1998 and 2003 Updates). No other person shall assume any other name, title or abbreviation or any words, letters, signs, or devices that would cause a reasonable person to believe the user is licensed/certified to practice as a registered nurse (RN), an advanced practice registered nurse (APRN) or licensed practical nurse (LPN).
- (c) Any person licensed to practice nursing shall wear an insignia to identify himself or herself by his/her name and appropriate legal title or abbreviation during times when such person is providing health care to the public for compensation.
- (d) The insignia shall be prominently displayed and clearly legible such that the person receiving care may readily identify the type of nursing personnel providing the care.

#### **4.2 Responsibility of the Applicant.**

It shall be the responsibility of the applicant to:

- (a) Correspond or communicate directly with the Board.
- (b) Follow through with the submission of all required documents until his/her application is completed.
- (c) Periodically contact the Board concerning the status of the application.
- (d) Inform the Board of his/her intention to withdraw an application in writing prior to the remittance of the applicable fee. Fees remitted to the Board are non-refundable.
- (e) Inform the Board of any change in name and/or address. A licensee who has a change in name shall submit a notarized copy of a marriage certificate, or court order evidencing the change to the Board. A duplicate license with the change shall be issued by the Board upon receipt of such evidence and the required fee. All license renewals will be sent to the most current known address on file.
- (f) Notify the Board, in writing, of the loss of a current license. A duplicate license for the current renewal period shall be issued by the Board upon receipt of the required form(s) and fee.
- (g) Keep in his/her possession a signed current Guam nursing license while on duty status.

#### **4.3 Responsibility of the Employer.**

- (a) Nursing Administrators, agency heads or other employers, who hire individuals without a license or who allow nurses to practice after the expiration of the licenses or temporary licenses, may be cited for aiding and abetting the unlicensed practice of nursing which is in violation of Section 12327 of Title 10 of the Guam Code Annotated.
- (b) Agency Heads, other employers or physicians who allow APRNs, RNs or LPNs to perform duties and activities beyond the legal Scope and Standards of Nursing Practice may be cited for aiding and abetting the illegal practice of nursing which is in violation of the Act.

#### **4.4 Licensure by Examination for RNs and LPNs.**

In order to be licensed in Guam, all registered nurse or practical nurse applicants shall take and pass the National Council Licensure Examination for Registered Nurses (NCLEX-RN) or Licensed Practical Nurses (NCLEX-PN). The results will be reported to the applicant as pass or fail.

##### **(a) Requirements.**

- (1) The applicant shall submit a completed and notarized application for licensure by examination which shall include:
  - (i) Verification of graduation or completion and eligibility for graduation from a state-approved registered or practical nursing program as evidenced by an official Certificate of Nursing Education document received directly from the state-approved nursing education program for the level of licensure being sought. The document shall verify the date of graduation, credential conferred and evidence of meeting the standards of nursing education comparable to the U.S. and Guam. An official transcript directly from the School of Nursing is required prior to the issuance of a permanent license.

- (ii) Two (2) current (within 3 months) passport-size photographs signed by applicant.
  - (iii) Payment of the required application fees for the examination which shall be made payable to the Treasurer of Guam. The NCLEX-RN and NCLEX-PN application fees are paid separately for each examination and are NOT refundable.
  - (iv) Payment for the NCLEX Data Center registration fee which shall be paid directly to NCSBN.
- (2) If the applicant is a graduate of a registered nursing program who applies to take the NCLEX-PN examination, the Board may require additional coursework addressing the limitations of the LPN scope of practice and the rules that govern the practice of practical nursing.
  - (3) If the Board allows a graduate of a registered nursing program to take the NCLEX-PN examination, the Board may require the RN educational program to identify a Practical Nurse exit point.
  - (4) In addition to the above requirements, the applicant seeking licensure by examination shall provide the following as applicable to the applicant's status:
    - (i) Identification of any state, territory or country in which the applicant holds a license/certification/credential to practice in a health profession other than nursing.  
Identification shall include the number and status of the license/certification/credential and the original state or country of licensure/certification/credentialing.
    - (ii) Information about current or previous employer if employed in health care, to include address, telephone number, position and dates of employment.
    - (iii) Information related to the applicant's background such as pending disciplinary action or investigation; any pending criminal charges (national or international); criminal conviction; nolo contendere plea, Alford plea or other plea arrangement in lieu of conviction; any chemical, physical or mental impairment and/or disability that impacts the applicant's ability to practice nursing safely and a description of accommodations and/or practice limitations needed, if any; and, any current substance abuse.
  - (5) Official record of local, state and federal criminal background checks (police and court clearances) completed within the last two (2) months.

