



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

Refer to
Legislative Secretary

RECEIVED

JAN 20 1999

GUAM LEGISLATIVE SECRETARY

JAN 04 1999

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	
ADDRESS: _____	
Received by: <u> </u>	
Time: <u>1:33pm</u>	
Date: <u>1-6-99</u>	

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 695 (COR), "AN ACT TO ADD ARTICLES 8-21 TO CHAPTER 12, DIVISION 1, PART 1 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR A GUAM ALLIED HEALTH PRACTICE ACT", which was vetoed and subsequently overridden by i Liheslatura. This legislation is now designated as **Public Law No. 24-329**.

Very truly yours,

Carl T. C. Gutierrez
I Maga'lahaen Guáhan
Governor of Guam

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

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

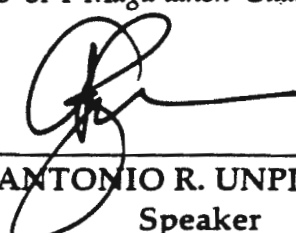
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Office of the Speaker
ANTONIO R. UNPINGCO
Date: 1/6/99
Time: 10:49
Rec'd by:
Print Name:


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

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

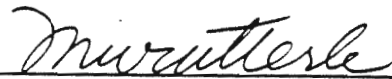
This is to certify that Substitute Bill No. 695 (COR), "AN ACT TO ADD ARTICLES 8 - 21 TO CHAPTER 12, DIVISION 1, PART 1 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR A GUAM ALLIED HEALTH PRACTICE ACT," returned without approval of *I Maga'lahaen Guahan*, was reconsidered by *I Liheslaturan Guahan* and after such consideration, did agree, on the 30th day of December, 1998, to pass said bill notwithstanding the veto of *I Maga'lahaen Guahan* by a vote of nineteen (19) members.


ANTONIO R. UNPINGCO
Speaker

Attested:


JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guahan* this 31st day of December,
1998, at 3:10 o'clock P.M.

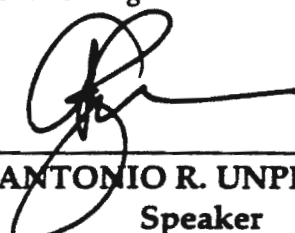

Assistant Staff Officer
Maga'lahaen's Office

Public Law No. 24-329

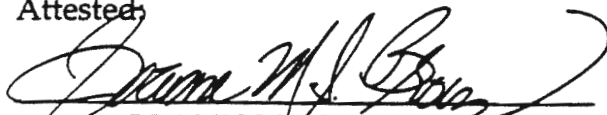
MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session

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


This is to certify that Substitute Bill No. 695 (COR), "AN ACT TO ADD ARTICLES 8 - 21 TO CHAPTER 12, DIVISION 1, PART 1 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR A GUAM ALLIED HEALTH PRACTICE ACT," returned without approval of *I Maga'lahen Guahan*, was reconsidered by *I Liheslaturan Guahan* and after such consideration, did agree, on the 30th day of December, 1998, to pass said bill notwithstanding the veto of *I Maga'lahen Guahan* by a vote of nineteen (19) members.


ANTONIO R. UNPINGCO
Speaker

Attested:


JOANNE M.S. BROWN
Senator and Legislative Secretary

.....
This Act was received by *I Maga'lahen Guahan* this 31st day of December,
1998, at 3:10 o'clock P.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahen Guahan

Date: 12 31 98

Public Law No. PL 24-329

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

Bill No. 695 (COR)

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

Introduced by:

E. J. Cruz
J. C. Salas
Felix P. Camacho
F. B. Aguon, Jr.
W. B.S.M. Flores
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 ADD ARTICLES 8 - 21 TO CHAPTER
12, DIVISION 1, PART 1 OF TITLE 10 OF THE
GUAM CODE ANNOTATED, RELATIVE TO
PROVIDING FOR A GUAM ALLIED HEALTH
PRACTICE ACT.**

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

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

4 **"ARTICLE 8.**

5 **ALLIED HEALTH PRACTICE ACT.**

6 **Section 12801.** **Title, Purpose and Statement of Policy.**

7 **Section 12802.** **Definitions.**

8 (a) **Professions.**

9 (b) **Terms.**

10 (c) **Exceptions.**

11 **Section 12803.** **Guam Board of Allied Health Examiners.**

12 (a) **Creation.**

13 (b) **Requirement.**

14 (c) **Powers and Responsibilities.**

15 (d) **Immunity.**

16 (e) **Indemnity.**

17 (f) **Protected Communication.**

18 (g) **Removal.**

19 (h) **Residency of Board Members.**

20 (i) **Committee; Legal Counsel and**
21 **Staff.**

22 (j) **Expense and *Per Diem*.**

23 (k) **Electronic Communications.**

24 **Section 12804.** **Examinations.**

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- Section 12805. Requirements for Licensure.**
- Section 12806. Responsibilities of Licensure Applicants.**
- Section 12807. Display of License.**
- Section 12808. License Period. Expiration and Renewal.**
- Section 12809. Continuing Education Requirements.**
- Section 12810. Denial or Revocation of License; Grounds.**
- Section 12811. Professional Conduct; Act.**
- Section 12812. Professional Conduct; Penalties for Violation.**
 - (a) Discipline of Licensee.**
 - (b) Penalties.**
 - (c) Re-issuance of License.**
- Section 12813. Unlawful Practice.**
- Section 12814. Cease and Desist Order.**
- Section 12815. Licensee-Patient Relations; General.**
 - (a) Privileged Communications.**
 - (b) Determination of a Patient's Need for Care.**
 - (c) Gifts and Premium.**
 - (d) Termination of Relationship.**
- Section 12816. Professional Signs, Advertisements and Listing.**

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Section 12817.
Section 12818.
Section 12819.
Section 12820.

- (a) Professional Signs.**
- (b) Advertisement of Professional Service; Restrictions.**
- (c) Professional Listings, Newspaper and Telephone Directory.**
- Professional Signs, Advertisements and Listings; Violations; Disciplinary Action.**
- Board Meetings.**
- Fee Schedule.**
- Disciplinary Action Against Licensees.**
- (a) Range of Actions.**
- (b) Letter of Concern.**
- (c) Examination/Evaluation.**
- (d) Grounds for Action.**
- Procedures For Enforcement and Disciplinary Action.**
- (a) Board Authority.**
- (b) Separation of Functions.**
- (c) Administrative Procedures.**
- (d) Standard of Proof.**
- (e) Informal Conference.**
- (f) Summary Suspension.**
- (g) Cease and Desist Orders/Injunctions.**
- (h) Board Action Reports.**

1		(i) Tolling Periods of License
2		Suspension or Restriction.
3	Section 12822.	Compulsory Reporting and Investigation.
4	Section 12823.	Unlawful Practice of Allied Health
5		Profession: Violation and Penalties.
6	Section 12824.	Renewal of Licensure.
7	Section 12825.	Rules and Regulations.
8	Section 12826.	Funding and Fees.
9	Section 12827.	Prescriptive Authority for Allied Health
10		Professionals.
11		ARTICLE 9.
12		ACUPUNCTURE.
13	Section 12901.	Definitions.
14	Section 12902.	Qualifications for Licensure.
15	Section 12903.	Exceptions to Licensure Requirements.
16	Section 12904.	Authorized Activities.
17	Section 12905.	Use of Sterilized Disposable Needles.
18		ARTICLE 10.
19		AUDIOLOGY.
20	Section 121001.	Definitions.
21	Section 121002.	Qualifications for Licensure.
22	Section 121003.	Exceptions to Licensure Requirements.
23	Section 121004.	Scope of Practice.
24		ARTICLE 11.
25		CHIROPRACTIC.

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- Section 121101. Definitions.**
- Section 121102. Qualifications for Licensure.**
- Section 121103. Graduate of Foreign School of
Chiropractic.**
- Section 121104. Exceptions to Licensure Requirements.**
- Section 121105. Specialty Board Certification.**
- Section 121106. Use of Diagnostic X-Rays by Licensees.**
- Section 121107. Determination of the Need for Care.**

ARTICLE 12.

CLINICAL PSYCHOLOGY.

- Section 121201. Definitions.**
- Section 121202. Qualifications for Licensure.**
- Section 121203. Graduates of Foreign Schools.**
- Section 121204. Exceptions to Licensure Requirements.**
- Section 121205. Prescriptive Authority.**

ARTICLE 13.

INDIVIDUAL, MARRIAGE AND FAMILY THERAPY.

- Section 121301. Definitions.**
- Section 121302. Qualifications for Licensure.**
- Section 121303. Exceptions to Licensure.**
- Section 121304. Scope of Practice.**
- Section 121305. Privileged Communication.**

ARTICLE 14.

OCCUPATIONAL THERAPY.

- Section 121401. Definitions.**

1	Section 121402.	Qualifications for Licensure;
2		Occupational Therapist.
3		(a) Educational Requirements.
4		(b) Fieldwork Experience.
5	Section 121403.	Qualifications for Licensure.
6		(a) Occupational Therapy Assistant.
7		(b) Occupational Therapy Technicians.
8	Section 121404.	International Graduates; Requirements.
9	Section 121405.	Licensure Examination.
10	Section 121406.	Qualifications for Examination.
11	Section 121407.	Waiver of Requirements.
12	Section 121408.	Persons and Practices Not Affected.
13	Section 121409.	Scope of Practice; Occupational Therapist.
14	Section 121410.	Scope of Practice; Occupational Therapy
15		Assistant.
16		ARTICLE 15.
17		PHYSICAL THERAPY.
18	Section 121501.	Definitions.
19	Section 121502.	Qualifications for Licensure.
20		(a) Licensed Physical Therapist.
21		(b) Physical Therapy Assistant.
22	Section 121503.	Exceptions to Licensure.
23	Section 121504.	Scope of Practice.
24		(a) Physical Therapists.
25		(b) Physical Therapy Assistant.

