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I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (SECOND) Regular Session

Bill No. 441-31 (COR)

Introduced by:

DENNIS G. RODRIGUEZ, JR. 

**AN ACT RELATIVE TO ESTABLISHING THE
PRACTICE OF MEDICAL ASSISTANTS IN GUAM,
BY ADDING A NEW ARTICLE 24 TO CHAPTER 12
OF TITLE 10, GUAM CODE ANNOTATED.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that there are no statutes regulating the practice of Medical Assistants. The Guam Community College (GCC) has an accredited Medical Assistant Program and graduates eighteen (18) students every year. It is the intent of the 31st Guam Legislature that individuals working as Medical Assistants are certified in accordance to standards established by the American Association of Medical Assistants (AAMA) and the American Medical Technologists (AMT). The certification of Medical Assistants will ensure that the individuals assisting our physicians to provide care in the ambulatory care settings will have standard level of medical knowledge. The Medical Assistant with this required minimum level of medical training will enhance the quality of health care services provided by the public and private ambulatory care center in Guam, as they maintain standard of care. This will provide the citizens of Guam with an added level of safety by ensuring that the Medical Assistant working for the physician, podiatrist, chiropractor, physician assistant and advanced practice registered nurses (APRN) as authorized by the respective boards. With this legislation, any individual

1 assisting the physician to provide medical care will be either a certified or a
2 licensed professional.

3 **Section 2.** A new Article 24 is hereby added to Chapter 12 of Title 10,
4 Guam Code Annotated, to read:

5 **“ARTICLE 24.**

6 **§122401. General Provisions.**

7 **§122402. Authority.**

8 **§122403. Purpose.**

9 **§122404. Definitions.**

10 **§122405. Medical Assistant Training and Certification Requirements.**

11 **§122406. Scope of Practice.**

12 **§122407. Qualifications for Licensure.**

13 **§122408. Requirements**

14 **§122409. Continuing Education**

15 **§122410. Current Practicing Medical Assistants Transition**
16 **Requirements.**

17 **§122411. Violation, Suspension, Revocation and Other Penalties.**

18 **§122412. Responsibility of the Employer**

1 **§122413. Exceptions**

2 **§122414. Establishment of Certified Medical Assistant Classification**
3 **in Government of Guam**

4 **§122415. Severability**

5 **§122401. General Provisions.** This Article shall be known as the
6 “Certified Medical Assistant Act” (“Act”) and may be cited as the “Act.”

7 **§122402. Authority.** The Guam Board of Allied Health Examiners
8 (GBAHE) shall have the authority to implement this “Act” and promptly make all
9 necessary preparations, including the preparation of application forms, etc. The
10 Board shall also have the authority to promulgate any rules and regulations
11 pursuant to the Administrative Adjudication Act that the Board deems necessary in
12 order to implement this Act.

13 **§122403. Purpose.** The primary purpose of this Act is to protect the public
14 against unlawful practices by uncertified persons holding themselves out as
15 persons trained and authorized to perform the duty and responsibility of a Certified
16 Medical Assistant (CMA). This Act establishes the Certified Medical Assistants
17 under the GBAHE.

18 **§122404. Definitions.** (a) As used in this Act:

19 (i) ***Accrediting Bureau of Health Education Schools (ABHES)*** means a
20 health education institute nationally recognized by the U.S. Secretary
21 of Education as a private, non-profit, independent accrediting agency
22 since 1968. It has been a leader in advancing the quality of health

1 education programs throughout the country. ABHES enhances the
2 quality of education and training and promotes institutional and
3 programmatic accountability through systematic and consistent
4 program evaluation. Its key is to assure the quality of the programs it
5 accredits, and assist in the improvement of the programs. This quality-
6 determination is accomplished by rigorous and systematic evaluation
7 based on valid standards.

8 (ii) ***Ambulatory Care Centers:*** are facilities, staffed by one or more
9 health care professionals, which provides Medical care including
10 diagnosis, observation, treatment, surgical care, and rehabilitation that
11 is provided on an outpatient basis.

