



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

MAY 13 1998

Refer to
~~Legislator~~ Legislative Secretary

The Honorable Antonio R. Unpingco
Speaker
Mina'Bente Kuáttro na Liheslaturan Guåhan
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<i>Joni Amalator</i>
Time	<i>12:20 p.m.</i>
Date	<i>5-13-98</i>

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 501 (COR), "AN ACT TO REPEAL AND REENACT §12313, TO AMEND §§12303(a), 12600(f), 12600(l), 12617.1(3) AND 12229, AND TO ADD §12331, ALL TO CHAPTER 12, DIVISION 1, PART 1 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO ADVANCE PRACTICE OF REGISTERED NURSE.", which I have signed into law today as **Public Law No. 24-206.**

This legislation allows nurses who become registered to perform advanced nursing practice in certain categories, namely: "nurse practitioner", "nurse midwife", "nurse anesthetist", or "clinical nurse specialist", to prescribe, order, or administer drugs in connection with medical treatment. A nurse who meets the educational and licensing requirements to prescribe, order, or administer drugs may do so within the national scope of practice and the rules and regulations established by the Guam Board of Nurse Examiners.

This legislation will allow professional nurses who qualify to widen the availability of medical care on Guam. In other words, Advanced Practice Registered Nurses (APRN's) who are trained to do so may dispense drugs for ordinary and usual medical conditions and diseases as soon as possible, without waiting for a physician to do so. As part of the practice, the APRN will have to have an agreement with a physician for the management of patients and referral of cases.

00826

Office of the Speaker
ANTONIO R. UNPINGCO
Date: *5/13/98*
Time: *7:50 am*
Rec'd by: *[Signature]*
Print Name: *Joni Amalator*

This legislation creates a Prescriptive Authority Advisory Committee within the Department of Public Health and Social Services who shall promulgate rules and regulations, content and use of collaborative practice agreements and prescriptive authority for the APRN program, which must be approved by the Nursing Board, Medical Examiner Board, Pharmacy Board and Allied Health Board prior to undergoing the processes of the Administrative Adjudicative Law.

Very truly yours,



Carl T. C. Gutierrez
I Maga'lahan Guåhan
Governor of Guam

04028

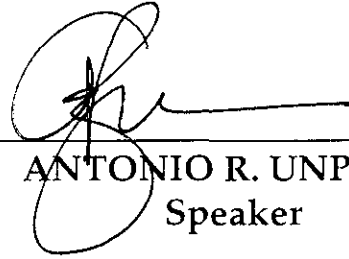
Attachment: copy attached for signed bill
 original attached for vetoed bill

cc: The Honorable Joanne M. S. Brown
 Legislative Secretary

MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session

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

This is to certify that Substitute Bill No. 501 (COR), "AN ACT TO REPEAL AND REENACT §12313, TO AMEND §§12303(a), 12600(f), 12600(l), 12617.1(3) AND 12229, AND TO ADD §12331, ALL TO CHAPTER 12, DIVISION 1, PART 1 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO ADVANCE PRACTICE OF REGISTERED NURSE," was on the 27th day of April, 1998, duly and regularly passed.



ANTONIO R. UNPINGCO
Speaker


Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary


.....

This Act was received by *I Maga'lahaen Guahan* this 1st day of May, 1998,
at 12:05 o'clock P.M.



Assistant Staff Officer
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahaen Guahan
5-13-98

Date: PL 24-206

**MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session**

Bill No. 501 (COR)

As substituted by the Committee on
Health and Human Services and
amended on the Floor.

Introduced by:

L. Leon Guerrero
T. C. Ada
F. B. Aguon, Jr.
A. C. Blaz
J. M.S. Brown
Felix P. Camacho
Francisco P. Camacho
M. C. Charfauros
E. J. Cruz
W. B.S.M. Flores
Mark Forbes
L. F. Kasperbauer
A. C. Lamorena, V
C. A. Leon Guerrero
V. C. Pangelinan
J. C. Salas
A. L.G. Santos
F. E. Santos
A. R. Unpingco
J. Won Pat-Borja

**AN ACT TO REPEAL AND REENACT §12313, TO
AMEND §§12303(a), 12600(f), 12600(l), 12617.1(3)
AND 12229, AND TO ADD §12331, ALL TO
CHAPTER 12, DIVISION 1, PART 1 OF TITLE 10 OF
THE GUAM CODE ANNOTATED, RELATIVE TO
ADVANCE PRACTICE OF REGISTERED NURSE.**

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

2 **Section 1. Legislative Statement.** A landmark study of Advanced
3 Practice Registered Nurse (“APRN”), originally published by the Federal
4 government reports that APRNs improve the accessibility of health care
5 services, improve the quality of health care services and increase the
6 productivity of medical practices and health care institutions. The study
7 further reports that *"indirect evidence indicates advanced practice registered nurses*
8 *could decrease costs to employers and society."* Across the Nation changes in legal
9 and prescriptive authority and reimbursement policies are reflecting a
10 growing awareness of the important role APRNs must play in the health care
11 delivery system. APRNs continue to serve as gatekeepers at the primary
12 health care level. A provision in the Treasury/Postal Service appropriations
13 legislation was signed into law on November 5, 1990, that grants authority for
14 insurance carriers under the Federal Employees Health Benefits Plan to make
15 direct payment to nurse practitioners, nurse midwives and nurse anesthetist.

16 As a result of OBRA 1990, nurse practitioners, nurse midwives and
17 clinical nurse specialists have increased payment authority under the
18 Medicare and Medicaid programs. A 1994 survey revealed that in at least
19 forty five (45) states, APRNs can prescribe medication, while sixteen (16)
20 states have granted APRNs authority to practice independently without
21 physician collaboration or supervision. The scope of practice for certified
22 practitioners on Guam is in accordance with the functions and standards of
23 the respective National certifying bodies for each practitioner, which allows
24 for prescriptive authority.

