



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

Refer to  
Legislative Secretary

DEC 28 1998

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

OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT
Received By: <u>[Signature]</u>
Time: <u>2:54 pm</u>
Date: <u>12-28-98</u>

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 696 (COR), "AN ACT TO REPEAL AND REENACT ARTICLE 1 OF CHAPTER 12, DIVISION 1, PART 1 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE COMMISSION ON THE HEALING ARTS OF GUAM", which I have signed into law today as **Public Law No. 24-321**.

This legislation appears to have been rushed. Some of its provisions are inconsistent with other provisions and revisions need to be made for consistency.

The following items need to be corrected:

1) Public Law No. 24-208, Bill No. 595 recently enacted, states:

"Section 2. Transfer. Sections 12201 through 12205 of Article 2, Chapter 12 of Title 10 of the Guam Code Annotated are hereby recodified to and made a part of Article 1, Chapter 12 of Title 10 of the Guam Code Annotated. The Compiler of Laws is hereby authorized to renumber and/or codify those Sections transferred herein."

01148

Office of the Speaker  
ANTONIO R. UNPINGCO  
Date: 12/26/98  
Time: 11:32  
Rec'd by: [Signature]  
Print Name: [Signature]

These "transferred" sections do not appear in Public Law No. 24-208, yet it seems that they still exist as enacted in law prior to Public Law No. 24-208.

§§12201, 12202, and 12204 are amended in Substitute Bill No. 695, and can be seen there as §§12102, 12103, and 12104, respectively.

It is not clear what happens to §12203 (Same: Licenses), 12205 (Board of Examiners), 12206 (Examinations), and 12207 (Examination Facilities) of Article 2 of Title 10, Guam Code Annotated, as they appear prior to the enactment of Public Law No. 24-208. Are they retained and to be recodified by the Compiler of Laws?

- 2) For some unknown reason, i Liheslatura repeated §§12101 of Title 10, Guam Code Annotated, consisting of approximately 13 pages, with no change other than the addition of the professions of respiratory therapy, nutritionist/clinical dietician, and cosmetology to the chapter as healing arts. However, in the repetition of these pages, some small changes which may or may not be intended were made:
  - a) Page 3, line 23 of the bill inserts the word, "prevention" into the definition of healing art. This did not appear in the original legislation.
  - b) Page 10, line 18 of the bill reverses the order of the words in the phrase "the members of which" to read instead, "of which the members".
  - c) Numerous words are italicized, with no apparent reason. Italicizing is usually reserved for foreign words. Some of the words italicized are: "and", "other", "all", "or" and other such words.

This legislation presents some improvements to the law on the healing arts. It recognizes that there are a number of healing arts professions which are well developed and have their own boards, administer tests and apply other professional standards, and that it is inappropriate for these boards to have their procedures approved or adopted by the Commission on the Healing Arts. For this reason, the name of the Commission is

changed from "Commission on Licensure to Practice the Healing Arts of Guam" to "Commission on the Healing Arts of Guam". This is appropriate.

The legislation also adds 3 members to the Commission on the Healing Arts, and these are professions which have their own boards and apply their own professional standards. These professions are Pharmacy, Optometry, and Cosmetology.

Very truly yours,



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

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

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

011-8

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. 696 (COR), "AN ACT TO REPEAL AND REENACT ARTICLE 1 OF CHAPTER 12, DIVISION 1, PART 1 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE COMMISSION ON THE HEALING ARTS OF GUAM," was on the 11<sup>th</sup> day of December, 1998, duly and regularly passed.



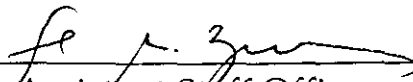
ANTONIO R. UNPINGCO  
Speaker

Attested:




JOANNE M.S. BROWN  
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guahan* this 16<sup>th</sup> day of December, 1998,  
at 11:10 o'clock A.M.



Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:



CARL T. C. GUTIERREZ  
*I Maga'lahaen Guahan*

Date: 12-28-98

Public Law No. 24-321

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

**Bill No. 696 (COR)**

As substituted by the Author and  
as further substituted on the Floor  
and amended.

Introduced by:

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

**AN ACT TO REPEAL AND REENACT ARTICLE 1 OF  
CHAPTER 12, DIVISION 1, PART 1 OF TITLE 10 OF  
THE GUAM CODE ANNOTATED, RELATIVE TO  
THE COMMISSION ON THE HEALING ARTS OF  
GUAM.**

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

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

4   **"ARTICLE 1.**

5   **COMMISSION ON THE HEALING ARTS OF GUAM.**

6           **Section 12101.**

**Definitions.**

- 7   **(a) Disease.**
- 8   **(b) The Healing Art.**
- 9   **(c) To Practice.**
- 10   **(d) Commission.**
- 11   **(e) Practice of Optometry.**
- 12   **(f) Practice of Nursing.**
- 13   **(g) Chiropractic.**
- 14   **(h) Practice of Dentistry.**
- 15   **(i) The Practice of Medicine.**
- 16   **(j) Practice of Podiatry.**
- 17   **(k) Practice of Clinical Psychology.**
- 18   **(l) Practice of Osteopathy.**
- 19   **(m) Practice of Pharmacy.**
- 20   **(n) Physical Therapy.**
- 21   **(o) Practice of Veterinary Medicine.**
- 22   **(p) Acupuncture.**
- 23   **(q) Speech-Language Pathology and**  
24   **Audiology.**
- 25   **(r) Physician Assistants.**
- 26   **(s) Individual, Family and Marriage**

1 Therapist.

2 (t) The Practice of Occupational  
3 Therapy.

