

1 (b) The Board shall be authorized, at its discretion, to
2 require continuing education for license re-registration and to
3 require documentation of that education.

4 (c) The licensee shall be required to sign the application
5 form for license re-registration and have it notarized. Failure to
6 report fully and correctly shall be grounds for disciplinary action
7 by the Board.

8 (d) The Board shall be directed to establish an effective
9 system for reviewing re-registration forms. It shall also be
10 authorized to initiate investigations and/or disciplinary
11 proceedings based on information submitted by licensees for
12 license re-registration.

13 **Section 12825. Rules and Regulations.** (a) The Board
14 shall be authorized to adopt and enforce rules and regulations to
15 carry into effect the provisions of the Allied Health Practice Act
16 and to fulfill its duties under this Act.

17 (b) The Board shall adopt rules and regulations in
18 accordance with Administrative Adjudication Law, Rule Making
19 Procedures.

20 **Section 12826. Funding and Fees.** (a) The Board shall also
21 be supported by the revenues generated from its activities,
22 including fees, charges and reimbursed costs. All such revenues,
23 including fines, shall be deposited in the Revolving Fund of
24 §12229 of Article 2 of Chapter 12 of Title 10 of the Guam Code
25 Annotated. This Fund shall receive all interest earned on the

1 deposit of such revenues. Such funds should be appropriated
2 continuously and should be used by the Board only for
3 administration and enforcement of the Allied Health Practice Act.

4 (b) The Board shall develop and adopt its own budget
5 reflecting revenues, including the interest thereon, and costs
6 associated with each health care field regulated. Revenues and
7 interest thereon, from each health care field regulated, should fully
8 support Board regulation of that field. The budget should include
9 allocations for establishment and maintenance of a reasonable
10 reserve fund.

11 (c) The Board, pursuant to its proposed budget needs,
12 shall set all Board fees and charges.

13 (d) A designated officer of the Board, at the direction of
14 the Board, should oversee the collection and disbursement of
15 funds.

16 (e) The Guam Auditor's Office, or the equivalent State
17 office, should audit the financial records of the Board annually
18 and report to the Board and *I Liheslaturan Guahan*.

19 **Section 12827. Prescriptive Authority for Allied Health**
20 **Professionals.** A clinical psychologist and physician assistant may
21 administer, prescribe and dispense any licensed drug as a delegated
22 authority of the Collaborative Practice Agreement ('CPA'). To qualify
23 for prescriptive authority, the Allied Health Professional must have all
24 of the following:

1 (1) a valid Federal Drug Enforcement Administration
2 ('DEA') certification;

3 (2) a current Guam Control Substance Registration from
4 Department of Public Health and Social Services;

5 (3) Collaborative Practice Agreement (CPA) approved by
6 all of the following three (3) boards: the Board of Allied Health
7 Examiners('BAHE'), the Board of Pharmacy ('BOP'), and the
8 Board of Medical Examiners ('BOME');

9 (4) the CPA shall always have a physician available,
10 preferably the physician signing for the CPA but an alternate
11 physician shall be designated during his/her absence (The Allied
12 Health Professional must submit a scope of practice, list of drugs,
13 the CPA for approval by the BAHE, BOP and BOME. At the
14 discretion of the board(s), the Allied Health Professional and his
15 collaborative physician may be requested to be present for
16 evaluation of the applicant's prescriptive authority. The Allied
17 Health Professional shall *not* include any drug on the list that he or
18 she is *not* competent to prescribe or drugs that are *not* routinely
19 administered within his/her scope of practice. The Board of
20 Pharmacy or Board of Medical Examiners has the authority to
21 amend the list of drugs. The prescriptive authority of the Allied
22 Health Professional shall be revoked for an invalid Guam or
23 Federal DEA registration, and may be revoked for any violation of
24 this Act and its rules and regulations as determined by the Board

1 of Allied Health Examiner. Prescriptive Authority shall be
2 renewed at the time of licensure renewal.); *and*

3 (5) proof of completion of a nationally and professionally
4 accepted pharmaceutical curriculum in the area of clinical mental
5 health psychology by the clinical psychologist."

6 Section 2. Article 9 is hereby *added* to Chapter 12, Division 1, Part 1 of
7 Title 10 of the Guam Code Annotated to read as follows:

8 "ARTICLE 9.

9 ACUPUNCTURE.

10 Section 12901. Definitions. For purposes of this Article, the
11 following words and phrases have been defined to mean:

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

21 (b) '*Acupuncturist*' means a person who has graduated
22 from an accredited school of acupuncture and is licensed to
23 practice acupuncture in accordance with the provisions of these
24 rules and regulations.

1 (c) *'Accredited School of Acupuncture'* means a school of
2 acupuncture accredited by the National Accreditation
3 Commission for Schools and Colleges of Acupuncture and
4 Oriental Medicine.

5 (d) *'Cupping'* means to apply vacuum suction to certain
6 locations on the skin before or after insertion of acupuncture
7 needles.

8 (e) *'Earned Degree'* means a master or doctorate degree in
9 acupuncture, not including honorary degrees.

10 (f) *'Electroacupuncture'* means application of electronic
11 devices designed to stimulate acupuncture points in accordance
12 with the acupuncture theory.

13 (g) *'Moxibustion'* means to ignite or burn moxa herb to
14 produce heat on the acupuncture point.

15 (h) *'Practice of Acupuncture'* means to represent, directly or
16 indirectly, publicly or privately, an ability or willingness to
17 provide acupuncture treatment.

18 **Section 12902. Qualifications for Licensure.** (a) In
19 addition to the requirements as set by the Board in this Article,
20 applicants for a license to practice acupuncture must meet *all* of
21 the following:

22 (1) a master's or doctorate degree, or its equivalent,
23 from an accredited school of Acupuncture, as determined by
24 the Credential Evaluation Services;

1 (2) the applicant must be licensed by a state of the
2 United States; the license must be current and the applicant
3 must be in good standing (The applicant shall *not* be the
4 subject of any disciplinary action or investigation by the
5 licensing board of any state or foreign country);

6 (3) the applicant must be of good moral character
7 and *not* have been convicted of any offense in any
8 jurisdiction, which would constitute a felony; *and*

9 (4) if the applicant is a foreign graduate, the
10 applicant must have transcripts and other credentials
11 submitted and evaluated by the International Education
12 Research Foundation.

13 **Section 12903. Exceptions to Licensure Requirements.**

14 No person shall practice acupuncture on Guam, either gratuitously or
15 for pay or shall offer to practice, or shall hold themselves out to the
16 public, advertise, declare, represent or in anyway proclaim to practice
17 acupuncture, or use any titles, words, letters, signs, devices, techniques,
18 maneuvers or modalities that could represent to the public that such
19 person is authorized to engage in the practice of acupuncture, either
20 publicly or privately, without having a valid and current license on
21 Guam issued by the Guam Board of Medical Examiners.

22 **Section 12904. Authorized Activities.** An acupuncturist
23 license authorizes the holder to the following:

24 (a) to engage in the practice of acupuncture; *and*

1 (b) to perform the use of Oriental massage, breathing
2 techniques, exercise or nutrition, including the incorporation of
3 drugless substances or herbal products as dietary supplements to
4 promote health.

5 **Section 12905. Use of Sterilized Disposable Needles.** Any
6 acupuncturist licensed under the provisions of this Article shall use only
7 sterilized disposable needles. The acupuncture representative on the
8 Guam Board of Allied Health Examiners shall periodically inspect each
9 acupuncture clinic, with the assistance of the Department of Public
10 Health and Social Services, and report findings to the Board."

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

13 **"ARTICLE 10.**

14 **AUDIOLOGY.**

15 **Section 121001. Definitions.** For purposes of this Article, the
16 following words and phrases have been defined to mean:

17 (a) 'ASHA' means the American Speech, Language and
18 Hearing Association.

19 (b) 'Audiologist' means a person duly licensed by the
20 Board to practice in the field of audiology.

21 (c) 'Audiology' means the application of principles,
22 methods and procedures for measurement, testing, evaluation,
23 prediction, counseling, selling, instruction, habilitation or
24 rehabilitation related to hearing aids or ear molds, including the
25 fitting of such devices, or disorders of hearing for the purpose of

1 evaluation, identifying, preventing, rehabilitating, ameliorating or
2 modifying such disorders and conditions in individuals.

3 (d) '*Habilitation*' and '*rehabilitation*,' as used in this Article,
4 include, but are not limited to, hearing aid evaluation, prescription
5 and fitting of hearing aid devices.

6 **Section 121002. Qualifications for Licensure.**

7 (a) Applicants for licensure must possess a '*Certificate of*
8 *Clinical Competence in Audiology*' issued by ASHA as evidence of
9 professional training and experience.

10 (b) Applicants shall have an official statement from ASHA
11 sent directly to the Board reporting applicant's present ASHA
12 certification.

13 **Section 121003. Exceptions to Licensure Requirements.**

14 The provisions contained herein shall *not* be construed to prevent or
15 restrict the following:

16 (a) any person licensed on Guam, under any other law,
17 from engaging in the profession or occupation for which the
18 person is licensed;

19 (b) the activities and services of persons pursuing a course
20 of study leading to a degree in audiology at an accredited college
21 or university, *if* such activities and services constitute a part of an
22 approved supervised course of study and such person is
23 designated an audiologist intern or trainee;

1 (c) the activities and services of persons presently
2 working on their Clinical Fellowship Year ('CFY') and such
3 persons are designated as 'CFY-Audiologist.'

4 **Section 121004. Scope of Practice.** The practice of audiology
5 includes:

6 (a) identifying, including screening, assessing,
7 interpreting, diagnosing, counseling, preventing, and
8 rehabilitating peripheral and central auditory system
9 dysfunctions;

10 (b) providing and interpreting behavior and (electro)
11 physiological measurements of auditory and vestibular functions;

12 (c) tests for vestibular functions, including the
13 electronystagmography ('ENG') test battery consisting of the gaze,
14 optokinetic, positional, Hallpike and bithermal caloric test;

15 (d) selecting, fitting, dispensing, and selling of hearing
16 aids, assistive listening and amplification devices, including
17 alerting devices and other systems (e.g. implantable devices),
18 taking earmold impressions, providing earmolds, and providing
19 training in the use of hearing aids and amplification devices;

20 (e) providing aural rehabilitation and related counseling
21 services to hearing impaired individuals and their families;

22 (f) removal of cerumen only for the purpose of providing
23 auditory, vestibular functions measurements and for taking
24 earmold impressions;

1 (g) screening of speech-language and other factors
2 affecting communication function for the purposes of audiologic
3 evaluation or initial identification of individuals with other
4 communication disorders;

5 (h) facilitating the conservation of auditory system
6 function; *and*

7 (i) developing and implementing environmental and
8 occupational hearing conservation programs."