1 There are presently nurse practitioners and nurse midwives licensed to
2 practice with prescriptive authority under the Department of Public Health
3 and Social Services and the private health sectors. It is the intent of *I*
4 *Liheslaturan Guahan* to clearly define the legal authority, reimbursement and
5 prescriptive authority of the APRN.

6 **Section 2. Definitions.** For purposes of this Act the following
7 words and phrases are defined to mean:

8 (a) "Act" means the Nurse Practice Act;

9 (b) "**Advanced Nursing Practice**" means practice by a registered
10 professional nurse who has specialized knowledge, education and skills to
11 provide health care as determined appropriate by the Board, and fulfillment
12 of all certification requirements, or any combination of such requirements, as
13 specified by the Board and includes certified nurse midwives, nurse
14 practitioners, certified registered nurse anesthetists, clinical nurse specialists
15 and others recognized by the Board. Advanced nursing practice includes the
16 authority to prescribe and dispense drugs, devices, equipment and diagnostic
17 studies within the scope of practice defined by rules and regulations adopted
18 by the Board;

19 (c) "**Advanced Practice Registered Nurse**" ("APRN") means a
20 registered nurse who is authorized by the Board to perform advanced nursing
21 practice as a nurse practitioner, nurse midwife, nurse anesthetist or clinical
22 nurse specialist;

23 (d) "**Board**" means the Guam Board of Nurse Examiners;

1 (e) "Collaborative Practice Agreement" means an agreement by and
2 between an APRN and a physician practicing in the area of specialty, wherein
3 the parties to such an agreement mutually agree, in writing, to the terms and
4 conditions of the ordering and prescribing of "Schedule Drugs II – V";

5 (f) "Practitioner" means a physician, dentist, osteopath, podiatrist,
6 veterinarian, optometrist, APRN, or physician's assistance, as defined in
7 Chapter 12 of Title 10 of the Guam Code Annotated, who is authorized to
8 prescribe, order or administer drugs in connection with medical treatment to
9 the extent provided by the rules and regulations of the practitioner's
10 respective Board.

11 (g) "Prescription" means an order for drugs, treatment or devices
12 written, signed, or transmitted by word of mouth or telephone by a
13 practitioner of the healing art.

14 **Section 3.** Section 12313 of Article 3, Chapter 12, Division 1, Part 1 of
15 Title 10 of the Guam Code Annotated is hereby repealed and reenacted to
16 read as follows:

17 **"Section 12313. Advanced Practice Registered Nurse.** (a) A
18 registered nurse applying for certification as an Advanced Practice
19 Registered Nurse ('APRN') under this Act shall submit documents to
20 the Board that demonstrates:

- 21 1. that there are no disciplinary actions or violations,
22 which bear directly on the fitness of the individual to be licensed
23 (The Board may deny APRN certification to an applicant whose
24 RN license and/or APRN certification was revoked or suspended

1 in another state, if the basis of the license/certification revocation
2 or suspension would have caused a similar result in Guam, or if
3 the applicant is the subject of pending disciplinary action
4 regarding his or her right to practice in another state.);

5 2. successful completion of an approved Board of
6 Nursing professional nurse education program and advanced
7 educational program designed to prepare nurse practitioners,
8 nurse midwives, nurse anesthetists and/or clinical nurse
9 specialists;

10 3. successful passage of the national examination for
11 professional nurses and a national or state board of nursing
12 certification examination for APRN;

13 4. submission of the required official transcript,
14 notarized application and fee; and

15 5. meets any other requirements established by Board
16 regulation to assure that the applicant has the proper education,
17 expertise, experience and qualifications to practice as an APRN.

18 (b) A currently certified National or State Board of Nursing,
19 Advanced Practice Registered Nurse, who has met the professional
20 nurse temporary license requirements of the Board, may be issued by
21 the Board a non-renewable, temporary APRN certification for three (3)
22 months, which may be extended at the discretion of the Board, a
23 maximum of three (3) months.

1 (c) A professional nurse, who meets the requirements as set
2 forth in this Act, shall be issued a certificate to practice as an APRN. The
3 APRN shall use the title designated by the Board pursuant to the
4 promulgation of rules and regulations through the Administrative
5 Adjudication Law.

6 (d) The APRN shall submit evidence of a practice agreement to
7 be used in the management of patients and referral of cases.

8 (e) The Board shall establish categories of APRN and standards
9 that are consistent with the National certifying bodies for the particular
10 advanced practice.

11 (f) The scope of practice for certified APRN shall be in
12 accordance with the functions and standards of the respective national
13 certifying body for each category.

14 (g) The APRN shall hold a current Guam license to practice as a
15 registered nurse, a current national or state board certification in nurse
16 practitioner, nurse midwife, nurse anesthetist or clinical nurse specialist,
17 and a Board certification to practice as an APRN on Guam.

18 (h) The APRN shall be authorized to prescribe and dispense
19 drugs for administration to, and use by, other persons within the
20 national scope of practice, and the rules and regulations adopted by the
21 Board. The Prescriptive Authority Advisory Committee shall establish
22 the rules for the ordering and prescribing of schedule drugs.

23 (i) The APRN shall complete a Board-approved course of study
24 on pharmacology and obtain a minimum of ten (10) nursing continuing

1 education hours in pharmacology during each license renewal period,
2 which may include other requirements as established by the
3 Prescriptive Authority Advisory Committee.

4 (j) The APRN shall secure and maintain a Federal Drug
5 Enforcement Agency ('DEA') registration number, and comply with all
6 state and Federal laws and regulations prior to prescribing "Schedule
7 Drugs II-V."