12 (iii) ***American Association of Medical Assistants (AAMA)*** means the
13 Nationally recognized organization that certifies medical assistants by
14 awarding the Certified Medical Assistants (CMA) certification upon
15 completion of the Commission on Accreditation of Allied Health
16 Education Programs (CAAHEP) or Accrediting Bureau of Health
17 Education Schools (ABHES) accredited program and successfully
18 passing the national CMA certification exam.

19 (iv) ***American Medical Technologist (AMT)*** means the nationally
20 recognized organization that certifies medical assistant by awarding
21 them the registered Medical Assistant (RMA) certification, upon
22 completion of the CAAHEP or ABHES accredited program and/or
23 successfully passing the national RMA certification exam.

24 (v) ***Board*** means the Guam Board of Allied Health Examiners.

25 (vi) ***Commission on Accreditation of Allied Health Education Programs***
26 ***(CAAHEP)*** is a programmatic postsecondary accrediting agency

1 recognized by the Council for Higher Education Accreditation
2 (CHEA) and carries out its accrediting activities in cooperation with
3 18 review committees (Committees on Accreditation). CAAHEP
4 currently accredits over 2100 entry-level education programs in 22
5 health science professions. CAAHEP, a 501(c)(3) tax exempt
6 organization, was formed in 1995. Its predecessor organization was
7 the Committee on Allied Health Education and accreditation
8 (CAHEA). CAHEA was part of the American Medical Association
9 (AMA).

10 (vii) ***Certified Medical Assistant (CMA)*** is an individual that has a current
11 CMA (AAMA) certification, and functions as an individual who is a
12 multi-skilled practitioner, who assumes a wide range of roles in
13 physicians 'offices, ambulatory health care centers, and clinical
14 laboratories, who is proficient in a multitude of administrative and
15 clinical tasks. The CMA (AAMA) is an individual who
16 performs their duties under the direct supervision of a physician,
17 podiatrist, chiropractor, physician assistant and advanced practice
18 registered nurses (APRN) as authorized by the respective boards.

19 (viii) ***Health care administrator:*** is the person responsible for the
20 management, supervision of an ambulatory care centers, or clinical
21 laboratories.

22 (ix) ***Medical Assistant:*** performs routine administrative and clinical tasks
23 in public and private medical clinics and offices, and other ambulatory
24 care centers.

- 1 (x) **Registered Guam Medial Assistant (RGMA):** This legal title and
2 abbreviation is award to the Certified Medical Assistant (CMA)
3 AAMA or Registered Medical Assistant (RMA) AMT, that has
4 applied to the Board and has been approved to perform as a Medical
5 Assistant on Guam.
- 6 (xi) **Registered Medical Assistant: (RMA)** means the certification
7 awarded by the AMT after meeting the eligibility requirements and
8 successfully passing the national certification exam. This is an
9 individual who is a multi-skilled clinician, who assumes a wide range
10 of roles in physicians 'offices, ambulatory health care centers, and
11 clinical laboratories, who is proficient in a multitude of administrative
12 and clinical tasks. The RMA (AMT) is an individual who performs
13 their duties under the direct supervision of a physician, podiatrist,
14 chiropractor, physician assistant and other licensed medical
15 professionals, as authorized by the respective boards.
- 16 (xii) **Direct Supervision;** is when the physician, podiatrist, chiropractor,
17 physician assistant and advanced practice registered nurse (APRN) as
18 authorized by the respective boards is in close physical proximity
19 within the medical office or facility and immediately available to
20 furnish assistance and direction throughout the performance of the
21 procedure.
- 22 (xiii) **United States Department of Education (U.S. DOE)** means the
23 agency that recognizes regional and national accrediting organizations
24 as reliable authorities concerning the quality of education or training
25 offered by institutions of higher learning.

1 **§122405. Medical Assistant Training and Certification Requirements.**

2 (a) Training should provide necessary information and skill to attain the
3 entry-level competences for the medical assistant.

