

Office of the Governor of Guahan

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Felix P. Camacho  
Governor

Michael W. Cruz, M.D.  
Lieutenant Governor

Office of the Speaker  
Judith T. Won Pat, Ed. D.  
Date 10/12/2010  
Time 8:10 AM  
Received by [Signature]

OCT 11 2010

30-10-0828  
AM 9:03  
[Signature]

The Honorable Judith T. Won Pat, Ed.D.  
Speaker  
Mina' Trenta Na Liheslaturan Guahan  
155 Hessler Street  
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Substitute Bill 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," which I signed into law on August 28, 2010 as **Public Law 30-195**.

Sins eru yan Magåhet,

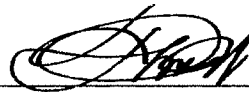
FELIX P. CAMACHO  
I Maga'låhen Guahan  
Governor of Guahan

Attachment: copy of Bill

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

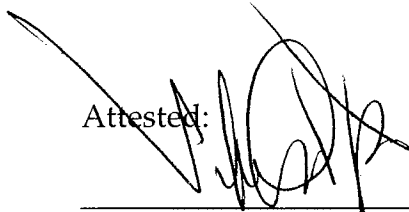
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

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 16<sup>th</sup> day of August, 2010, duly and regularly passed.

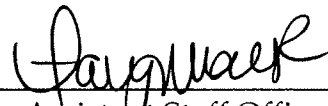


Judith T. Won Pat, Ed. D.  
Speaker

Attested:


  
Tina Rose Muña Barnes  
Legislative Secretary

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This Act was received by *I Maga'lahaen Guåhan* this 17<sup>th</sup> 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*

AUG 28 2010

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

Public Law No. P.L. 30-195

***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.