



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

JUL 29 1996

The Honorable Judith Won-Pat Borja
Acting Lt. Governor and Acting Speaker
Twenty-Third Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY ACKNOWLEDGMENT RECEIPT Received By <u><i>[Signature]</i></u> Time <u>10:00 a.m.</u> Date <u>7/29/96</u>

Dear Speaker Won-Pat Borja:

Enclosed please find a copy of Substitute Bill No. 637 (LS), "AN ACT TO AMEND RULES AND REGULATIONS FOR THE BOARD OF MEDICAL EXAMINERS AND TO REPEAL 10 GCA §80112(e), RELATIVE TO DISBURSEMENT OF THE HOSPITAL OPERATIONS FUND", which I have signed into law today as **Public Law No. 23-117**.


The changes to the rules and regulations for the Board of Medical Examiners was a result of a request by the members of the board, consisting of physicians. An inconsistency had developed over the past few years relative to the examination given by the Board to qualify an individual to practice medicine on Guam. The rules and regulations had specified that applicants pass the FLEX test, however, this particular examination is no longer being given as a qualifying examination in the United States; instead, other examinations have been developed and are now in use. Upon appeal to the Governor, Executive Order No. 96-15 was promulgated on May 21, 1996 to allow current qualified applicants to apply for and be accepted to the practice of medicine on Guam. This Executive Order was an interim measure until permanent rules and regulations were put into place. Public Law No. 23-117 puts permanent rules and regulations into place.

This legislation also removes the restriction which prevents the Guam Memorial Hospital Authority from using funds in the Hospital Operations Fund without authorization by appropriation. This restriction prevents the

hospital from obtaining outside financing for its operations, and prevents it from readily utilizing funds that it collects from fees for services on a revolving fund basis. Removal of this restriction allows the GMHA to move forward towards more effective fiscal management.

A copy has also been delivered to the Office of the Legislative Secretary.

Very truly yours,



Carl T. C. Gutierrez
Governor of Guam

Attachment

231370



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

JUL 29 1996

The Honorable Sonny L. Orsini
Acting Legislative Secretary
Twenty-Third Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910


OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>Leg</u>
Time	<u>3:26 pm</u>
Date	<u>30 July 96</u>

Dear Mr. Legislative Secretary:

Enclosed please find a copy of Governor's message and copy of Substitute Bill No. 637 (LS), "AN ACT TO AMEND RULES AND REGULATIONS FOR THE BOARD OF MEDICAL EXAMINERS AND TO REPEAL 10 GCA §80112(e), RELATIVE TO DISBURSEMENT OF THE HOSPITAL OPERATIONS FUND", which I have **signed** into law today as **Public Law No. 23-117**.

A copy has also been delivered to the Office of the Speaker.

Very truly yours,


Carl T. C. Gutierrez
Governor of Guam

Attachment
231389

TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) Regular Session

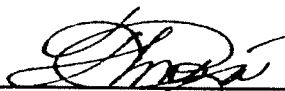
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 637 (LS), "AN ACT TO AMEND RULES AND REGULATIONS FOR THE BOARD OF MEDICAL EXAMINERS AND TO REPEAL 10 GCA §80112(e), RELATIVE TO DISBURSEMENT OF THE HOSPITAL OPERATIONS FUND," was on the 16th day of July, 1996, duly and regularly passed.



DON PARKINSON
Speaker

Attested:



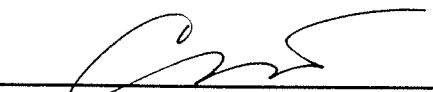
JUDITH WON PAT-BORJA
Senator and Legislative Secretary

This Act was received by the Governor this 17th day of July,
1996, at 3:40 o'clock P.M.



Assistant Staff Officer
Governor's Office -

APPROVED:



CARL T. C. GUTIERREZ
Governor of Guam

Date: 7-29-96

Public Law No. 23-117

TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) Regular Session

Bill No 637 (LS)

As substituted by the Committee
on Health, Welfare & Senior Citizens

Introduced by:

T. S. Nelson

T. C. Ada

J. P. Aguon

E. Barrett-Anderson

A. C. Blaz

J. M. S. Brown

F. P. Camacho

M. C. Charfauros

H. A. Cristobal

M. Forbes

A. C. Lamorena V

C. Leon Guerrero

L. Leon Guerrero

S. L. Orsini

V. C. Pangelinan

D. Parkinson

J. T. San Agustin

A. L. G. Santos

F. E. Santos

A. R. Unpingco

J. Won Pat-Borja

by request of the Governor in
accordance with the Organic
Act of Guam

AN ACT TO AMEND RULES AND REGULATIONS
FOR THE BOARD OF MEDICAL EXAMINERS AND
TO REPEAL 10 GCA §80112(e), RELATIVE TO
DISBURSEMENT OF THE HOSPITAL OPERATIONS
FUND.

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

2 **Section 1. (a) Authority to promulgate rules and regulations for the**
3 **licensure of the practice of medicine.** §12205(c) of Title 10, Guam Code
4 Annotated, authorizes the Guam Board of Medical Examiners to promulgate
5 rules and regulations to be approved by the Commission on Licensure to
6 Practice the Healing Art on Guam pursuant to Subsection (c) of §12202 of
7 Title 10, Guam Code Annotated. The rules for the practice of medicine were
8 last amended on July 6, 1992, and now require further revisions. Two public
9 hearings were held regarding the proposed changes in rules: one hearing on
10 June 14, 1995, and one hearing on January 17, 1996. The rules and fees
11 contained in Subsection (c) of this Section are implemented as if part of the
12 rule-making process under the Administrative Adjudication Law, and as
13 authorized by statute.

14 **(b) Submission of rules and regulations in bill form.** Public Law 22-96
15 requires that rules and regulations proposed by a government agency, after
16 submission to the Governor, be transmitted to the Legislature in bill form for
17 the convenience of the Legislature. After the passage of forty-five (45)
18 calendar days plus Seven (7) legislative days, the rules and regulations are
19 approved.