**(b) Application for Licensure by Examination for Internationally Educated Applicants.**

An internationally educated applicant for RN or LPN licensure by examination shall submit to the Board, in addition to the above **(a)(1-5)** Licensure by Examination requirements, the following:

- (1) Verification of graduation or completion of an international nursing program comparable to an approved nursing education program in the United States or Guam, as documented in an official Certificate of Nursing Education and an official transcript sent directly from the international

- nursing education program to GBNE. The transcript must be verified by a credentials evaluation organization approved/authorized by the Board.
- (2) Acceptable documentation shall verify the date of enrollment, date of graduation and credentials conferred. An official transcript and, if not in English, a certified translation is required prior to the approval to take NCLEX.
  - (3) Credentials shall be reviewed internally or by an external agency specializing in international academic credentials review to verify the comparability of the international nursing education program to nursing education program(s) in Guam and/or in the U.S.
  - (4) The Commission on Graduates of Foreign Nursing Schools (CGFNS) certificate program for internationally educated and licensed nurses is the Board approved and recognized authority to review and certify educational credentials of internationally educated nurse applicants.
  - (5) International PN graduates, in addition to the above, shall submit a notarized copy of the Commission on Graduates of Foreign Nursing Schools (CGFNS) credentials and education verification and may be requested to demonstrate proficiency in the English language by means of an approved test such as TOEFL if the Board designee has reason to believe that the applicant lacks sufficient verbal or reading skills.

**(c) Licensure by Examination as LPN for applicants/candidates from the Medical Corp of the U.S. Armed Forces.**

Individuals who served on active duty in the Medical Corp of the U.S. Armed Forces as a member of the nursing service may apply to the Board for evaluation of records for eligibility for LPN licensure examination. Applicant must submit, in addition to the above (a) (1-5) Licensure by Examination requirements, the following:

- (1) Proof of having had at least twelve (12) months service on active duty in the Medical Corp of any of the Armed Forces rendering bedside (direct patient) care. Operating room and other non-bedside nursing experience is NOT acceptable.
- (2) Proof of having completed a basic course of instruction in nursing while in the Armed Forces which shall be equivalent to the course requirement set by these rules. The minimum nursing course requirements shall include:

<u>Core Nursing Subjects/Content</u>	<u>Theory Hrs</u>	<u>Clinical Hrs</u>
Health Assessment	30 hours	60 hours
Nursing Fundamentals & MedSurg Nursing	100 hours	300 hours
Pediatric Nursing	30 hours	90 hours
Obstetric Nursing	30 hours	90 hours
Pharmacology	30 hours	60 hours
Mental Health/Psychiatric Nursing	30 hours	90 hours

Total Nursing Subjects/Content:      250 hours      690 hours

**Support Courses**

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Anatomy & Physiology	4 Qtr hrs/3 semester credits
Microbiology	4 Qtr hrs/3 semester credits
Nutrition	3 Qtr hrs/3 semester credits
Human Growth & Development	4 Qtr hrs/3 semester credits
Psychology	3 Qtr hrs/3 semester credits

- (3) Proof that claimed service was honorable. These documents shall be certified and submitted directly to the Board by the Officer in Charge of Education Services no later than the deadline set by the Board.

**(d) Other Requirements.**

- (1) Applications that are not complete and/or inactive will become null and void after one (1) year. The Board will dispose of the application as governed by the Government of Guam statute.
- (2) Applicants for examination shall be required to pass the national licensing examination within two (2) years after graduation from a Board-approved school of nursing. Applicants applying after the two (2) year limitation period shall be considered by the Board on an individual basis. The applicant may be required to satisfactorily complete an approved program or course of study, including theory and practice, or follow specific remedial measures, as prescribed by the Board, prior to being **approved** to take each examination.
- (3) Transcripts shall include information on nursing education programs which were completed in less than the usual length of time, through advanced standing or transfer of credits from one institution to another.
- (3) Any change of name, after filing the original application, must be supported by an affidavit or marriage certificate.
- (4) Any applicant who cannot demonstrate fulfillment of the education requirements shall be notified in writing and must satisfy the deficiency before being **approved** to take the examination. Deficiencies in nursing theory and/or clinical practice may be removed by taking the required course(s) in an approved nursing education program.