4 (u) The Practice of Respiratory Therapy.

5 (v) The Practice of Clinical Dietary.

6 (w) The Practice of Cosmetology.

7 (x) Other Healing Arts Profession as  
8 Allowed by Guam Laws.

9 Section 12102. Prohibition.

10 Section 12103. Commission.

11 Section 12104. Personnel.

12 Section 12105. Board of Examiners.

13 Section 12106. Codification.

14 Section 12107. Severability.

15 Section 12108. Effective Date.

16  
17 Section 12101. Definitions. For the purpose of this Chapter  
18 the following words and phrases shall have the meanings assigned to  
19 them, respectively, *except* where the context otherwise requires:

20 (a) '*Disease*' means any blemish, defect, deformity,  
21 infirmity, disorder or injury of the human body or mind, or of  
22 pregnancy and the effects of any of them.

23 (b) '*The Healing Art*' means the art of prevention, detecting  
24 or attempting to detect the presence of any disease; of determining  
25 or attempting to determine the nature and state of any disease, *if*

1           *present*; or preventing, relieving, correcting or curing of or  
2           attempting to prevent, relieve, correct or cure any disease; of  
3           safeguarding or attempting to safeguard the life of any woman or  
4           infant through pregnancy and parturition; and of doing or  
5           attempting to do any of the acts enumerated in this Subsection.  
6           The healing arts include, but are not limited to, optometry,  
7           nursing, chiropractic, dentistry, medicine and surgery, physician  
8           assistants, podiatry, psychology, osteopathic, pharmacy, physical  
9           therapy, acupuncture, speech language pathology, audiology,  
10          respiratory therapy, nutritionist/clinical dietician, cosmetology  
11          and veterinary medicine.

12           (c)   '*To Practice*' means to do or attempt to do, or to hold  
13          oneself out or to allow oneself to be held out as ready to do, any  
14          act enumerated in Subsection (b) of this Section as constituting a  
15          part of the healing art for a fee, gift, reward or in anticipation of  
16          any fee, gift or reward whether tangible or intangible.

17           (d)   '*Commission*' means the Commission of Healing Arts  
18          created by this Chapter.

19           (e)   '*Practice of Optometry*' means engaging in that primary  
20          healthcare profession, of which the members examine, diagnose,  
21          manage, and treat certain conditions and diseases of the human  
22          eye, visual systems and associated structures. It includes, but is  
23          *not* limited to, the use of any means or methods for the purpose of  
24          determining the refractive condition of the human eye or any  
25          muscular or visual anomalies thereof, and employing, adapting or



1           prescribing of lenses, prisms, contact lenses or other ophthalmic  
2           appliances. Optometrists certified pursuant to §12508 of this Title  
3           are authorized to make use of diagnostic or selected therapeutic  
4           pharmaceutical agents, based on the following conditions and  
5           limitations.

6                   (1) Independent use of the following therapeutic  
7                   pharmaceutical agents as topical preparations: non-steroidal  
8                   anti-allergics, antibacterials and cycloplegics.

9                   (2) Under a co-management arrangement with an  
10                  ophthalmologist, the following additional agents may be  
11                  utilized: oral anti-allergics, oral antibacterials, topical or oral  
12                  anti-glaucoma agents, topical anti-inflammatories, topical  
13                  anti-virals and oral analgesics.

14                  (3) Co-management is an agreement by which an  
15                  optometrist and an ophthalmologist share responsibility for  
16                  patient care.

17                  (4) Optometrists are prohibited from performing  
18                  surgery. 'Surgery,' as used in reference to the human eye  
19                  and its appendages, means any procedure in which human  
20                  tissue is cut or burned. Surgical procedures include the use  
21                  of sharp-edged instruments or lasers to cut or burn tissue for  
22                  therapeutic or photorefractive purposes, but do *not* include  
23                  the removal of superficial foreign bodies. A superficial  
24                  foreign body is defined as one that has *not* penetrated deeper  
25                  than the epithelium.

1                   (5) Optometrists utilizing pharmaceutical agents  
2 shall be held to the same standard of care as would a  
3 physician using the same agents.