(c) **Physical Therapy Technician.**

Section 121505. Supportive Personnel; Delineation of Responsibilities.

Section 121506. Foreign Graduates; Requirements.

ARTICLE 16.

PHYSICIAN ASSISTANT.

Section 121601. Definitions.

Section 121602. Qualifications for Licensure.

Section 121603. Scope of Practice.

Section 121604. Registration of Physician Assistant's Supervision.

Section 121605. Renewal of License.

Section 121606. Identification.

Section 121607. Supervision Required.

Section 121608. Prescribing.

Section 121609. Exceptions to Licensure Requirement.

ARTICLE 17.

PODIATRIC MEDICINE.

Section 121701. Definition.

Section 121702. Qualifications for Licensure.

Section 121703. Approved Schools.

Section 121704. Approved Hospitals for Podiatric Residencies.

Section 121705. Licensure Renewal; Continuing Education Requirements.

1	Section 121706.	Approved Continuing Education
2		Programs.
3	Section 121707.	Scope of Practice.
4		ARTICLE 18.
5		SPEECH-LANGUAGE PATHOLOGY.
6	Section 121801.	Definitions.
7	Section 121802.	Qualifications for Licensure.
8		(a) Speech Language Pathologist.
9		(b) Speech Language Assistant.
10	Section 121803.	Exceptions to Licensure Requirements.
11	Section 121804.	Scope of Practice.
12		(a) Speech Language Pathologist.
13		(b) A Speech Language Assistants.
14		ARTICLE 19.
15		VETERINARY MEDICINE.
16	Section 121901.	Definitions.
17	Section 121902.	Requirements for Licensure.
18	Section 121903.	Exceptions to Licensure Requirements.
19	Section 121904.	Professional Conduct; Additional
20		Provisions.
21	Section 121905.	Spay/Neuter Clinic.
22		ARTICLE 20.
23		RESPIRATORY THERAPY.
24	Section 122001.	Definitions.
25	Section 122002.	Qualifications for Licensure.

1		(a) Licensed Respiratory Therapist.
2	Section 122003.	Exceptions to Licensure.
3	Section 122004.	Scope of Practice.
4		(a) Respiratory Therapists.
5		(b) Respiratory Technician.
6	Section 122005.	Supportive Personnel; Delineation of
7		Responsibilities.
8		ARTICLE 21.
9		NUTRITIONIST/CLINICAL DIETITIAN.
10	Section 122101.	Definitions.
11	Section 122102.	Qualification for Licensure; Clinical
12		Dietitian or Nutritionist.
13	Section 122103.	International Graduate Requirements.
14	Section 122104.	Licensure Examination.
15	Section 122105.	Qualifications for Examination.
16	Section 122106.	Waiver of Requirement.
17	Section 122107.	Persons and Practices <i>Not</i> Affected.
18	Section 122108.	Scope of Practice.
19		ARTICLE 22.
20		NURSING HOME ADMINISTRATOR.
21	Section 122201.	Nursing Home Administrator.
22	Section 122202.	Authority.
23	Section 122203.	Qualification.
24	Section 122204.	Application for Licensure.
25	Section 122205.	Licensure by Examination.

- 1 **Section 122206. Licensure by Endorsement/Reciprocity.**
2 **Section 122207. Courses of Instruction and Training.**
3 **Section 122208. Present Administrators.**
4 **Section 122209. Renewal of License.**

5
6 **Section 12801. Title, Purpose, and Statement of Policy.**

7 **(a) Title.** This Act may be cited or referred to as "*The*
8 *Guam Allied Health Practice Act of 1998.*"

9 **(b) Purpose.** The primary purpose of this Act is to
10 protect the public against unprofessional, improper, incompetent,
11 unlawful, fraudulent or deceptive practices by persons who
12 practice the healing art. This Act, therefore, shall provide for the
13 proper guidelines, such as education requirements, continuing
14 education requirements, licensing and renewal procedures,
15 professional conduct and any other matter, which the Board
16 deems appropriate in serving the interests of the community.

17 **(c) Statement of Policy.** The practice of allied health is a
18 privilege granted by the people acting through their elected
19 representatives. It is *not* a natural right of individuals. In the
20 interests of public health, safety and welfare, and to protect the
21 public from the unprofessional, improper, incompetent, unlawful,
22 fraudulent and/or deceptive practice of allied health professions,
23 it is necessary to provide laws and regulations to govern the
24 granting and subsequent use of the privilege to practice allied
25 health professions. The primary responsibility and obligation of

1 the *Guam Board of Allied Health Examiners* is to protect the people of
2 Guam.

3 **Section 12802. Definitions. (a) Professions.**

4 For purposes of this Act, the following allied health
5 professions shall be licensed under the Guam Board of Allied
6 Health Examiners:

7 (i) '*Acupuncture*' shall mean the science and art of
8 examination and diagnosis based on Oriental medical
9 theory, treatment by stimulation of a certain point, or points,
10 on or near the surface of the body by the insertion of needles
11 or stimulation by other sources to prevent or modify the
12 perception of pain, or to normalize physiological functions,
13 including pain control, for the treatment of certain diseases
14 or dysfunctions of the body, including the techniques of
15 electroacupuncture, cupping, and moxibustion or any
16 combination of these.

17 (ii) '*Audiology*' shall mean the application of
18 principles, methods and procedures for measurement,
19 testing, evaluation, prediction, counseling, selling,
20 instruction, habilitation or rehabilitation related to hearing
21 aids or ear molds, including the fitting of such devices, or
22 disorders of hearing for the purpose of evaluation,
23 identifying preventing, rehabilitating, ameliorating or
24 modifying such disorders and conditions in individuals.

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

19 (iv) '*Clinical psychology*' shall mean the subspecialty
20 in psychology which is primarily concerned with assessing
21 and alleviating emotional, mental and behavioral disorders
22 in a hospital, institution or other clinical setting.

23 (v) '*Individual, marriage and family therapy*' shall mean
24 the intervention of a licensed therapist in assisting clients in
25 individual, marriage and family therapy.

1 (vi) '*Occupational therapy*' shall mean the evaluation
2 and treatment provided to people whose lives have been
3 disrupted by physical injury, illness, developmental
4 problems, the aging process, or psychosocial or cognitive
5 difficulties. Treatment entails the assessment, evaluation
6 and treatment to assist each individual to achieve or return
7 to an independent and productive life through techniques
8 which prevent disability, assisting the individual in recovery
9 from illness or accident, and by promoting the development
10 of functions which may have been impaired or delayed. The
11 treatment provided may include, but shall not be limited to,
12 the adaptation of the environment and the selection, design
13 and fabrication of assistive and orthotic devices, and other
14 technology to facilitate development and promote the
15 acquisition of functional skills through purposeful activity.

16 (vii) '*Physical therapy*' shall mean the utilization of
17 scientific principles for the evaluation and treatment of any
18 disability, injury or disease by the use of physical, chemical
19 or mechanical means, including, but not limited to, heat,
20 cold, air, light, sound, electricity, water, massage,
21 therapeutic exercise and rehabilitative procedures, with or
22 without assistive devices, for the purpose of preventing,
23 correcting or alleviating dysfunction resulting from such
24 disability, injury or disease; the performance of tests and
25 measurements of neuromuscular function as an aid to the

1 diagnosis or treatment of the human condition; performance
2 of treatments on the basis of test findings; supervision of
3 selective forms of treatment by trained, supportive
4 personnel; and provisions of consultative services for health,
5 education and community agencies, provided, however, that
6 physical therapy shall *not* include the use of Roentgen rays
7 and radium for diagnostic and therapeutic purposes, the use
8 of electricity for surgical purposes, including cauterization.
9 Physical therapy and physical therapy services are *not*
10 generic terms; they are the use of any intervention, including
11 physical agent modalities/electrotherapy, that is provided
12 by, or under the direction of, a licensed physical therapist.

13 (viii) '*Physician assistant*' shall mean a Board licensed
14 person, qualified by academic and practical training, who
15 provides patient services under the indirect supervision of a
16 licensed physician. A physician assistant is *not* an
17 independent practitioner.

18 (ix) '*Podiatric medicine*' shall mean the diagnosis,
19 medical, surgical, mechanical, manipulative, and electrical
20 treatment of the human foot and ankle, including the
21 tendons that insert into the foot, and the non-surgical
22 treatment of the muscles and tendons of the leg governing
23 the functions of the foot.

24 (x) '*Speech-language pathology*' shall mean the
25 application of principles, methods and procedures for the

1 measurement, testing, evaluation, prediction, counseling,
2 introduction, habilitation or rehabilitation related to the
3 development and disorders of speech, voice, fluency or
4 language, for the purposes of evaluating, identifying,
5 treating, preventing, ameliorating or modifying such
6 disorders and conditions in individuals or groups of
7 individuals.