**4.5 Temporary Work Permits/Licenses/Certifications.**

- (a) The Board may issue a **temporary work permit** to graduate of an accredited U.S., foreign or Guam professional nursing education program, upon application, payment of the required fee, and after verifying the applicant's official transcript and certificate of education; provided, however, that such applicant has received the Board's authorization to sit for the licensing examination immediately following such applicant's graduation.
- (b) New graduates of U.S. Board-approved nursing education programs may be given a **temporary work permit** to practice nursing on Guam while waiting to take the first National Council Licensing Examination. This temporary work permit option is only available for a six-month period from the date of graduation. The graduate nurse must submit an application, an official transcript sent directly to the GBNE office and certification of nursing education to take the national examination within six (6) months from the date of graduation in order to qualify

for the six-month GN Temporary Work Permit. Such candidates with temporary work permits:

- (1) Shall be identified as and authorized to use the title '**Graduate Registered Nurses (GN'S) or 'Graduate Practical Nurses' (GPN'S)**'; and,
  - (2) May practice nursing only under the direct supervision of a licensed registered nurse and shall not assume charge responsibilities.
- (c) The Board may issue a *temporary work permit* to applicants enrolled in refresher courses, to provide direct client nursing care as part of a nursing refresher course. The applicant shall have been previously licensed to practice. The refresher course may be for completing continued competence requirements, for seeking reinstatement of license or application for licensure by endorsement at the applied level of licensure.
- (d) The Board may issue a *temporary work permit* to applicants for licensure as advanced practice registered nurse (APRN) to work under the supervision of another APRN or physician.
- (e) A three (3) month *temporary license/certification* may be issued to an APRN, RN, LPN, or CNA applicant for endorsement upon submission:
- (1) A completed and notarized application for endorsement;
  - (2) A current/valid license from a State or its territories as a registered nurse or practical/vocational nurse; or
  - (3) A current/valid National or State Board Certification as an APRN; or
  - (4) A current/valid State Board Certification as a nursing assistant; and,
  - (5) **An official record of local, state and federal criminal background checks completed within the last two (2) months;** and,
  - (6) Payment of appropriate fee.
- (f) The temporary permit/license/certification is valid for a period of three months upon issuance for those seeking licensure by endorsement and six months for new graduates of accredited U.S., foreign or Guam professional nursing schools seeking licensure by examination for the first time.
- (g) The board may use its discretion to extend the temporary work permit with the exception of APRNs [Article 5, Section 5.6 f. (4) and (5)] and shall not exceed six (6) months.
- (h) The temporary work permit becomes null and void upon issuance of a current license, upon expiration, or upon withdrawal by Board action.
- (i) It is the responsibility of the applicant to assure that the Endorsement Verification form is received by the Guam Board of Nurse Examiners from the jurisdiction of the original licensure prior to the expiration date of the temporary license.
- (j) Internationally educated applicants for licensure by examination or endorsement are not eligible for a temporary work permit on Guam unless such applicant has been licensed by examination in another state or territory of the United States.

#### 4.6 Retakes.

- (a) All applicants wishing to retake the National Council Licensing Examination (NCLEX) exam shall submit a Retake Application for examination to the Board with a 2x2 passport-size photo taken within the past 3 months and payment of the retake examination fee.

- (b) Applicants retaking the examination for the second or third time shall be responsible for self-study or available refresher course tutorial program.
- (c) Applicants rewriting the examination for the fourth time shall be considered individually by the Board and shall be required to follow specific remedial measures, as prescribed by the Board.
- (d) Applicants failing the NCLEX four or more times shall be considered individually by the Board and shall be required to satisfactorily complete a course of study in nursing approved by the Board. The course of study shall include theory and practice or follow equivalent remedial measures, as prescribed by the Board.

