

2012 JUN 21 *WLL*
9:13

I MINA' TRENTAI UNU NA LIHESLATURAN GUAHAN
2012 (SECOND) Regular Session

Bill No. 475 -31 (COR)

Introduced by:

D.G. RODRIGUEZ, JR. *DR*

AN ACT TO MANDATE THE ESTABLISHMENT OF THE *DIVISION OF COMMISSION OF THE HEALING ARTS AND LICENSURE*, WITHIN THE DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES, BY AMENDING §12104 OF ARTICLE 1, CHAPTER 12, PART 1, DIVISION 1, 10 GCA; AND, TO ESTABLISH THE *COMMISSION ON THE HEALING ARTS REVOLVING FUND*, BY ADDING A NEW ARTICLE 1.A TO CHAPTER 12, PART 1, DIVISION 1, 10 GCA.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent: *I Liheslaturan Guåhan* finds that the various Healing Art Boards and professions, to include the Health Professional Licensing Office (HPLO) of the Department of Public Health & Social Services (DPHSS), require an additional, dedicated source of revenue to fund their respective missions and responsibilities. The General Fund appropriations pursuant to the annual Fiscal Year appropriations budget Acts have historically proven inadequate and only partially fund the respective operations.

I Liheslaturan Guåhan also finds that the funds generated from fees charges for services provided by the respective medical practices boards and the HPLO, are being deposited into the General Fund of the government of Guam. The HPLO and the respective boards are unable to adequately realize the benefits of any of the

1 money collected for their services which are required to fund their costs of
2 operations.

3 *I Liheslaturan Guåhan* further finds that the funds for fees, services,
4 licensure and other revenue sources pertaining to the Healing Arts Boards and
5 Commissions, are not being deposited into accounts that can be drawn upon to
6 fund the respective boards. Even funds supposed to be in accounts which are
7 ‘lock-box’ accounts are not being accounted for and reserved for the purposes
8 solely prescribed by law. Case in point is the funds in the Cosmetology Revolving
9 Fund. The balance of account fluctuates without the control or knowledge of the
10 Board of Barbering and Cosmetology, and the DPHSS Health Professional
11 Licensing Office has been unable to access funds to pay the national organization
12 in order to obtain recognition for licensure for applicants.

13 *I Liheslaturan Guåhan* take due note that the Division of Commission of the
14 Healing Arts and Licensure (the ‘Division’) has not been established within
15 DPHSS, as provided pursuant to §12103 and §12104, Article 1, Part 1, Ch. 12, 10
16 GCA. Instead, the functions of the Division are being provided by the Health
17 Professional Licensing Office (HPLO), within the Division of Emergency Medical
18 Services, DPHSS. The HPLO is underfunded, understaffed and has a somewhat
19 ill-defined mission tenuous existence. Further, although it serves the function, the
20 HPLO, and its current placement under the Division of Emergency Medical
21 Services, is not consistent with the spirit of public law which allows for the
22 independent establishment of the Division.

23 The health care providers in the respective medical practices fields often
24 depend on national certification from their National Boards in order to practice. *I*
25 *Liheslaturan* also finds that the Health Professional Licensing Office is behind in

1 payments to many of the governing national boards and that there is a serious risk
2 these boards could revoke licenses or certifications for professionals they approved
3 due to nonpayment. This could conceivably result in the loss of the right to
4 practice on Guam until payments are made once funding is made available and
5 released. Even the simple task of publishing the mandatory notices for board
6 meetings and/or for hearings on regulations being promulgated is not being carried
7 out. This reoccurring situation needs to be resolved.

8 It is the intent of this Bill to allow the revenue generated by the fees for
9 applications, review, licensing and renewals, as well as other services provided for
10 which a charge is assessed, to remain with this respective Healing Arts boards, and
11 to authorize that the funds shall be utilized by the respective boards and the
12 licensure office to support and enhance its programs. *I Liheslaturan Guåhan* finds
13 it appropriate and necessary that this best be accomplished by creating a
14 *Commission on the Healing Arts Revolving Fund*. It is, further, the intent of *I*
15 *Liheslaturan Guåhan* that DPHSS shall establish the *Division of Commission of*
16 *the Healing Arts and Licensure*, and that the revolving fund shall also be used to
17 help fund the operations' of the Division. This will facilitate their ability to
18 provide services more efficiently, and thereby accommodate more clients and the
19 respective Healing Arts boards on a timely basis.

20 **Section 2.** §12104 [Personnel] of Article 1, Chapter 12, Part 1, Division 1,
21 Title 10, Guam Code Annotated, is hereby *amended*, to read:

22 “§ 12104. **Personnel.** The Department of Public Health and Social Services shall
23 be the Department responsible for the implementation of this Act and ***shall*** [~~may~~]
24 establish the Division of Commission of the Healing Arts and Licensure for the
25 purpose of this Act. The Director of the Department of Public Health and Social

1 Services shall provide such office space, staff, supplies, equipment, vehicle and
2 assistants as may be necessary for the work of the Commission for each of the
3 examining boards, including statutorily created boards and the execution and
4 enforcement of this Chapter. The Attorney General shall provide legal services to
5 the Commission, the Division of Commission of the Healing Arts and Licensure
6 and the respective Boards of Examiners without a fee.