8 (k) The APRN shall have collaborative agreement(s) with
9 physician(s) or agencies as required by Board rules and regulations.
10 The rules for the collaborative practice agreements shall be established
11 by the Prescriptive Authority Advisory Committee.

12 (l) The APRN, consistent with the respective National certifying
13 body for the specific category:

14 1. performs acts utilizing specialized knowledge, skills,
15 and abilities for people in a variety of settings to include nursing
16 and medical diagnosis and treatment, as defined by the respective
17 National certifying body;

18 2. assesses the need for drugs, immunizing agents, or
19 devices and writes prescriptions to be filled by a licensed
20 pharmacist;

21 3. prescribes drugs, and nursing and medical
22 therapeutic, corrective measures and devices not prohibited by
23 Board rules and regulations;

1 4. is authorized to receive direct, third-party
2 reimbursement from Medicare, Medicaid and other health
3 insurance carriers; and

4 5. performs other acts consistent with the education and
5 expertise recognized by the respective national certifying body.

6 **Section 4.** Section 12303(a) of Article 3, Chapter 12, Division 1, Part 1
7 of Title 10 of the Guam Code Annotated is hereby amended to read as
8 follows:

9 "(a) The members of the Board shall include: five (5) registered
10 nurses, one (1) practical nurse and one (1) public member. Of the five
11 (5) registered nurses, representation shall be balanced so that there will
12 always be one (1) member from a school of nursing, one (1) member
13 from public health nursing, one (1) member from hospital nursing and
14 one (1) member from the APRNs. Any vacancy in the membership of
15 the Board shall be filled for the period of the unexpired term in the same
16 manner as was the original appointment."

17 **Section 5.** Section 12600(f) of Article 6, Chapter 12, Division 1, Part 1
18 of Title 10 of the Guam Code Annotated is hereby amended to read as
19 follows:

20 "(f) '**Prescription**' means an order given individually for the
21 person for whom prescribed, either directly from a licensed practitioner
22 of medicine, osteopathy, podiatry, dentistry, veterinary medicine,
23 optometry, advanced nursing practice or physician assistant, to the
24 pharmacist, or indirectly by means of written or oral order for the

1 compounding or dispensing of drugs bearing the name and address of
2 the prescriber, his license classification, the name and address of patient,
3 the name and quantity of the drug prescribed, directions for use and the
4 date of issue;"

5 **Section 6.** Section 12600(l) is hereby added to Article 6, Chapter 12,
6 Division 1, Part 1 of Title 10 of the Guam Code Annotated to read as follows:

7 “(l) **‘Practitioner’** means a physician, dentist, osteopath,
8 podiatrist, veterinarian, optometrist, Advanced Practice-Registered
9 Nurse or physician assistant, who is authorized to prescribe, order or
10 administer drugs in connection with medical treatment to the extent
11 provided by the rules and regulations of the respective Boards.”

12 **Section 7.** Section 12617.1(3) of Article 6, Chapter 12, Division 1, Part
13 1 of Title 10 of the Guam Code Annotated is hereby amended to read as
14 follows:

15 “(3) The prescribing practitioner's name”

16 **Section 8.** Section 12229 of Article 2, Chapter 12, Division 1, Part 1 of
17 Title 10 of the Guam Code Annotated is hereby amended to read as follows:

18 **“Section 12229. Revolving Fund.** There is created a
19 Revolving Fund within the Health Professional Licensing Office, into
20 which all money payable under the provisions of these Chapters XII,
21 XIII, XIV, and Chapter V of Title XVII of the Government Code of
22 Guam, shall be deposited. The revolving fund shall be used to defray
23 the cost of obtaining standardized examination materials and services
24 for the healing arts and cosmetology licensure and the cost of proctoring

1 examination at the testing site; and for operational expenses necessary
2 for testing and monitoring of examination. Tests for licensure of all the
3 healing arts and cosmetology shall be given at least every six (6)
4 months.”

5 **Section 9.** Section 12331 is hereby added to Article 3, Chapter 12,
6 Division 1, Part 1 of Title 10 of the Guam Code Annotated to read as follows:

7 **“Section 12331. Prescriptive Authority Advisory Committee.**

8 **(a) Committee Creation.** There is created within the
9 Department of Public Health and Social Services, the Prescriptive
10 Authority Advisory Committee (‘Committee’) of the Guam Board of
11 Nurse Examiners. The Committee shall be composed of seven (7)
12 members of whom three (3) members, appointed by the Board, shall be
13 APRNs; one (1) member shall be a physician licensed to practice
14 medicine under Chapter 12 of this Title and who has been involved in a
15 collaborative practice with an APRN for at least three (3) years
16 appointed by the Board of Medical Examiners; one (1) member shall be
17 a nurse member of the Board of Nurse Examiners appointed by the
18 Board; one (1) member shall be a physician member of the Board of
19 Medical Examiners appointed by the Board of Medical Examiners; and
20 one (1) member shall be a pharmacist member of the Board of Pharmacy
21 appointed by the Board of Pharmacy.

22 **(b) Appointment and Staggered Terms.** Three (3) members
23 of the Committee shall be appointed for an initial term of office of one
24 (1) year, and four (4) members of the Committee shall be appointed for

1 an initial term of office of two (2) years. After the expiration of the
2 initial term of office, members shall be appointed for terms of office of
3 three (3) years. Members shall serve for the term of office specified and
4 until their respective successors are appointed and qualified. A vacancy
5 on the Committee, which occurs for any reason other than by expiration
6 of a term, shall be filled by Board appointment for the unexpired term.

7 (c) **Quorum.** Four (4) members of the Committee shall
8 constitute a quorum for the transaction of business, provided at least
9 one (1) member must be a physician or pharmacist. No action of the
10 Committee may be taken except by a majority of the members.

