

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill Number 234, "An Act to enact Chapter 3 of Title XXVIII of the Government Code of Guam relating to the regulation of the practice of nursing, to amend Sections 27104 and 27131 (c) of the Government Code of Guam, to re-number Section 27131 (d) of the Government Code of Guam and to repeal all other laws inconsistent herewith", was on the 8th day of July, 1952, duly and regularly passed.



A. B. WON PAT  
Speaker

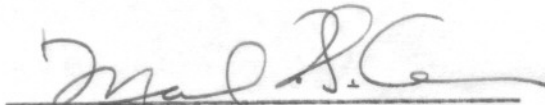
ATTESTED:



A. S. N. DUENAS  
Legislative Secretary

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This Act was received by the Governor this 15<sup>th</sup> day  
of July, 1952, at 10:52 o'clock A. M.



MANUEL F. L. GUERRERO  
Acting Secretary of Guam

APPROVED:



R. S. HERMAN  
Acting Governor of Guam

Dated: July 28, 1952

1  
2 Bill No. 234

3 Introduced by \_\_\_\_\_  
4 Leon D. Flores,  
by request.

5 An Act to enact Chapter 3 of Title  
6 XXVIII of the Government Code of Guam  
7 relating to the regulation of the  
8 practice of nursing, to amend Sections  
9 27104 and 27131 (c) of the Government  
Code of Guam, to renumber Section  
27131 (d) of the Government Code of  
Guam and to repeal all other laws  
inconsistent herewith.

10 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

11 Section 1. Section 27104 of the Government Code of Guam  
12 is amended to read as follows:

13 "Sec. 27104. With the approval of the Governor of  
14 Guam, the commission shall appoint boards of examiners as  
15 follows: (a) a board of examiners in basic sciences;  
16 (b) a board of examiners in medicine and osteopathy; (c)  
17 a board of examiners in chiropractic; (d) a board of  
18 examiners in dentistry; (e) a board of examiners in  
19 midwifery; and (f) such other boards of examiners in  
20 drugless healing as are necessary under the provisions  
21 of the title. The board of examiners in the basic  
22 sciences, the board of examiners in medicine and os-  
23 teopathy, and the board of examiners in dentistry  
24 shall consist of five members. The boards of examiners  
25 in midwifery and in drugless healing may consist of  
26 three to five members as the commission may deem proper.  
27 No examiner shall be appointed for a term longer than  
28 two years. The commission shall appoint no person as  
29 a member of any such board who is not a citizen of the  
30 United States or of Guam for at least three years  
31 immediately preceding his appointment. The commission  
32 may appoint as members of such boards persons employed

1 in the services of the Government of the United States and  
2 of the Government of Guam; and persons so employed may  
3 accept such appointment and may receive such compensation  
4 for their services as examiners as may be provided by law.  
5 A member of any board is not debarred by such membership  
6 from employment under the government of the United States  
7 or the government of Guam, not inconsistent with the  
8 discharge of his duties as a member of such board.

9 Each examining board shall elect a chairman and a secre-  
10 tary and may make such rules regarding the discharge of  
11 its duties as the commission may approve. Each board  
12 shall conduct the examination and make reports as required  
13 by law and by the rules of the commission."

14 Section 2. Section 27131 (c) of the Government Code of  
15 Guam and all other laws inconsistent herewith are hereby repealed in  
16 their entirety.

17 Section 3. Section 27131 (d) of the Government Code of  
18 Guam is hereby renumbered to read 27131 (c).

19 Section 4. There is hereby added to the Government Code  
20 of Guam Chapter 3 of Title XXVIII to read as follows:

21 "Chapter 3

22 Nurse Practice Act

23 Sec. 27200. This chapter may be cited as the Nurse Practice  
24 Act.

25 Sec. 27201. Unless the provisions or context otherwise  
26 require, the following definitions govern the construction of this  
27 chapter:

28 'Practice of Nursing'. A person practices nursing within  
29 the meaning of this chapter who, for compensation or personal profit,  
30 either