7 (a) The Commission shall, as necessary, have the authority to contract for
8 private legal services for the Commission or for any Healing Arts board of
9 examiner under its' purview.

10 (i) The Guam Board of Medical Examiners is hereby authorized to
11 contract for private legal services, as may be necessary and subject to
12 availability of funds, and as provided pursuant to Subsection (i) of
13 §12203 of Article 2, Part 1, Chapter 12, Division 1, Title 10, Guam
14 Code Annotated.

15 (c) The Health Professional Licensing Office, within the Department of
16 Public Health & Social Services, is hereby abolished and reestablished as the
17 Division of Commission of the Healing Arts and Licensure.”

**[SOURCE: GC § 27102, as amended by P.L. 16-123. Transferred from Article 2 and renumbered from §
12203 to § 12104 by P.L. 24-208:2. Repealed and reenacted by P.L. 24-321:1.]**

18 **Section 3.** A new Article 1A is hereby added to Chapter 12, Part 1, Division
19 1, of Title 10, Guam Code Annotated, to read:

20 **“Article 1.A**

21 **Commission on the Healing Arts Revolving Fund.**

22 **§ 12110.** Definitions. For the purposes of this Article, the following, shall mean:

- 1 (1) *Commission on the Healing Arts* (the ‘Commission’), within the
2 government of Guam pursuant to §12103 of Chapter 12, 10 GCA, is the
3 Commission responsible to review rules and regulations promulgated by
4 the Board of Medical Examiners, Board of Nurse Examiners, Board of
5 Examiners for Dentistry, Board of Examiners for Optometry, Board of
6 Examiners for Pharmacy, Board of Allied Health Examiners, the Board
7 of Cosmetology, and all other Healing Arts boards and practices, for the
8 purpose of standardizing, as much as possible, requirements for licensure
9 for all professions in the practice of the healing arts, and further,
10 performs all other responsibilities as provided pursuant to Article 1 of
11 Chapter 12, Part 1, Division 1, Title 10, Guam Code Annotated;
- 12 (2) *Commission on the Healing Arts Revolving Fund* (the ‘Fund’), shall
13 mean the revolving fund established pursuant to §12111 of this Article
14 1A.
- 15 (3) *Department* shall mean the Department of Public Health and Social
16 Services;
- 17 (4) *Director* shall mean Director of the Department of Public Health and
18 Social Services;
- 19 (5) *Division* shall mean the *Division of Commission of the Healing Arts and*
20 *Licensure*, within the Department of Public Health & Social Services,
21 which is responsible for facilitating and conducting the work of the
22 Commission on the Healing Arts, as provided pursuant to §12104
23 [Personnel] of Article 1, Part 1, Chapter 12, Title 10, Guam Code
24 Annotated;
- 25 (6) *Healing Art(s)*, shall, for the purposes of this Article, generally and
26 interchangeably mean those health care related boards and/or health care

1 related practices established and regulated pursuant to Title 10, Guam
2 Code Annotated, and shall include, but is not limited to, the following:

- (i) Guam Board of Medical Examiners;
- (ii) Board of Nurse Examiners ;
- (iii) Board of Examiners for Dentistry;
- (iv) Board of Examiners for Pharmacy;
- (v) Guam Board of Optometry ;
- (vi) Board of Cosmetology;
- (vii) Acupuncture;
- (viii) Audiology;
- (ix) Chiropractic;
- (x) Clinical Psychology;
- (xi) Individual, Marriage and Family Therapy;
- (xii) Occupational Therapy;
- (xiii) Physical Therapy;
- (xiv) Physician Assistant;
- (xv) Podiatric Medicine;
- (xvi) Speech Language Therapy;
- (xvii) Veterinary Medicine;
- (xviii) Respiratory Therapy;
- (xix) Nutritionist / Clinical Dietitian;
- (xx) Nursing Home Administrator;
- (xxi) Individual(s) representing other Healing Arts practices
which are authorized to practice their profession on Guam
but are without a governing board (Ch. 12, §12802 (xv));
&

(xxii) All other or new Healing Arts boards and practices established and regulated pursuant to applicable law.

(7) *Health Professional Licensing Office*, facilitates the work of the Guam Board of Medical Examiners in the administration and enforcement of the Medical Practices Act, provides administrative and technical support for all established Healing Arts boards, and, is also responsible for obtaining and administering standardized examination materials and services for the healing arts and cosmetology, as necessary for licensure, renewals and other services required for the respective Medical Practices Boards, the respective Boards of the Healing Arts, and Healing Arts practices which are without boards, up to the date of enactment of this Article 1A.