11 (d) **Rules and Regulations.** The Committee shall
12 promulgate rules for the requirements, content and use of collaborative
13 practice agreements and prescriptive authority. The rules and
14 regulations must get concurrence by the Nursing Board, Medical
15 Examiner Board, Pharmacy Board and Allied Health Board *before*
16 submitting it through the Administrative Adjudication Law."

17 **Section 10. Severability.** If any provision of this Act or the
18 application thereof to any person or circumstances is held invalid, the
19 invalidity shall not affect other provisions or applications of this Act which
20 can be given effect without the invalid provision or application, and to this
21 end the provisions of this Act are severable.

PL24-206

Committee on Health and Human Services
24th Guam Legislature

155 Hesler Street
Agana, Guam 96910
Tel: (671) 472-3581 • Fax: (671) 472-3582

April 20, 1997

Honorable Antonio R. Unpingco
Speaker
Twenty Fourth Guam Legislature
155 Hesler Street
Agana, Guam 96910

VIA: Chairperson, Committee on Rules, Government Reform and Federal Affairs

Dear Mr. Speaker:

The Committee on Health and Human Services, to which was referred Bill No. 501, "AN ACT TO REPEAL AND RE-ENACT §12313, TO AMEND §§12229, 12303 (a), 12600, AND ITEM 3 OF 12617.1 TO ADD A NEW §12331 ALL PERTAINING TO ARTICLES 3 AND 6 OF CHAPTER 12 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO ADVANCE PRACTICE OF REGISTERED NURSE," has had the same under consideration and now wishes to report back the same with the recommendation to do pass as substituted.

The Committee votes are as follows:

- To Do Pass
- Not to Pass
- Abstain
- Inactive File

A copy of the Committee Report and other pertinent documents are attached for your immediate reference and information.

Sincerely,





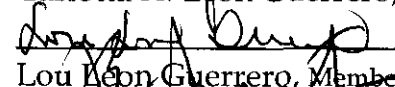


EDUARDO J. CRUZ, MD
Chairperson.

Enclosure:

Committee Health and Human Services
Vote Sheet on
Substitute Bill No. 501 (COR)

AN ACT TO REPEAL AND RE-ENACT §12313, TO AMEND §§12229, 12303 (a), 12600, AND ITEM 3 OF 12617.1 TO ADD A NEW §12331 ALL PERTAINING TO ARTICLES 3 AND 6 OF CHAPTER 12 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO ADVANCE PRACTICE OF REGISTERED NURSE.

COMMITTEE MEMBER	TO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
 Edwardo J. Cruz, MD, Chairperson	✓			
 John Camacho Salas, Vice Chairperson	✓			
Antonio R. Unpingco, Speaker & Ex-Officio	✓			
Anthony C. Blaz, Member				
 Joanne M.S. Brown, Member	✓			
Felix P. Camacho, Member				
Mark C. Charfauros, Member				
William BSM Flores, Member				
Mark Forbes, Member				
 Lawrence F. Kasperbauer, Member	✓			
Alberto A.C. Lamorena, V, Member				
Carlotta A. Leon Guerrero, Member				
 Lou Leon Guerrero, Member	✓			
Francis E. Santos, Member				

COMMITTEE ON HEALTH AND HUMAN SERVICES

Report on Bill No. 501 (COR)

AN ACT TO REPEAL AND RE-ENACT §12313, TO AMEND §§12229, 12303 (a), 12600, AND ITEM 3 OF 12617.1 TO ADD A NEW §12331 ALL PERTAINING TO ARTICLES 3 AND 6 OF CHAPTER 12 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO ADVANCE PRACTICE OF REGISTERED NURSE.

Introduced by
Senators L. Leon Guerrero and T. C. Ada

PUBLIC HEARING:

The Committee on Health and Human Services conducted a public hearing on Monday, April 6, 1998, starting 8:30 a. m. and adjourning 10:00 a. m., to hear testimonies on Bill No. 501 (COR), entitled: "AN ACT TO REPEAL AND RE-ENACT §12313, TO AMEND §§12229, 12303 (a), 12600, AND ITEM 3 OF 12617.1 TO ADD A NEW §12331 ALL PERTAINING TO ARTICLES 3 AND 6 OF CHAPTER 12 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO ADVANCE PRACTICE OF REGISTERED NURSE," The hearing which was held at the Legislative Public Hearing Room was well-attended.

MEMBERS PRESENT:

Senator Edwardo J. Cruz, M. D., Chairperson of the Committee on Health and Human Services, called the hearing to order promptly at 8:30 a. m. He was the only senator present at the time but soon thereafter came the following members of the Committee on Health and Human Services: Senator John C. Salas, Committee Vice Chairperson; Senator William B. S. M. Flores, member; Senator Lou Leon Guerrero, member; Senator Carlotta A. Leon Guerrero, member. Also present at the hearing were Senators Frank B. Aguon, Jr. and Francisco P. Camacho.

TESTIMONY:

A written testimony was submitted by Mr. Dennis G. Rodriguez, Director of the Department of Public Health and Social Services. The testimony was orally delivered (read) by Ms. Janet Tanos, also of the DPHSS, on behalf of DPHSS Director Rodriguez. This testimony, which was the only one received during the hearing on this bill, stressed the need to strengthen the posture of the Advanced Practice Registered Nurses (APRNs), positions established and employed by the DPHSS since 1980, "who have been the

backbone of the Maternal and Child Health Program” by providing direct women and child health services due to shortage of physicians in DPHSS clinics. The opinion stressed in this testimony is that “Giving the APRNs prescriptive authority will alleviate the delay of starting the medication, and lessen the stress and anxiety level of the clients. Moreover, it is imperative that the APRNs be given prescriptive authority, in collaboration with their medical advisors, for the following reasons: (1) the medical needs of the community can be met; (2) new medications can be made available to clients; and (3) clients will have more choices when prescriptions cannot be filled at the DPHSS pharmacy due to demand and supply availability.” For these reasons, DPHSS is in support of Bill No. 501.