4 (b) According to the Standard and Guidelines for Medical Assisting
5 Education Programs, formal courses and training must include the following entry
6 level competencies:

7 (1) Administrative Competencies.

8 (A) Perform Clerical Functions:

9 (i) Schedule and manage appointments;

10 (ii) Schedule inpatient and outpatient admissions and
11 Procedures;

12 (iii) Organize a patient's medical record; and

13 (iv) File medical records.

14 (B) Perform Bookkeeping Procedures:

15 (i) Prepare a bank deposit;

16 (ii) Post entries on a day sheet;

17 (iii) Perform accounts receivable procedures;

18 (iv) Perform billing and collection procedures;

19 (v) Post adjustments;

20 (vi) Process credit balance;

21 (vii) Process refunds;

22 (viii) Post NSF checks; and

23 (ix) Post collection agency payments.

24 (C) Process Insurance Claims:

25 (i) Apply managed care policies and procedures;

26 (ii) Apply third party guidelines;

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- (iii) Perform procedural coding;
 - (iv) Perform diagnostic coding; and
 - (v) Complete insurance claim forms.
- (2) Clinical Competencies.
- (A) Fundamental Procedures:
 - (i) Perform hand washing;
 - (ii) Wrap items for autoclaving;
 - (iii) Perform sterilization techniques;
 - (iv) Dispose of biohazardous materials; and
 - (v) Practice Standard Precautions.
 - (B) Specimen Collection:
 - (i) Perform venipuncture;
 - (ii) Perform capillary puncture;
 - (iii) Obtain specimens for microbiological testing;
 - (iv) Instruct patients in the collection of a clean-catch mid-stream urine specimen; and
 - (v) Instruct patients in the collection of fecal specimens.
 - (C) Diagnostic Testing:
 - (i) Perform electrocardiography; and
 - (ii) Perform respiratory testing.
 - (iii) CLIA Waived Tests:
 - (aa) Perform urinalysis;
 - (bb) Perform hematology testing;
 - (cc) Perform chemistry testing;
 - (dd) Perform immunology testing; and
 - (ee) Perform microbiology testing.

1 (D) Patient Care:

- 2 (i) Recording and reporting information received by
3 telephone to the provider;
- 4 (ii) Obtain vital signs;
- 5 (iii) Obtain and record patient history;
- 6 (iv) Prepare and maintain examination and treatment
7 areas;
- 8 (v) Prepare patient for and assist with routine and
9 specialty examinations;
- 10 (vi) Prepare patient for and assist with procedures,
11 treatments, and minor office surgeries;
- 12 (vii) Apply pharmacology principles to prepare and
13 administer oral and parenteral medications, as per
14 clinic protocol, *except* as further provided:
- 15 (aa) **Exception;** Prohibited. The medical
16 assistants *shall not* prepare or administer Drug
17 Enforcement Administration (DEA) Scheduled
18 Drugs II through V, all intravenous medications,
19 anti-neoplastics or medications for conscious
20 sedation;
- 21 (viii) Maintain medication and immunization records;
22 and
- 23 (ix) Convey test results as authorized by provider.

24 (3) General Competencies.

25 (A) Professional Communications:

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- (i) Respond to and initiate written communications;
- (ii) Recognize and respond to verbal communications;
- (iii) Recognize and respond to nonverbal communications; and
- (iv) Demonstrate telephone techniques.

(B) Legal Concepts:

- (i) Identify and respond to issues of confidentiality;
- (ii) Perform within legal and ethical boundaries;
- (iii) Establish and maintain the medical record;
- (iv) Document appropriately; and
- (v) Demonstrate knowledge of federal and state health care legislation and regulations.

(C) Patient Instruction:

- (i) Explain general office policies;
- (ii) Instruct individuals according to their needs;
- (iii) Provide instruction for health maintenance and disease prevention; and
- (iv) Identify community resources.