20 **(c) Approval of changes to rules and regulations provided by the Guam**
21 **Board of Medical Examiners.** (i) The following amendments to Subsection C
22 of Rule I of the rules and regulations for the Guam Board of Medical
23 Examiners are approved:

24 "C. The applicant must have passed both components of the
25 FLEX examination with a weighted average score on both components
26 of at least 75, and beginning in 1986, with a score of 75 on each
27 component; alternatively, an applicant must be a Diplomate of the

1 National Board of Medical Examiners or pass the following
2 combinations of examination:

- 3 1. Both Component 1 and Component 2 of the FLEX; or
- 4 2. Part I, Part II and Part III of the NBME; or
- 5 3. All parts of the examination of the National Board of
6 Examiners for Osteopathic Physicians and Surgeons of the
7 American Osteopathy Association; or
- 8 4. Step 1, Step 2, and Step 3 of the USMLE; or
- 9 5. NBME Part I and Part II And USMLE Step 3; or
- 10 6. NBME Part I and USMLE Step 2 and USMLE Step 3; or
- 11 7. USMLE Step I and NBME Part 2 and USMLE Step 3; or
- 12 8. FLEX Component 1 and USMLE Step 3; or
- 13 9. Other exam recognized as the national standard by the
14 National Board of Medical Examiners."

15 (ii) Rule V of the rules and regulations for the Guam Board of Medical
16 Examiners is deleted and replaced by the following which is approved as new
17 Rule V:

18 "V. Examination Qualifications and Requirements.

19 A. United States Medical Licensing Examination (USMLE) Step
20 3, Qualifications and Requirements

21 1. An applicant who desires to take the USMLE Step 3
22 sponsored by the Guam Board of Medical Examiners shall meet
23 the following qualifications:

24 a. Have obtained the M.D. or D.O. degree from a
25 Board approved medical or osteopathy school program; and

26 b. Have passed USMLE Step 1 And Step 2, or FLEX
27 Component 1, or National Board of Medical Examiners

1 examination (NBME) Parts 1 and 2 or NBME Part 1 and
2 USMLE Step 2 or USMLE Step 1 and NBME Part 2; and

3 c. Have completed a minimum a One (1) year of
4 postgraduate training in the United States approved by the
5 Accreditation Council for Graduate Medical Education
6 (ACGME). Training must be completed at least Ninety (90)
7 days prior to the scheduled examination.

8 2. An applicant who desires to take the USMLE Step 3
9 sponsored by the Guam Board of Medical Examiners shall meet
10 the following requirements by submitting:

11 a. A completed and notarized application with a 2 x 2
12 passport sized photo, signed and dated. Photo must have
13 been taken within the past Three (3) months; and

14 b. Certificate of Medical Education form with
15 transcript from a medical school program indicating
16 graduation date and degree earned; and

17 c. Verification of completion of postgraduate training
18 form; and

19 d. Verification of license from appropriate governing
20 body; and

21 e. Payment of proctor fee of \$530, or as adjusted by the
22 Guam Board of Medical Examiners. Fee shall be deposited
23 in the Revolving Fund as established by law. Fee does not
24 include candidate fee charged by USMLE.

25 3. Applicants who are graduates of a foreign medical school
26 shall additionally submit the following:

1 a. Original verification from Educational Commission
2 for Foreign Medical Graduates (ECFMG); and

3 b. Verification of graduation from a medical school
4 program, with official translation if not in the English
5 language; and

6 c. Verification of eligibility for license in the country of
7 training.

8 4. Within Twenty-One (21) days after the Guam Board of
9 Medical Examiners has received notification of the Step 3 score,
10 the Board shall notify the applicant in writing of applicant's score.
11 No verbal notification of a Step 3 score will be given. A score of
12 75 is passing for USMLE Step 3 for the Guam Board of Medical
13 Examiners.

14 5. Cancellations must be submitted in writing and will be
15 accepted Thirty (30) days prior to the scheduled date of the
16 examination. A Thirty Percent (30%) fee is charged for all
17 cancellations. After these deadlines, no fees will be refunded.

18 **B. DISCLAIMER:** Eligibility to sit for the United States Medical
19 Licensing Examination (USMLE) Step 3 does NOT signify eligibility for
20 licensure in the Territory of Guam.

21 **C.** For every scheduled examination, the Guam Board of Medical
22 Examiners will examine a minimum of Five (5) applicants and a
23 maximum of Fifteen (15) applicants. A waiting list may be maintained
24 for applicants who fully meet application requirements for whom no
25 seat was available on a first come first served basis."

26 **Section 2.** Subsection (e) of 10 GCA §80112 is hereby repealed.

TWENTY-THIRD GUAM LEGISLATURE

1996 (SECOND) Regular Session

Date: 7/16/96

VOTING SHEET

Bill No. 637
 Resolution No. _____
 Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.				✓
AGUON, John P.	✓			
BARRETT-ANDERSON, Elizabeth	✓			
BLAZ, Anthony C.	✓			
BROWN, Joanne S.				✓
CAMACHO, Felix P.	✓			X
CHARFAUROS, Mark C	✓			
CRISTOBAL, Hope A.	✓			
FORBES, MARK	✓			X
LAMORENA, Alberto C., V	✓			
LEON GUERRERO, Carletta	✓			
LEON GUERRERO, Lou	✓			
NELSON, Ted S.	✓			
ORSINI, Sonny L.	✓			
PANGELINAN, Vicente C	✓			
PARKINSON, Don	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Angel L. G.	✓			X
SANTOS, Francis E.	✓			
UNPINGCO, Antonio R.	✓			
WONPAT-BORJA, Judith	✓			

TOTAL 19 0 0 3
76

CERTIFIED TRUE AND CORRECT:

 Recording Secretary

23-117



TWENTY-THIRD
GUAM LEGISLATURE

324 W. SOLEDAD AVENUE
AGANA, GUAM 96910

TEL: (671) 472-3543/44/45
FAX: (671) 472-3832

SENATOR LOU LEON GUERRERO, RN, MPH

CHAIRPERSON

COMMITTEE ON HEALTH, WELFARE, AND SENIOR CITIZENS

5 July, 1996

The Honorable
Don Parkinson
Speaker, 23rd Guam Legislature
Agana, Guam

via: Committee on Rules

Dear Mr. Speaker:

The Committee on Health, Welfare & Senior Citizens to which was referred Bill 637 AN ACT TO AMEND RULES AND REGULATIONS FOR THE BOARD OF MEDICAL EXAMINERS, herein reports back **TO DO PASS AS SUBSTITUTED.**

Votes of committee members are as follows:



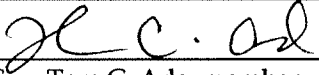
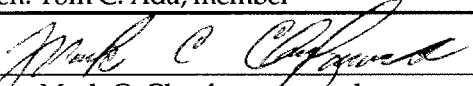

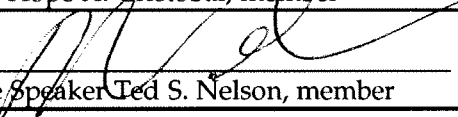

- To Pass
- Not To Pass
- To The Inactive File
- Abstained
- Off-Island
- Not Available

Sincerely,

Lou Leon Guerrero, RN, MPH
attachments

**Committee On Health, Welfare, And Senior Citizens
VOTE SHEET**

on
Bill 637 AN ACT TO AMEND RULES AND REGULATIONS FOR THE BOARD OF
MEDICAL EXAMINERS.

COMMITTEE MEMBER	TO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
 Sen. Lou Leon Guerrero, RN, MPH, Chair	✓			
 Sen. Ben C. Pangelinan, Vice Chair	✓			
 Sen. Tom C. Ada, member	✓			
 Sen. Mark C. Charfauros, member	✓			
 Sen. Hope A. Cristobal, member	✓			
 Vice Speaker Ted S. Nelson, member	✓			
Sen. Angel L.G. Santos, member				
 Sen. Judith Won Pat Borja, member	✓			
Sen. Anthony C. Blaz, member				
Sen Felix P. Camacho, member				
Sen. Alberto Lamorena V, member				
Sen. Carlotta Leon Guerrero, member				

COMMITTEE REPORT
HEALTH, WELFARE & SENIOR CITIZENS

Bill No. 637-"AN ACT TO AMEND RULES AND REGULATIONS FOR THE BOARD OF MEDICAL EXAMINERS".

PUBLIC HEARING

The Health, Welfare & Senior Citizens Committee held a public hearing on Tuesday, June 25, 1996 at 9:00 a.m. to hear testimonies on Bill No. 637-" AN ACT TO AMEND RULES AND REGULATIONS FOR THE BOARD OF MEDICAL EXAMINERS." The public hearing was held in the Legislative Public Hearing Room.

The hearing was called to order by the H,W&SC Chairperson, Senator Lou Leon Guerrero. Present were Co-Chair Senator Ben Pangelinan, Senators Tom Ada and Felix Camacho.

PURPOSE

The Rules and Regulations of the Guam Board of Medical Examiners specify the administration of certain examinations for licensure which are no longer administered in the United States and have not been administered for several years. A different examination is now being administered to determine eligibility for medical licensure. There are current applicants to practice medicine within the jurisdiction of Guam who are not able to do so because they are unable to be licensed until the rules and regulations are amended. In the meantime, the Governor has promulgated Executive Order No. 96-15, "RELATIVE TO PROMULGATING INTERIM RULES AND REGULATIONS FOR GUAM BOARD OF MEDICAL EXAMINERS TO REPLACE OUTDATED LICENSURE REQUIREMENTS".

BACKGROUND

Sections 12205 (C) of Title 10, Guam Code Annotated, authorizes the Board of Medical Examiners to promulgate rules and regulations to be approved by the Commission on Licensure to Practice the Healing Art on Guam pursuant to Subsection (c) §12202 of Title 10, Guam Code Annotated.

TESTIMONY

Presenting oral testimony:

Vincent Duenas, M.D. -Member, Guam Board of Medical Examiners and Robert Leon Guerrero, M.D.-Chairman, Guam Board of Medical Examiners

Both physicians testified that the national exam for medical licensure has been evolving over the last 5-10 years. There have been previous attempts to update the rules and regulation regarding the administration of the exam. The National Board of Medical Exams (NBME) and the FLEX exams have been phased out and replaced by the new standard, the United States Medical Licensing Exam (USMLE). They stated that no state accepts reciprocity from Guam, therefore, Guam does not accept reciprocity from any state. They agreed to add a provision that would permit acceptance of any future test offered at the national level. Agreement was reached to delete the requirements for the FLEX exam in Bill 637 as the FLEX is no longer offered.

Hoa Van Nguyen, M.D.

Dr. Nguyen believes that the 8 combinations for examination are fair. He stated that in some states there is a requirement that all 3 components be taken in the state that will be issuing the license. He questioned why verification of licensure from each jurisdiction is required with the application to take the exam. Agreement was reached to delete section (d). He also questioned the need for an applicant taking the exam to have completed a minimum of two years of postgraduate training. Agreement was reached to require one year of postgraduate training to sit for the exam.

Philip Todd Hardy, M.D.

Dr. Hardy stated that he agrees with the changes.

Presenting written testimony:

Peter Leon Guerrero-Director, Pacificare Medical Center

Pacificare Medical Center supports Bill 637. They believe that with passage of the bill, "the residents of Guam can be confidently assured that medical practitioners who have otherwise qualified to provide their medical expertise will be able to obtain a license in Guam". They also want to encourage the Guam Board of Medical Examiners to hasten the process of credential verification and licensing.

