



EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

NOV 27 2013

Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina'trentai Dos Na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

32-13-1025  
Office of the speaker  
Judith T. Won Pat, Ed. D.  
Date 11.29.13  
Time 9:57am  
Received by: [Signature]

2013 NOV 29 AM 11:11

Dear Madame Speaker:

Transmitted herewith is Bill No. 189-32 (COR) "AN ACT TO AMEND § 6229.14 OF ARTICLE 2, CHAPTER 6 OF TITLE 4, GUAM CODE ANNOTATED; AND TO REPEAL ITEM (10) OF SUBSECTION (a), AND ITEM (5) OF SUBSECTION (b) OF § 12805 OF ARTICLE 8, CHAPTER 12, PART 1 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO FACILITATING THE RECRUITMENT OF HARD-TO-FILL ALLIED HEALTH PROFESSIONAL POSITIONS" which I signed into law on November 27, 2013 as Public Law 32-088.

*Senseramente,*

EDDIE BAZA CALVO



*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN*  
2013 (FIRST) Regular Session


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

This is to certify that **Bill No. 189-32 (COR), "AN ACT TO AMEND § 6229.14 OF ARTICLE 2, CHAPTER 6 OF TITLE 4, GUAM CODE ANNOTATED; AND TO REPEAL ITEM (10) OF SUBSECTION (a), AND ITEM (5) OF SUBSECTION (b) OF § 12805 OF ARTICLE 8, CHAPTER 12, PART 1 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO FACILITATING THE RECRUITMENT OF HARD-TO-FILL ALLIED HEALTH PROFESSIONAL POSITIONS"**, was on the 12<sup>th</sup> day of November 2013, 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'lahen Guåhan* this 15<sup>th</sup> day of Nov.,  
2013, at 11:28 o'clock A.M.

  
Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

  
EDWARD J.B. CALVO  
*I Maga'lahen Guåhan*

Date: NOV 27 2013

Public Law No. 32-088

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN*  
2013 (FIRST) Regular Session

**Bill No. 189-32 (COR)**

Introduced by:

Dennis G. Rodriguez, Jr.  
T. C. Ada  
V. Anthony Ada  
FRANK B. AGUON, JR.  
B. J.F. Cruz  
Chris M. Dueñas  
Michael T. Lintiaco  
Brant T. McCreadie  
Tommy Morrison  
T. R. Muña Barnes  
Vicente (ben) C. Pangelinan  
R. J. Respicio  
Michael F. Q. San Nicolas  
Aline A. Yamashita, Ph.D.  
Judith T. Won Pat, Ed.D.

**AN ACT TO AMEND § 6229.14 OF ARTICLE 2,  
CHAPTER 6 OF TITLE 4, GUAM CODE ANNOTATED;  
AND TO REPEAL ITEM (10) OF SUBSECTION (a), AND  
ITEM (5) OF SUBSECTION (b) OF § 12805 OF ARTICLE  
8, CHAPTER 12, PART 1 OF TITLE 10, GUAM CODE  
ANNOTATED, RELATIVE TO FACILITATING THE  
RECRUITMENT OF HARD-TO-FILL ALLIED HEALTH  
PROFESSIONAL POSITIONS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*  
3 finds that the Department of Public Health and Social Services is having great  
4 difficulty in recruiting qualified professional personnel in the allied health fields

1 for hard-to-fill positions due to conflicting statutory constraints which impede the  
2 hiring of critically needed personnel. Although the impeding statutes were actually  
3 intended to facilitate the hiring process, it inadvertently does just the opposite.

4 *I Liheslaturan Guåhan* takes due note of the June 21, 2011, Information and  
5 Guidance (Ref: DPHSS 11-0220) memorandum by the Office of the Attorney  
6 General, to the Department of Public Health and Social Services, relative to  
7 “Hiring Nutritionists from off-island.” It states, in part, “*GovGuam has always*  
8 *encountered difficulty in hiring personnel from off-island, but government*  
9 *licensing requirements render it even more difficult to hire professionals. Title 10*  
10 *G.C.A. § 12805(b)(5) purportedly requires an applicant for a dietitian’s license to*  
11 *be either a Guam resident or a United States citizen, but Title 10 G.C.A. § 122103*  
12 *states that the Board may license any Registered Dietitian, i.e., a dietitian*  
13 *registered with certain national credentialing bodies.”* The memorandum also  
14 notes that, “*the Director of Administration has opined that § 6229.14 of Chapter 6,*  
15 *Title 4, Guam Code Annotated, requires that all health professionals be licensed*  
16 *before they apply for government of Guam employment [See HRD No. OG11-*  
17 *0177].”* “*The net effect of these statutes is to restrict government hiring to*  
18 *dietitians and nutritionists who are U.S. citizens and Guam residents and who are*  
19 *already licensed on Guam, which renders it extremely difficult to hire from either*  
20 *the Philippines or the U.S. mainland.”* (Information and Guidance (Ref: DPHSS  
21 11-0220)).

22 *I Liheslaturan Guåhan* further finds that the Bureau of Nutrition Services  
23 and the Women Infant and Children Nutrition Office of the Department of Public  
24 Health and Social Services is having great difficulty in recruiting for the hard-to-  
25 fill position of Registered Dietitian or a Certified Nutrition Specialist, and that two  
26 nutritionist positions have remained vacant since 2005 and 2006, respectively, with  
27 a recent vacancy in December, 2011.

1 It is the intent of *I Liheslaturan Guåhan* to facilitate recruitment for these  
2 and other hard-to-fill allied health positions by the Department of Public Health  
3 and Social Services, as well other agencies and public instrumentality's providing  
4 health care services.

5 **Section 2.** §6229.14 of Article 2, Chapter 6 of Title 4, Guam Code  
6 Annotated, is *amended* to read:

7 **“§ 6229.14. Recruitment Process.**

8 All government of Guam agencies *shall* be exempted from the  
9 government of Guam Department of Administration recruitment process for  
10 the hiring of nurses and other healthcare professional positions. All nursing  
11 and other healthcare professional applicants, who have a license to practice  
12 on Guam *or* who qualify for a waiver of examination requirements and  
13 licensure by endorsement under Title 10 GCA, Chapter 12, relative to the  
14 healthcare professional position for which they are applying, and meet the  
15 minimum requirements of the class specifications, may be scheduled for an  
16 interview and may be recruited, using the Director of Administration  
17 education/experience pay adjustment schedule. Any action taken to recruit  
18 an applicant who is *not* licensed or qualified to be licensed by endorsement,  
19 does *not* meet the minimum requirements, and/or did *not* comply with the  
20 Director of Administration education/experience pay adjustment schedule,  
21 *shall* be declined and/or voided by the Department of Administration.”

22 **Section 3.** Item (10) of Subsection (a), and Item (5) of Subsection (b) of  
23 §12805, Article 8, Chapter 12, Part 1 of Title 10, Guam Code Annotated, are  
24 hereby *repealed*.

25 **Section 4. Severability.** *If* any provision of this Act or its application to  
26 any person or circumstance is found to be invalid or contrary to law, such  
27 invalidity shall *not* affect other provisions or applications of this Act which can be

- 1 given effect without the invalid provisions or application, and to this end the
- 2 provisions of this Act are severable.