9 Section 4. Article 11 is hereby *added* to Chapter 12, Division 1, Part 1 of
10 Title 10 of the Guam Code Annotated to read as follows:

11 "ARTICLE 11.

12 CHIROPRACTIC.

13 Section 121101. **Definitions.** For purposes of this Article, the
14 following words and phrases have been defined to mean:

15 (a) '*Accredited School of Chiropractic*' means a school of
16 chiropractic accredited by the Council of Chiropractic Education
17 ('CCE').

18 (b) '*Chiropractic*' means the science, art and philosophy of
19 things natural, the science of locating and removing interference
20 with the transmissions or expression of nerve forces in the human
21 body by the correction of misalignments or subluxation of the
22 articulations and adjacent structures, *more especially* those of the
23 vertebral column and pelvis, for the purpose of restoring and
24 maintaining health. It shall include the use of all natural agencies
25 to assist in the healing art, such as food, water, heat, cold,

1 electricity and mechanical appliances. The use of X-ray procedures
2 shall be limited to skeletal X-rays and shall exclude the therapeutic
3 use of X-radiation, the use of contrast studies that introduce dyes,
4 isotopes or similar contrast media through the skin, orally, via
5 cathertization or retrograde into any body cavity. It shall exclude
6 operative surgery, prescription, or use of drugs or medicine, and
7 laboratory procedures involved in the penetration of human
8 tissues.

9 (c) '*Doctor of Chiropractic*' means a person who has
10 completed training in chiropractic and received a Doctor of
11 Chiropractic ('D.C.') degree from a school accredited by the CCE.

12 (d) '*Internship*' means a training program in the United
13 States approved by the CCE.

14 (e) '*Licensed chiropractor*' means a person who is validly
15 and currently licensed to practice chiropractic on Guam.

16 (f) '*Practice of Chiropractic*' means to represent directly or
17 indirectly, publicly or privately, an ability or willingness to
18 provide for the treatment by means of manipulation of the spine
19 and prevention of human illness in accordance with the principles
20 of chiropractic. Any person who is *not* licensed to practice
21 chiropractic under these rules and regulations shall *not* hold out to
22 the public, advertise, declare, represent or in any way proclaim to
23 practice chiropractic, or use any titles, words, letters, signs,
24 devices, techniques, maneuvers or modalities that could represent
25 that he or she is authorized to prescribe or engage in the area of

1 chiropractic or spinal manipulation, as defined under these rules
2 and regulations.

3 (g) '*Spinal manipulation*' means a procedure that utilizes a
4 carefully graded thrust, either manually or mechanically, that is
5 applied across the spinal apophyseal or sacroiliac joints at the end
6 of passive range of motion into the parapsychological range of
7 motion, often causing the sudden liberation of synovial gases
8 characterized by an audible popping or cracking sound for the
9 purpose of restoring a joint to its normal alignment and mobility
10 and improving and maintaining the function of the nervous
11 system.

12 **Section 121102. Qualifications for Licensure.** Any person
13 desiring a license to practice chiropractic on Guam shall make a written
14 application to the Board on application forms provided by the Board.
15 The applicant must provide proof of the following:

16 (a) graduation from a school or college of chiropractic,
17 accredited by the CCE;

18 (b) completion at least one (1) year of an internship
19 training program satisfactorily;

20 (c) pass all exams currently given by the National Board
21 of Chiropractic Examiners;

22 (d) pass all other exams as required by the Board; *and*

23 (e) a current Basic Cardiac Life Support Certification
24 ('BCLS'), whether the license is new or being renewed.

25 **Section 121103. Graduate of Foreign School of Chiropractic.**

1 Upon recommendation of the Board, a person who is a graduate of a
2 foreign school of chiropractic may be issued a license; *provided*, such
3 graduate can furnish proof of each of the following:

4 (a) completion of a minimum of three (3) years pre-
5 professional training at a college or university accredited by the
6 appropriate accrediting body of that foreign country; fifty percent
7 (50%) of this training must have been in the basic sciences;

8 (b) graduation from a school of chiropractic accredited or
9 approved by the country in which it is located (Curriculum at the
10 school of chiropractic must have a minimum period of eight (8)
11 semesters, or the equivalent of not less than four thousand two
12 hundred (4,200) credit hours; *provided*, that such accrediting
13 agency has a reciprocal agreement with the CCE.); *and*

14 (c) pass the National Board of Chiropractic Examiners
15 qualifying examination.

16 **Section 121104. Exceptions to Licensure Requirements.**

17 This Article shall *not* be construed to prohibit a person who is a regular
18 student in an accredited school of chiropractic from performing duties
19 or actions assigned by the student's instructors, or working under the
20 direct supervision of a licensed chiropractor.

21 **Section 121105. Specialty Board Certification.** The Board
22 recognizes only those national specialty boards which are recognized by
23 the American Chiropractic Association.

24 **Section 121106. Use of Diagnostic X-Rays by Licensees.**

1 (a) All licensees must comply with rules and regulations
2 established by the Guam Board of Allied Health Examiners and the
3 Department of Public Health and Social Services governing the
4 use of X-rays in the healing arts.

5 (b) Licensees shall be allowed to prescribe X-ray
6 procedures, and interpret and analyze the resultant radiographic
7 images. Any patient who is administered an X-ray for chiropractic
8 reasons, *however*, must first be examined by a chiropractor licensed
9 on Guam to determine the need for the X-ray.

10 (c) Licensees are limited to the following uses of X-rays:

11 (1) no licensee shall use X-ray procedures that
12 require the penetration of human tissues or cavities using
13 needles, wires, catheters or syringes to introduce dyes,
14 isotopes or any type of contrast media, orally or retrograde;

15 (2) no licensee shall use X-rays for therapeutic use;

16 *and*

17 (3) no licensee shall advertise free or discounted X-
18 ray services, or indiscriminately use X-ray practice for
19 unethical purposes.

20 **Section 121107. Determination of the Need For Care.**

21 Determination of a patient's need for care shall be within the sole
22 discretion of a licensed chiropractor, and is considered an inherent part
23 of the scope of practice of the licensee's discipline."

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

1 "ARTICLE 12.

2 CLINICAL PSYCHOLOGY.

3 Section 121201. Definitions. For purposes of this Article, the
4 following words and phrases have been defined to mean:

5 (a) '*Clinical Psychologist*' means a person who has received
6 training in clinical psychology from an accredited school in the
7 U.S. and has completed the internship requirements.

8 (1) '*Training*' means a doctoral level training in
9 clinical psychology at an accredited institution of higher
10 learning in the U.S. The doctoral level training in clinical
11 psychology shall require the applicant to provide evidence
12 of having satisfactorily completed education in the following
13 areas:

14 (A) biological basis of behavior, physiological
15 psychology, comparative psychology,
16 neuropsychology, sensation, perception and
17 psychopharmacology;

18 (B) cognitive-affective basis of behavior,
19 learning, thinking, motivation and emotion;

20 (C) social basis of behavior, social psychology,
21 group process, organizational and systems theories;

22 (D) individual differences, personality theory,
23 human development and abnormal psychology; *and*

24 (E) research design and methodology, statistics
25 and psychometrics.

1 (2) *'Accredited'* means that the college or the
2 university has met the standards as established by the
3 Middle States Association of Colleges and Secondary
4 Schools, the New England Association of Colleges and
5 Secondary Schools, the North Central Association of Schools
6 and Colleges, the Western Association of Schools and
7 Colleges, or by other accrediting agencies.

8 (3) *'Internship'* means a training program that is
9 supervised by a doctoral level, licensed clinical psychologist,
10 or approved by the American Psychological Association and
11 can be demonstrated to be of high quality.

12 (b) *'Clinical Psychology'* means a subspecialty in
13 psychology which is primarily concerned with assessing and
14 alleviating emotional, mental and behavioral disorders in a
15 hospital, institution or other clinical setting.

16 (c) *'Fee'* means any charge, monetary or otherwise,
17 whether paid directly, or on a prepaid capitation basis, by a third
18 party, or a charge assessed by a facility for services rendered.

19 (d) *'Foreign School'* means any college or division of a
20 university in a country other than the United States that offers the
21 degree of doctor in clinical psychology.

22 (e) *'License'* means that the person named on the certificate
23 has been found qualified to engage in the practice of clinical
24 psychology, and has been awarded a license by the Board to
25 practice clinical psychology.

1 (f) *'Practice of Clinical Psychology'* means:

2 (1) a person who represents himself to be a clinical
3 psychologist when he holds himself out to the public by any
4 title or description of services incorporating the words
5 'clinical psychology,' 'clinical psychologist,' or offers to
6 render or renders services as defined below to individuals,
7 groups, organizations or the public;

8 (2) the rendering to individuals, groups,
9 organizations or the public any psychological service
10 involving the application of principles, methods and
11 procedures of understanding, predicting and influencing
12 behavior, such as the principles pertaining to learning,
13 perception, motivation, thinking, emotions and inter-
14 personal relationships; the methods and procedures of
15 interviewing, counseling and psychotherapy; constructing,
16 administering and interpreting tests of mental abilities,
17 aptitudes, interests, attitudes, personality characteristics,
18 emotion and motivation, and of assessing public opinion;

19 (3) the application of said principles and methods,
20 including, but not limited to, diagnosis, prevention and
21 amelioration of adjustment problems, and emotional and
22 mental disorders of individuals and groups, hypnosis,
23 educational and vocational counseling, personnel selection
24 and management, the evaluation and planning for effective
25 work and learning situations, advertising and market

1 research and the resolution of interpersonal and social
2 conflicts; *or*

3 (4) psychotherapy by the use of learning,
4 conditioning methods and emotional reactions, in a
5 professional relationship, to assist a person or persons to
6 modify feelings, attitudes and behavior which are
7 intellectually, socially or emotionally mal-adjustive or
8 ineffectual.

9 **Section 121202 Qualifications for Licensure.**

10 (a) The applicant must have a doctorate in clinical
11 psychology from an accredited college or university of the U.S.