4                   (f) *'Practice of Nursing'* means:

5                   (1) The *'Practice of Professional Nursing'* means the  
6 performance for compensation of any act in helping people  
7 cope with difficulties in daily living which are associated  
8 with their actual or potential health problems or illness  
9 problems, or the treatment thereof, which require a  
10 substantial amount of scientific knowledge in the biological,  
11 physical and social sciences and technical skills, and  
12 includes *all* of the following:

13                   (i) direct and indirect patient care services  
14 that insure the safety, comfort, personal hygiene and  
15 protection of patients, and the performance of disease  
16 prevention and restorative measures;

17                   (ii) direct and indirect patient care services  
18 including, but not limited to, the administration of  
19 medications and therapeutic agents necessary to  
20 implement a treatment, disease prevention or  
21 rehabilitative regime prescribed by a licensed  
22 physician or dentist;

23                   (iii) the performance, according to  
24 standardized procedures, of basic health care, testing  
25 and preventative procedures, including, but not

1 limited to, skin tests, immunization techniques and the  
2 withdrawal of human blood from veins and arteries; *or*

3 (iv) observation of signs and symptoms of  
4 illness, reactions to treatment, general behavior or  
5 general physical conditions; *and*:

6 (aa) determination of whether such signs,  
7 symptoms, reactions, behavior or general  
8 appearance exhibit abnormal characteristics; *and*

9 (bb) implementation, based on observed  
10 abnormalities, appropriate reporting, referral,  
11 standardized procedures, changes in treatment  
12 regime in accordance with standardized  
13 procedures or the initiation of emergency  
14 procedures. Standardized procedures as used in  
15 this Section means policies and protocols  
16 developed through collaboration among  
17 administrators, physicians, nurses and other  
18 health professionals of an organized health care  
19 system.

20 (2) '*Practice of Practical Nursing*' means the  
21 performance for compensation of technical services  
22 requiring basic knowledge of the biological, physical,  
23 behavioral, psychological and sociological sciences of  
24 nursing procedures. These standardized procedures leading  
25 to predictable outcomes in the observation and care of the ill,

1           injured and infirm, and in the administration of medication  
2           and treatments prescribed by any authorized person.

3           (g) *'Chiropractic'* means the science, art and philosophy of  
4           things natural, the science of locating and removing interference  
5           with the transmissions or expression of nerve forces in the human  
6           body, by the correction of misalignments or subluxation of the  
7           articulations and adjacent structures, *more especially* those of the  
8           vertebral column and pelvis, for the purpose of restoring and  
9           maintaining health. It shall include the use of *all* natural agencies  
10          to assist in the healing art, such as food, water, heat, cold,  
11          electricity and mechanical appliances. The use of X-ray  
12          procedures shall be limited to skeletal X-rays, and shall exclude  
13          the therapeutic use of X-radiation, the use of contrast studies that  
14          introduce dyes, isotopes or similar contrast media through the  
15          skin, orally, via catheterization or retrograde into any body cavity.  
16          It shall exclude operative surgery, prescription or use of drugs or  
17          medicine, and laboratory procedures involved in the penetration  
18          of human tissues.

19          (h) *'Practice of Dentistry'* means:

20               (1) the diagnosis, treatment, correction, change,  
21               relief, prevention, prescription of remedy or surgical  
22               operation for any disease, pain, deformity, deficiency, injury,  
23               lesion or other physical condition of human teeth, gums,  
24               jaws, oral cavity or adjacent tissues by an individual or his  
25               agent or employee, including the prescription or

1 administration of any drug, medicine, biological, prosthetic  
2 apparatus, brace, device, anesthetic or other therapeutic or  
3 diagnostic substance or technique;

4 (2) the representation, directly or indirectly, publicly  
5 or privately, of an ability or willingness to do any act  
6 mentioned in Paragraph (1) of this Subsection; *or*

7 (3) with specific reference to the teeth, gums, jaws,  
8 oral cavity or adjacent tissues in living persons, for an  
9 individual, his agent or employee to do, propose, agree or  
10 attempt to do or make an examination, or give an estimate of  
11 cost with intent to:

12 (i) perform surgery, an extraction or any other  
13 operation, or to administer an anesthetic in connection  
14 therewith;

15 (ii) diagnose or treat any condition, disease,  
16 pain, deformity, deficiency, injury, lesion or other  
17 physical condition;

18 (iii) correct a malposition;

19 (iv) treat a fracture;

20 (v) remove calcareous deposits;

21 (vi) replace missing anatomy with an artificial  
22 substitute;

23 (vii) construct, make, furnish, supply,  
24 reproduce, alter or repair an artificial substitute, or  
25 restorative or corrective appliance, or take orders for

1 such work from either a regularly licensed dentist, or  
2 place an artificial substitute or restorative or corrective  
3 appliance in the mouth or attempt to adjust it;

4 (viii) give interpretations or readings of  
5 dental roentgenogram; *or*

6 (ix) do any other remedial, corrective or  
7 restorative work.

8 (i) '*Practice of Medicine*' means the diagnosis, correction  
9 and treatment in any manner or by any means, methods, devices  
10 or instrumentalities of any disease, illness, pain, wound, fracture,  
11 infirmity, deformity, defect or abnormal, physical and mental  
12 condition, including physician assistants under the supervision of  
13 a licensed physician of medicine, but does *not* include the practice  
14 of dentistry, podiatry, nursing, optometry, psychology,  
15 chiropractic or pharmacy by a person licensed under the  
16 provisions of this Chapter.

17 (j) '*Practice of Podiatry*' means engaging in that primary  
18 health care profession, of which the members examine, diagnose,  
19 treat and prevent by medical, surgical and mechanical means  
20 ailments affecting the human foot and ankle, and the structures  
21 governing their functions, but does *not* include amputation of the  
22 foot or the personal administration of a general anesthetic. A  
23 '*podiatrist*,' under the laws of Guam, is defined as a foot or  
24 podiatric physician.