- 31 a. Performs any professional services requiring  
32 the application of principles of nursing and



1 as taught in an accredited school of nursing  
2 and based on biological, physical and social  
3 sciences, such as responsible supervision of  
4 a patient requiring skill in observation of  
5 symptoms and reactions and the accurate  
6 recording of the facts and carrying out of  
7 treatments and medications as prescribed  
8 by a licensed physician, and the application  
9 of such nursing procedures as involve under-  
10 standing of cause and effect in order to  
11 safeguard the life and health of a patient  
12 and others; or

13 b. Under the supervision of a licensed physician  
14 or a registered nurse, performs such duties  
15 as are required in the physical care of a  
16 patient and in carrying out of the medical  
17 orders and instructions given by a licensed  
18 physician, requiring an understanding of  
19 nursing but not requiring the professional  
20 service outlined in the preceding paragraph.

21 'Registered Nurse'. A person who is qualified by training  
22 and experience to perform the duties set forth in paragraph (a) of the  
23 above definition of the practice of nursing and who is duly licensed  
24 as such by the board.

25 'Practical Nurse'. A person who is qualified by training  
26 and experience to perform the duties set forth in paragraph (b) of the  
27 above definition of the practice of nursing and who is duly licensed  
28 as such by the board.

29 'Board'. The Nurse License Board of Guam, as established by  
30 this chapter.

31 Section 27202. The Nurse License Board is hereby established  
32 within the Department of Health. The board shall consist of three members

1 who shall be appointed by the Governor with the consent of the Legis-  
2 lature. The chairman of such board shall be appointed by the Governor  
3 from among the members of the board. One of such members shall be a  
4 doctor of medicine. The other two members shall be nurses. One of the  
5 said nurses shall be a person who is qualified to perform the duties  
6 set forth in paragraph (a) of Section 27201 and the other nurse shall  
7 be a person qualified to perform the duties set forth in paragraph (b)  
8 of Section 27201. The members shall be appointed for terms of five  
9 years each and until their successors in office have been duly appointed  
10 and qualified.

11 Sec. 27203. The board shall meet at such times and places  
12 as it may by rule or resolution prescribe, but not less often than six  
13 times annually.

14 Sec. 27204. The Director of the Department of Health upon  
15 the request of the board may employ for and/or assign to the board such  
16 technical, administrative, clerical and other assistants and employees  
17 as may be necessary or desirable for the proper functioning of the board.  
18 All persons employed regularly for the board shall, unless otherwise  
19 by law expressly provided, be employed, paid and shall hold their offices  
20 or positions subject to the provisions of law applicable to other officers  
21 and employees of the Government of Guam. Members of the board shall  
22 receive no compensation as such, but may be reimbursed for their reason-  
23 able and necessary expenses incurred in the course of their official  
24 duties.

25 Sec. 27205. The board shall:

26 a. Examine and approve curricula and standards  
27 for schools and courses preparing persons for  
28 licensing under this chapter. It shall make  
29 or provide for surveys of such schools and  
30 courses at such times as it deems it neces-  
31 sary or desirable.

32 b. Investigate applicants for licenses and shall



1 determine whether such applicants are qualified  
2 for examination under this chapter.

3 c. Examine applicants for licenses and shall issue  
4 licenses to those entitled thereto under the  
5 provisions of this chapter.

6 d. Have the power to renew, suspend and revoke  
7 licenses as provided in this chapter.

8 e. Have the power to make investigations concern-  
9 ing all matters touching the enforcement and  
10 effect of the provisions of this chapter, and  
11 the rules and regulations prescribed thereunder,  
12 and in the course of such investigations or any  
13 hearing by the board, each member of the board  
14 shall have the power to administer oaths.

15 Sec. 27206. The board shall license as registered or practi-  
16 cal nurses every person making written application in such form as the  
17 board shall prescribe provided said person is in good physical and mental  
18 health, is of good moral character, meets the requirements of age and  
19 training as prescribed herein, takes and passes the examination prescribed  
20 by the board, and pays the fees prescribed herein. A false material  
21 statement in an application shall be grounds for denial of a license.  
22 Licenses shall be in such form as the board shall prescribe and shall be  
23 signed by the chairman.