12 (b) The applicant must have completed two (2) years of
13 internship, of which at least one (1) year must be after receiving
14 the doctorate.

15 (c) The applicant must have successfully completed the
16 Examination for Professional Practice in Psychology administered
17 by a state, territory or district of the United States.

18 **Section 121203. Graduates of Foreign Schools.** Foreign
19 clinical psychologists who meet all the requirements as established by
20 the rules and regulations of this Article, and are found to be qualified by
21 the Board, may be issued a license to practice clinical psychology on
22 Guam.

23 **Section 121204. Exceptions to Licensure Requirements.**

24 (a) No person may practice clinical psychology on Guam
25 who is *not* licensed as a clinical psychologist by the Board.

1 England Association of Colleges and Secondary Schools, the North
2 Central Association of Schools and Colleges, the Western
3 Association of Schools and Colleges, or by another accrediting or
4 recognized approval agency, including state or Federal approving
5 agencies.

6 (b) *'Family'* means all forms of households that consist of
7 members with emotional bonds and mutual obligations that
8 define themselves as families. *'Family'* as used here includes, but
9 is not limited to, nuclear families (i.e. once married couples with
10 children), single parent families, non-married couples with
11 children, reconstituted families (remarried couples), and couples
12 without children.

13 (c) *'Family therapy'* means the systematic intervention
14 enabling family members to understand the behavior of
15 individuals in relation to the ongoing operations of the family
16 group. This approach enables family members to generate a wider
17 range of options for coping with problems, and to learn problem
18 solving skills.

19 (d) *'Individual therapy'* means planned intervention to
20 assist a client in coping more effectively with problems of living.

21 (e) *'Marriage'* means a socially sanctioned relationship
22 between two (2) adults. Marriage determines specific roles,
23 involving reciprocal obligations and duties, as well as legal rights.

1 (f) *'Marriage therapy'* means the therapeutic intervention
2 with married couples, non-married couples or alternative couples
3 to resolve immediate problems and conflicts in their relationship.

4 (g) *'Therapist'* means a person licensed on Guam to
5 practice therapy, as defined in these rules and regulations.

6 (h) *'Therapy'* means planned intervention to help the client
7 enlarge competencies and increase problem solving skills and
8 coping abilities. Therapy can be used interchangeably with
9 counseling and psychotherapy. Psychotherapy means a
10 specialized, formal interaction between an Individual, Marriage
11 and Family Therapist or other Mental Health Professionals, and a
12 client (an individual, couple, family or group) in which a
13 therapeutic relationship is established to help resolve symptoms of
14 mental disorder, psychosocial stress, relationship problems, and
15 enhance problem solving skills and coping abilities.

16 **Section 121302. Qualifications for Licensure.** (a) The
17 Board shall issue a license for Individual, Marriage and Family
18 Therapy to an applicant whom:

19 (1) has a doctorate or master's degree from a school
20 accredited or approved by a state or territory in the U.S. with
21 a program that is primarily social work, psychological or
22 psycho-therapeutic in content; in the case of foreign schools,
23 a school approved by the Board on a case-by-case basis; *and*

24 (2) has had two (2) years, with a minimum of one
25 thousand five hundred (1,500) hours of documented client

1 service, of post-graduate experience under the supervision
2 of a licensed or certified marriage and family therapist,
3 psychologist, psychiatrist or social worker in the field of
4 individual, marriage and family therapy within the U.S.

5 (b) If an individual cannot document two (2) years of post-
6 graduate experience under the supervision of a licensed or
7 certified marriage and family therapist, psychologist, psychiatrist
8 or social worker in the field of individual, marriage and family
9 therapy within the U.S., he may submit proof of having worked
10 under an internship program approved by the Board, not to
11 extend beyond two (2) years in order for him to gain that
12 supervision on Guam.

13 **Section 121303. Exceptions to licensure.** (a) No person
14 may practice individual, marriage or family therapy on Guam
15 who is *not* licensed as an individual, marriage or family therapist
16 by the Board, *unless* such practice is approved by other licenses
17 issued by another licensing board. *However*, this Article shall *not*
18 be construed to prohibit:

19 (1) an employee of the Federal government from
20 performing official duties;

21 (2) an individual, marriage and family therapist
22 regularly licensed in another state of the U.S. consulting
23 with a licensed individual, marriage and family therapist on
24 Guam;

1 (3) a person who is a regular student in individual,
2 marriage or family therapy-related fields performing duties
3 or actions as assigned by his instructors, or who is working
4 under the supervision of a licensed, individual, marriage
5 and family therapist.

6 (b) Nothing in these rules and regulations shall be
7 construed to prevent qualified members of other professional
8 groups, such as clinical psychology, school psychology, counseling
9 psychology, social work or ordained clergy from doing work of a
10 counseling nature consistent with their training and consistent
11 with any code of ethics of their respective professions; *provided,*
12 *however,* that they do *not* hold themselves out to the public by any
13 of the following titles:

- 14 (1) *'individual therapist'*;
- 15 (2) *'counselor'*;
- 16 (3) *'marriage therapist'*;
- 17 (4) *'family therapist'*;
- 18 (5) *'psychotherapist'*; or
- 19 (6) *'any combination thereof.'*

20 **Section 121304. Scope of Practice.** The practice of
21 individual, marriage and family therapy, within the meaning of these
22 rules and regulations, is rendering planned intervention to assist
23 individuals, married couples or families cope more effectively with
24 problems of living, resolving immediate problems and conflicts in

1 relationships, and utilizing acceptable professional therapeutic and/or
2 psychotherapeutic techniques.

3 **Section 121305. Privileged Communication.** Breach of a
4 privileged communication, *except* as provided for in this Article is
5 considered unprofessional conduct and grounds for revocation or
6 suspension of a license."

7 **Section 7.** Article 14 is hereby *added* to Chapter 12, Division 1, Part 1 of
8 Title 10 of the Guam Code Annotated to read as follows:

9 **"ARTICLE 14.**

10 **OCCUPATIONAL THERAPY.**

11 **Section 121401. Definitions.** For purposes of this Article, the
12 following words and phrases have been defined to mean:

13 (a) '*Fieldwork*' means a supervised clinical experience of a
14 minimum of six (6) months for occupational therapists, and a
15 minimum of three (3) months for Occupational Therapy
16 Assistants, as arranged by the educational institution granting the
17 degree.

18 (b) '*Occupational therapy*' means the evaluation and
19 treatment provided to people whose lives have been disrupted by
20 physical injury, illness, developmental problems, the aging
21 process, or psychosocial or cognitive difficulties.

22 Treatment entails the assessment, evaluation and treatment
23 to assist each individual to achieve or return to an independent
24 and productive life through techniques which prevent disability,
25 assisting the individual in recovery from illness or accident and by

1 promoting the development of functions which may have been
2 impaired or delayed. The treatment provided may include, but
3 shall *not* be limited to, the adaptation of the environment and the
4 selection, design and fabrication of assistive and orthotic devices,
5 and other technology to facilitate development and promote the
6 acquisition of functional skills through purposeful activity.

7 (c) '*Occupational therapist*' means a person licensed to
8 practice occupational therapy on Guam.

9 (d) '*Occupational therapy assistant*' means a person licensed
10 to assist in the practice of occupational therapy who works under
11 the indirect supervision of an occupational therapist, or as
12 otherwise determined by the supervising occupational therapist.

13 (e) '*Occupational therapy technician/aide*' means a person
14 who can assist in treatment oriented activities, under the direct
15 supervision and presence of an occupational therapist or
16 occupational therapy assistant, and whose activities require a
17 general understanding of occupational therapy services acquired
18 on-the-job.

19 (f) '*NBCOT*' means the National Board for Certification in
20 Occupational Therapy.

21 **Section 121402. Qualifications for Licensure; Occupational**
22 **Therapist. (a) Educational Requirements.** Applicants
23 shall present satisfactory evidence to the Board of having
24 successfully completed academic and fieldwork experience
25 requirements in an occupational therapy educational program

1 recognized by the Board. The occupational therapy educational
2 program shall be accredited by the Accreditation Council for
3 Occupational Therapy Education of the American Occupational
4 Therapy Association or the current governing board. The
5 applicant must also:

6 (1) possess at least a bachelor's degree or certificate
7 in occupational therapy from the U.S. or from a foreign
8 program recognized by the NBCOT; *and*

9 (2) submit transcripts from an approved school of
10 occupational therapy in the U.S., or from a foreign program
11 recognized by the NBCOT, *unless* already submitted to a
12 government of Guam health agency.

13 (b) **Fieldwork Experience.** Applicants shall submit
14 to the Board evidence of having successfully completed a period
15 of supervised fieldwork experience arranged by the recognized
16 educational institution or by the nationally recognized
17 professional association where the applicant has met the academic
18 requirements. Occupational therapists must have a minimum of
19 six (6) months or nine hundred forty (940) hours of supervised
20 fieldwork experience.

21 **Section 121403. Qualifications for Licensure.**

22 (a) **Occupational Therapy Assistant.**

23 (1) The occupational therapy assistant educational
24 program shall be approved by the Accreditation Council for

1 Occupational Therapy Education of the American
2 Occupational Therapy Association. The applicant must:

3 (A) possess an associate's degree or certificate
4 in occupational therapy assistant from the U.S. or from
5 a foreign program recognized by the NBCOT;

6 (B) submit transcripts from an approved
7 school for occupational therapy assistants in the U.S.
8 or from a foreign program recognized by the NBCOT,
9 *unless* already submitted to a government of Guam
10 agency.

11 (2) **Fieldwork Experience.** Applicants shall
12 submit to the Board evidence of having successfully
13 completed a period of supervised fieldwork experience
14 arranged by the recognized educational institution, or by the
15 nationally recognized professional association where the
16 applicant has met the academic requirements. Occupational
17 therapy assistants must have a minimum of twelve (12)
18 weeks, or one hundred and forty (140) hours of supervised
19 fieldwork experience.

20 (b) **Occupational Therapy Technicians.** Occupational
21 therapy technicians are *not* required to be licensed by the Board.

22 **Section 121404. International Graduates; Requirements.**

23 Occupational therapists and occupational therapy assistants trained
24 outside of the United States must satisfy the examination requirements
25 of this Article. The Board shall require these applicants to furnish proof

1 of good moral character and completion of education and supervised
2 fieldwork requirements, substantially equal to those as contained in this
3 Article prior to examination.