(D) Operational Functions:

- (i) Perform an inventory of supplies and equipment;
- (ii) Perform routine maintenance of administrative and clinical equipment;
- (iii) Utilize computer software to maintain office systems; and
- (iv) Use methods of quality control.

1 (4) Externship: According to the Standards and Guidelines for
2 Medical Assisting Programs by CAAHEP and ABHES, a
3 supervised, unpaid externship of at least 160 contact hours in an
4 ambulatory health care setting performing administrative and
5 clinical procedures must be completed prior to graduation. The
6 program should ensure that the externship experience and
7 instruction of students are meaningful and parallel in content
8 and concept with the material presented in lecture and
9 laboratory sessions. Sites should be selected so that each
10 student is afforded a variety of experiences, while at the same
11 time all students are provided consistent learning opportunities.

12 (5) Additional training requirements:

13 (A) To assure a medical assistant's competency and
14 proficiency, the medical assistant shall follow the
15 established standard of care. A medical assistant shall
16 complete the minimum training prescribed in the
17 Standards and Guidelines for Medical Assisting Education
18 Programs, with the additional requirements below to be
19 demonstrated by the medical assistant to the supervising
20 physician, podiatrist, chiropractor, CMA, RMA, or the
21 Guam Community Colleges Medical Assisting instructor,
22 the following:

23 (i) A minimum of ten (10) clock hours of training in
24 administering intradermal, Sub-Cutaneous, and
25 intramuscular injections (all routes) and performing
26 tuberculin skin tests;

- 1 (ii) A minimum of ten (10) clock hours of training in
2 venipuncture and skin puncture for the purpose of
3 withdrawing blood;
- 4 (iii) Satisfactory performance by the trainee of a minimum
5 of 10 each of intramuscular, subcutaneous, and
6 intradermal injections and 10 skin tests;
- 7 (iv) For administering medicine by inhalation, training
8 shall be for the duration required by the medical
9 assistant to demonstrate to the supervising physician
10 or instructor, shall include a minimum of ten (10)
11 clock hours of training in administering medicine by
12 inhalation;
- 13 (v) Training in (i) to (iv) shall include instruction and
14 demonstration related to pertinent anatomy and
15 physiology, and include choice of equipment and
16 proper technique; and
- 17 (vi) Exception: No intravenous (IV) procedures for the
18 purpose of administering medications are to be
19 performed by Medical Assistants.

20 **§122406. Scope of Practice.** Authorized Procedures for Certified Medical
21 Assistants (CMA).

22 (a) Medical assistant may perform, under the direct supervision of a
23 physician, podiatrist, chiropractor or a physician assistant, and other licensed
24 medical professionals, as authorized by the respective boards, the medical
25 procedures listed in the 2003 revised edition, “Standards and Guidelines for an

1 Accredited Educational Program for the Medical Assistant” under the Commission
2 on Accreditation of Allied Health Education Programs.

3 (b) In addition to the medical procedures in §122406(a), a medical
4 assistant may administer the following under the direct supervision of a physician,
5 podiatrist, chiropractor, physician assistant and other advanced practice registered
6 nurses (APRN) as authorized by the respective boards:

- 7 (1) Whirlpool treatments;
- 8 (2) Diathermy treatments: Deep tissue heat treatment by heating of body
9 tissues due to their resistance to the passage of high-frequency
10 electromagnetic radiation, electric current or ultrasonic waves;
- 11 (3) Electronic galvanation stimulation treatments. Galvanic stimulation is
12 characterized by high voltage, pulsed stimulation and is used
13 primarily for local edema reduction through muscle pumping and
14 polarity effect. Edema is comprised of negatively charged plasma
15 proteins, which leak into the interstitial space. The theory of galvanic
16 stimulation is that by placing a negative electrode over the edematous
17 site and a positive electrode at a distant site, the monophasic high
18 voltage stimulus applies an electrical potential, which disperses the
19 negatively charged proteins away from the edematous site, thereby
20 helping to reduce edema;
- 21 (4) Ultrasound therapy;
- 22 (5) Electrocardiogram (ECG);
- 23 (6) Traction treatments;
- 24 (7) Transcutaneous nerve stimulation unit treatments;
- 25 (8) Hot and cold pack treatments;
- 26 (9) Nebulizer treatments; and

1 (10) Spirometry testing

2 **§122407. Qualifications for Certificate.** (a) Any person desiring to
3 practice as a CMA in Guam shall apply to the Board as set forth in Title 10 GCA
4 Chapter 12.