FINDINGS

The Committee members agreed to add a provision that would allow acceptance of any future nationally accepted examination; to delete the requirements for the FLEX exam as it is no longer administered; to require a minimum of one year of postgraduate training to sit for the exam; to delete the requirement for verification of licensure from each jurisdiction in order to sit for the exam; and to add a provision that would allow the Board to increase the proctor fee and ensure that the fees are deposited to the Revolving Fund.

COMMITTEE RECOMMENDATION

On Bill 637-"AN ACT TO AMEND RULES AND REGULATIONS FOR THE BOARD OF MEDICAL EXAMINERS", the Committee on Health, Welfare & Senior Citizens hereby recommends, on **Bill 637 TO DO PASS AS SUBSTITUTED.**

TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) Regular Session

Bill No: 637

As substituted by the Committee on Health, Welfare & Senior Citizens

Introduced by:

by request of the Governor in
accordance with the Organic Act Guam

**AN ACT TO AMEND RULES AND REGULATIONS FOR THE BOARD OF
MEDICAL EXAMINERS.**

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

2 **Section 1. Legislative Findings.**

3 **(a) Authority to promulgate rules and regulations for the licensure of the**
4 **practice of medicine.** § 12205 (c) of Title 10, Guam Code Annotated,
5 authorizes the Guam Board of Medical Examiners to promulgate rules and
6 regulations to be approved by the Commission on Licensure to Practice the
7 Healing Art on Guam pursuant to Subsection (c) of § 12202 of Title 10, Guam
8 Code Annotated. The rules for the practice of medicine were last amended on
9 July 6, 1992 and now require further revisions. Two public hearings were
10 held regarding the proposed changes in rules: one hearing June 14, 1995 and
11 one hearing January 17, 1996. The rules and fees contained in Subsection (c)
12 of this Section are implemented as if part of the rule-making process under
13 the Administrative Adjudication Law, and as authorized by statute.

14 **(b) Submission of rules and regulations in bill form.** Public Law 22-96
15 requires that rules and regulations proposed by a government agency, after
16 submission to the Governor, be transmitted to the Legislature in bill form for
17 the convenience of the Legislature. After the passage of forty-five (45)
18 calendar days plus Seven (7) legislative days, the rules and regulations are
19 approved.

20 **Section 2. Approval of changes to rules and regulations provided by the**
21 **Guam Board of Medical Examiners.** (i) The following amendments to

1 Subsection C of Rule 1 of the rules and regulations for the Guam Board of
2 Medical Examiners are approved:

3 "C. The applicant must have passed both components of the
4 FLEX examination [~~at one sitting; prior to 1986,~~] with a weighted
5 average score on both components of at least 75, and beginning
6 in 1986, with a score of 75 on each component; alternatively, an
7 applicant must be a Diplomate of the National Board of Medical
8 Examiners or [~~be certified by an American Specialty Board.*~~] pass
9 the following combinations of examination:

- 10 1. Both Component 1 and Component 2 of the FLEX; or
- 11 2. Part I, Part II and Part III of the NBME; or
- 12 3. All parts of the examination of the National Board of
13 Examiners for Osteopathic Physicians and Surgeons of
14 the American Osteopathy Association; or
- 15 4. Step 1, Step 2, and Step 3 of the USMLE; or
- 16 5. NBME Part I and Part II And USMLE Step 3; or
- 17 6. NBME Part I and USMLE Step 2 and USMLE Step 3; or
- 18 7. USMLE Step I and NBME Part 2 and USMLE Step 3; or
- 19 8. FLEX Component 1 and USMLE Step 3; or
- 20 9. other exam recognized as the national standard by the
21 National Board of Medical Examiners."

22 (ii) Rule V of the rules and regulations for the Guam Board of Medical
23 Examiners is deleted and replaced by the following and is approved as new
24 Rule V:

25 "V. Examination Qualifications and Requirements.

26 A. United States Medical Licensing Examination (USMLE) Step 3,
27 Qualifications and Requirements

- 28 1) An applicant who desires to take the USMLE Step 3 sponsored
29 by the Guam Board of Medical Examiners shall meet the
30 following qualifications:

- 1 a) Have obtained the M.D. or D.O. degree from a Board
- 2 approved medical or osteopathy school program; and
- 3 b) Have passed USMLE Step 1 And Step 2, or FLEX
- 4 Component 1, or National Board of Medical Examiners
- 5 examination (NBME) Parts 1 and 2 or NBME Part 1 and
- 6 USMLE Step 2 or USMLE Step 1 and NBME Part 2; and
- 7 c) Have completed a minimum a One (1) year of
- 8 postgraduate training in the United States approved by the
- 9 Accreditation Council for Graduate Medical Education
- 10 (ACGME). Training must be completed at least Ninety
- 11 (90) days prior to the scheduled examination.
- 12 2) An applicant who desires to take the USMLE Step 3 sponsored by
- 13 the Guam Board of Medical Examiners shall meet the following
- 14 requirements by submitting:
 - 15 a) A completed and notarized application with a 2 x 2
 - 16 passport sized photo, signed and dated. Photo must have
 - 17 been taken within the past Three (3) months; and
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 - 19 a medical school program indicating graduation date and
 - 20 degree earned; and
 - 21 c) Verification of completion of postgraduate training form;
 - 22 and
 - 23 d) Verification of license from appropriate governing body;
 - 24 and
 - 25 e) Payment of proctor fee of \$530, or as adjusted by the
 - 26 Guam Board of Medical Examiners. Fee shall be deposited
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 - 28 include candidate fee charged by USMLE.
- 29 3) Applicants who are graduates of a foreign medical school shall
- 30 additionally submit the following:

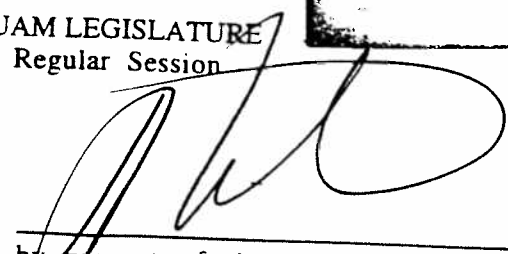
- 1 a) Original verification from Educational Commission for
2 Foreign Medical Graduates (ECFMG); and
3 b) Verification of graduation from a medical school
4 program, with official translation if not in the English
5 language; and
6 c) Verification of eligibility for license in the country of
7 training.
- 8 4) Within Twenty-one (21) days after the Guam Board of Medical
9 Examiners has received notification of the Step 3 score, the
10 Board shall notify the applicant in writing of applicant's score.
11 No verbal notification of a Step 3 score will be given. A score of
12 75 is passing for USMLE Step 3 for the Guam Board of Medical
13 Examiners.
- 14 5) Cancellations must be submitted in writing and will be accepted
15 Thirty (30) days prior to the scheduled date of the examination.
16 A Thirty Percent (30%) fee is charged for all cancellations. After
17 these deadlines, no fees will be refunded.
- 18 B. **DISCLAIMER:** Eligibility to sit for the United States Medical
19 Licensing Examination (USMLE) Step 3 does NOT signify eligibility for
20 licensure in the territory of Guam.
- 21 C. For every scheduled examination, the Guam Board of Medical
22 Examiners will examine a minimum of Five (5) applicants and a
23 maximum of Fifteen(15) applicants. A waiting list may be maintained
24 for applicants who fully meet application requirements for whom no
25 seat was available on a first come first serve basis."

MAY 21 1996

TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) Regular Session

Bill No: 637 (LS)

Introduced by:


by request of the Governor in
accordance with the Organic
Act of Guam.

**AN ACT TO AMEND RULES AND REGULATIONS FOR THE
BOARD OF MEDICAL EXAMINERS.**

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

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15 the Legislature. After the passage of Forty-five (45) calendar days plus Seven (7)
16 legislative days, the rules and regulations are approved.

17 **(c) Approval of changes to rules and regulations provided by the**
18 **Board of Medical Examiners.** (i) The following amendments to Subsection C of

1 Rule I of the rules and regulations for the Guam Board of Medical Examiners are
2 approved:

3 "C. The applicant must have passed both components of the FLEX
4 examination [~~at one sitting: prior to 1986,~~] with a weighted average score
5 on both components of at least 75, and beginning in 1986, with a score of 75
6 on each component; alternatively, an applicant must be a Diplomate of the
7 National Board of Medical Examiners or ~~[be certified by an American~~
8 ~~Specialty Board.*]~~ pass the following combinations of examination:

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- 11 3. All parts of the examination of the National Board of Examiners for
12 Osteopathic Physicians and Surgeons of the American Osteopathy
13 Association; or
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- 16 6. NBME Part I and USMLE Step 2 and USMLE Step 3; or
- 17 7. USMLE Step 1 and NBME Part 2 and USMLE Step 3; or
- 18 8. FLEX Component 1 and USMLE 3."

19 (ii) Rule V of the rules and regulations for the Guam Board of Medical Examiners
20 is deleted and replaced by the following and is approved as new Rule V:

21 "V. Examination Qualifications and Requirements.

22 A. Federal Licensing Examination (FLEX), Qualifications and Requirements

- 23 1. Completed FLEX application form.
- 24 2. Notarized copy of diploma from approved school of medical training.
- 25 3. 2 X 2 photograph taken within the last Six (6) months.

- 1 4. Full payment of examination fee. Fee is that cost that Board pays to
2 the Federation of State Medical Boards for each applicant's
3 examination booklets and materials plus \$530.00 for administrative
4 costs. Fee is nonrefundable.
- 5 5. Submission of completed application to the GBME Ninety (90) days
6 before the first day of the scheduled examination.

7 B. United States Medical Licensing Examination (USMLE) Step 3, Qualifications
8 and Requirements

- 9 1. An applicant who desires to take the USMLE Step 3 sponsored by the
10 Guam Board of Medical Examiners must meet the following
11 qualifications:
 - 12 a. Have obtained the M.D. or D.O. degree from a Board approved
13 medical or osteopathy school program; and
 - 14 b. Have passed USMLE Step 1 and Step 2, or FLEX Component 1, or
15 National Board of Medical Examiners examination (NBME)
16 Parts 1 and 2 or NBME Part 1 and USMLE Step 2 or USMLE Step 1
17 and NBME Part 2; and
 - 18 c. Have completed a minimum of Two (2) years of postgraduate
19 training in the United States approved by the Accreditation
20 Council for Graduate Medical Education (ACGME). Training
21 must be completed at least Ninety (90) days prior to the
22 scheduled examination; and
 - 23 d. Provide verification of licensure from each jurisdiction in
24 which the applicant has been licensed and is currently
25 licensed. Verification of any action taken by any licensing
26 board must be submitted. This includes denial, suspension, or

1 termination of licensure, and any malpractice judgment or
2 settlement.

3 2. An applicant who desires to take the USMLE Step 3 sponsored by the
4 Board of Medical Examiners must meet the following requirements by
5 submitting:

- 6 a. A completed and notarized application with a 2 X 2 passport
7 sized photo, signed and dated. Photo must have been taken
8 within the past Three (3) months; and
9 b. Certificate of Medical Education form with transcript from a
10 medical school program indicating graduation date and degree
11 earned; and
12 c. Verification of completion of postgraduate training form; and
13 d. Verification of license from appropriate governing body; and
14 e. Payment of proctor fee of \$530. Fee does not include
15 candidate fee charged by USMLE.

16 3. Applicants who are graduates of a foreign medical school must
17 submit the following:

- 18 a. Original verification from Educational Commission for
19 Foreign Medical Graduates (ECFMG); and
20 b. Verification of graduation from a medical school program,
21 with official translation if not in the English language; and
22 c. Verification of eligibility for license in the country of
23 training.

24 4. Within Twenty-one (21) days after the Guam Board of Medical
25 Examiners has received notification of the Step 3 score, the Board
26 shall notify the applicant in writing of applicant's score. No verbal

1 notification of a Step 3 score will be given. A score of 75 is passing
2 for USMLE Step 3 for the Guam Board of Medical Examiners.