4 **Section 121405. Licensure Examination.** An applicant for
5 licensure as an occupational therapist or as an occupational therapy
6 assistant must pass the written NBCOT examination, as provided for in
7 this Article. Applicants who have fulfilled the education requirements
8 as outlined above, but are pending completion of the examination, may
9 initiate the application process for licensure.

10 **Section 121406. Qualifications for Examination.** Only persons
11 satisfying the requirements of this Article may apply for examination in
12 such a manner as the Board shall prescribe. The Board recognizes the
13 NBCOT as the examining authority for occupational therapists and
14 occupational therapy assistants. A person who fails an examination
15 may apply for reexamination, subject to the policies and procedures of
16 NBCOT.

17 **Section 121407. Waiver of Requirements.**

18 (a) **Licensure by Endorsement.** The Board may
19 waive the examination, education or experience requirements, and
20 grant a license to any applicant who shall present proof of having
21 practiced in another state, the District of Columbia, Puerto Rico or
22 Territory of the United States which has standards for regulations
23 that are substantially equivalent to the requirements specified in
24 the Article. The Board shall use discretion in considering
25 applicants from unregulated states.

1 (b) The Board may grant a license to any person who
2 passed the certification examination administered by the NBCOT
3 *prior to* the effective date of Act; whose principal residence is
4 Guam; and who presents satisfactory evidence to the Board of
5 having practiced in Guam for at least one (1) year prior to the
6 enactment of these rules and regulations. Proof of actual practice
7 shall be presented to the Board in such manner as it may prescribe.
8 To obtain the benefit of this waiver, an applicant must file an
9 application no later than ninety (90) days from the effective date of
10 this Act.

11 **Section 121408. Persons and Practices Not Affected.** Nothing
12 in this Article shall be construed as preventing or restricting the practice,
13 services or activities of:

14 (a) any person licensed on Guam by any other law from
15 engaging in the profession or occupation for which the person is
16 licensed;

17 (b) any person employed as an occupational therapist or
18 occupational therapist assistant by the Federal government or its
19 agency, *if* such person provides occupational therapy solely under
20 the direction or control of the organization in which the person is
21 employed;

22 (c) any person pursuing a supervised course of study
23 leading to a degree or certificate in occupational therapy at an
24 accredited educational program, *if* the person is designated by a

1 title which clearly indicates the person's status as a student or
2 trainee;

3 (d) any person fulfilling the supervised fieldwork
4 experience requirements of Subsections (2)(b) and 3(2) of this
5 Article, *if* the experience constitutes a part of the experience
6 necessary to meet the requirements of the NBCOT;

7 (e) any person performing occupational therapy services
8 on Guam, *if* these services are performed for no more than ninety
9 (90) days in a calendar year in association with an occupational
10 therapist licensed under these rules and regulations:

11 (1) the person is licensed or otherwise regulated
12 under the law of another state which has substantially
13 equivalent requirements for practice as specified under this
14 Article; *or*

15 (2) the person has passed the certification
16 examination administered by the NBCOT; or a Certified
17 Occupational Therapy Assistant ('COTA'), established by
18 the NBCOT; *or*

19 (f) any person functioning as an occupational therapy
20 technician/aide.

21 **Section 121409. Scope of Practice; Occupational Therapist.**

22 (a) An occupational therapist may enter a case for the
23 purposes of providing direct or indirect service, consulting,
24 evaluating an individual as to the need for services, and other
25 occupational therapy services for any individual who has an

1 injury, illness, cognitive impairment, psychosocial dysfunction,
2 mental illness, developmental or learning disability, physical
3 disability, or other disorder or condition. It includes assessment
4 by skilled observation or evaluation through the administration
5 and interpretation of standardized or nonstandardized tests and
6 measurements. Occupational therapy services include, but are not
7 limited to, the following:

8 (1) the assessment and provision of treatment in
9 consultation with the individual, family or other appropriate
10 persons;

11 (2) interventions directed toward developing,
12 improving, sustaining or restoring daily living skills,
13 including self-care skills and activities that involve
14 interactions with others and the environment, work
15 readiness or work performance, play skills or leisure
16 capacities, or enhancing educational performance skills;

17 (3) developing, improving, sustaining or restoring
18 sensorimotor, oral-motor, perceptual or neuromuscular
19 functioning, emotional, motivational, cognitive or
20 psychosocial components of performance; *and*

21 (4) education of the individual, family or other
22 appropriate persons in carrying out appropriate
23 interventions.

24 (b) Services may encompass assessment of need and the
25 design, development, adaptation, application or training in the use

1 of assistive technology devices; the design, fabrication or
2 application of rehabilitative technology, such as selected orthotic
3 devices; training in the use of orthotic or prosthetic devices; the
4 application of physical agent modalities as an adjunct to or in
5 preparation for purposeful activity; the application of ergonomic
6 principles; the adaptation of environments and processes to
7 enhance functional performance; or the promotion of health and
8 wellness.

9 (c) Such evaluation shall be the occupational therapist's
10 assessment of a patient's problem, and the therapist shall make an
11 occupational therapy assessment and evaluation and treat
12 accordingly. The therapist shall consult with an authorized health
13 care practitioner *if* a patient's problem is outside the scope of
14 occupational therapy. *If*, at any time, a patient requires further
15 services of an authorized health care provider, a referral shall be
16 made.

17 **Section 121410. Scope of Practice; Occupational Therapy**

18 **Assistant.** The occupational therapy assistant works under the
19 supervision of the occupational therapist. The amount, degree
20 and pattern of supervision a practitioner requires varies
21 depending on the employment setting, method of service
22 provision, the practitioner's competence and the demands of
23 service. The occupational therapist is responsible for the
24 evaluation of the client or patient. The treatment plan may be
25 developed by the occupational therapist in collaboration with the

1 occupational therapy assistant. Once the evaluation and treatment
2 plans are established, the occupational therapy assistant may
3 implement and modify various therapeutic interventions, as
4 permitted by the Board under the supervision of the occupational
5 therapist."

6 **Section 8.** Article 15 is hereby *added* to Chapter 12, Division 1, Part 1 of
7 Title 10 of the Guam Code Annotated to read as follows:

8 "ARTICLE 15.

9 PHYSICAL THERAPY.

10 **Section 121501. Definitions.** For purposes of this Article, the
11 following words and phrases have been defined to mean:

12 (a) '*Licensed physical therapist*' means a person who is
13 currently and validly licensed to practice physical therapy on
14 Guam.

15 (b) '*Physical therapy assistant*' means an individual who
16 assists in the treatment of patients under the direct and indirect
17 supervision of a licensed physical therapist. Assistance rendered
18 must be commensurate with the assistant's education and training.

19 (c) '*Physical therapy technician*' means an individual who
20 has received on-the-job training from a licensed physical therapist,
21 and who assists in the treatment of patients under the direct
22 supervision of a licensed physical therapist.

23 (d) '*Physical therapy*' means the utilization of scientific
24 principles for the evaluation and treatment of any disability, injury
25 or disease by the use of physical, chemical or mechanical means,

1 including, but not limited to, heat, cold, air, light, sound,
2 electricity, water, massage, therapeutic exercise and rehabilitative
3 procedures, with or without assistive devices, for the purpose of
4 preventing, correcting or alleviating dysfunction resulting from
5 such disability, injury or disease; the performance of tests and
6 measurements of neuromuscular function as an aid to the
7 diagnosis or treatment of human condition; performance of
8 treatments on the basis of test findings; supervision of selective
9 forms of treatment by trained supportive personnel; and
10 provisions of consultative services for health, education and
11 community agencies; provided, however, that physical therapy
12 shall *not* include the use of Roentgen Rays and radium for
13 diagnostic and therapeutic purposes, the use of electricity for
14 surgical purposes, including cauterization. Physical therapy and
15 physical therapy services are *not* generic terms; they are the use of
16 any intervention, including physical agent
17 modalities/electrotherapy, that is provided by, or under the
18 direction of, a licensed, physical therapist.

19 (e) '*Consultation*' means the communication regarding a
20 patient's evaluation and proposed treatment plan with an
21 authorized health care practitioner.

22 (f) '*Authorized health care practitioner*' includes licensed
23 physicians, osteopathic physicians, chiropractors, podiatrists and
24 dentists; provided, however, that nothing herein shall be

1 construed as altering the scope of practice of such practitioners as
2 defined in their respective licensure regulations.

3 **Section 121502. Qualifications for Licensure.**

4 (a) **Licensed Physical Therapist.** Applicants for a
5 license to practice physical therapy on Guam must complete and
6 file an application with the Board. Applicants must have *all* of the
7 following qualifications:

8 (1) a bachelor's degree in physical therapy or
9 certificate in physical therapy from an accredited school of
10 physical therapy in the United States;

11 (2) transcripts from an approved school of physical
12 therapy, evidencing the successful completion of a four (4)
13 year degree program, a two (2) year certificate or advanced
14 program which must include supervised clinical experience;
15 *and*

16 (3) the applicant must have passed an examination
17 given by the Professional Examination Service in the U.S. or
18 one (1) of its territories and have been granted a license.

19 (b) **Physical Therapy Assistant.** To be eligible for
20 licensure as a physical therapy assistant, the applicant must
21 possess *all* of the following qualifications:

22 (1) a minimum of an associate degree from an
23 approved school for physical therapy assistant in the United
24 States; *and*

1 activities do *not* go beyond the scope of practice defined by these
2 rules;

3 (5) to prohibit the practice of physical therapy by licensed
4 physical therapists of other states or countries while appearing as
5 clinicians at *bona fide* educational seminars sponsored by physical
6 therapy, medical or other healing art professional associations, so
7 long as such activities do *not* go beyond the scope of practice
8 defined by these rules and regulations.

9 **Section 121504. Scope of Practice.**

10 (a) **Physical Therapists.**

11 (1) A person licensed under this Article as a physical
12 therapist may evaluate and treat human ailments by
13 physical therapy. The evaluation shall be the physical
14 therapist's assessment of a patient's problem and shall
15 include a physical therapy diagnosis. If a patient's problem
16 is outside the scope of physical therapy, the therapist shall
17 consult with a person licensed to practice medicine. If a
18 patient, at any time, requires further medical evaluation or
19 diagnostic testing, that patient shall be referred to an
20 authorized health care practitioner.