FINDINGS:

The Committee finds the following:

- (1) That based on the experience of the DPHSS which employed APRNs since 1980, the granting of prescriptive authority to APRNs, subject to medical advisor control and only for prescriptions filled by the DPHSS pharmacy, has proven to be a great help in starting needed medication without having to prolong the anxiety and suffering of the patient. Extending this prescriptive authority to cover prescriptions filled by private pharmacies, when the needed medication is not available at the DPHSS pharmacy will further facilitate the providing of essential health care services especially to our island’s indigent population.
- (2) That the enactment of this legislation is essential for meeting one aspect of medical care and that is the aspect of timeliness. In the physical absence of a licensed physician where an immediate medical prescription is necessary, an APRN’s prescription duly controlled by a medical advisor by any means of available communication (telephone, radio, etc.), would probably be the next best thing to do in order to meet the timeliness aspect of providing medication to health care needing patients.

RECOMMENDATION:

After considering the testimony submitted in favor of Bill No. 501 (COR), the Committee does hereby recommend to the Guam Legislature that Bill No. 501 (COR), AN ACT TO REPEAL AND RE-ENACT §12313, TO AMEND §§12229, 12303 (a), 12600, AND ITEM 3 OF 12617.1 TO ADD A NEW §12331 ALL PERTAINING TO ARTICLES 3 AND 6 OF CHAPTER 12 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO ADVANCE PRACTICE OF REGISTERED NURSE,” be passed as substituted by the Committee on Health and Human Services.

Profile of Bill No. 501 (COR)

Brief Title:	Advanced Practice Registered Nurse (APRN).
Date Introduced:	February 11, 1998
Main Sponsors:	Senators L. Leon Guerrero and T. C. Ada
Committee Referral:	Committee on Rules Chairman Mark Forbes referred Bill No. 501 to the Committee on Health and Human Services on February 23, 1998.
Public Hearing:	The Committee on Health and Human Services conducted hearing on Monday, April 6, 1998, at the Legislative Public Hearing Room.
Official Title:	AN ACT TO REPEAL AND RE-ENACT §12313, TO AMEND §§12229, 12303 (a), 12600, AND ITEM 3 OF 12617.1 TO ADD A NEW §12331 ALL PERTAINING TO ARTICLES 3 AND 6 OF CHAPTER 12 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO ADVANCE PRACTICE OF REGISTERED NURSE.
Recommendation:	To do pass as substituted.

OVERVIEW AND INTENT:

Based on a landmark study originally published by the federal government, advanced practice registered nurses (APRNs), have increasingly acquired an important role in the health care delivery system across the nation. A 1994 survey revealed that in at least 45 states, APRNs can prescribe medication, while 16 states have granted APRNs authority to practice independently without physician collaboration or supervision.

The APRN fever has reached Guam when in 1980 DPHSS sponsored the educational training of seven (7) APRNs in its roles. At present, there are nurse practitioners and nurse midwives licensed to practice with prescriptive authority under the DPHSS and the private health sectors. It is the intent of this legislation to clearly define the legal authority, reimbursement and prescriptive authority of APRNs practicing in Guam.

SECTION ANALYSIS:

Section 1. Legislative Intent. This section provides background information and intent of this legislation as summarized under OVERVIEW AND INTENT above.

Section 2. Definitions. This section defines the terms "Act," "Advanced Nursing Practice," "Advanced Practice Registered Nurse (APRN)," "Board," "Collaborative practice agreement," "Practitioner," and "Prescription," as used in this Act.

Section 3. This section proposes to repeal and reenact §12313 Advanced Practice Registered Nurse, Article 3, Chapter 12, 10 GCA. The revised section provides in detail all the specifics surrounding the employment of APRNs, including qualification requirements for the position, their tasking, and the parameters established to govern their authority to prescribe medication.

Section 4. This section proposes to amend §12303, Article 3, Chapter 12, Nurse Practice Act, 10 GCA to include in the membership of the Guam Board of Nurse Examiners one to represent the APRNs.

Section 5. This section proposes to amend Article 3, Chapter 12, Nurse Practice Act, 10 GCA, to add §12331 - Prescriptive Authority Advisory Committee of the Guam Board of Nurse Examiners to be established under the Department of Public Health and Social Services. This section outlines the composition of the advisory committee and its assigned tasks.

Section 6. This section proposes to amend §12600, Article 6, Chapter 12, Pharmacists and Pharmacy, 10 GCA, relative to definitions for the terms optometry, advanced nursing practice, physician assistants and practitioner.

Section 7. This section proposes to amend §12617.1, Article 6, Chapter 12, Pharmacists and Pharmacy, 10 GCA, relative to redefine the term physician.

Section 8. This section proposes to amend §12229 - Revolving Fund -- of Title 10 GCA, to add "and for operational expenses necessary for testing and monitoring of examination" among the valid expense items chargeable to said revolving fund.

Section 9. Severability Clause.