#### **4.7 Arrival of Results.**

- (a) Candidates who pass shall receive:
  - (1) A "PASS" result
  - (2) The initial license
  - (3) An employment data information sheet
  - (4) A Certificate of Licensure
  - (5) A letter of transmittal which shall instruct the licensee that his/her score shall not be requested from this Board for purposes other than licensure.
- (b) Candidates who fail shall receive:
  - (1) A "FAIL" result
  - (2) A diagnostic profile from testing center
- (c) On -island school(s) of nursing shall receive:
  - (1) General information on graduates of respective schools:
    - (i) Copy of summary information for candidates from the program who were examined in this jurisdiction-PROGRAM NAME.
    - (ii) Copy of percent of first-time candidates educated in member board jurisdiction that have met or exceeded scale scores.
    - (iii) Copy of ranked means and score ranges for first-time candidates educated in member board jurisdictions.
    - (iv) Copy of jurisdiction program summary of first-time candidates.
    - (v) Letter of transmittal to include scores of graduates who have signed authorization to release their scores with names to their respective school of nursing.
- (d) The Board may release examination scores only upon the written authorization from the applicant or licensee.
- (e) A copy of the examination scores shall be filed in each candidate's permanent record in the Board office.

#### **4.8 Licensure by Endorsement.**

- (a) An RN or LPN applicant for licensure by endorsement in Guam shall submit to the Board the required fee for licensure by endorsement and a completed application for licensure by endorsement. Verification of current licensure in another jurisdiction, whether electronically or by paper copy, is required for licensure by endorsement.



- (b) The Board shall verify licensure by examination by the state of original licensure and receive from that board information regarding graduation or successful program completion from a nursing education program for the level of license, date of original licensure and current licensure status in the jurisdiction.
- (c) The Board shall also verify date of the applicant's licensure and licensure status with the state of most recent employment, if different from the state of original licensure.
- (d) The applicant is required to provide evidence of having passed the licensure examination required by this jurisdiction at the time the applicant was initially licensed in another jurisdiction. Applicant must also provide evidence of continued competency requirements as prescribed in these rules.
- (e) Other Requirements. In addition to these requirements, the applicant seeking licensure by endorsement must provide:
  - (1) Identification of any state, territory or country in which the applicant has held a health profession license or credentials other than nursing. Identification shall include the number and status of the license or credential and the original state or country of licensure or credentialing.
  - (2) Information about current employer if employed in health care, to include address, telephone number, position and date of employment.
  - (3) Information regarding previous employer in health care, if any, if current employment is less than 12 months.
  - (4) Information related to the applicant's background in the following areas:
    - (i) disciplinary action or investigation regarding any professional license or credential.
    - (ii) Any pending criminal charges - national or international. Criminal conviction, nolo contendere plea, Alford plea or other plea arrangement in lieu of conviction.
    - (iii) Any chemical, physical or mental impairment and/or disability that impacts the nurse's ability to practice nursing safely, and a description of accommodations and/or practice limitations needed, if any.
    - (iv) Any current substance abuse.
  - (5) Official record of local, state and federal criminal background checks completed within the last 2 months.
- (f) The Board shall review applications only after all the above requirements have been submitted.

#### **4.9 Special Licensure Situations.**

- (a) Nurses transporting patients in and out of Guam shall be currently licensed in the jurisdiction in which they are employed.
- (b) Nurses from other U.S. jurisdictions or its territories attending or providing short (90 days or less) continuing education courses or participating in clinical preceptorship experiences shall hold a current license to practice in at least one U.S. jurisdiction or its territories.
- (c) Licensed nurses from other U.S. jurisdictions or its territories that provide care during an official declared emergency or disaster situation shall not be required to obtain a Guam license to practice nursing.

#### **4.10 Continuing Education Requirements.**

- (a) All licensed nurses shall submit evidence of thirty (30) hours of Continuing Education (CE) activities/seminars within the renewal period.
- (b) Exemptions for first-time renewals. If a licensed nurse obtained his/her initial RN or LPN license by passing the NCLEX within the past six (6) months and this is the first renewal, the RN/LPN may be exempted from the CE requirement.
- (c) Licensed nurses who have been practicing but do not meet the thirty (30) hours of CE requirements at the time of renewal, may be issued a “conditional license” to last no more than three (3) months to fulfill the CE requirements.

