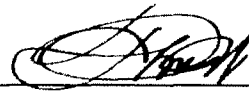


11/20/10

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

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

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

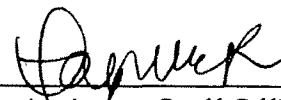


Judith T. Won Pat, Ed. D.
Speaker

Attested:


Tina Rose Muña Barnes
Legislative Secretary

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



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

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

Bill No. 416-30 (COR)

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

Introduced by:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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