1           (k) *'Practice of Clinical Psychology'* means the assessing and  
2 alleviating of emotional and mental disorder in a hospital or  
3 clinical setting.

4           (l) *'Practice of Osteopathy'* means subscribing to, as a  
5 complete school of medicine and surgery, use of *all* methods of  
6 diagnosis and treatment in health and disease, including, without  
7 limitation, the prescribing and administration of drugs and  
8 biological of all kinds, operative surgery, obstetrics, radiological  
9 and other electro-magnetic emission, and placing special emphasis  
10 on the inter-relationship of musculoskeletal system to all of the  
11 body systems.

12           (m) *'Practice of Pharmacy'* means engaging in the  
13 preparation, compounding and dispensing of drugs and includes  
14 the identification, preservation, proper and safe storage, selection,  
15 combination, analysis, standardization, labeling and distribution  
16 of drugs, the proper maintenance of any records required by  
17 Federal or Guam law, and counseling with respect to  
18 pharmaceutical practices.

19           (n) *'Physical Therapy'* means treatment by the use of  
20 exercise, traction, massage, heat, cold, water, radiant energy,  
21 electricity or sound for the purpose of correcting or alleviating any  
22 physical or mental disability; or the performance of neuro-  
23 musculoskeletal, respiratory and circulatory tests and  
24 measurements to determine the existence of body malfunction;

1 provided, however, that physical therapy shall *not* include  
2 radiology or electrosurgery.

3 (o) '*Practice of Veterinary Medicine*' means:

4 (1) the diagnosis, treatment, correction, in any  
5 manner or by any means change, relief or prevention of  
6 animal disease, deformity, defect, injury or other physical or  
7 mental condition, including the prescription or  
8 administration of any drug, medicine, biologic, apparatus,  
9 application, surgery, anesthetic or other therapeutic or  
10 diagnostic substance or technique, and the use of any  
11 procedure for artificial insemination, testing for pregnancy,  
12 diagnosing and treating sterility or infertility, or rendering  
13 advice with regard to any of these;

14 (2) the representation, directly or indirectly, publicly  
15 or privately, of an ability and willingness to do any act  
16 mentioned in Paragraph (1) of this Subsection; *or*

17 (3) the use of any title, words, abbreviation or letters  
18 in a manner, or under circumstances, which includes the  
19 belief that the person using them is qualified to do any act  
20 mentioned in Paragraph (1) of this Subsection.

21 (p) '*Acupuncture*' means a therapy developed by the  
22 ancient Chinese that consists of stimulation of designated points  
23 on the skin by insertion of needles, application of heat, massage or  
24 a combination of these.

25 (q) '*Speech-Language Pathology and Audiology*' means:



1           (1) *'Practice of Speech-Language Pathology'* means the  
2 rendering or offering to render to individuals, groups,  
3 organizations or the public any service in speech or  
4 language pathology involving the non-medical application  
5 of principles, methods and procedures for the measurement,  
6 testing, diagnosis, prediction, counseling and instruction  
7 related to the development and disorders of speech, voice or  
8 language for the purpose of non-medical diagnosing,  
9 preventing, treating and ameliorating such disorders and  
10 conditions in individuals and groups of individuals; *and*

11           (2) *'Practice of Audiology'* means the application of  
12 principles, methods and procedures of measurement,  
13 testing, appraisal, prediction, aural rehabilitation, aural  
14 habilitation, consultation, hearing-aid selection, counseling,  
15 instruction and research related to hearing, and disorders of  
16 hearing, for the purpose of non-medical diagnosis,  
17 prevention, identification, amelioration or the modification  
18 of communicative disorders, involving speech, language,  
19 auditory function or *other* aberrant behavior related to  
20 hearing disorders.

21           (r) *'Physician Assistants'* means a skilled individual  
22 nationally certified by examination, administered by the National  
23 Certifying Commission for Physician Assistants, as being qualified  
24 by practical and academic training to provide a specific medical  
25 service delegated to him by a licensed physician or group of

1 physicians who is responsible for the performance of that  
2 physician assistant. Licensure requirements and scope and  
3 procedures of practice for such individuals are to be promulgated  
4 by the Board of Allied Health Professionals.

5 (s) *'Individual, Family and Marriage Therapist'* means a  
6 skilled individual qualified by practical and academic training to  
7 provide planned intervention to help the client(s) enlarge  
8 competencies, and increase problem solving skills and coping  
9 abilities. Licensure requirements and scope and procedures of  
10 practice for such individuals shall be promulgated by the Board of  
11 Allied Health Examiners.

12 (t) *'Practice of Occupational Therapy'* means the treatment  
13 provided to people whose lives have been disrupted by physical  
14 injury or illness, developmental problems, the aging process or  
15 psychosocial difficulties in order to assist each individual to  
16 achieve and/or return to an independent and productive life by  
17 teaching the individual techniques to prevent disability, by  
18 assisting the individual in recovery from illness or accident, and  
19 by promoting the development of functions which have been  
20 impaired or delayed. The treatment provided may include, but  
21 shall *not* be limited to, the adaptation of the environment and  
22 selection, design and fabrication or assistive and orthotic devices,  
23 and other technology to facilitate development and promote the  
24 acquisition of functional skills.