21 (2) Direct referral of a patient by an authorized
22 health care practitioner may be by telephone, letter or in
23 person; provided, however, if the instructions are oral, the
24 physical therapist may administer treatment accordingly,
25 but must make a record describing the nature of the

1 treatment, the date administered, the name of the person
2 receiving the treatment and the name of the referring
3 authorized health care practitioner.

4 **(b) Physical Therapy Assistant.**

5 (1) A physical therapy assistant is *not* an
6 independent practitioner and works under the indirect
7 supervision of the physical therapist.

8 (2) A physical therapy assistant will follow the
9 treatment program set by the physical therapist, and may
10 progress the exercise program in conjunction with the
11 treatment goals.

12 **(c) Physical Therapy Technician.** The physical
13 therapy technician will carry out tasks as delegated by the
14 physical therapist; *all* patient care will be under the direct
15 supervision of the physical therapist.

16 **Section 121505. Supportive Personnel; Delineation of**
17 **Responsibilities.** A physical therapist is professionally and legally
18 responsible for patient care given by supportive personnel under the
19 physical therapist's supervision. If a physical therapist fails to
20 adequately supervise patient care given by supportive personnel, the
21 Board may take disciplinary action against the licensee. Supervision of
22 supportive personnel requires that the physical therapist perform the
23 following activities:

24 (a) provide initial evaluation of the patient;

1 (2) transcripts from an approved school for physical
2 therapy assistants, evidencing the successful completion of a
3 two (2) year degree program, which must include
4 supervised clinical experience.

5 **Section 121503. Exceptions to Licensure.**

6 (a) No person may practice physical therapy on Guam
7 who is *not* licensed as a physical therapist by the Board. These
8 rules and regulations shall *not* be construed:

9 (1) to prohibit persons employed as physical therapists by
10 a Federal agency from practicing their discipline;

11 (2) to restrict the activities or services of a student or
12 physical therapy intern pursuing a course of study leading to a
13 degree or certificate in physical therapy, *provided* that these
14 activities and services constitute a part of his supervised course of
15 study;

16 (3) to restrict the practice of a physical therapist who is
17 obtaining the required professional experience, and whose
18 required professional experience application has been approved
19 by the Board. Such professional experience is to be defined by the
20 Board as deemed necessary;

21 (4) to prohibit auxiliary services provided by physical
22 therapy technicians in carrying out duties necessary for the
23 support of physical therapy, including those duties which involve
24 minor physical therapy services when performed under the direct
25 supervision of licensed, physical therapists, so long as such

1 (b) develop a treatment plan and program, including
2 treatment goals;

3 (c) assess the competence of supportive personnel to
4 perform assigned tasks;

5 (d) select and delegate appropriate portions of the
6 treatment plan and program;

7 (e) direct and supervise supportive personnel in delegated
8 functions;

9 (f) re-evaluate the patient and adjust the treatment plan as
10 acceptable physical therapy practice requires, consistent with the
11 delegated health care task;

12 (g) document sufficient in-service training and periodic
13 evaluation of performance to assure safe performance of the tasks
14 assigned to supportive personnel; *and*

15 (h) provide discharge planning.

16 **Section 121506. Foreign Graduates; Requirements.**

17 (a) The following is required of applicants for physical
18 therapists who are foreign graduates:

19 (1) be of good moral character;

20 (2) be a United States citizen or legal alien;

21 (3) submit to the Board the following documents,
22 which must be in English or accompanied by an English
23 translation:

24 (A) official application and affidavits;

1 (B) evidence of a diploma from an educational
2 program for physical therapy approved by the Board;

3 (C) a letter from the applicant's most recent
4 employer verifying the applicant's position and dates
5 of employment;

6 (4) demonstrate that the applicant's credentials are
7 equivalent to those required of a U.S. educated physical
8 therapist applicant (The foreign education must contain
9 evidence of course work in humanities and social sciences,
10 as well as courses in biology and other physical sciences,
11 equivalent to a United States degree in physical therapy.
12 The applicant must submit notarized copies of all academic
13 records to either the International Education Research
14 Foundation or the International Consultants of Delaware, for
15 evaluation; addresses for each shall be listed with the Board
16 office. A copy of the evaluation must be sent directly to the
17 Board.);

18 (5) *if* the Board determines that the educational
19 background is *not* equivalent to a U.S. accredited physical
20 therapy program, or the applicant's program is found
21 deficient in physical therapy credits, the applicant must
22 successfully complete a physical therapy program which
23 conforms with the standards of the official accrediting
24 agency determined by the U.S. Office of Education, *or* at the

1 discretion of the Board, complete specified courses in
2 physical therapy;

3 (6) complete a minimum of twenty (20) continuous
4 weeks of internship under direction and immediate
5 supervision of a physical therapist, in an institution which is
6 approved by the Board, and furnish documentary evidence
7 of compliance to the Board; *and*

8 (7) may appear before the Board for an oral
9 interview.

10 (b) *If* the Board finds the internship to have been
11 successfully completed and the educational equivalency
12 requirements met, the applicant must take a licensure examination
13 given by a state or territory within the United States.

14 (c) Physical therapist assistants must comply with all
15 requirements of this Article, have passed an examination given by
16 the Professional Examination Service in the United States or one
17 (1) of its territories, and have been granted a current license."

18 Section 9. Article 16 is hereby *added* to Chapter 12, Division 1, Part 1 of
19 Title 10 of the Guam Code Annotated to read as follows:

20 "ARTICLE 16.

21 PHYSICIAN ASSISTANT.

22 Section 121601. **Definitions.** For purposes of this Article, the
23 following words and phrases have been defined to mean:

24 (a) '*Licensed physician*' means a physician licensed by the
25 Board of Medical Examiners to practice medicine on Guam.

1 (b) *'Physician assistant'* means a Board-licensed person,
2 qualified by academic and practical training, who provides patient
3 services under the indirect supervision of a licensed physician. A
4 physician assistant is *not* an independent practitioner.

5 (c) *'Supervising physician'* means a licensed physician who
6 is registered by the Board to supervise a physician assistant.

7 (d) *'Supervision'* means providing guidance of the services
8 performed by the physician assistant. A supervising physician
9 may be physically on the premises where the physician assistant is
10 practicing, or be available on Island by telecommunication.

11 **Section 121602. Qualifications for Licensure.**

12 (a) Licensed physician assistants must be graduates of
13 programs approved by the Physician Assistant Examining
14 Committee ('PAEC') from an institution accredited by the
15 Committee on Allied Health Education and Accreditation
16 ('CAHEA').

17 (b) Licensed physician assistants must have passed a
18 proficiency examination developed by the National Commission
19 on Certification of Physician Assistants, or its successor.

20 **Section 121603. Scope of Practice.** (a) A physician
21 assistant may provide any medical services when such services are
22 within his skills, form a usual component of the physician's scope
23 of practice under the supervision of a supervising physician.

24 (b) Physician assistants with privileges or employed by a
25 hospital or skilled nursing facility may, *if* permissible under the

1 by-laws and rules and regulations of such facility, write medical
2 orders, including medications, tests and treatments, for in-patients
3 under the care of the supervising physician. In every case, such
4 medical orders must be countersigned by the supervising
5 physician or confirmed by telephone within twenty-four (24)
6 hours.

7 **Section 121604. Registration of Physician Assistant's**
8 **Supervision.** Prior to practicing on Guam, the licensed physician
9 assistant shall present for approval of the Board of Allied Health
10 Examiners and Board of Medical Examiners a completed application for
11 supervision by a Guam-licensed physician. The practice of the
12 physician assistant must fall within the practice of the supervising
13 physician with whom the physician assistant is registered. In the event
14 of any changes of supervising physician, the names of the supervising
15 physicians must be provided to the above boards. The Board must be
16 notified at least ten (10) days prior to the effective date of change.
17 Practicing without a supervising physician shall be grounds for
18 disciplinary action, including revocation of license.

19 **Section 121605. Renewal of License.** Each licensed physician
20 assistant must present evidence of current certification through the
21 National Commission on Certification of Physician Assistants, or its
22 successor, every two (2) years for renewal of license.

23 **Section 121606. Identification.** (a) While working, the
24 physician assistant shall wear or display appropriate

1 identification, clearly indicating that he or she is a physician
2 assistant.

3 (b) The physician assistant's license must be displayed in
4 the office, and any satellite operation in which the physician
5 assistant may function.

6 (c) A physician assistant may *not* advertise him or herself
7 in any manner that would mislead the patients of the supervising
8 physician or the public.

9 **Section 121607. Supervision Required.** (a) Tasks

10 performed by the physician assistant must be under the
11 supervision of a registered supervising physician.

12 (b) All medical records must be reviewed and co-signed
13 by the approved supervising physician within seven (7) days.

14 (c) Upon being duly licensed by the Board, the licensee
15 shall have his or her name, address and other pertinent
16 information enrolled by the Board on a roster of licensed physician
17 assistants.

18 (d) Not more than two (2) currently licensed physician
19 assistants may be supervised by a licensed physician at any one
20 time.

21 (e) If no registered supervising physician is available to
22 supervise the physician assistant, the physician assistant must *not*
23 perform patient care activities.

24 (f) Nothing in these rules shall be construed to prohibit
25 the employment of physician assistants by a medical care facility

1 where such physician assistant's function under the supervision of
2 a Guam-licensed physician.

3 **Section 121608. Exceptions to Licensure Requirement.** No
4 person may practice as a physician assistant on Guam who is *not*
5 licensed by the Board. This Article, *however*, shall *not* be construed to
6 prohibit a student in a physician assistant program performing duties or
7 functions assigned by his instructors, or who is working under the direct
8 supervision of a licensed physician.

9 **Section 121609. Prescriptive Authority.** A physician
10 assistant may administer, prescribe and dispense any licensed drug in
11 accordance with §12827 of Chapter 12 of Title 10 of the Guam Code
12 Annotated, and in accordance to any other rules and regulation
13 established by the Board."

14 **Section 10.** Article 17 is hereby *added* to Chapter 12, Division 1,
15 Part 1 of Title 10 of the Guam Code Annotated to read as follows:

16 "ARTICLE 17.

17 **PODIATRIC MEDICINE.**

18 **Section 121701. Definition.** For purposes of this Article, the
19 following words and phrases have been defined to mean:

20 (a) '*Podiatric Medicine*' means the diagnosis, medical,
21 surgical, mechanical, manipulative and electrical treatment of the
22 human foot and ankle, including the tendons that insert into the
23 foot, and the non-surgical treatment of the muscles and tendons of
24 the leg governing the functions of the foot.