8 (xi) '*Veterinary medicine*' shall mean veterinary
9 surgery, obstetrics, dentistry means to diagnose, treat,
10 correct, change, relieve or prevent animal disease, deformity,
11 defect, injury or other physical or mental condition,
12 including the prescription or administration of any drug,
13 medicine, biologic, apparatus, application, anesthetic, or
14 therapeutic or diagnostic substance or technique, or the use
15 of any manual or mechanical procedure for artificial
16 insemination, testing for pregnancy or for correcting sterility
17 or infertility, or to render advice or recommendation with
18 regard to any of the above;

19 (xii) '*Respiratory Therapy*' means the treatment and the
20 management of pulmonary diseases with medications and
21 machines provided to patients' whose condition or illness is
22 that of (breathing).'

23 (xiii) '*Nutritionist/Clinical Dietary*' means the
24 development and coordination of menu planning to
25 combine foods for maximum nutritional value, taste and eye

1 appeal to meet individuals/patients nutritional needs and
2 preferences.

3 (xiv) 'Home Nursing Administration' means the
4 leadership requirement to manage a home nursing
5 institution.

6 (xv) '*Other allied health professions*' shall mean those
7 allied health profession *not* having separate Board of
8 Examiners enacted by *I Liheslaturan Guahan* that the Board of
9 Allied Health Examiners incorporates into the licensing
10 procedure under this Act.

11 (b) **Terms.** The following terms shall have the following
12 definitions:

13 (1) '*Applicant*' shall mean a person seeking licensure to
14 practice an allied health profession on Guam.

15 (2) '*Board*' means the Board of Allied Health Examiners.

16 (3) '*Collaborative Practice Agreement*' shall mean an
17 agreement by and between a clinical psychologist or a physician
18 assistant and a Guam licensed physician practicing in the area of
19 specialty, wherein the parties to such an agreement mutually
20 agree, in writing, to the terms and conditions of the ordering and
21 prescribing of 'Schedule Drugs II - V.'

22 (4) '*Endorsement*' shall mean evidence of current licensure
23 by a state or jurisdiction of the United States.

24 (5) '*License*' shall mean a certificate issued to an applicant
25 by the Guam Board of Allied Health Examiners which indicates

1 that the person whose name appears on the certificate has been
2 found qualified to engage in the practice of an allied health
3 profession as stated thereon.

4 (6) '*Licensee*' means any person currently licensed by the
5 Guam Board of Allied Health Examiners.

6 (7) '*Person*' shall mean any individual, firm, partnership,
7 association, joint venture, cooperative or corporation, or any other
8 group or combination, acting in concert, whether or not acting as a
9 principal, trustee, fiduciary, receiver or as any other kind of legal
10 or personal representative, or as the successor in interest, assignee,
11 agent, factor, servant, employee, director, officer or any other
12 representative of such person, *except* that only individuals can be
13 licensed under the rules and regulations.

14 (8) '*Practice a healing art profession*' shall mean to use any
15 title, words, abbreviation, or letters, or by any other means to
16 represent directly or indirectly, publicly or privately, an ability or
17 willingness to perform any of the acts constituting the practice of
18 any allied health profession under the purview of the Board.

19 (9) '*Practitioner*' shall mean a physician, podiatrist,
20 veterinarian, optometrist, clinical psychologist or physician's
21 assistance who is authorized to prescribe, order or administer
22 drugs in connection with medical treatment to the extent provided
23 by the rules and regulations of the practitioner's respective
24 Board(s).

1 (10) *'Prescription'* shall mean an order for drugs, treatment
2 or devices written, signed or transmitted by word of mouth or
3 telephone by a practitioner of the healing art.

4 (11) *'Supervision'* shall be one of the following:

5 (a) *'Direct supervision'* shall mean supervision
6 whereby a licensee diagnoses the condition to be treated,
7 approves the work to be performed and remains on the
8 premises while the procedures are being performed.

9 (b) *'Indirect supervision'* shall mean supervision
10 whereby a licensee authorizes the procedures which are
11 being carried out, but need *not* be present on the premises
12 when the authorized procedures are being performed. The
13 licensee must be available on Island by telecommunications.

14 (c) **Exceptions.** The definition of
15 exceptions to the act shall include:

16 (i) those providing service in cases of
17 emergency where no fee or other consideration is
18 contemplated, charged or received;

19 (ii) personnel of the armed forces of the United
20 States and of the United States Public Health Service or
21 the Veterans Administration of the United States in the
22 discharge of their official duties and/or within
23 Federally controlled facilities;

1 (iii) those practicing any other of the healing
2 arts in accord with and as provided by the laws of
3 Guam;

4 (iv) those practicing the tenets of a religion or
5 ministering to the sick or suffering by mental or
6 spiritual means in accord with such tenets; provided,
7 that no person should be exempt from the public
8 health laws of Guam or the Federal government;

9 (v) a person administering a lawful domestic
10 or family remedy to a member of his or her own
11 family; *and*

12 (vi) those fully licensed to practice allied health
13 in another jurisdiction of the United States who briefly
14 render emergency treatment, or briefly provide critical
15 services at the specific lawful direction of an institution
16 or Federal agency that assumes full responsibility for
17 that treatment or service.

18 **Section 12803. Guam Board of Allied Health Examiners.**

19 (a) **Creation.** There is established, in and for the
20 government of Guam, a Guam Board of Allied Health Examiners,
21 composed of a representative from each of the profession being
22 examined for licensure of which currently there are nine (9)
23 members appointed by *I Maga'lahaen Guahan*. *I Maga'lahaen Guahan*
24 shall appoint two (2) additional members, one (1) member for the
25 Respiratory Therapist and one (1) member for the

1 Nutritionist/Clinical Dietician, and shall appoint additional
2 members for other allied health profession being examined for
3 licensure that the Board includes in the its licensing procedure and
4 specifically recommend to *I Maga'lahen Guahan* to appoint a board
5 member representative. There shall be no Board member
6 appointment with less than ten (10) allied health professionals
7 qualified applicants for licensure within that allied health
8 profession of the applicants. The Board shall examine applicants
9 for licensure within the allied health professions *not* having
10 separate Board of Examiners enacted by *I Liheslaturan Guahan*.

11 (b) **Requirement.** The members of the Board shall have
12 practiced in their respective disciplines for at least five (5) years.
13 All members shall be citizens or permanent residents of the United
14 States who have resided in Guam for at least five (5) years. The
15 members of the Board sitting at the date of enactment of this Act
16 who meet the requirements and limitations placed upon
17 membership by this Act shall remain in office until the expiration
18 of their respective terms. When a vacancy occurs, *I Maga'lahen*
19 *Guahan* shall appoint a new member within sixty (60) days of the
20 commencement of the vacancy. Members of the Board shall
21 receive a stipend and be compensated in the amount of Fifty
22 Dollars (\$50.00) for attending a Board meeting, not to exceed One
23 Hundred Dollars (\$100.00) a month.

24 (c) **Powers and Responsibilities.** The Guam Board of
25 Allied Health Examiners, within the context of this act and the

1 requirements of due process, shall have the following powers and
2 responsibilities:

- 3 (1) promulgate rules and regulations;
- 4 (2) develop and adopt its budget;
- 5 (3) evaluate education and training of applicants;
- 6 (4) select and administer licensing examination(s);
- 7 (5) evaluate previous professional performance of
8 applicants;
- 9 (6) issue or deny initial licenses;
- 10 (7) approve or deny applications for license renewal;
- 11 (8) receive, review, and investigate reports and
12 complaints received from law enforcement agencies, health
13 care organizations, governmental agencies, insurers and
14 other entities having information pertinent to the
15 professional performance of licensees;
- 16 (9) discipline licensees found in violation of the
17 Allied Health Practice Act;
- 18 (10) issue subpoenas, subpoenas duces tecum,
19 administer oaths, receive testimony and conduct hearings;
- 20 (11) institute actions in its own name and enjoin
21 violators of the Allied Health Practice Act;
- 22 (12) establish appropriate fees and charges to include
23 support of active and effective pursuit of its legal
24 responsibilities;

1 (13) expand the allied health licensing process to
2 include other allied health professions not having separate
3 Board of Examiners enacted by *I Liheslaturan Guahan*, and
4 inform *I Maga'lahen Guahan* of the need to appoint a Board
5 member to represent the Board enacted profession;

6 (14) contract consultant(s) for special needs of the
7 Board in the investigation of complaints, monitoring of a
8 licensed person in terms of violation of this Act, and other
9 monitoring/investigation that requires specialized skills
10 which the Board is unable to obtain from the services of
11 other government agencies; *and*

12 (15) conduct Board meetings. A quorum must be
13 present to conduct a board meeting. The vote of the
14 majority present shall constitute an official action of the
15 Board. The majority vote shall consist of half of the vote
16 plus one of those members present.

17 (d) **Immunity.** There should be no liability, monetary or
18 otherwise on the part of, and no cause of action for damages
19 should arise against any current or former member, officer,
20 administrator, staff member, committee member, examiner,
21 representative, agent, employee, consultant, witness or any other
22 person serving or having served the Board, either as a part of the
23 Board's operation or as an individual, as a result of any act,
24 omission, proceeding, conduct or decision related to his or her

1 duties undertaken or performed in good faith and within the
2 scope of the function of the Board.