#### **4.11 Application for Renewal of License as a Registered Nurse or Licensed Practical Nurse.**

- (a) Registered, Practical and APRN nurse licenses shall be renewed biennially by September 30 of odd numbered years.
- (b) The licensee shall submit to the Board a completed renewal application form, verification of continuing education requirements, renewal fee and other required documents, on or before the expiration date of the license.
- (c) Information pertaining to the applicant’s background in the following areas shall also be required of the licensee to submit to the Board:
  - (1) Pending disciplinary action or investigation regarding any professional license or credential;
  - (2) Pending criminal conviction;
  - (3) Criminal conviction, nolo contendere plea, Alford plea or other plea arrangement in lieu of conviction since the last renewal;
  - (4) Any chemical, physical or mental impairment and/or disability that impacts the nurse’s ability to practice nursing safely, and a description of accommodations and/or practice limitations needed, if any;
  - (5) Any current substance abuse;
  - (6) A detailed explanation and supporting documentation for any of the above information.
  - (7) Official record of local, state and federal criminal background checks completed within the last two (2) months.
- (d) A license shall be issued upon submission and verification of all documents.
- (e) Applications for renewal shall be mailed to the last known address of the licensee. Failure to receive the application for renewal shall not relieve the licensee of the responsibility for renewing the license by the renewal date.
- (f) Failure to renew the license shall result in forfeiture of the right to practice nursing in Guam.
- (g) Any person practicing nursing during the time a license has lapsed shall be considered an illegal practitioner and shall be subject to prosecution under the provisions of Section 12328 Nurse Practice Act.

#### **4.12 Reinstatement of Lapsed or Inactive License.**

- (a) A nurse who has allowed his or her license to lapse or become inactive may apply for reinstatement upon:
  - (1) Submission of completed application for reinstatement.

- (2) Verification of at least thirty (30) hours of approved continuing education (CE) activities/seminars is required at the time of application for reinstatement.
- (3) Payment of appropriate fee.
- (b) Other requirements. In addition to these requirements, the applicant seeking licensure by reinstatement must provide:
  - (1) Identification of any state, territory or country in which the applicant holds a health profession license or credentials other than nursing. Identification shall include the number and status of the license or credential and the original state or country of licensure or credentialing.
  - (2) Information about current employer if employed in health care, to include address, telephone number, position and date of employment.
  - (3) Information regarding previous employer in health care, if any, if current employment is less than 12 months.
  - (4) Information related to the applicant's background in the following areas:
    - (i) Pending disciplinary action or investigation regarding any professional license or credential.
    - (ii) Any pending criminal charges - national or international.
    - (iii) Criminal conviction, nolo contendere plea, Alford plea or other plea arrangement in lieu of conviction.
    - (iv) Any chemical, physical or mental impairment and/or disability that impacts the nurse's ability to practice nursing safely, and a description of accommodations and/or practice limitations needed, if any.
    - (v) Any current substance abuse.
  - (5) Official record of local, state and federal criminal background checks completed within the last 2 months.
- (c) The Board shall review applications only after all the above requirements have been submitted.
- (d) At any time after a license has lapsed or been inactive, the Board may require evidence of the licensee's current nursing knowledge and skill before reinstating the license to the status of active license.
- (e) An individual who applies for licensure reinstatement who has been out of practice for three (3) years or longer shall provide evidence of passing a nursing refresher course approved by the Board.

#### **4.13 Reinstatement Following Disciplinary Action**

Individuals applying for reinstatement following disciplinary action must meet compliance with all Board licensure requirements as well as any specific requirements set forth in the Board's discipline proceedings.

#### **4.14 Verification of License to Another Jurisdiction**

- (a) Nurses requesting verification of license to another jurisdiction shall submit a signed release of information.
- (b) The request shall be accompanied by the fee for license verification.

#### **4.15 Licensure/Certification Issued in Error**

The Board reserves the right to revoke licenses/certifications issued in error by the previous or current Board.

## Article 5

### Advanced Practice Registered Nurse (APRN)

#### 5.1 Purpose.

To assure the health, safety, and welfare of the people of Guam by regulating the practice of the Advanced Practice Registered Nurse (APRN).