- 5 (1) Be at least (18) years of age;
- 6 (2) Holds a current CMA (AAMA) *or* RMA (AMT) certification;
- 7 (3) Has not been convicted in any court of competent jurisdiction of:
 - 8 (i) Any felony during the past ten (10) years immediately
9 preceding the application for certification;
 - 10 (ii) Any crime of moral turpitude regardless of the degree of
11 offense; or
 - 12 (iii) Any sex crime regardless of the degree of offense.

13 **§122408. Requirements.** (a) Identification as a Medical Assistant shall be
14 clearly delineated, as follows:

- 15 (1) Any person, who holds a Medical Assistant certification from the
16 Guam Board of Allied Health Examiners, shall use the legal title or
17 the abbreviation as set forth in this Act;
- 18 (2) Any person certified as a medical assistant shall wear an insignia of
19 the CMA (AAMA) or RMA (AMT), to identify him or herself by his
20 or her name and appropriate legal title or abbreviation during time
21 when such person is providing health care to the public for
22 compensation; and

1 (3) The insignia shall be prominently displayed and clearly legible such
2 that the person receiving care may readily identify the health care
3 professional providing care.

4 **§122409. Continuing Education.** In keeping with professional
5 commitment to high standards of practice, a medical assistant is required to
6 maintain thirty (30) contact hours of continuing education within each two (2) year
7 renewal certification period. Continuing Education hours may be obtained locally
8 sponsored by an organization or institution recognized by the Board or by national
9 medical assisting groups and other health care organizations.

10 **§122410. Current Practicing Medical Assistants Transition**
11 **Requirements.** (a) The transition period for the application of a CMA is for a
12 limited time of only one hundred and eighty (180) calendar days from the date of
13 enactment of this Act and is offered to any individual who has been practicing as a
14 Medical Assistant on Guam during five (5) consecutive years immediately
15 preceding the enactment of this Act.

16 (1) An applicant may be granted a certificate by the Board provided the
17 applicant:

18 (A) Has submitted an application;

19 (B) Ensures that official verification of the following requirements
20 has been provided to the Board:

21 (i) Successfully pass the AAMA or the AMT medical
22 assisting certification examination; or

23 (ii) Provides verification of employment in the practice of
24 medical assisting in Guam for no less than five (5)

1 consecutive years immediately preceding the enactment
2 of this Act; and

3 (iii) Must provide a valid Medical Assistant Certification by
4 the AAMA or the AMT, on or before the next renewal
5 period;

6 (C) Has not been convicted in any court of competent jurisdiction
7 of:

8 (i) Any felony during the past five (5) years immediately
9 preceding the application for licensure;

10 (ii) Any crime of moral turpitude regardless of the degree of
11 offense; or

12 (iii) Any sex crime regardless of the degree of offense.

13 (2) At the conclusion of the one hundred and eighty (180) calendar days
14 transition period, any individual who has not submitted a completed
15 application and satisfied all other requirements for certification as set
16 forth in Article 8 of Chapter 12, Title 10, Guam Code Annotated, shall
17 immediately cease to call himself or herself a Medical Assistant and
18 will not perform the duties of said profession.

19 (3) Within thirty (30) calendar days of the expiration of the one hundred
20 and eighty (180) calendar days transition period, the Board shall
21 review and determine the applicant's eligibility for certification.

22 (4) The fact that the Board has not reviewed or determined an applicant's
23 eligibility for certification within the thirty (30) calendar days, shall
24 not be deemed to be an approval by the Board of the application for
25 certification.