1           (u) *'Practice of Respiratory Therapy'* means the treatment  
2 and the management of pulmonary diseases with medications and  
3 machines provided to patients whose condition or illness is that of  
4 breathing.

5           (v) *'Practice of Nutritionist/Clinical Dietary'* means the  
6 development and coordination of menu planning to combine  
7 foods for maximum nutritional value, taste and eye appeal to meet  
8 individual nutritional needs and preferences.

9           (w) *'Practice of Cosmetology'* means any and all, or any  
10 combination of the following practices: arranging, dressing,  
11 curling, waving, machineless permanent waving, permanent  
12 waving, cleansing, cutting, singeing, bleaching, tinting, coloring,  
13 straightening, dyeing, brushing, beautifying or otherwise treating  
14 by any means the hair of any person. The massaging, cleaning or  
15 stimulating the scalp, face, neck, arms, bust or upper part of the  
16 human body, by means of the hands, devices, apparatus or  
17 appliances, with or without the use of cosmetic preparations,  
18 antiseptics, tonics, lotions or creams. Beautifying the face, neck,  
19 arms, bust or upper part of the human body, by use of cosmetic  
20 preparations, antiseptics, tonics, lotions or creams. The removing  
21 of superfluous hair from the body of any person by the use of  
22 electrolysis, or by the use of depilatories or by the use of tweezers,  
23 chemicals, preparations or by the use of devices or appliances of  
24 any kind or description, *except* by the use of light waves,  
25 commonly known as rays. The cutting, trimming, polishing,

1 tinting, coloring, cleansing or manicuring the nails of any person;  
2 and, the massaging, cleansing, treating or beautifying the hands of  
3 any person.

4 (x) Other Healing Arts Profession as allowed by Guam  
5 Laws.

6 **Section 12102. Prohibition.** No person shall practice the  
7 healing art on Guam who is *not*: (a) licensed so to do under the  
8 provisions of this Article; *or* (b) exempted under the provisions of this  
9 Chapter.

10 No person shall practice the healing art on Guam otherwise than  
11 in accordance with the terms of his license, or of his registration as the  
12 case may be.

13 **Section 12103. Commission.** (a) There is within the  
14 government of Guam a '*Commission on the Healing Arts of Guam,*'  
15 ('Commission') consisting of eleven (11) members appointed by *I*  
16 *Maga'lahaen Guahan* as follows: the Director of Public Health and  
17 Social Services, or a designee from the Department; the  
18 Chairperson of the Board of Nurse Examiners; the Chairperson of  
19 the Board of Medical Examiners; the Chairperson of the Board of  
20 Examiners for Dentistry; the Chairperson of the Board of  
21 Examiners for Pharmacy; the Chairperson of the Board of Allied  
22 Health Examiners; the Chairperson of the Board of Examiners for  
23 Optometry; the Chairperson of Board of Cosmetology; the Chief  
24 Medical Officer of the Guam Memorial Hospital Authority; the  
25 Director of the Department of Mental Health and Substance

1 Abuse, or a designee from the Department; *and* one (1) member  
2 from the Mayors Council.

3 The Commission shall elect a president and vice-president.  
4 The Director of the Department of Public Health and Social  
5 Services, or the designee of the Director, shall be the secretary and  
6 treasurer of the Commission.

7 (b) The Commission shall make, and from time to time  
8 may alter, such rules as it deems necessary for the conduct of its  
9 business and for the execution and enforcement of the provisions  
10 of this Chapter.

11 (c) The Commission shall review rules and regulations  
12 promulgated by the Board of Medical Examiners, Board of Nurse  
13 Examiners, Board of Examiners for Dentistry, Board of Examiners  
14 for Optometry, Board of Examiners for Pharmacy, Board of Allied  
15 Health Examiners, and Board of Cosmetology for the purpose of  
16 standardizing, as much as possible, requirements for licensure for  
17 all professions in the practice of healing arts.

18 (d) The Commission shall maintain a register of all  
19 persons licensed to practice the healing art on Guam, and each  
20 Board shall notify the Commission *not less than* annually of  
21 persons licensed under its supervision.

22 (e) The Commission shall meet at least annually to review  
23 and make recommendations to the Division of Health Planning  
24 within DISID any plans relative to the community needs  
25 assessment and recommendation in areas of health manpower

1 resources for licensed professionals in the healing arts, and other  
2 related health services.

3 **Section 12104. Personnel.** The Department of Public  
4 Health and Social Services shall be the Department responsible for the  
5 implementation of this Act and may establish the Division of  
6 Commission of the Healing Arts and Licensure for the purpose of this  
7 Act. The Director of the Department of Public Health and Social  
8 Services shall provide such office space, staff, supplies, equipment,  
9 vehicle and assistants as may be necessary for the work of the  
10 Commission for each of the examining boards, including statutorily  
11 created boards and the execution and enforcement of this Chapter. The  
12 Attorney General shall provide legal services to the Commission and the  
13 Boards of Examiners without a fee.