3 5. Cancellations must be submitted in writing and will be accepted
4 Thirty (30) days prior to the scheduled date of the examination. A
5 Thirty Percent (30%) fee is charged for all cancellations. After
6 these deadlines, no fees will be refunded.

7 C. DISCLAIMER: Eligibility to sit for the United States Medical Licensing
8 Examination (USMLE) Step 3 does NOT signify eligibility for licensure in the
9 territory of Guam.

10 D. For every scheduled examination, the Board will examine a minimum of
11 Five (5) applicants and a maximum of Fifteen (15) applicants. A waiting list
12 may be maintained for applicants who fully meet application requirements
13 but for whom no seat was available on a first come first serve basis."

OFFICE OF THE LEGISLATIVE SECRETARY

ACKNOWLEDGEMENT

Received By: [Signature]

Time: 11:30

Date: 5/21/96



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

REFER TO
LEGISLATIVE SECRETARY

477
4733

MAY 21 1996

OFFICE OF THE SPEAKER

Date: MAY 21 1996

Time: 4:55 PM

Received By: [Signature]

Print Name: F. [Signature]

The Honorable Don Parkinson
Speaker
Twenty-Third Guam Legislature
424 West O'Brien Drive
Jūlale Center - Suite 222
Agaña, Guam 96910

RE: INTERIM AND PERMANENT RULES AND REGULATIONS FOR THE
GUAM BOARD OF MEDICAL EXAMINERS, TO ENABLE THE BOARD TO
ADMINISTER CURRENTLY USED EXAMS FOR MEDICAL LICENSURE.

Dear Speaker Parkinson:

The Guam Board of Medical Examiners has informed us that their rules specify the administration of certain examinations for licensure which are no longer used in the United States and have not been used for several years. Different examinations are now being administered to determine eligibility for medical licensure.

Public hearings were held by the Guam Board of Medical Examiners in 1995 and 1996 on changes to the examination administered, to conform with current examinations given elsewhere, however, these changes were never formally placed within the rules and regulations. In the meantime, there are current applicants to practice medicine within the jurisdiction of Guam, who are not able to do so because they cannot get licensed until the rules are changed.

To remedy this situation, I have promulgated Executive Order No. 96-15, entitled "RELATIVE TO PROMULGATING INTERIM RULES AND REGULATIONS FOR GUAM BOARD OF MEDICAL EXAMINERS TO REPLACE OUTDATED LICENSURE REQUIREMENTS". Additionally, to make the changes permanent, I am forwarding rules and regulations in bill form, entitled "AN ACT TO AMEND RULES AND REGULATIONS FOR THE BOARD OF

MEDICAL EXAMINERS" so that the Legislature may be aware of the changes in the rules and regulations for Forty-five (45) days plus Seven (7) legislative days, after which time the rules and regulations will become permanent.

A copy of both the interim rules contained in the Executive Order, and the permanent rules, contained in bill form, are attached to this letter.

A copy of this letter and attachments have been delivered to the Office of the Legislative Secretary.

Very truly yours,



Carl T. C. Gutierrez

Attachments: 1) Executive Order No. 96-15
 2) Rules and regulations in bill form

231139



TERRITORY OF GUAM
OFFICE OF THE GOVERNOR
AGAÑA, GUAM 96910
U. S. A.

EXECUTIVE ORDER NO. 96-15

RELATIVE TO PROMULGATING INTERIM RULES AND REGULATIONS FOR GUAM BOARD OF MEDICAL EXAMINERS TO REPLACE OUTDATED LICENSURE REQUIREMENTS.

WHEREAS, the current rules and regulations of the Guam Board of Medical Examiners require all applicants to have passed the Federation Licensing Examination (FLEX) or the exam given by the National Board of Medical Examiners (NBME); and

WHEREAS, the FLEX has not been administered in the United States since December of 1993, and the NBME examination was last given in May of 1994; and

WHEREAS, the United States Medical Licensing Examination (USMLE) has been the nationally recognized examination throughout all jurisdictions in the United States since December 1994; and

WHEREAS, the proposed changes to the rules of the Guam Board of Medical Examiners will take time before becoming official, due to the procedural requirements of the Administrative Adjudication Law; and

WHEREAS, meanwhile, the Guam Board of Medical Examiners is unable to grant licensure to eligible applicants due to the outdated examination requirements contained in their rules, thus unfairly excluding eligible applicants from practicing, as well as leaving our island's ever-growing community without additional, new medical practitioners;

NOW, THEREFORE, I, CARL T. C. GUTIERREZ, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, and the laws of Guam, and in order to ensure that eligible applicants are not unfairly excluded from practicing and to allow the continued addition of qualified medical practitioners for our island's growing health needs, do order that the Guam Board of Medical Examiners licensure requirements as contained in Subsection C of Rule I and Rule V are expanded as provided below, as an interim measure, and are effective as of the date of the signing of this Order and for a period of 180 days:

1) Subsection C of Rule I shall read:

"C. The applicant must have passed both components of the FLEX examination with a weighted average score in both components of at least 75, and beginning in 1986, with a score of 75 on each component, alternatively an applicant must be a Diplomate of the National Board of Medical Examiners or pass the following combinations of examination:

a. Both Component 1 and Component 2 of the FLEX; or



- b. Part I, Part II, and Part III of the NBME; or
 - c. All parts of the examination of the National Board of Examiners for Osteopathic Physicians and Surgeons of the American Osteopathy Association; or
 - d. Step 1, Step 2, and Step 3 of the USMLE; or
 - e. NBME Part I and Part II and USMLE Step 3; or
 - f. NBME Part I and USMLE Step 2 and USMLE Step 3; or
 - g. USMLE Step 1 and NBME Part 2 and USMLE Step 3; or
 - h. FLEX Component 1 and USMLE 3."
- 2) Rule V shall read:
- "V. Examination Qualifications and Requirements.
- A. Federal Licensing Examination (FLEX), Qualifications and Requirements.
 1. Completed FLEX application form;
 2. Notarized copy of diploma from approved school of medical training;
 3. 2x2 photograph taken within the last Six (6) months;
 4. Full payment of examination fee. Fee is that cost that the Board pays to the Federation of State Medical Board for each applicant's examination booklets and materials plus \$530.00 for administrative costs. The fee is nonrefundable.
 5. Submission of completed application to the Guam Board of Medical Examiners Ninety (90) days before the first day of the scheduled examination.
 - B. United States Medical Licensing Examination (USMLE) Step 3, Qualifications and Requirements.
 1. An applicant who desires to take the USMLE Step 3 sponsored by the Guam Board of Medical Examiners must meet the following qualifications:
 - a. Have obtained the M.D. or D.O. degree from a Board approved medical or osteopathy school program; and
 - b. Have passed USMLE Step 1 and Step 2, or FLEX Component 1, or National Board of Medical Examiners examination (NBME) Parts 1 and 2 or NBME Part 1 and USMLE Step 2 or USMLE Step 1 and NBME Part 2; and

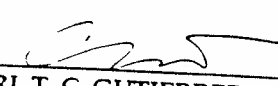


- c. Have completed a minimum of Two (2) years of postgraduate training in the United States approved by the Accreditation Council for Graduate Medical Education (ACGME). Training must be completed at least Ninety (90) days prior to the scheduled examination; and
 - d. Provide verification of licensure from each jurisdiction in which the applicant has been licensed and is currently licensed. Verification of any action taken by any licensing board must be submitted. This includes denial, suspension, or termination of licensure, and any malpractice judgment or settlement.
2. An applicant who desires to take the USMLE Step 3 sponsored by the Guam Board of Medical Examiners must meet the following requirements by submitting:
- a. A completed and notarized application with a 2x2 passport size photo, signed and dated. The photo must have been taken within the past Three (3) months; and
 - b. Certificate of Medical Education form with transcript from a medical school program indicating graduation date and degree earned; and
 - c. Verification of completion of postgraduate training form; and
 - d. Verification of license from appropriate governing body; and
 - e. Payment of proctor fee of \$530. Fee does not include candidate fee charged by USMLE.
3. Applicants who are graduates of a foreign medical school must submit the following:
- a. Original verification from Education Commission for Foreign Medical Graduates (ECFMG); and
 - b. Verification of graduation from a medical school program, with official translation if not in the English language; and
 - c. Verification of eligibility for license in the country of training.
4. Within Twenty-one (21) days after the Guam Board of Medical Examiners has received notification of the Step 3 score, the Board shall notify the applicant in writing of applicant's score. No verbal notification of a Step 3 score will be given. A score of 75 is passing for USMLE Step 3 for the Guam Board of Medical Examiners.



5. Cancellations must be submitted in writing and will be accepted Thirty (30) days prior to the scheduled date of the examination. A Thirty percent (30%) fee is charged for all cancellations. After these deadlines, no fees will be refunded.
- C. **DISCLAIMER:** Eligibility to sit for the USMLE Step 3 does NOT signify eligibility for licensure in the territory of Guam.
- D. For every scheduled examination, the Board will examine a minimum of Five (5) applicants and a maximum of Fifteen (15) applicants. A waiting list may be maintained for applicants who fully meet application requirements but for whom no seat was available on a first come first serve basis."

SIGNED AND PROMULGATED at Agaña, Guam this 21st day of May 1996.


CARL T. C. GUTIERREZ
Governor of Guam

COUNTERSIGNED:


DON PARKINSON
Acting Lieutenant Governor of Guam



BUREAU OF BUDGET & MANAGEMENT SEARCH
OFFICE OF THE GOVERNOR, Post Office Box 2950, Agaña, Guam 96910

CARL T.C. GUTIERREZ
GOVERNOR

MADELEINE Z. BORDALLO
I.T. GOVERNOR

JUL 05 1996

JOSEPH E. RIVERA
DIRECTOR

FRANCES J. BALAJADIA
DEPUTY DIRECTOR

The Bureau requests that Bill No(s). 637(LS) be granted a waiver pursuant to Public Law 12-229 for the following reasons:

: The bill is administrative in nature and poses no fiscal impact on the General Fund at this time.



A G E N D A
COMMITTEE ON
HEALTH, WELFARE & SENIOR CITIZENS

PUBLIC HEARING

Legislature Public Hearing Room
Tuesday, June 25, 1996 9:00 a.m.

from 9:00 a.m.

Bill 559, AN ACT TO HELP CONTROL THE SPREAD OF THE HUMAN IMMUNODEFICIENCY VIRUS (HIV) ON GUAM AND TO ESTABLISH PRIVACY RIGHTS OF PERSONS SUBJECT TO HIV BLOOD TESTS.

Bill 616, AN ACT TO ESTABLISH RULES AND REGULATIONS OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES PURSUANT TO §2407 OF CHAPTER 2, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO STANDARDS FOR FAMILY FOSTER HOMES AND CERTIFICATION AND LICENSING OF PERSONS INTERESTED IN FOSTER PARENTING CARE.

Bill 637, AN ACT TO AMEND RULES AND REGULATIONS FOR THE BOARD OF MEDICAL EXAMINERS.