24th Guam Legislature
Committee on Rules, Government
Reform and Federal Affairs
Senator Mark Forbes, Chairman

FEB 23 1998

2691
RECEIVED
24TH GUAM LEGISLATURE
COM. HEALTH & HUMAN SVCS.
DATE: 2/24/98 1:55 pm

MEMORANDUM

TO: Chairman
Committee on Health and Human Services

FROM: Chairman *[Signature]*
Committee on Rules, Government Reform and Federal Affairs

SUBJECT: Referral- Bill No. 501

The above Bill is referred to your Committee as the principal committee. It is recommended you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

MARK FORBES

Attachment

*etc
126
RB
JC*

GOVERNMENT OF GUAM



Carl T.C. Gutierrez
GOVERNOR

DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES
(DIPATTAMONTON SALUT PUPBLEKO YAN SETBISION SUSIAT)

Post Office Box 2816 Agana, Guam 96932

123 Chalan Kareta, Route 10

Mangilao, Guam 96923



Dennis G. Rodriguez
DIRECTOR

Madeleine Z. Bordallo
LIEUTENANT GOVERNOR

Marilyn D.A. Manibusan
DEPUTY DIRECTOR

APR - 6 1998

RECEIVED
24TH GUAM LEGISLATURE
COM. HEALTH & HUMAN SVCS.
DATE: 4-6-98

The Honorable Senator Eduardo Cruz
Twenty-Fourth Guam Legislature
Chairperson, Committee on Health and
Human Resources
155 Hesler Street
Agana, Guam 96910

Dear Senator Cruz:

Hafa Adai! I am submitting this testimony on BILL 501- AN ACT TO REPEAL AND RE-ENACT §12313, ARTICLE 3, CHAPTER 12, 10 GUAM CODE ANNOTATED, RELATIVE TO ADVANCED PRACTICE REGISTERED NURSE, AND AMEND §12229, ARTICLE 2 AND §12600 AND §12617.1, ARTICLE 6, CHAPTER 12, 10 GCA.

The Department of Public Health and Social Services' (DPHSS) desired outcomes is to facilitate affordable and accessible health care to our island's indigent population. Currently the Department has dealt with limited physician manpower and increasing number of consumers requesting services by employing Advanced Practice Registered Nurses (APRNs).

Advanced Practice Registered Nurses have been employed with DPHSS since 1980. This group of APRNs have been the backbone of the Maternal and Child Health Program. They have provided direct women and child health services throughout the shortage of physician coverage in our clinics. These direct services include well baby and well child visits, school physical examinations, prenatal and postpartum examinations, annual pap smears, family planning and follow-up services. Thus, allowing the physician more time to concentrate their efforts on complicated cases.

The APRNs at DPHSS are presently allowed to write prescriptions countersigned and approved by their medical advisor and established protocols. These prescriptions can only be filled at the DPHSS pharmacy. If a medication is not available at our pharmacy, the APRN must locate the physician to reissue another prescription so it can be filled at a private pharmacy. Giving the APRNs prescriptive authority will alleviate the delay of



starting the medication, and lessen the stress and anxiety level of the clients. Moreover, it is imperative that the APRNs be given prescriptive authority, in collaboration with their medical advisors, for the following reasons:

1. The medical needs of the community can be met
2. New medications can be made available to clients
3. Clients will have more choices when prescriptions cannot be filled at the DPHSS pharmacy due to demand and supply availability.

Since 1980, DPHSS has supported the educational training of seven APRNs. Five of the seven APRNs have maintained their commitment to the island by providing clinical services to this date. There is presently one nurse who is undergoing training to become an advanced Practice Registered Nurse in Women's Health, at Harbor UCLA. She will complete the program this month. This additional APRN will alleviate some of the shortage of services available for Women's Health care, especially in the field of prenatal care.

With today's escalating health care costs, continuing physician shortage on island, problems of reimbursement, providing quality health care to our indigent population must not be forgotten. In these past years, the APRNs have provided much of the needed services to this population. It has been, and presently is the Department of Public Health and Social Services' intention to continue to advocate for the needs of our Advanced Practice Registered Nurses.

The intent of Bill 501 will assist in improving quality care to our clients as well as insuring accountability within their standards of practice. Therefore, the Department of Public Health and Social Services is in support of Bill 501 which addresses prescriptive authority for the Advanced Practice Registered Nurses.

Dangkolo na Si Yu'os Ma'ase.



DENNIS G. RODRIGUEZ
Director



RECEIVED
24TH GUAM LEGISLATURE
COM. HEALTH & HUMAN SVCS.
DATE 4-6-98

Guam Nurses Association

P.O. Box CG • Agana, Guam 96932 • Telephone: (671) 477-NURS (6877)

April 5, 1998

Good morning, Mr. Chairman, Senator Edwardo Cruz, and members of the Committee on Health and Human Services. My name is Evangeline Manibusan, RN, NP, a member of the Guam Nurses Association Board of Directors.

This morning, I am representing the Guam Nurses Association. We thank you for giving us the opportunity to testify on Bill No. 501 re: AN ACT TO REPEAL AND RE-ENACT S12313, ARTICLE 3, CHAPTER 12, 10 GUAM CODE ANNOTATED, RELATIVE TO ADVANCED PRACTICE REGISTERED NURSE, AND AMEND S12229, ARTICLE 2 AND S12600 AND S12617.1, ARTICLE 6, CHAPTER 12, 10 GCA.

We applaud this committee for making it possible for the Advanced Nurse Practitioners to carry out the enhanced knowledge and skills on those entrusted to their care.

Though we support the intent of the bill, there are areas that need clarification and refinement.

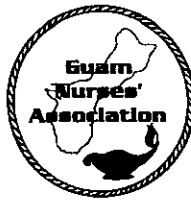
p.4 line 10- We recommend that number 1 starts with the word "That" to read: 1. "That" there are no.....

p.5 line 3 - No. 5 Change "meets any" to "submission of"

p.7 line 15- We question the inclusion of "but not required". We recommend deletion of this phrase so that the Advanced Nurse Practitioner may be able to recover some of the expenses incurred in their delivery of care, especially in private practice.

p.8 Section 12331. Prescriptive Authority Advisory Committee
We question how the Advisory Committee would carry out their advisory role. Currently, Boards and Commissions are given stipends when they attend their meetings. Yet, even with compensation, though minimal, Boards and Commissions oftentimes lacked quorum. What benefit would they get to entice them to attend meetings?