14 **Section 12105. Codification.** *If need be, the Compiler of*  
15 *Laws is hereby authorized to appropriately codify this Act.*

16 **Section 12106. Severability.** *If any of the provisions of this*  
17 *Act, or the application thereof to any person or circumstance are held*  
18 *invalid, such invalidity shall not affect any other provision or*  
19 *application of this Act, which can be given effect without the invalid*  
20 *provision or application, and to this end the provisions of this Act are*  
21 *severable.*

22 **Section 12107. Effective Date.** The provisions contained in  
23 this Act shall take effect upon enactment."

play 221

**Committee on Health and Human Services**

*Mina'Bente Kuattro Na Liheslaturan Guahan*

155 Hesler Street

Agana, Guam 96910

Tel: (671) 472-3581 • Fax: (671) 472-3582

July 24, 1998

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:

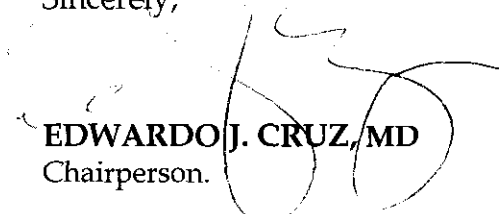
The Committee on Health and Human Services, to which was referred Bill No. 696 (COR), "AN ACT TO REPEAL AND REENACT ARTICLE 1, CHAPTER 12, OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE COMMISSION ON THE HEALING ARTS OF GUAM, AND TO CITE THE ACT AS THE COMMISSION ON THE HEALING ARTS ACT OF 1998," 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:

12 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,


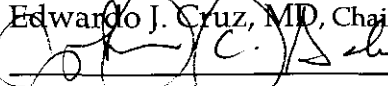
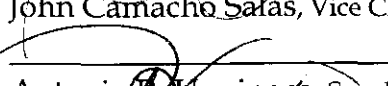
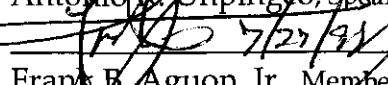

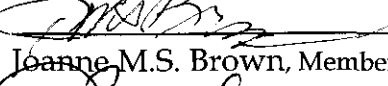
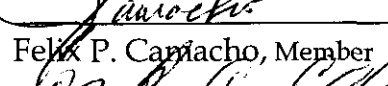
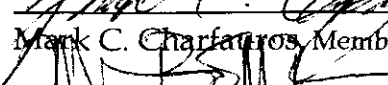

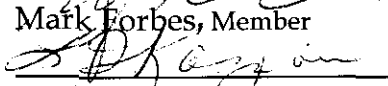
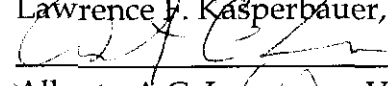
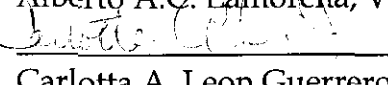

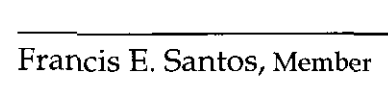

  
**EDUARDO J. CRUZ, MD**  
Chairperson.

Enclosure:

Committee Health and Human Services  
Vote Sheet on  
Bill No. 696 (COR)

AN ACT TO REPEAL AND REENACT ARTICLE 1, CHAPTER 12, OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE COMMISSION ON THE HEALING ARTS OF GUAM, AND TO CITE THE ACT AS THE COMMISSION ON THE HEALING ARTS ACT OF 1998.

COMMITTEE MEMBER	TO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
------------------	---------	-------------	---------	---------------

 Eduardo J. Cruz, MD, Chairperson	✓			
 John Camacho Salas, Vice Chairperson	✓			
 Antonio B. Unpingco, Speaker & Ex-Officio	✓			
 Frank B. Aguon, Jr., Member	✓			
 Anthony C. Blaz, Member				
 Joanne M.S. Brown, Member	✓			
 Felix P. Camacho, Member	✓			
 Mark C. Charfaroos, Member	✓			
 William BSM Flores, Member	✓			
 Mark Forbes, Member	X			
 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. 696 (COR)

AN ACT TO REPEAL AND REENACT ARTICLE 1, CHAPTER 12, OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE COMMISSION ON THE HEALING ARTS OF GUAM, AND TO CITE THE ACT AS THE COMMISSION ON THE HEALING ARTS ACT OF 1998.

Introduced by Senators  
E. J. Cruz, MD, J. C. Salas, Felix P. Camacho  
W. B.S.M. Flores, F. B. Aguon, Jr., Francisco P. Camacho

PUBLIC HEARING:

The Committee on Health and Human Services, to which was referred Bill No. 696, (COR) "AN ACT TO REPEAL AND REENACT ARTICLE 1, CHAPTER 12, OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE COMMISSION ON THE HEALING ARTS OF GUAM, AND TO CITE THE ACT AS THE COMMISSION ON THE HEALING ARTS ACT OF 1998," conducted a public hearing on Wednesday, July 22, 1998, starting at 12:00 p. m., at the Legislative Public Hearing Room.

MEMBERS PRESENT:

Senator Edwardo J. Cruz, Chairperson of the Committee on Health and Human Services convened the hearing promptly at 12:00 p.m. Committee members and other Senators present were: John C. Salas, Vice-Chairperson, Frank B. Aguon, Jr., Joanne M.S. Brown and Lou Leon Guerrero.