24 Sec. 27207. Every applicant for a license as a registered  
25 nurse must produce evidence of having satisfactorily completed a four  
26 year academic course in high school or have an equivalent education, must  
27 be at least 20 years of age and must have graduated from a school for  
28 professional nurses accredited by the board or from an education institu-  
29 tion accredited for nurse training for professional nurses in one of the  
30 states or territories of the United States, the accreditation standards  
31 of which state or territory are satisfactory to the board. Every such  
32 applicant must pay an application fee of \$15.00, which shall not be

1 returned; provided however, that the provisions for payment of an application  
2 fee shall not apply to graduates of the nursing school of the Guam Memorial  
3 Hospital, who within six months of the effective date of this act shall have  
4 duly applied for licensure.

5 Sec. 27208. Every applicant for a license as a practical nurse must  
6 produce evidence of having graduated from an elementary school or its equiva-  
7 lent which shall be satisfactory to the board, must pay an application fee of  
8 \$10.00 which shall not be returned, shall be at least 18 years of age; and  
9 either

10 a. Have been employed as a practical nurse for at least  
11 two years in the four years next preceding the effec-  
12 tive date of this chapter and submit with his applica-  
13 tion such certificates as to experience, character and  
14 competence from at least one physician and at least one  
15 registered nurse as shall be satisfactory to the board;  
16 provided, however, that the provisions of this section  
17 (a) shall not apply unless an application hereunder is  
18 made within six months of the effective date of this  
19 act, or

20 b. Have completed a course of training in a school of  
21 practical nursing of not less than 12 months duration  
22 which included both classroom and clinical work at a  
23 school accredited for vocational or practical nurse  
24 training in one of the states or territories of the  
25 United States, the accreditation standards of which  
26 state or territory are satisfactory to the board.

27 Sec. 27209. Graduates of the nursing school of the Guam Memorial  
28 Hospital within the last preceding five years, or graduates of the nursing  
29 school of the Guam Memorial who have been engaged in the practice of their  
30 profession as nurses during the greater part of the last preceding five years  
31 regardless of the date of their graduation, who apply within six months of  
32 the effective date of this act shall be granted a license as a registered



1 nurse without examination. The board shall have power to waive the examina-  
2 tion of any other applicant, otherwise qualified, upon satisfactory proof  
3 that the applicant has been duly examined and licensed as a nurse in one of  
4 the states or territories of the United States. The board shall also have  
5 power, in cases of emergency affecting the health and safety of the community,  
6 to waive, by resolution, the requirements of qualifications and examinations  
7 provided for by this chapter, either as to individuals, or generally for time  
8 specified in the resolution. The existence of such emergency shall be deter-  
9 mined by the Governor in his discretion.

10 Sec. 27210. The board may, by vote of a majority of its members  
11 after notice and hearing at which the licensee shall be entitled to the  
12 services of legal counsel if he so desires, revoke or suspend the license of  
13 any nurse for any of the following causes:

- 14 a. Wilful betrayal of a professional confidence;
- 15 b. Conviction of any offense involving moral turpitude;
- 16 c. Mental illness or mental deficiency;
- 17 d. Habitual intemperance, or habitual use of, or addiction to,  
18 narcotics or similar drugs, including opium and any of its  
19 derivatives, morphine, heroin, cocaine, eucaine, codeine,  
20 chloral hydrates and marijuana;
- 21 e. Gross carelessness or manifest incapacity;
- 22 f. Affliction with a contagious or communicable disease;
- 23 g. Conspiring with or assisting any person to violate any  
24 provision of this chapter.

25 The holder of any license suspended or revoked shall be given immediate  
26 written notice by the board of such suspension or revocation.