3 (e) **Indemnity.** If a current or former member,
4 officer, administrator, staff member, committee member,
5 examiner, representative, agent, employee, consultant or any other
6 person serving or having served the Board requests the
7 government to defend him or her against any claim or action
8 arising out of any act, omission, proceeding, conduct or decision
9 related to his or her duties undertaken or performed in good faith
10 and within the scope of the function of the Board, and if such a
11 request is made in writing at a reasonable time before trial, and if
12 the person requesting defense cooperates in good faith in the
13 defense of the claim or action, the government should provide and
14 pay for such defense, and should pay any resulting judgment,
15 compromise or settlement.

16 (f) **Protected Communication.**

17 (1) Every communication made by or on behalf of
18 any person, institution, agency or organization to the Board,
19 or to any person(s) designated by the Board relating to an
20 investigation or the initiation of an investigation, whether by
21 way of report, complaint or statement, shall be privileged.
22 No action or proceeding, civil or criminal, shall be permitted
23 against any such person, institution, agency or organization
24 by whom or on whose behalf such a communication was
25 made in good faith.

1 (2) The protections afforded in this provision shall
2 *not* be construed as prohibiting a respondent, or his or her
3 legal counsel, from exercising the respondent's
4 Constitutional right of due process under the law.

5 **(g) Removal.** A member of the Board should be subject
6 to removal only when he or she:

7 (1) ceases to be a licensed allied health professional;

8 (2) is found guilty of a felony by a court of
9 competent jurisdiction;

10 (3) is found guilty of malfeasance, misfeasance or
11 nonfeasance in relation to his or her Board duties by a court
12 of competent jurisdiction;

13 (4) is found mentally incompetent by a court of
14 competent jurisdiction;

15 (5) fails to attend three (3) successive Board
16 meetings without just cause, as determined by the Board, or
17 missed fifty percent (50%) or more of Board meetings per
18 year;

19 (6) is found in violation of the Allied Health Practice
20 Act; *or*

21 (7) terminated by the *I Maga'lahaen Guahan*.

22 **(h) Residency of Board Members.** All members of the
23 Board should hold full licenses in Guam, should be persons of
24 recognized professional ability and integrity, and should have
25 resided in Guam at least five (5) years and practiced in the

1 jurisdiction long enough to have become familiar with policies and
2 practice in the jurisdiction.

3 (i) **Committee; Legal Counsel and Staff.** The Board
4 should be authorized to appoint committees from its membership
5 and employ an executive secretary or director and other staff,
6 including an adequate staff of investigators, to effectively perform
7 its duties under the act. It should also be assigned adequate legal
8 counsel by the Office of the Attorney General and/or be
9 authorized to employ private counsel or its own full-time attorney.

10 (j) **Expense and Per diem.** Travel expenses
11 and daily compensation should be paid for each Board member's
12 attendance, in or out of Guam, for education or training purposes
13 directly related to Board duties and approved by the Board.

14 (k) **Electronic Communications.** Telephone or other
15 telecommunication conference should be an acceptable form of
16 Board meeting for the purpose of taking emergency action to
17 enforce the Allied Health Practice Act *if* the president alone or
18 another officer and two (2) Board members believe the situation
19 precludes another form of meeting. The Board should be
20 authorized to establish procedures by which its committees may
21 meet by telephone or other telecommunication conference system
22 to take emergency action.

23 **Section 12804. Examinations. (a) Notice Requirement.**
24 Public notice shall be given at least one hundred and twenty (120)
25 days prior to the examination. Applicants for licensure by

1 examination must submit application to the Board at least sixty
2 (60) days *prior to* the scheduled examination. The Board may hold
3 examinations as deemed necessary.

4 (b) **Cost and Grading.** Each applicant shall incur all
5 expenses to proctor the examination. The preparation,
6 administration and grading of examination shall be governed by
7 rules as prescribed by the Board. To pass the examination, the
8 examinee must demonstrate scientific and practical knowledge
9 sufficient to prove competency to practice the profession in the
10 judgment of the Board.

11 **Section 12805. Requirements for Licensure.**

12 (a) **Information Requirement.** Any Board furnished
13 applications, official transcripts or other documentation, as
14 required by the Board, shall be submitted in English or
15 accompanied by an English translation *and* is sent directly to the
16 Board from the appropriate institution or governing agency. The
17 applicant shall provide the Board and attest to the following
18 information and documentation in a manner required by the
19 Board:

20 (1) his or her full name and all aliases or other
21 names ever used, current address, social security number,
22 and date and place of birth;

23 (2) recent, less than ninety (90) days, signed
24 photograph, a set of fingerprints of the applicant, if
25 requested, and a sample of handwriting;

1 (3) originals of all documents and credentials
2 required by the Board, or notarized photocopies or other
3 verification acceptable to the Board of such documents and
4 credentials;

5 (4) list of all jurisdictions, United States or foreign,
6 in which the applicant is licensed or has applied for
7 licensure to practice an allied health profession or is
8 authorized or has applied for authorization to practice an
9 allied health profession;

10 (5) list of all jurisdictions, United States or foreign,
11 in which the applicant has been denied licensure or
12 authorization to practice an allied health profession or has
13 voluntarily surrendered a license or an authorization to
14 practice an allied health profession;

15 (6) list of all sanctions, judgments, awards,
16 settlements or convictions against the applicant in any
17 jurisdiction, United States or foreign, that would constitute
18 grounds for disciplinary action under the Allied Health
19 Practice Act or the Board's rules and regulations;

20 (7) detailed educational history, including places,
21 institutions, dates and program descriptions, of all his or her
22 education, beginning with secondary schooling and
23 including all college, pre-professional, professional and
24 professional postgraduate education;

1 (8) detailed chronological life history, including
2 places and dates of residence, employment and military
3 service, United States or foreign;

4 (9) any other information or documentation the
5 Board determines necessary; *and*

6 (10) proof of residency or citizenship document
7 acceptable to the Board.

8 **(b) General Requirements.** The applicant for
9 licensure must present the following to the Board:

10 (1) evidence of proficiency in the English language,
11 as determined by the Board;

12 (2) evidence of professional education, training and
13 experience, as required by the applicant's area of discipline;

14 (3) three (3) letters of recommendation, originals or
15 notarized copies, one (1) of which must be a letter provided
16 by the applicant's immediate supervisor of his or her most
17 recent employer, or by a practice associate, if the applicant is
18 in private practice;

19 (4) a police clearance from the Guam Police
20 Department if the applicant has resided on Guam for more
21 than one (1) year; if the applicant has resided on Guam for
22 less than one (1) year, a police clearance from the applicant's
23 most recent place of residence; *and*

24 (5) proof that the applicant is a resident of Guam or
25 a citizen of the United States of America.

1 (c) **Licensure By Endorsement.** Applicants for licensure
2 by endorsement must, in addition to the requirements of
3 Subsections (a) and (b) of this Section, include a letter provided by
4 the licensing authority describing all complaints filed and
5 disciplinary actions, *if any*, taken against the applicant. The Board
6 may issue a license to an applicant who shows evidence of current
7 licensure in good standing by another jurisdiction of the United
8 States; *provided*, that the licensing requirements are equivalent to
9 the standards set forth and approved by the Board.

10 (d) **Applicant Responsibility.** Each applicant shall be
11 responsible for the following:

12 (1) correspondence or communication with the
13 Board;

14 (2) periodically contacting the Board concerning the
15 status of the application;

16 (3) informing the Board in writing of intent to
17 withdraw an application *prior to* the remittance of the
18 applicable fee(s), a fee(s) remitted to the Board is non-
19 refundable;

20 (4) informing the Board of any change in name or
21 address (An applicant whose name has changed shall
22 submit a certified copy evidencing the change to the Board.
23 The Board upon receipt of such evidence and the required
24 fee shall issue a duplicate license with the name change. All
25 license renewals will be sent to the current address on file.);

1 (5) notifying the Board, in writing, of the loss of a
2 current license (A duplicate license for the current renewal
3 period shall be issued by the Board upon receipt of the
4 required form and fee.);

5 (6) keeping in the licensee's possession a signed
6 current Guam Board of Allied Health Examiners license; *and*

7 (7) conspicuously displaying their licenses in all
8 offices where they regularly practice.

9 (e) The applicant shall be physically, mentally and
10 professionally capable of practicing as an allied health profession
11 in a manner acceptable to the Board, and should be required to
12 submit to a physical, mental or professional competency
13 examination, or a drug dependency evaluation, *if* deemed
14 necessary by the Board.

15 (f) The applicant shall not have been found guilty by a
16 competent authority, United States or foreign, of any conduct that
17 would constitute grounds for disciplinary action under the
18 regulations of the Board or this Act. The Board should be
19 authorized, at its discretion, to modify this restriction for cause,
20 but it should be directed to use such discretionary authority in a
21 consistent manner.

22 (g) The applicant may be requested to make a personal
23 appearance before the Board or a representative thereof for
24 interview, examination or review of credentials. At the discretion
25 of the Board, the applicant should be required to present his or her

1 original education credentials for inspection at the time of
2 personal appearance.

3 (h) The applicant shall be held responsible for verifying to
4 the satisfaction of the Board the validity of all credentials required
5 for his or her licensure.

6 (i) The applicant shall have paid all fees and have
7 completed and attested to the accuracy of all application and
8 information forms required by the Board.