1 **Section 121702. Qualifications for Licensure.** (a) Any
2 person who desires to practice podiatric medicine on Guam must
3 apply to the Board for licensure and provide each of the following:

4 (1) three (3) letters from doctors of podiatric
5 medicine verifying that the applicant is competent;

6 (2) verification sent directly from the college of
7 podiatric medicine to the Board of having satisfactorily
8 graduated from an approved college of podiatric medicine;
9 *and*

10 (3) verification sent directly to the Board from a
11 residency program of having satisfactorily completed a
12 hospital-approved podiatric residency program.

13 (b) *If* an applicant has practiced podiatric medicine in any
14 U.S. jurisdiction, the applicant shall furnish each of the following:

15 (1) a notarized copy of the applicant's license to
16 practice podiatric medicine in that jurisdiction; *and*

17 (2) an affidavit from the board of podiatric medical
18 examiners of any such jurisdiction verifying the number of
19 years that the applicant has been engaged in the legal and
20 reputable practice of podiatric medicine in that jurisdiction.

21 **Section 121703. Approved Schools.** Colleges of podiatric
22 medicine accredited by the Council on Podiatric Education of the
23 American Podiatry Association shall be approved by the Board for
24 providing resident professional instruction in podiatric medicine.

25 **Section 121704. Approved Hospitals for Podiatric Residencies.**

1 The hospitals approved by the Board for residencies shall be those that
2 meet the minimum requirements set by the Council on Podiatric
3 Medical Education of the American Podiatric Medical Association.

4 **Section 121705. Licensure Renewal; Continuing Education**
5 **Requirements.** (a) Each licensee who is a doctor of podiatric

6 medicine is required to complete fifty (50) hours of approved
7 continuing education during each two (2) year renewal period.
8 Each doctor of podiatric medicine renewing a license may be
9 required to submit proof satisfactory to the Board of compliance
10 with the provisions of this requirement.

11 (b) Each doctor of podiatric medicine, in order to renew a
12 license, shall report progress towards compliance with continuing
13 education requirements by signing and returning the declaration
14 contained in the license renewal application.

15 (c) Any licensed doctor of podiatric medicine who cannot
16 complete a minimum of fifty (50) hours of approved continuing
17 education during a two (2) year period shall be ineligible for
18 renewal of his or her license, *unless* such licensee applies for and
19 obtains a waiver from the Board, as shall be determined by the
20 Board.

21 (d) As part of the continuing education required of each
22 licensee, each licensee, at the time of license renewal, shall certify
23 that he or she possesses a current and valid certificate in basic
24 cardiopulmonary resuscitation ('CPR').

1 (e) The Board requires that each licensee retain records of
2 all continuing education programs attended which indicate the
3 title of the course or program, the sponsoring organization, or
4 individual and the accrediting organization, *if any*, for a minimum
5 of four (4) years.

6 **Section 121706. Approved Continuing Education Programs.**

7 The following are approved by the Board as continuing education
8 programs:

9 (a) programs which are approved by the American
10 Podiatric Medical Association and its affiliated organizations;

11 (b) programs that qualify for Category I Credit of the
12 American Medical Association and the American Osteopathic
13 Association and their affiliated organizations;

14 (c) programs offered by approved colleges or schools of
15 podiatric medicine, medicine and osteopathic medicine;

16 (d) podiatric residency program or clinical fellowship in a
17 hospital approved for podiatric residencies (Completion of a
18 residency program or clinical fellowship shall be credit for fifty
19 (50) hours of approved continuing education.); *and*

20 (e) programs offered by other individuals, organizations
21 and institutions approved by the Board on a case-by-case basis.

22 **Section 121707. Scope of Practice.** (a) A license to practice
23 podiatric medicine on Guam authorizes the holder to practice
24 podiatric medicine as defined in these Rules.

1 (b) No doctor of podiatric medicine shall do any
2 amputation of the foot in total. Surgical debridement with plastic
3 repairs or reconstruction of diseased, traumatized or devitalized,
4 nonviable or necrotic tissue shall be the standard of treatment for
5 these diseased processes.

6 (c) Doctors of podiatric medicine practicing within the
7 framework of this policy statement are subject to all laws
8 governing gross negligence, incompetence and repeated negligent
9 acts."

10 Section 11. Article 18 is hereby *added* to Chapter 12, Division 1,
11 Part 1 of Title 10 of the Guam Code Annotated to read as follows:

12 "ARTICLE 18.

13 SPEECH-LANGUAGE PATHOLOGY.

14 Section 121801. Definitions. For purposes of this Article, the
15 following words and phrases have been defined to mean:

16 (a) 'ASHA' means the American Speech, Language,
17 Hearing Association.

18 (b) 'Speech-language assistant' means any individual who
19 meets minimum qualifications which the Board may establish for
20 speech-language assistants, whose qualifications shall be less than
21 those established by these Rules for licensure as a speech-language
22 pathologist, and who works under the indirect supervision of a
23 licensed speech-language pathologist.

1 (c) '*Speech-language pathologist*' means any individual who
2 is duly licensed by the Board to practice in the field of speech-
3 language pathology.

4 (d) '*Speech-language pathology*' means the application of
5 principles, methods and procedures for the measurement, testing,
6 evaluation, prediction, counseling, instruction, habilitation or
7 rehabilitation related to the development and disorders of speech,
8 voice, fluency or language, for the purpose of evaluating,
9 identifying, treating, preventing, ameliorating, or modifying such
10 disorders and conditions in individuals or groups of individuals.

11 **Section 121802. Qualifications for Licensure. (a) Speech**
12 **Language Pathologist.** To be eligible for licensure by the
13 Board as a speech-language pathologist, an applicant must possess
14 a current Certificate of Clinical Competence in Speech-Language
15 Pathology issued by ASHA as evidence of professional training
16 and experience. Applicants shall arrange for an official statement
17 from ASHA to be sent directly to the GBAHE reporting present
18 ASHA certification.

19 (b) **Speech Language Assistant.** The speech-
20 language assistant shall possess at least a Bachelor's degree in
21 speech and language or communication disorders. The Board
22 may establish further qualifications for speech-language assistants.

23 **Section 121803. Exceptions to Licensure Requirements.**

24 These rules and regulations shall *not* be construed as preventing or
25 restricting:

1 (a) any person licensed on Guam, under any other law,
2 from engaging in the profession or occupation for which he or she
3 is licensed;

4 (b) the activities and services of persons pursuing a course
5 of study leading to a degree in Speech-Language Pathology at a
6 college or university, *if* such activities and services constitute a
7 part of an approved supervised course of study, and such person
8 is designated a speech-language intern or trainee;

9 (c) the activities and services of persons presently
10 working on their Clinical Fellowship Year ('CFY'), and such
11 person is designated as '*CFY-Speech Language Pathologist*';

12 (d) the activities of any individual who works in the field
13 of speech-language pathology, who does *not* meet the
14 requirements of licensure and who is working under the indirect
15 supervision of a licensed Speech-Language Pathologist, respective
16 to the individual's work. This includes activities of a speech-
17 language assistant, who shall possess at least a Bachelor's degree
18 in speech and language disorders. A licensed speech-language
19 pathologist may *not* supervise more than five (5) individuals at
20 one time. The licensed sponsor will assume all responsibilities
21 and will meet all sponsorship requirements for such individuals as
22 set forth by the Board.

23 **Section 121804. Scope of Practice. (a) Speech Language**
24 **Pathologist.** The scope of practice for speech-language
25 pathology includes:

1 (1) screening, identifying, assessing and
2 interpreting, diagnosing, rehabilitating and preventing
3 disorders of speech (e.g. articulation, fluency, voice) and
4 language;

5 (2) screening, identifying, assessing and
6 interpreting, diagnosing, rehabilitating and preventing
7 disorders of oral-pharyngeal function (e.g. dysphagia), and
8 related disorders;

9 (3) screening, identifying, assessing and
10 interpreting, diagnosing, and rehabilitating cognitive and
11 communication disorders;

12 (4) assessing, selecting and developing
13 augmentative and alternative communication systems, and
14 providing training in their use;

15 (5) providing aural rehabilitation and related
16 counseling services to hearing impaired individuals and
17 their families;

18 (6) enhancing speech-language proficiency and
19 communication effectiveness (e.g., accent reduction); *and*

20 (7) screening of hearing and other factors for the
21 purpose of speech-language evaluation or the initial
22 identification of individuals with other communication
23 disorders.

24 (b) **A Speech Language Assistants.** A speech language
25 assistants, as defined by this Article, must work under the indirect

1 supervision of the speech language pathologist and may progress
2 the plan in conjunction with the treatment goals."

3 **Section 12.** Article 19 is hereby *added* to Chapter 12, Division 1,
4 Part 1 of Title 10 of the Guam Code Annotated to read as follows:

5 **"ARTICLE 19.**

6 **VETERINARY MEDICINE.**

7 **Section 121901. Definitions.** For purposes of this Article, the
8 following words and phrases have been defined to mean:

9 (a) '*Animal*' means any animal other than man which
10 includes, but is not limited to, fowl, birds, fish, and reptiles, wild
11 or domestic, living or dead.

12 (b) '*Practice of veterinary medicine*' means to diagnose, treat,
13 correct, change, relieve or prevent animal disease, deformity,
14 defect, injury, or other physical or mental condition, including the
15 prescription or administration of any drug, medicine, biologic,
16 apparatus, application, anesthetic, or therapeutic or diagnostic
17 substance or technique, or the use of any manual or mechanical
18 procedure for artificial insemination, testing for pregnancy or for
19 correcting sterility or infertility, or to render advice or
20 recommendation with regard to any of the above.

21 (c) '*Veterinary medicine*' includes veterinary surgery,
22 obstetrics, dentistry and all other branches or specialties of
23 veterinary medicine.

1 (d) 'Veterinary hospital' or 'veterinary clinic' means a facility
2 for the veterinary care of animals, wherein all activities are
3 directly supervised by a licensed veterinarian.

4 **Section 121902. Requirements for Licensure.** Any person
5 desiring a license to practice veterinary medicine on Guam must be
6 licensed in another state of the United States.