Secondly, the bill directs the Guam Board of Nurse Examiners to appoint 3 Advanced Nurse Practitioners to the Advisory Committee. However, it did not specify how the others will be appointed and who will initiate the request for the appointments.



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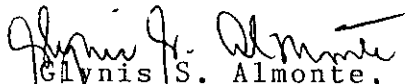
p.9 lines 11-14- This bill refers to the establishment of an Advisory Committee. Yet, line 13 implies that they would make decisions for the Board. In our opinion, an Advisory Committee shares alternative solutions to the problem but not make decisions.

Thirdly, p.10 Section 12229. We are puzzled at the inclusion of the "Cosmetology Licensure" in the proposed creation of the revolving fund. Does it mean that the fees collected from the cosmetology applicants will also be deposited in this revolving fund? The bill did not refer to any proposed amendments of the Cosmetology Board.

We hope that our comments will be considered when revising this bill.

Again, thank you for allowing the Guam Nurses Association to comment on behalf of the nurses, especially those directly affected by this bill.

Respectfully submitted:


Glynis S. Almonte, RN, BSN
President
Guam Nurses Association

April 6, 1998

From: the Guam Board of Nurse Examiners

To: The Committee of Health
Senator Edwardo Cruz

Senator Edwardo Cruz

Senator Lou Leon Guerrero
and Committee members

for published

My name is Margarita Bautista-Gay RN, MN, has the chairperson of the Guam Board of Nurse Examiners. speaking for the board members, that we are in support of the Bill 501 and agreement with the intent of the law.

However, there are a few sections or areas that the Board needs to recommended additional discussions and clarifications, that were not in the original bill given to us. Also due to the inadequate time for the GBNE members to review and discuss the final written bil draft. The Board was not able to meet before this public hearing, to give final input and decision.

Here are the sections I would like to discuss and give some recommendations:

In the Bill 501:

- Section 1,
- From Section 1 -3, is agreeable to the GBNE members
- But on Section 3, line 4, letter (g)
has a Clinical Nurse Specialist within the MATernal Child Health area, the prescriptive authority is not within the scope of practice.
- Section 4, letter (a), line 3
the addition of 1 member from APRN was not fully discussed and voted on.
- Section 5,
the Prescriptive Authority Advisory Committee members:

-the board recommends further discussion, because it seems to lack full representation of the total islands Health care society on Guam.

-Section 6, letter (1), line 22

-with physician's assistants the board addressed that they should not be included in this law because, it deals with Advanced Nurse Practitioners.

Like the introduction indicated this Bill 501 will improve the Quality of Health Care Services and increase the productivity of medical practices and health care institutions to the people of Guam and has Nurses we are here for the people and their health care.

Thus, these are areas of concern we the Guam Board of Nurse Examiners Support this Bill 501 in the intent of the law.

Thank You Senator Eduardo Cruz and your Committee of Health for your support and time in this Bill 501, for Advanced Practice prescriptive Authority.

Margarita p. Bautista Gay RN, MN
Chairperson of the Guam Board Of Nurse Examiners
and
Instructor of Maternal child Health & Community Nursing
at the University of Guam, College of Nursing &
Health Sciences

(H) 649-6050

Fax to GIBNE =



Twenty-Fourth Guam Legislature

Senator Edwardo J. Cruz, MD

Chairperson, Committee on Health and Human Services
155 Hesler Street, Agana, Guam 96910 • Tel: 472-3581 • Fax: 472-3582

PUBLIC HEARING

Monday April 6, 1998

8:30 to 12:30 p.m., Legislative Public Hearing Room

Agenda

8:30 to 9:00 a.m. **Bill 595** - AN ACT TO ADD A NEW ARTICLE 7 TO CHAPTER 12 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR A GUAM MEDICAL PRACTICE ACT.

9:00 to 9:30 a.m. **Bill 594** - AN ACT TO REPEAL AND REENACT ARTICLE 6, CHAPTER 12, OF TITLE 10, OF THE GUAM CODE ANNOTATED RELATIVE TO THE GUAM BOARD OF EXAMINERS FOR PHARMACY PRACTICE ACT.

9:30 to 10:00 a.m. **BILL 501**-AN ACT TO REPEAL AND RE-ENACT §12313, ARTICLE 3, CHAPTER 12, 10 GUAM CODE ANNOTATED, RELATIVE TO ADVANCED PRACTICE REGISTERED NURSE, AND AMEND §12229, ARTICLE 2 AND §12600 AND §12617.1, ARTICLE 6, CHAPTER 12, 10 GCA.

10:00 to 10:30 a.m. **Bill 592** - AN ACT TO FURTHER AMEND §§18201, 18203(a) AND (g) ALL OF ARTICLE 2, CHAPTER 18 OF TITLE 16 OF THE GUAM CODE ANNOTATED, AS REPEALED AND REENACTED BY P.L. NO. 24-122, RELATIVE TO THE IMPLIED CONSENT LAW AND SURRENDER OF A DRIVER'S LICENSE.

10:30 to 11:00 a.m. **Bill 591** - AMENDMENT(S) TO P.L. 24-67: AN ACT TO REPEAL AND RE-ENACT §2303 OF TITLE 10, GUAM CODE ANNOTATED, TO REQUIRE THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES DIRECTOR TO PROVIDE SUBSIDIZED IN HOUSE DENTAL CARE FOR ECONOMICALLY INDIGENT CHILDREN THROUGH THE AGE OF SIXTEEN(16).

11:00 to 11:30 a.m. **Bill 596** - AN ACT TO AMEND SECTION 3201, ARTICLE 2, CHAPTER 3, DIVISION 1, OF TITLE 10 OF THE GUAM CODE ANNOTATED RELATIVE TO REESTABLISHING THE GUAM CANCER REGISTRY WITHIN THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES AND TO REPEAL §80113.1 OF CHAPTER 80, DIVISION 4, PART 2 OF TITLE 10 OF THE GUAM CODE ANNOTATED.