#### 5.2 Definitions.

- (a) *Act* means the Nurse Practice Act.
- (b) *Advanced Nursing Practice* means practice by a registered professional nurse who has specialized knowledge, education and skills to provide health care as determined appropriate by the Board, and fulfillment of all certification requirements, or any combination of such requirements, as specified by the Board and includes certified nurse-midwives, nurse practitioners, certified registered nurse anesthetists and clinical nurse specialists and others recognized by the Board. Advanced nursing practice includes the authority to prescribe and dispense drugs, devices, equipment and diagnostic studies within the scope of practice defined by rules and regulations adopted by the Board.
- (c) *Advanced Practice Registered Nurse (APRN)* means a registered nurse who is authorized by the Board to perform advanced nursing practice as a certified nurse practitioner, certified nurse- midwife, certified registered nurse anesthetist or clinical nurse specialist.
- (d) *Board* means the Guam Board of Nurse Examiners.
- (e) *Certification* means recognition of the applicant's advanced knowledge, skills and abilities in a defined area of nursing practice by a national organization recognized by the Board. The certification process measures the theoretical and clinical content denoted in the advanced scope of practice, and is developed in accordance with generally accepted standards of validation and reliability.
- (f) *Certified Registered Nurse Anesthetist (CRNA)* means a registered professional nurse who has successfully completed/graduated from a nurse anesthetist educational program is currently certified by the certifying agent of the American Association of Nurse Anesthetists (AANA), and is licensed by the Board.
- (g) *Certified Registered Nurse Practitioner (CRNP)* means a registered professional nurse who has successfully completed/graduated from a nurse practitioner educational program and is currently certified by a nationally recognized certifying agent of the appropriate advanced nursing practice organization. For example; the certifying agent of the American Nurses Association (ANA), National Association of Pediatric Nurse Associates and Practitioners (NAPNAP), the Association of Women's Health, Obstetric, and Neonatal Nurses (AWHONN, formerly NAACOG), or the American Academy of Nurse Practitioners, and is licensed to practice by the Board.
- (h) *Certified Nurse-Midwife (CNM)* means a registered professional nurse who has successfully completed/graduated from a nurse-midwifery educational program

and is certified by the certifying agent of the American College of Nurse-Midwives (ACNM), and is licensed to practice by the Board.

- (i) **Clinical Nurse Specialist** means a registered nurse who has graduated from a program of graduate study with supervised clinical practice in an area of specialty and is certified by the nationally recognized certifying agent in the appropriate specialty and is licensed to practice by the Board.
- (j) **Collaboration** means the cooperative working relationship with another health care provider, each contributing his/her respective expertise in the provision of patient care, and that such collaborative practice includes the discussion of patient treatment and cooperative efforts in the management and delivery of health care.
- (k) **Collaborative Practice Agreement** means an agreement by and between an APRN and a physician practicing in the area of specialty, wherein the parties to such an agreement mutually agree, in writing, to the terms and conditions of the ordering and prescribing of “Schedule Drugs II – V”.
- (l) **Consultation** means conferring with another health care provider for the purpose of obtaining information or advice.
- (m) **Diagnosis** means identification of actual or potential health problems and the need for intervention based on analysis of data collected. Diagnosis depends upon the synthesis of information obtained during the interview, physical exam and or diagnostic tests.
- (n) **Intervention** means measures to promote health, protect against disease, treat illness in its earliest stages, manage acute and chronic illness, and treat disability. Interventions may include, but are not limited to, ordering diagnostic studies, performing direct nursing care, prescribing pharmacologic, non-pharmacologic, or other therapies and consultation with or referral to other health care providers.
- (o) **Inactive** means the status of an APRN who has opted not to renew his/her license and is not currently licensed to practice on Guam. This status must be officially requested in writing by the licensee prior to the expiration of his/her license.
- (p) **Lapsed License** means the termination of an individual’s privilege to practice as an APRN due to the APRN’s failure to renew his/her license on or before the renewal date.
- (q) **License** means a current document permitting the practice of nursing as an Advanced Practice Registered Nurse (APRN).
- (r) **Practitioner** means a physician, dentist, osteopath, podiatrist, veterinarian, optometrist, APRN, or physician’s assistant, as defined in Chapter 12 of Title 10 of the Guam Code Annotated, who is authorized to prescribe, order or administer drugs in connection with medical treatment to the extent provided by the rules and regulations of the practitioner’s respective Board.
- (s) **Prescription** means an order for drugs, treatment, diagnostic studies or devices written, signed, or transmitted by word of mouth or telephone by those licensed to prescribe or a practitioner of the healing art.
- (t) **Prescriptive and Dispensing Authority** means the legal permission to prescribe, deliver, distribute and dispense pharmacologic and non-pharmacologic agents to a client in compliance with board rules and applicable federal and Guam laws. Pharmacologic agents include legend and schedule II through V controlled substances.

- (u) **Referral** means directing a client to a physician or other health professional or resource.
- (v) **Therapeutic Device** means an instrument or an apparatus intended for use in diagnosis or treatment, and in the prevention of disease or maintenance or restoration of health.