9 **Section 12806. Responsibilities of Licensure Applicants.**

10 Each applicant shall be responsible for the following:

- 11 (1) correspondence or communication with the Board;
- 12 (2) submission of all required documents;
- 13 (3) periodically contacting the Board concerning the status
14 of the application;
- 15 (4) informing the Board in writing of intent to withdraw
16 an application *prior to* the remittance of the applicable fee; fees
17 remitted to the Board are non-refundable;
- 18 (5) informing the Board of any change in name or address
19 (An applicant whose name has changed shall submit a certified
20 copy evidencing the change to the Board. The Board upon receipt
21 of such evidence and the required fee shall issue a duplicate
22 license with the name change. All license renewals will be sent to
23 the current address on file.);
- 24 (6) notifying the Board in writing of the loss of a current
25 license (A duplicate license for the current renewal period shall be

1 issued by the Board upon receipt of the required form and fee.);

2 *and*

3 (7) keeping in the licensee's possession a signed current
4 Guam Board of Allied Health Examiners license.

5 **Section 12807. Display of License.** All practitioners must,
6 upon receipt of license, conspicuously display their licenses in all offices
7 where they regularly practice.

8 **Section 12808. License Period; Expiration and Renewal.**

9 (a) All licenses shall expire biennially on December 31st of
10 each even numbered year, and may be renewed upon payment of
11 a renewal fee and completion of continuing education
12 requirements as stated in these rules and regulations.

13 The Board staff shall, no later than September 1st of each
14 even-numbered year, mail a notice of renewal along with a
15 renewal form. A new certificate or other evidence of current
16 licensure may be mailed to all persons completing renewal
17 requirements as stated herein.

18 (b) An expired license may be renewed within four (4)
19 years of the date of expiration by paying the current renewal fee in
20 addition to any delinquent fees. An expired license beyond four
21 (4) years of the date of expiration requires a new application for a
22 license, subject to the qualifications and standards as set forth in
23 this Article.

24 (c) The Board may waive the payment of the registration
25 renewal fee of a licensee *if* the licensee is called to active duty

1 outside of Guam with any branch of the United States armed
2 services, not to exceed four (4) years or the duration of a national
3 emergency, whichever shall be longer.

4 **Section 12809. Continuing Education Requirements.**

5 (a) A total of thirty (30) credit hours of continuing
6 education within each two (2) year licensure period is required of
7 each licensee to qualify for a renewal, *except* for licensees under
8 Podiatry and Physician Assistants, which require fifty (50) credit
9 hours of continuing education. At least twenty (20) of these credit
10 hours must be in the licensee's specific area of practice. The Board
11 shall prorate the continuing education credit hours requirement
12 for licenses issued less than two (2) years prior to the renewal
13 period.

14 (b) Continuing education hours may include:

15 (1) membership in national associations;

16 (A) membership in a national association of the
17 licensee's practice area will provide four (4) credit
18 hours within the renewal period; *and*

19 (B) other appropriate national professional
20 association membership will provide two (2) credit
21 hours for each, a maximum of four (4) credit hours
22 within the renewal period;

23 (2) subscription to appropriate professional journals
24 will provide two (2) credit hours per subscription, limited to
25 five (5) subscriptions;

1 (3) attendance of a conference will provide one (1)
2 credit hour for each hour of conference attended (The
3 conference must be within the renewal period.);

4 (4) teaching, workshops and in-service will provide
5 one (1) credit per hour of teaching, workshop or in-service
6 (This is limited to ten (10) credit hours.);

7 (5) speeches or presentation of papers will provide
8 five (5) credit hours each for non-professional audience; ten
9 (10) credit hours each for professional audience;

10 (6) publication in a professional journal, any
11 publication within the field, will provide ten (10) credit
12 hours;

13 (7) attendance at local association meetings will
14 provide one (1) point per meeting, up to twelve (12) credit
15 hours;

16 (8) videotapes, or other audio-visual materials
17 prepared by a professional association or educational
18 institution *and* approved by the Board, will provide one (1)
19 credit hour for every hour viewed, limited to ten (10) credit
20 hours; *or*

21 (9) others, as required by discipline.

22 (c) The Board, in its sole discretion, may require the
23 licensee to provide receipts, attendance certification or other
24 evidence of participation for credit hours claimed.

25 **Section 12810. Denial or Revocation of License; Grounds.**

1 The Board may deny licensure to an applicant or revoke a license from a
2 licensee for reasons including, but not limited to, the following:

3 (a) fraud, bribery or misrepresentation in the application
4 or procurement of a license or the periodic re-registration of a
5 license;

6 (b) cheating on or attempting to subvert a licensing
7 examination;

8 (c) conviction of a gross misdemeanor or felony, or a plea
9 of guilty or nolo contendere to a gross misdemeanor or felony,
10 whether or not related to the practice of the licensed profession;

11 (d) having been adjudicated mentally incompetent or
12 insane by a court of competent jurisdiction;

13 (e) violation of any Guam, state, Federal or foreign law or
14 regulation relating to controlled substances;

15 (f) disciplinary action by a licensing jurisdiction, foreign
16 or domestic, for acts or conduct which constitute a violation of
17 these rules and regulations; a certified copy of the action taken by
18 the licensing jurisdiction shall be conclusive evidence, thereof;

19 (g) sanctions or disciplinary actions taken by a peer
20 review body, hospital, health care institution, professional
21 association or society for acts or conduct which constitute a
22 violation of these rules and regulations;

23 (h) failure to report to the Board any adverse action taken
24 against him or her by a peer review body, health care institution,
25 professional society or association, governmental agency, law

1 enforcement agency or court, of a licensing United States or
2 foreign jurisdiction, for acts or conduct which constitute a
3 violation of these rules and regulations;

4 (i) failure to report to the Board the revocation or denial
5 of a license to practice a healing art in a United States or foreign
6 jurisdiction, or the surrender of membership on any staff or any
7 professional association or society while under disciplinary
8 investigation by any of those authorities or bodies for acts or
9 conduct which would constitute a violation of these rules and
10 regulations;

11 (j) failure to report any present, pending or settled
12 adverse action which would constitute a violation of these rules
13 and regulations;

14 (k) failure to report any settlement or award which would
15 constitute a violation of these rules and regulations;

16 (l) failure to furnish the Board, its investigators or
17 representatives, within a reasonable time, information legally
18 requested by the Board; *or*

19 (m) violation of any other requirement for licensure as
20 delineated by the Board through the Administrative Adjudication
21 Law.

22 **Section 12811. Professional Conduct; Acts.** A licensee
23 shall neither act, nor aid or abet another to act, in any manner which is
24 reprehensible, immoral, illegal, against the public interest, policy or
25 safety, or which tends to degrade, destroy or bring discredit upon the

1 licensee, the community or the profession. The following includes, but
2 is not limited to, acts of unprofessional conduct which shall result in
3 disciplinary action:

4 (a) attempting to obtain or renew, or obtaining or
5 renewing a Guam license by fraud, bribery or misrepresentation;

6 (b) revocation or suspension of a license, or any other
7 disciplinary action taken against a practitioner, including the
8 denial of licensure, by the licensing authority of another state,
9 territory or country, other than for the nonpayment of registration
10 fee;

11 (c) a conviction, plea of guilty or plea of nolo contendere
12 of a felony in any jurisdiction;

13 (d) advertising goods or services contrary to these rules
14 and regulations;

15 (e) habitual drunkenness;

16 (f) an adjudication of insanity by a court of competent
17 jurisdiction;

18 (g) aiding, assisting, procuring or advising any unlicensed
19 person to practice a healing art contrary to these rules and
20 regulations, or to knowingly employ any unlicensed personnel to
21 render professional services;

22 (h) failing to perform any statutory or legal obligation
23 imposed upon a licensee;

24 (i) intentionally filing a false report or record, or
25 negligently failing to file a report or record required by state,

1 Federal, or Guam law, or willfully discouraging, impeding or
2 obstructing such filing, or inducing another person to do so;

3 (j) sexual misconduct, sexual battery or sexual assault
4 upon a patient;

5 (k) making deceptive, untrue or fraudulent
6 representations in the practice of his or her profession;

7 (l) failing to keep patient or clinic records justifying the
8 course of treatment of a patient (Records must be retained for a
9 minimum period of time consistent with Guam law.);

10 (m) exercising influence on a patient or client as to exploit
11 the patient or client for the financial gain of the licensee, or of a
12 third party, including, but not limited to, acts that promote or sell
13 goods or services, engaging in any split-fee arrangement in any
14 form whatsoever, with an organization, an agency or a person,
15 either directly or indirectly, for patients referred to providers of
16 health care goods and services (No licensee shall divide, share,
17 split, or allocate, directly or indirectly, any fee for services with
18 any lay person, firm, association or corporation. The provisions of
19 this Paragraph shall *not* be construed to prevent a licensee from
20 receiving a fee for legitimate, *bona fide* professional consultation
21 services.);

22 (n) failing to make available for legitimate and reasonable
23 purposes of review to a patient or client, or to the licensee's legal
24 representative, copies of documents in the possession or under
25 control of the licensee which relate to that patient or client;

1 (o) performing professional services, which have *not* been
2 authorized by the patient or client, or the licensee's legal
3 representative;

4 (p) fraud, deceit or misconduct in the practice of the
5 profession for which the license was granted;

6 (q) being guilty of incompetence by failing to meet the
7 minimum standards of performance in diagnosis and treatment
8 when measured against generally prevailing peer performance,
9 including, but not limited to, the undertaking of diagnosis and
10 treatment for which the licensee is *not* qualified by training or
11 experience;

12 (r) practicing or offering to practice beyond the scope
13 permitted by law, or accepting and performing professional
14 responsibilities which, in the opinion of the Board, the licensee
15 should know, or should have reason to know, that he or she is *not*
16 competent to perform;

17 (s) delegating professional responsibilities to any person
18 whom, in the opinion of the Board, the licensee should know, or
19 have reason to know, is *not* qualified by training, experience or
20 licensure to perform;

21 (t) solicitation of patients who are currently undergoing
22 treatment with another provider by the promise of superior
23 service or reduced fees;

24 (u) the use of the title 'Doctor,' or the abbreviation 'Dr.,' in
25 connection with the practice of the healing arts licensed by the

1 Board, *unless* the practitioner possesses an earned doctorate degree
2 from an institution accredited, authorized or approved;

3 (v) every use of the title 'Doctor,' or the abbreviation 'Dr.,'
4 pursuant to a license issued by the Board, shall clearly indicate the
5 type of license, certificate or degree conferred;

6 (w) breach of privileged communication;

7 (x) breaching the confidentiality of patient records; *or*

8 (y) any other acts, as determined by the Board, to be
9 unprofessional conduct.