7 **Section 121903. Exceptions to Licensure Requirements.** These
8 rules shall *not* be construed to prohibit:

9 (a) a person who is a regular student in a veterinary
10 school from performing duties or actions assigned by his
11 instructors, or from working under the direct supervision of a
12 licensed veterinarian during a school vacation period;

13 (b) a person practicing veterinary medicine upon his own
14 animals, being assisted in such practice by his employees when
15 they are normally employed in the conduct of such person's
16 business, or being assisted in such practice by some other person
17 gratuitously; *or*

18 (c) a person advising or performing acts which the Board
19 or Guam law recognizes as accepted animal control or livestock
20 management practices.

21 **Section 121904. Professional Conduct; Additional Provisions.**

22 The following acts are deemed unprofessional conduct and are subject
23 to disciplinary action as delineated in Article I, *General Regulations*, of
24 these rules and regulations:

1 (a) cruelty to animals, as defined by Guam law, or as
2 determined by the Board; *and*

3 (b) failure to maintain their professional premises in a
4 sanitary condition.

5 **Section 121905. Spay/Neuter Clinic.** A spay/neuter clinic is a
6 facility established *only* to spay and neuter animals. Surgeries are
7 performed by, and directly supervised by, a licensed veterinarian.
8 Services are limited to these specific surgical procedures and are
9 performed *only* by a licensed veterinarian.

10 **Section 13.** Article 20 is hereby *added* to Chapter 12, Division 1,
11 Part 1 of Title 10 of the Guam Code Annotated to read as follows:

12 **"ARTICLE 20.**

13 **RESPIRATORY THERAPY.**

14 **Section 122001. Definitions.** For purposes of this Article, the
15 following words and phrases have been defined to mean:

16 (a) '*Licensed respiratory therapist ('Therapist')*' means a
17 person who is currently and validly licensed to practice
18 respiratory therapy on Guam.

19 (b) '*Respiratory technician*' means an individual who assists
20 in the treatment of patients under the indirect supervision of a
21 licensed respiratory therapist.

22 (c) '*Respiratory therapy*' means the management of
23 pulmonary diseases with medications and machines.

1 (d) '*Consultation*' means the communication regarding a
2 patient's evaluation and proposed treatment plan with an
3 authorized health care practitioner.

4 (e) '*Authorized health care practitioner*' includes licensed
5 physicians, osteopathic physicians, chiropractors, podiatrists and
6 dentists; provided, however, that nothing herein shall be
7 construed as altering the scope of practice of such practitioners as
8 defined in their respective licensure regulations.

9 **Section 122002. Qualifications for Licensure.**

10 (a) **Licensed Respiratory Therapist.** Applicants for a
11 license to practice physical therapy on Guam must complete and
12 file an application with the Board. Applicants must have *all* of the
13 following qualifications:

14 (1) a bachelor's degree in respiratory therapy from
15 an accredited school of respiratory therapy in the United
16 States or one (1) year experience as a registered respiratory
17 therapist and graduation from a respiratory therapist
18 program approved by the American Medical Association
19 ('AMA') with an associate degree in respiratory therapy;

20 (2) transcripts from an approved school of
21 respiratory therapy, evidencing the successful completion of
22 a four (4) year degree program;

23 (3) current certification as a Registered Respiratory
24 Therapist by the National Board for Respiratory Care; *and*

1 (4) the applicant must have passed an examination
2 given by the Professional Examination Service in the U.S. or
3 one (1) of its territories, and have been granted a license.

4 **Section 122003. Exceptions to Licensure.** (a) No person
5 may practice respiratory therapy on Guam who is *not* licensed as a
6 respiratory therapist by the Board. These rules and regulations
7 shall *not* be construed:

8 (1) to prohibit persons employed as respiratory
9 therapists by a Federal agency from practicing their
10 discipline;

11 (2) to restrict the activities or services of a student or
12 respiratory therapy intern pursuing a course of study
13 leading to a degree or certificate in respiratory therapy;
14 *provided*, that these activities and services constitute a part of
15 his supervised course of study;

16 (3) to restrict the practice of a respiratory therapist
17 who is obtaining the required professional experience and
18 whose required professional experience application has been
19 approved by the Board. Such professional experience is to
20 be defined by the Board as deemed necessary;

21 (4) to prohibit auxiliary services provided by
22 respiratory therapy technicians in carrying out duties
23 necessary for the support of respiratory therapy, including
24 those duties which involve minor respiratory therapy
25 services when performed under the direct supervision of

1 licensed respiratory therapists, so long as such activities do
2 *not* go beyond the scope of practice defined by this Chapter;

3 (5) to prohibit the practice of respiratory therapy by
4 licensed respiratory therapists of other states or countries
5 while appearing as clinicians at *bona fide* educational
6 seminars sponsored by respiratory therapy, medical or other
7 healing art professional associations, so long as such
8 activities do *not* go beyond the scope of practice defined by
9 this Chapter.

10 **Section 122004. Scope of Practice. (a) Respiratory**
11 **Therapists.**

12 (1) A person licensed under this Chapter as a
13 respiratory therapist may evaluate and treat human ailments
14 by respiratory therapy according to a physician's
15 consultation. The evaluation shall be the Therapist's
16 assessment of a patient's problem and shall include a
17 respiratory therapy diagnosis. If a patient's problem is
18 outside the scope of Therapist, the therapist shall consult
19 with a person licensed to practice medicine. If a patient, at
20 any time, requires further medical evaluation or diagnostic
21 testing, that patient shall be referred to an authorized health
22 care practitioner.

23 (2) Direct referral of a patient by an authorized
24 health care practitioner may be by telephone, letter or in
25 person; provided, however, if the instructions are oral, the

1 Therapist may administer treatment accordingly, but must
2 make a record describing the nature of the treatment, the
3 date administered, the name of the person receiving the
4 treatment and the name of the referring authorized health
5 care practitioner.

6 **(b) Respiratory Technician.**

7 (1) A respiratory therapy technician is *not* an
8 independent practitioner, and works under the indirect
9 supervision of the licensed respiratory therapist.

10 (2) A respiratory technician will follow the
11 treatment program set by the respiratory therapist.

12 (3) A respiratory technician shall have the minimum
13 qualification of a certificate, or document showing
14 graduation from a Respiratory Therapy Technician Program
15 approved by the American Medical Association.

16 (4) Current certification as a Certified Respiratory
17 Therapy Technician by the National Board of Respiratory
18 Care.

19 **Section 122005. Supportive Personnel; Delineation of**
20 **Responsibilities.** A respiratory therapist is professionally and
21 legally responsible for patient care given by supportive personnel under
22 the respiratory therapist's supervision. If a respiratory therapist fails to
23 adequately supervise patient care given by supportive personnel, the
24 Board may take disciplinary action against the licensee. Supervision of

1 supportive personnel requires that the respiratory therapist perform the
2 following activities:

- 3 (a) provide initial evaluation of the patient;
- 4 (b) develop a treatment plan and program, including
5 treatment goals;
- 6 (c) assess the competence of supportive personnel to
7 perform assigned tasks;
- 8 (d) select and delegate appropriate portions of the
9 treatment plan and program;
- 10 (e) direct and supervise supportive personnel in delegated
11 functions;
- 12 (f) re-evaluate the patient and adjust the treatment plan as
13 acceptable respiratory therapy practice requires, consistent with
14 the delegated health care task;
- 15 (g) document sufficient in-service training and periodic
16 evaluation of performance to assure safe performance of the tasks
17 assigned to supportive personnel; *and*
- 18 (h) provide discharge planning."

19 **Section 14.** Article 21 is hereby *added* to Chapter 12, Division 1,
20 Part 1 of Title 10 of the Guam Code Annotated to read as follows:

21 **"ARTICLE 21.**

22 **NUTRITIONIST/CLINICAL DIETITIAN.**

23 **Section 122101. Definitions.** For purposes of this Article, the
24 following words and phrases have been defined to mean:

- 25 (a) '*Dietitian*' shall mean a specialist in Dietetics.

1 (b) *'Dietetic'* shall mean the science or art of applying the
2 principles of nutrition to the diet.

3 (c) *'Diet'* shall mean the kind and amount of food
4 prescribed for a patient for a particular state of health or disease.

5 (d) *'Dietary'* shall mean the kinds and amounts of food
6 available to or eaten by an individual, group or population.

7 (e) *'Nutrition'* shall mean the act or process of nourishing
8 or being nourished.

9 (f) *'Nutritionist'* shall mean a specialist in nutrition.

10 (g) *'Menu'* shall mean the dishes available for or served at
11 a meal.

12 (h) *'Anthropometry'* shall mean the science of measuring
13 the human body.

14 (i) *'Biochemical'* shall mean characterized by, produced by
15 or involving chemical reaction in a living organism.

16 (j) *'RDA'* shall mean the Recommended Dietary
17 Allowances.

18 (k) *'Clinical Dietitian'* shall mean the person who applies
19 nutritional information to the needs of the healthy and sick
20 patients most likely in a hospital.

21 (l) *'Nutritionist'* shall mean the person who applies
22 nutritional information to the needs of the individuals at
23 nutritional risk and health of the population, and *not* necessarily
24 trained or qualified for hospital patients or specifics of patient
25 disease dietary treatment.

1 (m) '*Dietary Technician*' shall mean the person who assist
2 the clinical dietician collect information to screen and assess the
3 nutritional risk factors, and assist in planning of therapeutic diets
4 plus instructions.

5 (n) '*Dietary Assistant*' shall mean a person who assists in
6 the preparation and serving of a planned menu.

7 (o) '*American Dietetic Association*' ('ADA') is a national
8 organization of registered dietitians, dietary technicians and
9 others holding degrees in nutritional dietetics or nutrition.

10 (p) '*Nutritional Risk*' shall mean a biological, medical or
11 eco-social condition which increases an individual's likelihood of
12 improper nourishment.

13 **Section 122102. Qualification for Licensure; Clinical Dietitian**
14 **or Nutritionist. (a) Educational Requirements.** Applicants
15 shall present satisfactory evidence to the Board of having successfully
16 completed academic and fieldwork experience requirements in dietetic
17 or nutrition, or other related field. The applicant must also:

18 (1) possess at least a bachelor's degree in science
19 specializing in dietetics or nutrition, or other related field
20 from a recognized college or university in the U.S. or a
21 Board-approved program; *and*

22 (2) submit transcripts from an approved college or
23 university in the U.S., or from a foreign program recognized
24 by the Board.