### 5.3 Use of Professional Titles.

- (a) Any licensed registered nurse who uses the title of Advanced Practice Registered Nurse (APRN) or any similar title or who acts as an (APRN) without having obtained a license pursuant to this section is an illegal APRN and shall be subject to the penalties provided for violation of the Nurse Practice Act.
- (b) The APRN shall conspicuously display on his or her clothing a name plate designating him or her as licensed APRN and indicating the area of specialty.

### 5.4 Scope of Practice for the Advanced Practice Registered Nurse (APRN).

The scope of practice for the licensed advanced practice registered nurse (APRN) shall be in accordance with the functions and standards of the respective national certifying organization for each category.

### 5.5 Protocols.

- (a) Any nurse practicing as an (APRN) shall practice in accordance with protocols developed in collaboration with and signed by a physician licensed to practice in Guam.
- (b) protocols shall address:
  - (1) Established procedures for the management of common medical problems in the practice setting.
  - (2) The degree to which collaboration, independent action and supervision are required.
  - (3) Acts including, but not limited to, assessment, diagnosis, treatment and evaluation.
- (c) Documentation:

All information obtained and interventions provided shall be documented in the client's medical record in accordance with the standards of practice.
- (d) Any deviation from written protocols shall require consultation with the collaborating physician before the order is transmitted or implemented and such collaboration shall be documented in the client's medical record.
- (e) Review of Protocols
  - (1) The APRN shall document annual joint review of protocols with the collaborating physician, and revise when necessary.
  - (2) The APRN shall, upon request, provide the Board with current protocols.
- (f) Nothing in this regulation shall be construed to prohibit any APRN from transmitting a prescription order orally or telephonically, or from administering a legend drug pursuant to a lawful direction of a physician or dentist licensed to practice in Guam.

### 5.6 Application for Licensure.

- (a) The applicant for an APRN license must hold a current RN license to practice in Guam and submit to the Board the following:

- (1) A notarized application form supplied by the Board, which shall substantiate that the applicant meets the requirements of this section and the Nurse Practice Act.
  - (2) An official transcript showing successful completion of an educational program designed to prepare APRN.
  - (3) Current certification by a nationally recognized certifying agent of the appropriate advanced nursing practice organization.
  - (4) The non-refundable initial fee.
- (b)** If the Board finds that the applicant has met all the appropriate requirements set forth in this chapter, a license as an APRN on Guam shall be issued with the appropriate specialty indicated.
- (c)** Renewal of licensure is subject to the following:
- (1) License as an APRN shall be renewed biennially at the same time the license to practice as a registered nurse in Guam is renewed.
  - (2) The application for renewal of the license shall be mailed by the Board to the last known address of each APRN.
  - (3) Failure to receive renewal notice does not relieve anyone of the responsibility of renewing his/her own APRN license.
  - (4) The APRN shall complete the application for renewal and return it with:
    - (i) License renewal fee.
    - (ii) Copy of current certification by a national or state certifying body recognized by the Board.
    - (iii) At any point that such certification expires it is the responsibility of the APRN to submit a renewed certification to the Board.
- (d)** Lapsed license
- (1) A license is lapsed if it was not renewed or placed in an inactive status by the expiration date.
  - (2) Any licensee who has lapsed license may apply for reinstatement.
  - (3) Any person engaged in advanced practice during the time his or her license has lapsed shall be considered an illegal APRN and shall be subject to the penalties provided for violation of the Nurse Practice Act.
- (e)** Reinstatement of an APRN license is subject to the following:
- (1) Reinstatement of lapsed license  
An applicant for reinstatement of a lapsed license shall:
    - (i) File the required application and reinstatement fee;
    - (ii) Be currently licensed as a registered nurse in Guam; and
    - (iii) Meet the requirements of renewal of license.
  - (2) Reinstatement of license following suspension or revocation.  
An applicant for reinstatement of a certificate following suspension or revocation of a license shall:
    - (i) Petition the Board for a hearing;
    - (ii) Present evidence that she/he is currently licensed to practice nursing in Guam; and,
    - (iii) Present evidence, as required by the Board, that she/he is competent to practice as a practitioner in Guam.
  - (3) Reinstatement of Inactive License  
An APRN may request in writing to be placed on inactive status. In this status, the licensee may not function in an APRN capacity until such