1 (5) If the Board has not approved the application for certification at the
2 expiration of the thirty (30) calendar days as set forth in Article 8 of
3 Chapter 12, Title 10, Guam Code Annotated, the applicant shall
4 immediately cease the practice of medical assisting pending the
5 determination by the Board of the applicant's eligibility for
6 certification. Provided, however, within sixty (60) calendar days upon
7 receipt of an application, the Board shall make a determination on the
8 approval or denial of the application for certification, pursuant to this
9 section.

10 (6) In addition to the requirements above, the applicant seeking
11 certification shall provide the following as applicable to the
12 applicant's status:

13 (A) Identification of any state, territory or country in which the
14 applicant holds a license/certification/credential to practice in a
15 health profession, other than Medical Assisting. Identification
16 shall include the number and status of the
17 license/certification/credential and the original state or country
18 of licensure/certification/credentialing;

19 (B) Information about current or previous employer if employed in
20 health care, to include address, telephone number, position and
21 dates of employment; and

22 (C) Information related to the applicant's background such as
23 pending disciplinary action or investigation; any pending
24 criminal charges (national or international); criminal
25 conviction; nolo contendere plea, Alford plea or other plea
26 arrangement in lieu of conviction. Any chemical, physical or

1 mental impairment and/or disability that impacts the applicant’s
2 ability to practice Medical Assisting safely and a description of
3 accommodations and/or practice limitations needed, if any; and,
4 any current substance abuse.

5 **§122411. Violation, Suspension, Revocation and Other Penalties.**

6 (a) It is unlawful for any person to engage or attempt to engage in the
7 occupation or practice of Medical Assisting for compensation without a current
8 certificate to practice, issued pursuant to this Article.

9 (b) A violation of §122410(2) shall be subject to the criminal penalties set
10 forth in Article 8 (The Allied Health Practice Act), of Chapter 12, Title 10, Guam
11 Code Annotated, and any other applicable laws.

12 (c) The Board shall have the authority to deny, suspend, or revoke a
13 certificate or impose other civil penalties set forth in § 12823 of Article 8, Chapter
14 12, Title 10, Guam Code Annotated, and any other applicable laws.

15 **§122412. Responsibility of the Employer.**

16 (a) Physician, Health care administrator, agency heads or other
17 employers, who hire individuals without a certification or who allow medical
18 assistants to practice after the expiration of the certification or temporary
19 certification, may be cited under Title 10 GCA Chapter 12, Article 8 Section
20 12823 of Title 10 of the Guam Code Annotated.

21 (b) Health care Administrators, other employers, or physicians who allow
22 Medical Assistants to perform duties and activities beyond the legal Scope and
23 Standards of Medical Assisting may be cited under Title 10 GCA Chapter 12,
24 Article 8 Section 12828 of Title 10 of the Guam Code Annotated

1 **§122413. Exceptions:** (a) This article does not prohibit:

2 (1) The practice of medical assisting in an emergency; and

3 (2) The practice of medical assisting that is essential for a program of
4 study by students enrolled in a CAAHEP or ABHES accredited
5 Medical Assistant education programs leading to initial certification.

6 **§122414. Establishment of Certified Medical Assistant Classification**
7 **in Government of Guam.** Within one hundred and eighty (180) days upon
8 enactment of this Act, the Department of Administration, Division of Personnel
9 Management, Classification and Pay Section shall establish the Certified Medical
10 Assistant position in the Government of Guam classification and submit to the
11 Civil Service Commission for approval of this class and pay in the Government of
12 Guam.

13 **§122415. Severability.** *If any provision of this Article or its application*
14 *to any person or circumstance is held invalid by a court of competent*
15 *jurisdiction, the invalidity does not affect other provisions or applications of*
16 *this Act, which can be given effect without the invalid provision or application,*
17 *and to this end, the provisions of this Act are severable.”*

18 **Section 3. Effective Date.** This Act shall become immediately
19 effective upon enactment.