1 **(b) Field Experience.** Applicant shall submit to the
2 Board evidence of having successfully completed a supervised
3 fieldwork experience arranged by the recognized educational
4 institution, or by the nationally recognized professional
5 association where the applicant has met the academic
6 requirements.

7 **(c) Membership** Must possess a current registration
8 and membership with the American Dietetic Association ('ADA').

9 **Section 122103. International Graduates; Requirements.**

10 A Clinical Dietitian trained outside of United States must satisfy the
11 examination requirements of this Article. The Board shall require these
12 applicants to furnish proof of good moral character and completion of
13 education and supervised fieldwork requirements, substantially equal
14 to those as contained in this Article *prior* to examination.

15 **Section 122104. Licensure Examination.** An applicant for
16 licensure as a Clinical Dietitian or Nutritionist must pass the written
17 examination for registration with the ADA as provided for in this
18 Article. An applicant who has fulfilled the educational requirements as
19 outlined above, but is pending completion of the examination, may
20 initiate the application process for licensure.

21 **Section 122105. Qualifications for Examination.** Only persons
22 satisfying the requirements of this Article may apply for examination in
23 such a manner as the Board shall prescribe. The Board recognizes the
24 ADA as the national credentialing body for U.S. Dietitian and
25 Nutritionist. A person who fails an examination may apply for re-

1 examination, subject to the policies and procedures of the licensing
2 body.

3 **Section 122106. Waiver of Requirements.** (a) **Licensure by**
4 **Endorsement.** The Board may waive the examination,
5 education or experience requirements and grant a license to any
6 applicant who shall present proof of having practiced in another
7 state, the District of Columbia, Puerto Rico or Territory of the
8 United States which has standards for regulations that are
9 substantially equivalent to the requirements specified in the
10 Article. The Board shall use discretion in considering applicants
11 from unregulated states.

12 (b) The Board may grant a license to any person who
13 holds a current registration and membership in the American
14 Dietetics Association ('ADA') *prior* to the effective date of this Act,
15 whose principal residence is Guam, and who presents satisfactory
16 evidence to the Board of having practiced on Guam for at least one
17 (1) year *prior* to the enactment of this Article. Proof of actual
18 practice shall be presented to the Board in such manner as it may
19 prescribe. To obtain the benefit of this waiver, an applicant must
20 file an application no later than ninety (90) days from the effective
21 date of this Act.

22 **Section 122107. Persons and Practices Not Affected.** Nothing
23 in this Article shall be construed as preventing or restricting the practice,
24 services or activities of:

1 (a) any person licensed on Guam by any other law from
2 engaging in the profession or occupation for which the person is
3 licensed;

4 (b) any person employed as a clinical dietitian or
5 nutritionist by the Federal government, or its agency;

6 (c) any person pursuing a supervised course of study
7 leading to a degree or certificate in clinical dietetic or nutrition at
8 an accredited educational program, *if* the person is designated by
9 a title which clearly indicates the person's status as a student or
10 trainee;

11 (d) any person providing clinical dietetic or nutritional
12 services on Guam, *if* these services are performed for no more than
13 ninety (90) days in a calendar year in association with a clinical
14 dietitian or nutritionist licensed under this Article:

15 (1) the person is licensed or otherwise regulated
16 under the law of another state which has substantially
17 equivalent requirements for practice as specified under this
18 Article; *or*

19 (2) the person has passed the examination for
20 registration as administered by the ADA; *or*

21 (e) any person functioning as a dietary assistant or dietary
22 technician.

23 **Section 122108. Scope of Practice; Clinical Dietitian,**
24 **Nutritionist, Dietary Technician and Dietary Assistant.**

1 (a) **Clinical Dietitian.** A clinical dietitian is a
2 practitioner that may enter a case for the purposes of providing
3 direct or indirect service, consulting, evaluating an individual as
4 to the need for services, for any individual who has an injury or
5 illness which can be a hospital, clinic or institutional home.
6 Clinical dietitian services includes, but are not limited to:

7 (1) developing and coordinating menu planning to
8 combine foods for maximum nutritional value, taste and eye
9 appeal to meet patients' nutritional needs and preferences;

10 (2) assessing high risk patient's nutritional needs
11 and status upon admission to the hospital, clinic or
12 institutions; obtaining, evaluating and utilizing dietary
13 information for planning the nutritional care of the patients;

14 (3) providing medical nutrition therapy for patients
15 who have specific nutritional needs and problems;
16 explaining dietary needs and helping motivate patients to
17 understand and appreciate the importance of diet for
18 optional nutritional status;

19 (4) consulting with physicians concerning dietary
20 prescriptions; giving suggestions to modify diet to adapt to
21 the individual needs of the patient;

22 (5) conducting and participating in nutrition
23 education programs for patients, staff and the general
24 public; providing nutrition counseling for outpatient clinical
25 referrals;

1 (6) interpreting and applying current scientific
2 information on food, nutrition, diet and health to patients
3 and clients; *and*

4 (7) maintaining patients' charts and preparing
5 reports."

6 (b) **Nutritionist.** A Nutritionist is a practitioner that
7 practices the nutritional needs of individuals at nutritional risk,
8 but not necessarily in a hospital setting, clinics or institutions.

9 (c) **Dietary Technician.** A dietetic technician is *not* an
10 independent practitioner, and works as a member of the foodservice
11 or healthcare team under the supervision of a clinical dietitian.
12 Dietetic technician functions include, but are not limited to, the
13 following:

14 (1) collects laboratory data, diet histories and
15 anthropometric information to screen and assess the
16 nutritional risk factors of patient upon admission to the
17 hospital, clinic or institutions.

18 (2) assists the Clinical Dietitian in planning of
19 menus and designing therapeutic diet patterns as prescribed;
20 *and*

21 (3) delivers diet instructions to low and moderate
22 risk patients.

23 (d) **Dietary Assistant.** (1) A dietary assistant is *not*
24 an independent practitioner, and works under the direct or
25 indirect supervision of the clinical dietitian.

1 (2) A dietary assistant will follow and distribute a
2 planned menu set by the clinical dietitian."

3 **Section 15.** Article 22 is hereby *added* to Chapter 12, Division 1,
4 Part 1 of Title 10 of the Guam Code Annotated to read as follows:

5 "ARTICLE 22.

6 **NURSING HOME ADMINISTRATOR.**

7 **Section 122201 Nursing Home Administrator.** A nursing
8 home shall be administered by a licensed Nursing Home Administrator.

9 **Section 122202. Authority.** The Board shall issue a license
10 to practice as a nursing home administrator to any applicant who meets
11 the qualification for licensure upon submission of an application and
12 payment of the required fee.

13 **Section 122203. Qualification for Licensure.** An applicant
14 for a nursing home administrator license shall apply to the Board of
15 Licensure on forms provided by the Board. The applicant shall submit:

16 (a) proof of age;

17 (b) proof of physical and emotional capability to
18 administer the nursing home;

19 (c) a notarized copy of a diploma, or evidence satisfactory
20 to the Board of having successfully completed an accredited
21 course of study or training as a nursing home or health
22 administrator, approved by the Board (The program shall consist
23 of both theory and practical experience.); *and*

24 (d) have a personal interview with the Board, as
25 requested.

1 **Section 122204. Application for License.** Any person who
2 desires to practice as a Nursing Home Administrator on Guam, and
3 meets the qualifications contained in §122203 of this Chapter, shall
4 complete and submit his application on the form provided by the Board
5 and file all required documents. The Board may request for a personal
6 interview with the applicant.

7 **Section 122205. Licensure by Examination.** Having successfully
8 passed an examination administered by the Board designed to test
9 competency in the following areas:

10 (1) working knowledge of the needs to be served by
11 nursing homes;

12 (2) laws governing the operation of nursing homes,
13 including prosecution of the interests of patients; *and*

14 (3) elements of good nursing home administrator.

15 Payment for the required fee.

16 **Section 122206. Licensure by Endorsement/Reciprocity.**

17 The Board may issue a nursing home administrator's license to any
18 person who holds a current license as a nursing home administrator
19 from another U.S. jurisdiction; *provided*, that the standards for licensure
20 are equivalent to those prevailing on Guam, and the applicant meets the
21 qualification and payment of the required fee.

1 **Section 122207. Courses of Instruction and Training.** The
2 Board shall make provisions for courses and training on Guam for
3 interested applicants to meet the requirements of this Chapter.

4 **Section 122208. Present Administrators.** Persons who, on the
5 effective date of this Chapter, have been actively engaged as a Nursing
6 Home Administrator for at least two (2) years next preceding such
7 effective date, but do *not* meet the requirements in force pursuant to this
8 Article, shall be issued a temporary license without evidence of
9 satisfactory completion of a course of instructions, training and without
10 examination, but any such licenses shall expire no later than June 30,
11 2001.

12 **Section 122209. Renewal of License.** The Nursing Home
13 Administrator's license shall be valid for two (2) years, nontransferable,
14 and shall be renewed biennially thereafter on or before September 30th
15 on forms provided by the Board and payment of the fee."

16 **Section 16. Reserving and Amending Specific Chapters.**

17 Subsequent Chapters after Chapter 23 up to Chapter 30 of Title 10 of the
18 Guam Code Annotated shall be reserved for the Board of Allied Health
19 Examiners. Chapter 9 through Chapter 30 of Article 12 of Title 10 of the of the
20 Guam Code Annotated are hereby amendable through the Administrative
21 Adjudication Law, Rule Making Procedures.

22 **Section 17. Rules and Regulations.** The Board shall
23 promulgate rules and regulations through the Administrative Adjudication
24 Law, Rule Making Procedures, as the need arises to follow the intent of this
25 Act. Within one hundred eighty (180) days from the date of enactment, the

1 Board shall promulgate rules and regulations through the Administrative
2 Adjudication Law, Rule Making Procedures, to govern the practice of the
3 following allied health professions: (1) Laboratory Technologist and (2)
4 Radiology Technologist.

5 **Section 18. Codification.** The Compiler of Laws is hereby
6 authorized to appropriately codify this Act.

7 **Section 19. Severability.** *If* any of the provisions of this Act or the
8 application thereof to any person or circumstance are held invalid, such
9 invalidity shall *not* affect any other provision or application of this Act, which
10 can be given effect without the invalid provision or application, and to this
11 end the provisions of this Act are severable.

12 **Section 20. Effective Date.** The provisions contained in this Act
13 shall take effect upon enactment.