TESTIMONY:

Appearing before the Committee were Larry Hazen, Velma Harper from the Board of Allied Health examiners and Teofila Cruz, Administrator for Professional Licensure. At the outset, Ms. Cruz informed the Committee that Board supports the overall intent and requests that Bill No. 696 be passed. Ms. Cruz enlightened the Committee that it would also be a proactive proposal if the essential requirements needed by the Board, (transportation, materials and supplies) were also addressed in the legislation. After discussion, the Board members were informed by the Committee chair that the recommendation would be taken into consideration. There being no further witnesses, the Chairperson adjourned the Committee's hearing on Bill No. 696.

## FINDINGS:

The Committee finds that:

- No persons shall practice the healing art on Guam who is not (a) licensed so to do under the provisions of this Article, or (b) exempted under the provisions of this Chapter. Furthermore, no person shall practice the healing art in Guam otherwise than in accordance with the terms of his license or of his registration as the case may be.
- There is within the government of Guam a "Commission on the Healing Art of Guam," consisting of eleven (11) members appointed by *I Maga'lahaen Guahan* as follows: the Director of Public Health and Social Services or the Chief Public Health Officer; the Chairperson of the Board of Nurse Examiners; the Chairperson of the Board of Medical Examiners; the Chairperson of the Board of Examiners for Dentistry; the Chairperson of the Board of Examiner for Pharmacy; the Chairperson of the Board of Allied Health Examiners; the Chairperson of the Board of Examiner for Optometry; the Chairperson of Board of Cosmetology; the Chief Medical Officer of the Guam Memorial Hospital Authority; the Director of the Department of Mental Health and Substance Abuse; and one (1) member from the general public (not health related.)
- The Commission shall elect a president and vice-president. The Director of the Department of Public Health and Social Services or the Chief Medical Officer of the Guam Memorial Hospital shall be the secretary and treasurer of the Commission.
- The Commission shall make and from time to time may alter such rules as it deems necessary for the conduct of its business and for the execution and enforcement of the provisions of this Chapter.
- The Commission shall review regulations promulgated by the Board of Medical Examiners, Board of Nurse Examiners, Board of Examiners for Dentistry, Board of Examiners for Optometry and Board of Examiners for Pharmacy, Board of Allied Health Examiner and Board of Cosmetology for the purpose of standardizing as much as possible requirements for licensure for all professions in the practice of healing arts.
- The Commission shall maintain a registry of all persons licensed to practice the healing art on Guam and each Board shall notify the Commission not less than annually of persons licensed under its supervision.

- The Commission is hereby authorized to meet at least semiannually to review and submit to *I Maga'lahaen Guahan* a community needs assessment and recommendation in areas of health manpower resources for licensed professionals in the healing arts and related health services. The information shall be made available to the Division of Health Planning within DISID.
- The Department of Public Health and Social Services shall be responsible for the implementation of this Act and may establish the Division of Commission of the Healing Arts and Licensure for the purpose of this Act. The Director of the Department of Public Health and Social Services shall provide such office space, staff, supplies, equipment, vehicle, and assistants as may be necessary for the work of the Commission, for each of the examining boards including statutorily created boards and the execution and enforcement of this Chapter. The Attorney General shall provide legal services to the Commission and the Boards of Examiners without a fee.

#### RECOMMENDATION:

The Committee, having reviewed the testimonies presented at the public hearing, does hereby recommend to the Legislature that Bill No. 696 (COR), "AN ACT TO REPEAL AND REENACT ARTICLE 1, CHAPTER 12, OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE COMMISSION ON THE HEALING ARTS OF GUAM, AND TO CITE THE ACT AS THE COMMISSION ON THE HEALING ARTS ACT OF 1998," be passed as amended.

24<sup>th</sup> Guam Legislature  
Committee on Rules, Government  
Reform and Federal Affairs  
*Senator Mark Forbes, Chairman*



JUL 24 1998

07-0122  
RECEIVED  
24TH GUAM LEGISLATURE  
COM. HEALTH & HUMAN SVCS.  
DATE: 7/24/98 BY: *JP*

MEMORANDUM

TO: Chairman  
Committee on Health and Human Services

FROM: Acting Chairman *ACB*  
Committee on Rules, Government Reform and Federal Affairs

SUBJECT: Referral- Bill No. 696

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.

ANTHONY C. BLAZ

Attachment

*OIF  
CC/ESC, RL*



**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](mailto:ejc@senecruz.guam.net)  
Tel: 472-3581 Fax: 472-3582



MEMORANDUM

May 13, 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. Frank Aguon, Jr. 479-4827  
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  
July 22, 1998  
8:30 a.m.

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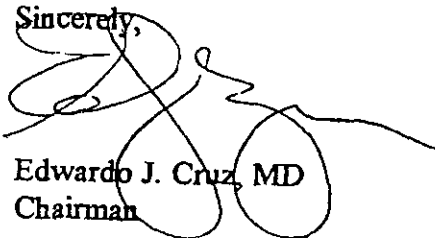
The Committee on Health and Human Services will be conducting a Public Hearing on Wednesday July 22, 1998 at 8:30 a.m. at the Legislative Public Hearing Room.

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 James at 472-3581.