COMMITTEE ON HEALTH, WELFARE & SENIOR CITIZENS

Sen. Lou Leon Guerrero, RN, MPH, Chairperson

Sen. Ben C. Pangelinan, Vice Chair

Sen. Tom C. Ada, member

Sen. Mark C. Charfauros, member

Sen. Hope A. Cristobal, member

Vice Speaker Ted S. Nelson, member

Sen. Angel L.G. Santos, member

Sen. Judith Won Pat-Borja, member

Sen. Anthony C. Blaz, member

Sen. Felix P. Camacho, member

Sen. Alberto Lamorena V, member

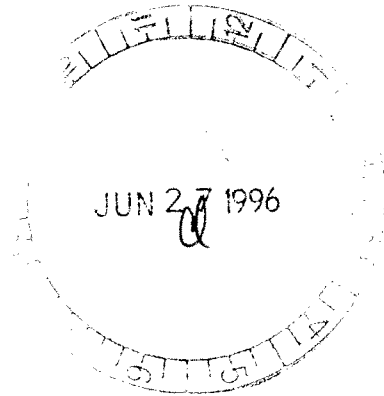
Sen. Carlotta Leon Guerrero, member

P A C I F I C A R E



M E D I C A L C E N T E R

June 25, 1996



The Honorable
Senator Lou Leon Guerrero
Chairperson
Committee on Health, Welfare &
Senior Citizen
Twenty-third Guam Legislature
324 W. Soledad Avenue
Agana, Guam 96910

Re.: **Bill No. 637(LS)**

Dear Senator Leon Guerrero:

On behalf of Pacificare Medical Center, I wish to present written comments on Bill No. 637(LS), a bill proposing to amend rules and regulations for the Board of Medical Examiners.

We support passage of Bill 637, which will enact into Law the intent of Executive Order 96-15 recently signed by Governor Guterrez. Recognition of the US Medical Licensure Exam (USMLE) as the prevailing national board examination is indeed timely and necessary. In our own experience, we have had to await passage of the executive order for two physicians (who took the USMLE) to qualify for Guam licensure. With the passage and adoption of Bill 637 into law, the residents of Guam can be confidently assured that medical practitioners who have otherwise qualified to provide their medical expertise will be able to obtain a license in Guam.

In submitting testimony on this bill, we wish to encourage your committee and the Guam Board of Medical Examiners to diligently explore efforts now being undertaken by the Federation of State Board of Examiners that would further enhance and expedite credential verification and licensing of medical practitioners. Our proximity from the sources of credential verification has made this essential process time-consuming, at the same time that it has delayed the availability of skilled practitioners to our island's patients. Our remoteness already limits the level of medical expertise to which our residents have easy access, and hastening that process would at least get these practitioners to provide services here in Guam more easily.

Thank you for the opportunity to comment on this important legislation.

Sincerely,


PETER LEON GUERRERO
Director

A D M I N I S T R A T I V E O F F I C E

177-A Chalan Pasaheru, Suite F • Tamuning, Guam 96911 • Tel: (671) 649-4501 Fax: (671) 649-4507



BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR, Post Office Box 2950, Agaña, Guam 96910

CARL T.C. GUTIERREZ
GOVERNOR

MADELEINE Z. BORDALLO
1ST DEPUTY GOVERNOR

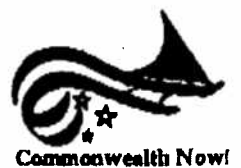
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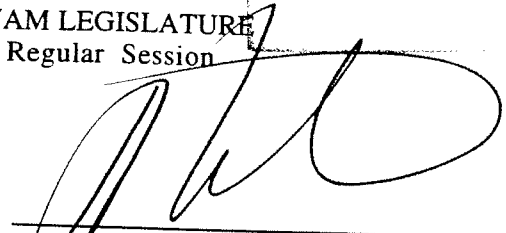


MAY 21 1996

TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) Regular Session

Bill No: 637(LS)

Introduced by:


by request of the Governor in
accordance with the Organic
Act of Guam.

**AN ACT TO AMEND RULES AND REGULATIONS FOR THE
BOARD OF MEDICAL EXAMINERS.**

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

2 **Section 1. (a) Authority to promulgate rules and regulations for the**
3 **licensure of the practice of medicine.** §12205(c) of Title 10, Guam Code Annotated,
4 authorizes the Board of Medical Examiners to promulgate rules and regulations to be
5 approved by the Commission on Licensure to Practice the Healing Art on Guam pursuant
6 to Subsection (c) of §12202 of Title 10, Guam Code Annotated. The rules for the practice of
7 medicine were last amended on July 6, 1992 and now require further revisions. Two
8 public hearings were held regarding the proposed changes in rules: one hearing June
9 14, 1995 and one hearing January 17, 1996. The rules and fees contained in Subsection
10 (c) of this Section are implemented as if part of the rule-making process under the
11 Administrative Adjudication Law, and as authorized by statute.

12 **(b) Submission of rules and regulations in bill form.** Public Law 22-96
13 requires that rules and regulations proposed by a government agency, after submission
14 to the Governor, be transmitted to the Legislature in bill form for the convenience of
15 the Legislature. After the passage of Forty-five (45) calendar days plus Seven (7)
16 legislative days, the rules and regulations are approved.

17 **(c) Approval of changes to rules and regulations provided by the**
18 **Board of Medical Examiners.** (i) The following amendments to Subsection C of

1 Rule I of the rules and regulations for the Guam Board of Medical Examiners are
2 approved:

3 "C. The applicant must have passed both components of the FLEX
4 examination [~~at one sitting: prior to 1986,~~] with a weighted average score
5 on both components of at least 75, and beginning in 1986, with a score of 75
6 on each component; alternatively, an applicant must be a Diplomate of the
7 National Board of Medical Examiners or ~~{be certified by an American~~
8 ~~Specialty Board.*}~~ pass the following combinations of examination:

- 9 1. Both Component 1 and Component 2 of the FLEX; or
- 10 2. Part 1, Part 11 and Part 111 of the NBME; or
- 11 3. All parts of the examination of the National Board of Examiners for
12 Osteopathic Physicians and Surgeons of the American Osteopathy
13 Association; or
- 14 4. Step 1, Step 2, and Step 3 of the USMLE; or
- 15 5. NBME Part 1 and Part 11 and USMLE Step 3; or
- 16 6. NBME Part 1 and USMLE Step 2 and USMLE Step 3; or
- 17 7. USMLE Step 1 and NBME Part 2 and USMLE Step 3; or
- 18 8. FLEX Component 1 and USMLE 3."

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