10 **Section 12812. Professional Conduct; Penalties for Violation.**

11 (a) **Discipline of Licensee.** Upon receiving a written
12 complaint against any licensee, the Board shall conduct an
13 investigation and provide the licensee due notice and hearing in
14 accordance with the provisions of the Administrative
15 Adjudication Law.

16 (b) **Penalties.** When the Board finds that any applicant or
17 licensee has committed an act of unprofessional conduct, it shall
18 enter a final order imposing one (1) or more of the following
19 penalties:

20 (1) denial of an application for licensure or renewal;

21 (2) revocation of existing license;

22 (3) suspension of a license for a time determined by
23 the Board;

24 (4) issuance of a reprimand;

1 (5) placement of the licensee on probation for a
2 period of time and subject to such conditions as the Board
3 may specify, including requiring the licensee to attend
4 continuing education courses or demonstrate licensee
5 competency through a written or practical examination or to
6 work under the supervision of another licensee (The type of
7 supervision will be determined by the Board.);

8 (6) restricting the authorized scope of practice; *and*

9 (7) imposition of an administrative fine not to
10 exceed Ten Thousand Dollars (\$10,000.00) for each separate
11 offense.

12 (c) **Re-issuance; Compliance.** The Board may
13 recommend re-issuance of the license of a disciplined licensee,
14 after a thorough evaluation by the Board, to determine that the
15 licensee has complied with all of the terms and conditions set forth
16 in the final order and is capable of meeting local standards.

17 **Section 12813. Unlawful Practice.** Any person who practices
18 a healing art profession without an appropriate current valid license, as
19 regulated by this Board, shall be guilty of a misdemeanor upon the first
20 offense and guilty of a felony for second and subsequent offenses. No
21 person without a current valid license may receive any compensation
22 for services so rendered.

23 **Section 12814. Cease and Desist Order.** (a) The Board,
24 Commission, or any person affected may petition the court having
25 jurisdiction for injunctions to prevent violations of the provisions

1 of any applicable statute or rule; the court is empowered to grant a
2 cease and desist order regardless of whether criminal prosecution
3 or any other action is instituted as a result of such violation. A
4 single act of illegal practice, including the offer to practice, shall be
5 sufficient to invoke the injunctive relief of this Section. The court
6 may issue a restraining order or injunction, or both, without
7 requiring allegation or proof that the petitioner has no adequate
8 remedy at law.

9 (b) The violation of any cease and desist order issued by
10 the court under Subsection (a) of this Section shall subject the
11 person violating the order to further proceedings before the court;
12 the court shall be authorized to impose a fine not to exceed Five
13 Hundred Dollars (\$500.00) for each violation thereof. Each day
14 that a person practices in violation of this Article shall constitute a
15 separate violation.

16 (c) Nothing in this Section shall be construed to prohibit
17 the Board or Commission from seeking remedies otherwise
18 available by statute without first seeking a cease and desist order
19 in accordance with the provisions of this Section.

20 **Section 12815. Licensee-Patient Relations; General.**

21 (a) **Privileged Communications.** No licensee or
22 licensee's employee or agent may disclose any information
23 acquired from a patient being consulted in his professional
24 capacity, *except*:

1 (1) in the event the licensee, his employee or agent
2 reasonably suspects an act or acts of child abuse, sexual
3 abuse, or neglect have been or are being committed;

4 (2) when the communication of threat, crime or
5 harmful act is made known to the licensee;

6 (3) when it is necessary to advise parents of a child's
7 self-destructive behavior for the protection of the child if the
8 child is an unemancipated minor, or an adult adjudicated
9 incompetent or otherwise found to be incompetent; *and*

10 (4) when the patient gives written and informed
11 consent for the sharing of the patient's confidential
12 information with third parties.

13 **(b) Determination of a Patient's Need for Care.** The
14 determination of a patient's need for care may be made within the
15 scope of practice as defined by these rules and regulations. The
16 determination shall be the sole privilege of the licensee and is
17 considered to be an inherent part of the scope of practice of a
18 licensee's discipline.

19 **(c) Gifts and Premiums.** No licensee, or licensee's staff
20 shall offer, give, dispense, distribute or make available to any
21 person, or aid or abet another to do so, any gift, premium, chance,
22 reward, ticket, item or thing of more than minimal value as a
23 reward or inducement for obtaining a patient for any practice.
24 The Board is the sole judge of what is interpreted as being of
25 nominal value.

1 (d) **Termination of Relationship.** No licensee shall
2 abandon a patient he or she has undertaken to treat. Treatment
3 may be discontinued after reasonable notice has been given to the
4 patient by the licensee of the intention to discontinue treatment
5 and the patient has had a reasonable time to secure the services of
6 another professional, or after all licensee services actually begun
7 have been completed and there is no contract or agreement to
8 provide further treatment.

9 **Section 12816. Professional Signs, Advertisements and**
10 **Listings.** (a) **Professional Signs.** Signs shall designate the name
11 of the professional office where a licensee is engaged in the
12 practice of the profession. Signs may contain the name of the
13 practitioner, earned degree or degrees, or the name of a specialty
14 you are limited, if limited to a specialty. The sign may also
15 indicate the common conditions treated. The use of flashing or
16 moving background or lettering in a sign is expressly prohibited
17 pursuant to sign regulations, Article 5 of Chapter 61 of Title 21 of
18 the Guam Code Annotated.

19 (b) **Advertisement of Professional Services; Restrictions.**
20 Licensees are prohibited from advertisements, which include the
21 following:

- 22 (1) false, misleading or deceptive statements;
23 (2) statements of opinion as to the quality of
24 services;

1 (3) an appeal to an individual's anxiety in a
2 excessive or unfair way, intimidate, or exert undue pressure
3 or influence over a prospective patient;

4 (4) the creation of unjustified expectations
5 concerning the potential result of any treatment;

6 (5) the promotion of professional superiority or
7 performance of professional services in a superior manner;

8 (6) reference to benefits or other attributes of
9 procedures or products that involve significant risks, but
10 which do *not* include realistic assessments of the safety and
11 efficacy of those procedures or products;

12 (7) statistical data, representations or other
13 information *not* susceptible to reasonable verification by the
14 public;

15 (8) reference to a fee or fees for services, which do
16 *not* disclose that additional fees may be involved in
17 individual cases, if the possibility of incurring such
18 additional fees may reasonably, be foreseen;

19 (9) the utilization, in any manner, of any celebrity or
20 authority figure;

21 (10) direct or implied guarantees or testimonials from
22 patients or other persons;

23 (11) the availability of free treatment, free
24 examinations or free consultations;

1 (12) any rebate, refund, commission, preference,
2 patronage, dividend, discount or other consideration,
3 whether in the form of money or otherwise, as compensation
4 or inducement for referring patients, clients or customers to
5 any Board licensee;

6 (13) the offer a discount for services without
7 disclosing the total fee to which the discount will apply; *and*

8 (14) a false disclosure of the source of an authorship
9 of any message published under a by-line.

10 (c) **Professional Listings, Newspaper and Telephone**
11 **Directory.** Such listings may contain the name, the degree
12 or degrees of each licensee, the address, phone numbers, office
13 hours and graphics, such as a clinic logo or the logo of a
14 professional association of which the licensee is a *bona fide*
15 member. Listings may also include an indication of the common
16 conditions treated. Where the practitioner limits his or her
17 practice to one (1) specialty, the practitioner may add such
18 limitation of practice or specialty immediately following his or her
19 alphabetical listing. Professional board certifications may also be
20 indicated as long as a national professional association or the
21 Board recognizes the certification. A practitioner shall *not* list or
22 permit the listing of his or her name, clinic name or address under
23 any separate practice type or specialty heading for which he or she
24 is *not* licensed.

1 Section 12817. Professional Signs, Advertisements and
2 Listings; Violations; Disciplinary Action. (a) No disciplinary

3 action may be commenced until the licensee or firm involved has
4 been given thirty (30) days written notice of the Board's evaluation
5 of the advertisement. This notice must include a copy of the
6 applicable portions of these rules and regulations, describe the
7 prohibited advertising involved, and state that the violator has
8 thirty (30) days from the date of notice to correct the violation. If
9 the violation is *not* corrected, disciplinary action shall follow. The
10 thirty (30) day notice and right to correct are *not* applicable to any
11 subsequent violations.