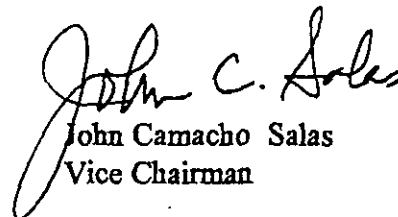
Attached is a copy of the Agenda.

We look forward to your participation and attendance.

Sincerely,



Edwardo J. Cruz, MD  
Chairman



John Camacho Salas  
Vice Chairman

CC: All Senators



**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  
Wednesday, July 22, 1998  
10:00 a.m., Legislative Public Hearing Room

**Agenda**

BILL 697: AN ACT RELATIVE TO ESTABLISHING AN ORGAN DONOR PROGRAM, ORGAN DONOR REGISTRY, AND UNIFORM DEFINITION OF CESSATION OF LIFE BY ADDING A NEW CHAPTER 83A, PART 2, DIVISION 4 OF 10 GCA AND OTHERS AND CALL THIS THE "ORGAN DONOR ACT OF 1998."

BILL 693: AN ACT RELATIVE TO CREATING COMMUNITY HEALTH CENTERS INCLUDING URGENT CARE SERVICES IN THE NORTHERN AND SOUTHERN REGIONS PLUS OTHER REGIONS BY ADDING A NEW ARTICLE 8 TO CHAPTER 3 OF TITLE 10 OF THE GUAM CODE ANNOTATED, AND TO CITE THE ACT AS "THE COMMUNITY HEALTH CENTERS ACT OF 1998."




BILL 695: AN ACT RELATIVE TO PROVIDING FOR A GUAM ALLIED HEALTH PRACTICE ACT BY ADDING A NEW ARTICLES 8 THROUGH 19 TO CHAPTER 12, DIVISION 1, ALL OF TITLE 10 OF THE GUAM CODE ANNOTATED, AND TO CITE THE ACT AS THE GUAM ALLIED HEALTH PRACTICE ACT OF 1998.

BILL 656: AN ACT TO REPEAL AND REENACT 10 GCA CHAPTER 18, LICENSING OF THE PROFESSION OF COSMETOLOGY AND COSMETOLOGICAL ESTABLISHMENTS.

BILL 696: AN ACT TO REPEAL AND REENACT ARTICLE 1, CHAPTER 12, OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE COMMISSION ON THE HEALING ART IN GUAM, AND TO CITE THE ACT AS THE COMMISSION ON THE HEALING ART 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.

New First Full Last  
 July 24 July 31 Aug. 8 Aug. 15

 Cold Front  
 Warm Front  
 Stationary Front

Shown are positions of weather systems and precipitation. Forecast high/low temperatures are given for selected cities.

T-Storms  
 Rain  
 Flurries  
 Snow  
 Ice

## GOVERNMENT MEETINGS

July 21: Liberation Day holiday observed. No meetings scheduled.

**REHABILITATION ADVISORY COUNCIL:** Disabilities Employment Awareness Month subcommittee for October activities working meeting 11 a.m.-2 p.m., July 22, DVR consumer services conference room, Tiyan. Those with disabilities who need special accommodations should call 475-4635/8. Public invited.

**BOARD OF MEDICAL EXAMINERS:** scheduled meeting 5 p.m., July 22, MHA board of trustees' conference room. For more information, call 475-51/2.

**ALCOHOLIC BEVERAGE CONTROL BOARD:** 5 p.m., July 22, Department of Revenue & Taxation director's conference room, 2nd floor, Building 13-1, Mariner Ave., Tiyan.

**HOUSING CORPORATION & RENTAL CORPORATION BOARD OF DIRECTORS:** 5 p.m., July 22, Building 6-5000 E. Sunset Blvd., Tiyan. Agenda copies available at corporation's office upon request.

**COMMITTEE ON HEALTH & HUMAN SERVICES:** Hearing 10 a.m., July 22, 1 Liheslaturan Guahan hearing room, Hagåtña. Bills 697, 693, 695, 656, 696. The public is welcome to

submit written and/or oral testimony during the hearing. Those with disabilities who need special accommodations, etc., should call Angela or Rose, 472-3581.

**RETIREMENT FUND BOARD OF TRUSTEES:** Rescheduled regular meeting 5:30 p.m., Retirement Fund conference room, Maite. Those with disabilities who need special accommodations, etc., should call 475-8900/1.

**COMMISSION ON DECOLONIZATION'S STATEHOOD TASK FORCE:** Noon, July 22, Ladera Towers' Torre Blanca Restaurant. For more information, call 475-9222.

## READER INFORMATION

The Pacific Daily News, a member of the Gannett group of newspapers, published daily at 238 Archbishop F.L. Flores St., Hagåtña Territory of Guam USA, P.O. Box DN, Agana, Guam 96932. Entered as Periodicals postage paid at the U.S. Post Office, Agana, Guam, under Act of Congress of March 3, 1979. POSTMASTER: Send address changes to: The Pacific Daily News, P.O. Box DN, Agana, Guam 96932. USPS 230-980.

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Daily & Sunday:  
 By carrier: \$13.50. By Motor Rt.: \$14.50.  
 Sunday Only:  
 By carrier: \$2.84. By Motor Rt.: \$3.12.

### Off-island rates, every 4 weeks

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