27 Sec. 27211. Every licensed nurse shall, between July 1 and  
28 September 1 of each year, renew his license by registering with the board and  
29 paying a renewal fee of one dollar. Failure to renew a license shall result  
30 in its automatic suspension as of September of that year. A license so sus-  
31 pended may be renewed during the following year by registration and payment  
32 of the fee, but no license shall be renewed after a lapse of more than one



1 year except by permission of the board, which may require reasonable proof  
2 of professional competence.

3 Sec. 27212. All fees collected by the board shall be deposited in  
4 the Treasury of Guam.

5 Sec. 27213. In all investigations by the board and hearings and  
6 proceedings before it, the board shall have power to compel the attendance  
7 of witnesses and to examine them upon oath and to compel the production of  
8 documentary evidence. The board may issue subpoenas, which shall be signed  
9 by the chairman. If any person subpoenaed as a witness to attend before the  
10 board, or to produce any books, papers, or records called for by the process  
11 of the board, shall fail or refuse to respond thereto, or refuse to answer  
12 questions propounded by any member of the board, material to the matter pend-  
13 ing before the board, it shall be the duty of the District Court of Guam, on  
14 application by the board, or any member thereof, to compel obedience to any  
15 process of the board and to require any witness to answer questions put to  
16 him as aforesaid, and to punish as a contempt of court any refusal to comply  
17 with the court's order unless good cause is shown therefor. If any person  
18 shall wilfully testify falsely under oath before the board or shall wilfully  
19 make a false affidavit for any proceedings before the board, such persons  
20 shall be guilty of perjury subject to the penalties for perjury.

21 Sec. 27214. The board shall keep a record of the names of all  
22 persons licensed under this chapter, and of all money received and disbursed  
23 by it. The board shall, annually on or before July 1, make a report to the  
24 Governor of the condition of nursing in Guam, of all of its official acts  
25 during the preceding year, and of its receipts and disbursements.

26 Sec. 27215. The provisions of this chapter shall not be con-  
27 strued as prohibiting gratuitous nursing by friends or members of the  
28 family, or as prohibiting the incidental care of the sick by domestic  
29 servants or persons primarily employed as housekeepers, as long as such  
30 persons do not practice nursing within the meaning of this chapter, or  
31 as prohibiting nursing assistance in the case of emergency; nor shall  
32 it be construed as prohibiting the practice of nursing by students

1 enrolled in accredited schools of nursing or accredited courses for the  
2 training of attendants in the course and scope of their instruction,  
3 nor by graduates of such schools or courses pending the result of the  
4 first licensing examination scheduled by the board following such gra-  
5 duation; nor shall it be construed as prohibiting the practice of  
6 nursing in Guam by any nurse duly licensed or registered in another  
7 jurisdiction whose engagement requires him to accompany and care for a  
8 patient temporarily residing in Guam during the period and in the discharge  
9 of one such engagement, not to exceed six months in length, provided such  
10 person does not represent or hold himself out as a nurse licensed to  
11 practice; nor shall it be construed as prohibiting the practice of nursing  
12 by any nurse who is employed by the United States Government or any  
13 bureau, division or agency thereof, while in the discharge of his offi-  
14 cial duties.

15 Sec. 27216. It shall be unlawful for any person, except as  
16 authorized by law, to practice or offer to practice nursing for compensa-  
17 tion in Guam as a registered or practical nurse unless such person is  
18 licensed, as the case may be, as a registered or practical nurse under  
19 this chapter. It shall be unlawful for any person to assume or use the  
20 title of 'registered nurse' or 'practical nurse' or to use in connection  
21 with his name the abbreviation 'R. N.' or to represent himself to be a  
22 registered or a practical nurse, unless licensed as such under this  
23 chapter. Any person violating any of the provisions of this section is  
24 guilty of a misdemeanor and punishable by a fine of not more than  
25 \$500.00.

26 Sec. 27217. The Governor may issue as Executive Orders and  
27 the board may recommend to the Governor for issuance as Executive Orders  
28 such reasonable rules and regulations, not inconsistent with the laws  
29 of Guam, as may be necessary or desirable to enable the board to carry  
30 into effect the provisions of this chapter."

31 Section 5. This is an urgency measure and shall become  
32 effective upon approval of the Governor.