12 (b) No disciplinary action will be taken against a licensee
13 for the acts of advertising agents that result in communications to
14 the public which do *not* comply with the restrictions adopted by
15 the Board, *if* the advertisement does *not* specify the name of the
16 licensee, or the name of the group, corporation or firm under
17 which the licensee practices. *However*, this provision does *not*
18 apply in the following situations:

19 (1) the advertising agency is owned or controlled by
20 the licensee;

21 (2) the licensee provided information that does *not*
22 comply with restrictions adopted by the Board to the
23 advertising agent for distribution to the public; *or*

24 (3) the content of the advertising is determined to
25 any extent by the licensee.

1 (c) **Applicability.** This Section applies to any
2 advertising done on Guam regardless of whether such advertising
3 is done for, or on behalf of, or contracted by any off-Island practice
4 or organization.

5 **Section 12818. Board Meetings.** The Board shall meet
6 regularly at a time and place decided by the Board, or as decided by the
7 Chairperson. A special meeting may be called at the discretion of the
8 Chairperson. All meetings, whether regular or special, shall be
9 announced and notice thereof given in accordance with the
10 Administrative Adjudication Law.

11 **Section 12819. Fee Schedule.** The Board in accordance with
12 the following fee schedule will assess fees for each applicant for
13 licensure. Fees received by the Board shall be deposited in the
14 Revolving Fund of §12229 of Article 2, Chapter 12 of Title 10 of the
15 Guam Code Annotated in accordance with the laws of Guam. All fees
16 are non-refundable.

17	Application by Endorsement	\$125.00
18	Application by Examination	125.00
19	Nursing Home Administrator Application	125.00
20	Certificate of Exemption	50.00
21	License Fee (Initial)	125.00
22	Renewal Fee	80.00
23	Late Renewal (Penalty)	100.00
24	Collaborative Practice Agreement	
25	For Prescriptive Authority (initial or renewal)	50.00

1	License Verification	25.00
2	Re-issuance of Certificate	75.00
3	Re-issuance of License Card	10.00
4	Practice Act	5.00
5	Rules and Regulations	10.00
6	Photocopy (up to five (5) pages)	4.00
7	Photocopy (each additional sheet)	0.50
8	Examination fee (as determined by the Board.)	

9 The above fee schedule and other fees determined by the Board
10 shall be subject to amendments through the Administrative
11 Adjudication Law, Rule Making Procedures, pursuant to Article 3 of
12 Chapter 9 of Title 5 of the Guam Code Annotated.

13 **Section 12820. Disciplinary Action Against Licensees.**

14 (a) **Range of Actions.** The range of disciplinary
15 actions available to the Board includes, but not limited to, the
16 following:

- 17 (1) revocation of the Allied Health license;
- 18 (2) suspension of the Allied Health license;
- 19 (3) probation;
- 20 (4) stipulations, limitations, restrictions and
21 conditions relating to practice;
- 22 (5) censure, including specific redress, if
23 appropriate;
- 24 (6) reprimand;
- 25 (7) chastisement;

- 1 (8) monetary redress to another party;
- 2 (9) a period of free public or charity service;
- 3 (10) satisfactory completion of an educational,
- 4 training and/or treatment program or programs;
- 5 (11) fine; *and*
- 6 (12) payment of disciplinary costs.

7 The Board at its discretion may take such actions singly or in
8 combination, as the nature of the violation requires.

9 (b) **Letter of Concern.** The Board should be
10 authorized to issue a confidential letter of concern to a licensee
11 when, though evidence does *not* warrant formal proceedings, the
12 Board has noted indications of possible errant conduct by the
13 licensee that could lead to serious consequences and formal action.
14 In its letter of concern, the Board should also be authorized, at its
15 discretion, to request clarifying information from the licensee.

16 (c) **Examination/Evaluation.** The Board should be
17 authorized, at its discretion, to require professional competency,
18 physical, mental or chemical dependency examination(s) or
19 evaluation(s) of any applicant or licensee, including withdrawal
20 and laboratory examination of bodily fluids.

21 (d) **Grounds for Action.** The Board should be
22 authorized to take disciplinary action for unprofessional or
23 dishonorable conduct, which should be defined to mean, but not
24 be limited to, the following:

1 (1) fraud, bribery or misrepresentation in the
2 application or procurement of a license or in connection with
3 applying for or procuring periodic re-registration of a
4 license;

5 (2) cheating on or attempting to subvert a licensing
6 examination;

7 (3) conviction of a gross misdemeanor or felony, or a
8 plea of guilty or nolo contendere to a gross misdemeanor or
9 felony charge, whether or not related to the practice of an
10 allied health profession;

11 (4) conduct likely to deceive, defraud or harm the
12 public;

13 (5) making a false or misleading statement
14 regarding his or her skill or the efficacy or value of the
15 treatment or remedy prescribed by him or her, or at his or
16 her direction, in the treatment of any disease or other
17 condition of the body or mind;

18 (6) representing to a patient that an incurable
19 condition, sickness, disease or injury can be cured;

20 (7) willfully or negligently violating the
21 confidentiality between practitioner and patient *except* as
22 required by law;

23 (8) negligence in the practice of an allied health
24 profession as determined by the Board;

1 (9) being found adjudicated mentally incompetent
2 or of unsound mind by a court of competent jurisdiction;

3 (10) being physically or mentally unable to engage
4 safely in the practice of an allied health profession;

5 (11) practice or other behavior that demonstrates an
6 incapacity or incompetence to practice an allied health
7 profession;

8 (12) the use of any false, fraudulent or deceptive
9 statement in any document connected with the practice of an
10 allied health profession;

11 (13) practicing under a false or assumed name;

12 (14) aiding or abetting the practice of an allied health
13 profession by an unlicensed, incompetent or impaired
14 person;

15 (15) allowing another person or organization to use
16 his or her license to practice an allied health profession;

17 (16) commission of any act of sexual misconduct,
18 which exploits the practitioner-patient relationship in a
19 sexual way;

20 (17) habitual or excessive use or abuse of drugs,
21 alcohol or other substances that impairs ability to perform
22 his/her profession;

23 (18) prescribing, selling, administering, distributing,
24 ordering or giving any drug legally classified as a controlled

1 substance, or recognized as an addictive or dangerous drug
2 for other than accepted therapeutic purposes;

3 (19) *except* as otherwise permitted by law,
4 prescribing, selling, administering, distributing, ordering or
5 giving to a habitual addict, or any person previously drug
6 dependent, any drug legally classified as a controlled
7 substance or recognized as an addictive or dangerous drug;

8 (20) prescribing, selling, administering, distributing,
9 ordering or giving any drug legally classified as a controlled
10 substance or recognized as an addictive or dangerous drug
11 to a family member or to himself or herself;

12 (21) violating any state or Federal law or regulation
13 relating to controlled substances;

14 (22) obtaining any fee by fraud, deceit or
15 misrepresentation;

16 (23) employing abusive billing practices;

17 (24) directly or indirectly giving or receiving any fee,
18 commission, rebate or other compensation for professional
19 services *not* actually and personally rendered, though this
20 prohibition should *not* preclude the legal functioning of
21 lawful professional partnerships, corporations or
22 associations;

23 (25) disciplinary action of another state or jurisdiction
24 against a license or other authorization to practice an allied
25 health profession based upon acts or conduct by the licensee

1 similar to acts or conduct that would constitute grounds for
2 action as defined in this Section, a certified copy of the
3 record of the action taken by the other state or jurisdiction
4 being conclusive evidence thereof;

5 (26) failure to report to the Board any adverse action
6 taken against him or her by another licensing jurisdiction,
7 United States or foreign, by any peer review body, by any
8 health care institution, by any professional society or
9 association, by any governmental agency, by any law
10 enforcement agency, or by any court for acts or conduct
11 similar to acts or conduct that would constitute grounds for
12 action as defined in this Section;

13 (27) failure to report to the Board surrender of a
14 license or other authorization to practice an allied health
15 profession in another state or jurisdiction, or surrender of
16 membership in any professional association or society while
17 under disciplinary investigation by any of those authorities
18 or bodies for acts or conduct similar to acts or conduct that
19 would constitute grounds for action as defined in this
20 Section;

21 (28) any adverse judgment, award or settlement
22 against the licensee resulting from an allied health liability
23 claim related to acts or conduct similar to acts or conduct
24 that would constitute grounds for action, as defined in this
25 Section;

1 (29) failure to report to the Board any adverse
2 judgment, settlement or award arising from a liability claim
3 related to acts or conduct similar to acts or conduct that
4 would constitute grounds for action as defined in this
5 Section;

6 (30) failure to transfer pertinent and necessary
7 records to another practitioner in a timely fashion when
8 legally requested to do so by the subject patient, or by a
9 legally designated representative of the subject patient;

10 (31) improper management of patient's records;

11 (32) failure to furnish the Board, its investigators or
12 representatives, information legally requested by the Board;

13 (33) failure to cooperate with a lawful investigation
14 conducted by the Board;

15 (34) willful negligence in complying with the rules
16 and regulations of the Guam Board of Allied Health
17 pertaining to physician supervision of physician assistants;

18 (35) violation of any provision(s) of the Allied Health
19 Practice Act or the rules and regulations of the Board or of
20 an action, stipulation or agreement of the Board;

21 (36) failure to follow generally accepted infection
22 control procedures; *and*

23 (37) failure to comply with any state statute or board
24 regulation regarding a licensee's reporting responsibility for

1 HIV, HVB (hepatitis B virus) or HVC (hepatitis C virus)
2 sero-positive status.

3 **Section 12821. Procedures for Enforcement and Disciplinary**

4 **Action. (a) Board Authority.** The Board shall be empowered
5 to commence legal action to enforce the provisions of the Allied
6 Health Practice Act and to exercise full discretion and authority
7 with respect to disciplinary actions.