11:30 to 12:30 p.m. **Bill 598** - AN ACT RELATIVE TO GOVERNMENT OF GUAM EMPLOYEES HEALTH BENEFIT PLAN §§4301 AND 4302, ARTICLE 2, CHAPTER 4 OF GCA AND ESTABLISHING A HEALTH CARE PROVIDER COMMISSIONER IN §12201, ARTICLE 2, CHAPTER 12 OF TITLE 22 GCA, AND ESTABLISHING A GUAM HEALTH BENEFIT PLAN WITH THE MEDICALLY INDIGENT PROGRAM BY AMENDING §2901 THROUGH §2913.68 OF ARTICLE 9, CHAPTER 2 OF TITLE 4GCA AND TO CITE AND MAKE KNOWN THE ACT AS THE "GUAM HEALTH BENEFIT ACT OF 1998."

The Committee welcomes your attendance and input in the form of written and/or oral testimony during the hearing. Thank you for your attention on this matter, and if you should need any special accommodations or questions please contact Angela or Rose at 472-3581.



Senator Edwardo J. Cruz, MD

Chairperson

Committee on Health and Human Services

Suite 1-A, Sinajana Shopping Mall Phase II,

#777 Route 4, Sinajana, Guam 96926

E-Mail Address: ejc@senecruz.guam.net

Tel: 472-3581 Fax: 472-3582



MEMORANDUM

March 31, 1998

To: Members, Committee on Health and Human Services

Ex-Officio Speaker Antonio R. Unpingco	Fax No.:	472-3500
Vice Speaker Anthony C. Blaz		472-3562
Sen. Elizabeth Barrett-Anderson		472-3433
Sen. Joanne M.S. Brown		472-4090
Sen. Felix P. Camacho		472-9747
Sen. Mark C. Charfauros		472-3440
Sen. William B.S.M. Flores		472-3511
Sen. Mark Forbes		477-5036
Sen. Lawrence F. Kasperbauer		475-2000
Sen. Alberto A.C. Lamorena		472-3588
Sen. Carlotta M. Leon Guerrero		477-1323
Sen. Lou A. Leon Guerrero		472-3832
Sen. Francis E. Santos		477-3048

From: Chairman & Vice Chairman Fax No.: 472-3582

Subj: Notice of Public Hearing
Monday, April 6, 1998
8:30 to 12:30 p.m.

The Committee on Health and Human Services will be conducting a Public Hearing on Monday, April 6, 1998, starting at 8:30 a.m. to 12:30 p.m. at the Legislative Public Hearing Room.

The Committee welcomes your attendance and input in the form of written and/or oral testimony during the hearing. Thank you for your attention on this matter, and if you should need any special accommodations or questions please contact Angela or Rose at 472-3581.

Attached is a copy of the Agenda.

We look forward to your participation and attendance.

Sincerely,

EDUARDO J. CRUZ, MD
Chairman

JOHN CAMACHO SALAS
Vice Chairman

CC: All Senators



Senator Edwardo J. Cruz, MD
Chairperson
Committee on Health and Human Services
Suite 1-A, Sinajana Shopping Mall Phase II,
#777 Route 4, Sinajana, Guam 96926
E-Mail Address: ejc@senecruz.guam.net
Tel: 472-3581 Fax: 472-3582



MEMORANDUM

March 31, 1998

To: Governor's Office
Bureau of Planning, Director
Department of Administration, Director
Bureau of Budget Management & Research, Director
Department of Revenue and Taxation
Guam Retirement Fund
Department of Education
Guam Federation of Teachers
Mayors Council, Executive Director

Fax No.: 477-4826
477-1812
477-6788
472-2825
472-2643
475-8922
477-6284
734-8085
477-8777

From: Chairman & Vice Chairman
Fax No.: 472-3582

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We look forward to your participation and attendance.

Sincerely,

EDUARDO J. CRUZ, MD
Chairman

JOHN CAMACHO SALAS
Vice Chairman

CC: All Senators

RL/at



Senator Edwardo J. Cruz, MD

Chairperson

Committee on Health and Human Services

Suite 1-A, Sinajana Shopping Mall Phase II,
#777 Route 4, Sinajana, Guam 96926

E-Mail Address: ejc@senecruz.guam.net

Tel: 472-3581 Fax: 472-3582



MEMORANDUM

March 31, 1998

To:	The Dept. of Public Health & Social Services, Director	Fax No.:	734-5910
	The Dept. of Mental Health & Substance Abuse, Director		649-6948
	Guam Memorial Hospital, Administrator		649-0145
	Guam Health Planning & Development Agency, Director		477-3956
	Dept. of Integrated Services for Individuals with Disabilities, Director		477-2892
	GGARP/SPIMA, Director		477-9015
	Guam Nursing Association, President		477-6877

From:	Chairman & Vice Chairman	Fax No.:	472-3582
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Subj: Notice of Public Hearing
Monday, April 6, 1998
8:30 to 12:30 p.m.

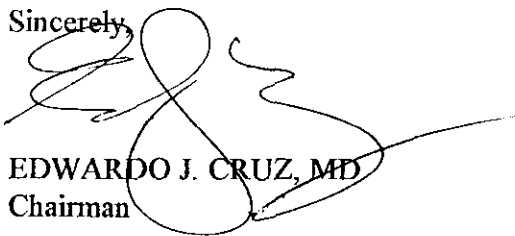
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Sincerely,



EDUARDO J. CRUZ, MD
Chairman



JOHN CAMACHO SALAS
Vice Chairman

CC: All Senators

RL/at