8 **(b) Separation of Functions.** In the exercise of its
9 power, the Board's investigative and judicial functions should be
10 separated to assure fairness, and the Board should be required to
11 act in a consistent manner in the application of disciplinary
12 sanctions.

13 **(c) Administrative Procedures.** The existing
14 administrative procedures act or similar statute, in whole or in
15 part, should either be applicable to or serve as the basis of the
16 procedural provisions of the Allied Health Practice Act. The
17 procedural provisions should provide for investigation of charges
18 by the Board; notice of charges to the accused; an opportunity for
19 a fair and impartial hearing for the accused before the Board or its
20 examining committee; an opportunity for representation of the
21 accused by counsel; the presentation of testimony, evidence and
22 argument; subpoena power and attendance of witnesses; a record
23 of proceedings; and judicial review by the courts in accordance
24 with the standards established by the jurisdiction for such review.

1 (d) **Standard of Proof.** The Board should be
2 authorized to use preponderance of the evidence as the standard
3 of proof in its role as trier of fact.

4 (e) **Informal Conference.** Should there be an open
5 meeting law, an exemption to it should be authorized to permit
6 the Board, at its discretion, to meet in informal conference with an
7 accused licensee who seeks or agrees to such a conference.
8 Disciplinary action taken against a licensee as a result of such an
9 informal conference, and agreed to in writing by the Board, and
10 the accused licensee should be binding and a matter of public
11 record. However, license revocation and suspension should be
12 dealt with in open hearing. The holding of an informal conference
13 should *not* preclude an open hearing *if* the Board determines such
14 is necessary.

15 (f) **Summary Suspension.** The Board should be
16 authorized to summarily suspend a license prior to a formal
17 hearing when it believes such action is required due to imminent
18 threat to public health and safety. The Board should be permitted
19 to summarily suspend a license by means of a vote conducted by
20 telephone conference call or other electronic means, *if* appropriate
21 Board officials believe such prompt action is required.
22 Proceedings for a formal hearing should be instituted
23 simultaneously with the summary suspension. The hearing
24 should be set within thirty (30) days of the date of the summary
25 suspension. No court should be empowered to lift or otherwise

1 interfere with such suspension while the Board proceeds in a
2 timely fashion.

3 **(g) Cease and Desist Orders/Injunctions.** The Board
4 should be authorized to issue a cease and desist order and/or
5 obtain an injunction to restrain any person or any corporation or
6 association, and its officers and directors from violating the
7 provisions of the Allied Health Practice Act. Violation of an
8 injunction should be punishable as contempt of court. No proof of
9 actual damage to any person should be required for issuance of a
10 cease and desist order and/or an injunction, nor should issuance
11 of an injunction relieve those enjoined from criminal prosecution
12 for violation of the Allied Health Practice Act.

13 **(h) Board Action Reports.** All the Board's final
14 disciplinary actions and license denials, including related findings
15 of fact and conclusions of law, should be matters of public record.
16 Voluntary surrender of and voluntary limitation(s) on the license
17 of any person should also be matters of public record.

18 **(i) Tolling Periods of License Suspension or Restriction.**
19 The Board should provide, in cases of license suspension or
20 restriction, that any time during which the disciplined allied
21 health professional practices in another jurisdiction without
22 comparable restriction shall *not* be credited as part of the period of
23 suspension or restriction.

24 **Section 12822. Compulsory Reporting and Investigation.**

1 (a) Any person shall be permitted to report to the Board in
2 writing information he or she has reason to believe indicates an
3 allied health licensee is, or may be, professionally incompetent,
4 guilty of unprofessional conduct or mentally or physically unable
5 to engage safely in the practice of an allied health profession.

6 The following shall be required to report to the Board
7 promptly and in writing any information that indicates a licensee
8 is, or may be, professionally incompetent, guilty of unprofessional
9 conduct or mentally or physically unable to engage safely in the
10 practice of an allied health profession; and any restriction,
11 limitation, loss or denial of a licensee's staff privileges or
12 membership that involves patient care:

- 13 (1) all professionals licensed under the Act;
14 (2) all licensed health care providers;
15 (3) all hospitals and other health care institutions on
16 Guam, to include hospitals, clinics, managed care
17 organizations, etc.;
- 18 (4) all government/with services involving health
19 care activities;
- 20 (5) all law enforcement agencies in Guam;
21 (6) all courts in Guam; *and*
22 (7) all peer review bodies on Guam.

23 (b) Malpractice insurance carriers and affected licensees
24 shall be required to file with the Board a report of each final
25 judgment, settlement or award against insured licensees.

1 Licensees *not* covered by malpractice insurance carriers shall be
2 required to file the same information with the Board regarding
3 themselves. All such reports shall be made to the Board promptly
4 (e.g. within thirty (30) days).

5 (c) Upon receiving reports concerning a licensee, or on its
6 own motion, the Board shall be permitted to investigate any
7 evidence that appears to show a licensee is, or may be, medically
8 incompetent, guilty of unprofessional conduct, or mentally or
9 physically unable to engage safely in the practice of an allied
10 health profession.

11 (d) Any person, institution, agency or organization
12 required to report under this provision of the Allied Health
13 Practice Act who does so in good faith shall *not* be subject to civil
14 damages or criminal prosecution for so reporting.

15 (e) To assure compliance with compulsory reporting
16 requirements, specific civil penalties shall be established for
17 demonstrated failure to report up to Ten Thousand Dollars
18 (\$10,000.00) per instance.

19 (f) The Board shall promptly acknowledge all reports
20 received under this Section. Persons or entities reporting under
21 this Section shall also be promptly informed of the Board's final
22 disposition of the matter reported.

23 **Section 12823. Unlawful Practice of Allied Health Profession:**
24 **Violation and Penalties.** (a) It shall be declared unlawful for any

1 person, corporation or association to perform any act constituting
2 the practice of an allied health profession as defined in the Allied
3 Health Practice Act without first obtaining a license in accordance
4 with that Act and the rules and regulations of the Board.

5 (b) The Board shall be authorized to issue a cease and
6 desist order and/or obtain injunctive relief against the unlawful
7 practice of an allied health profession by any person, corporation
8 or association.

9 (c) Any person, corporation or association performing any
10 act constituting the practice of an allied health profession, as
11 defined in the Allied Health Practice Act, or causing or aiding and
12 abetting such action, shall be deemed guilty of a felonious offense.

13 (d) A practitioner located in another state practicing
14 within the state by electronic or other means without a license
15 issued by the Board shall be deemed guilty of a felonious offense.

16 **Section 12824. Renewal of Licensure.** (a) At the time of
17 renewal of licensure, the Board shall require the licensee to
18 demonstrate to its satisfaction his or her continuing qualification
19 for licensure. The application form for license re-registration shall
20 be designed to require the licensee to update and/or add to the
21 information in the Board's file relating to the licensee and his or
22 her professional activity. It shall also require the licensee to report
23 to the Board the following information:

24 (1) Any action taken against the licensee by:

1 (a) any jurisdiction or authority, United States
2 or foreign, that licenses or authorizes the practice of an
3 allied health profession;

4 (b) any peer review body;

5 (c) any health care organization;

6 (d) any professional society or association;

7 (e) any law enforcement agency;

8 (f) any court; *and*

9 (g) any governmental agency for acts or
10 conduct similar to acts or conducts described in the
11 Allied Health Practice Act as grounds for disciplinary
12 action.

13 (2) Any adverse judgment, settlement or award
14 against the licensee arising from a professional liability
15 claim.

16 (3) The licensee's voluntary surrender of or
17 voluntary limitation on any license or authorization to
18 practice an allied health profession in any jurisdiction,
19 including military, public health and foreign.

20 (4) Any denial to the licensee of a license or
21 authorization to practice an allied health profession by any
22 jurisdiction, including military, public health and foreign.

23 (5) The licensee's voluntary resignation from the
24 staff of any professional organization or voluntary limitation
25 of his or her staff privileges at such an organization, *if that*

1 action occurred while the licensee was under formal or
2 informal investigation by the organization or a committee
3 hereof for any reason related to possible professional
4 incompetence, unprofessional conduct, or mental or physical
5 impairment.

6 (6) The licensee's voluntary resignation or
7 withdrawal from a national, state, or county professional
8 society, association or organization, *if* that action occurred
9 while the licensee was under formal or informal
10 investigation or review by that body for any reason related
11 to possible professional incompetence, unprofessional
12 conduct, or mental or physical impairment.

13 (7) Whether the licensee has abused or has been
14 addicted to or treated for addiction to alcohol or any
15 chemical substance during the registration period.

16 (8) Whether the licensee has had any physical injury
17 or disease, or mental illness within the registration period
18 that affected or interrupted his or her practice of an allied
19 health profession.

20 (9) The licensee's completion of continuing
21 education or other forms of professional maintenance
22 and/or evaluation, including certification or re-certification,
23 within the registration period.