1 **§ 12111. Commission on the Healing Arts Revolving Fund; Established.** (a)
2 There is hereby established the *Commission on the Healing Arts Revolving Fund*
3 (the ‘Fund’), to be maintained by the Director and administered by the
4 Administrator of the Division of Commission of the Healing Arts and Licensure,
5 within the Department of Public Health & Social Services. The Fund *shall* be
6 established and maintained in a bank account apart and separate from the General
7 Fund or any other bank account(s) of the government of Guam, and *shall not* be
8 co-mingled with, or a part of, the General Fund, or any other funds or accounts of
9 the government of Guam. All funds due or accruing to the account from whatever
10 source(s), as provided or authorized pursuant to applicable law, inclusive of any
11 interest, *shall* be deposited in the Fund in its entirety immediately upon receipt by
12 the government of Guam. The Fund *shall not* be subject to the transfer authority
13 of *I Maga’lahan Guåhan*. It is further, provided, that:

1 (1) The Administrator of the Division of Commission of the Healing Arts
2 and Licensure of the Department of Public Health & Social Services, *shall*
3 report monthly and maintain full compliance with all financial reporting
4 requirements of the government of Guam pursuant to applicable law; and

5 (2) Any and all collections deposited into and/or expenditures from the
6 Fund *shall* be reported, via the Director, to *I Maga'lahan Guåhan* and the
7 Speaker of *I Liheslaturan Guåhan*.

8 (b) Independent Records and Accounts. The Fund *shall* be maintained
9 separate and apart from all other government funds; have an independent records
10 and accounts concerning the Fund; and audited by the Public Internal Auditor or
11 the Department of Interior for each fiscal year and shall provide *I Maga'lahan*
12 *Guåhan* and the Speaker of *I Liheslaturan Guåhan* with a copy of the audited
13 report.

14 (c) Deposits. All monies collected for products and services rendered by
15 the Division and the Healing Arts boards *shall be* accounted for and deposited
16 into the Fund and *shall* be available to pay for the expenses of the Division, the
17 Commission, and the respective Healing Arts boards.

18 (d) Application. All monies deposited in the Fund *shall be* available to be
19 expended and *shall* be used *solely* in support of the functions of and to pay the
20 expenses of the Division, Commission and Healing Arts Boards. The Fund may
21 also be used for, but is not limited to, the following expenses which *shall* be
22 directly and solely applicable to the functions and operations of the Division:

23 (1) Payment(s) for procurement and maintenance of contractual services for
24 equipment and/or technology support, to include the procurement, upgrade

1 and/or maintenance of computer system(s) and technology, for the direct use
2 and exclusive benefit of the Division;

3 (2) Payment(s) for supplies;

4 (3) Payment(s) for acquiring membership, certification services, obtaining
5 and administering standardized examination materials and any other services
6 required for the healing arts professions on Guam with or from nationally
7 recognized Federal or private Healing Arts organization(s) or institution(s)
8 which set the nationally recognized standards for a Healing Art
9 profession(s).

10 (4) Additional personnel, as may be necessary to supplement and address
11 the staffing requirements of the Division; and

12 (e) The Director *shall* submit an annual spending plan for the Commission
13 on the Healing Arts Revolving Fund in accordance with and at the same time as the
14 Bureau of Budget and Management Research budget call.

15 (f) The Administrator of the Division of Commission of the Healing Arts
16 and Licensure, via the Director, *shall*, by *no later than* quarterly of each fiscal
17 year, submit a financial report relative to the status and activities of the Fund. The
18 quarterly report *shall* be submitted, via the Office of *I Maga'lahan Guåhan*, to the
19 Speaker of *I Liheslaturan Guåhan*, and the Chairpersons of the Committee on
20 Finance, and the Committee on Health and Human Services of *I Liheslaturan*
21 *Guåhan*. The report *shall*, at a minimum, contain:

22 (1) all expenditures and encumbrances (monthly and year to date);

23 (2) funds received and source(s);

1 (3) status of accounts receivable for outstanding debts and/or delinquent
2 payment obligations owed to the Community Health Center(s); and

3 (4) any and all other pertinent information relative to the Fund.

4 (g) The Commission on the Healing Arts Revolving Fund *shall* be included
5 in the government of Guam annual audit review and report.”

6 **§12112. Review and Adoption of Updated Fee Schedules.** (a) Within a
7 reasonable time period of the enactment of this Act, the Director, in conjunction
8 with the Commission, *shall* review and amend, as is necessary and appropriate, the
9 fee schedules of the respective Healing Arts boards and the Division, as needed, so
10 as to provide for fee schedules realistically reflective of the costs of doing business
11 for the Commission, the Division, and the conduct of business by the respective
12 Healing Arts boards; as provided pursuant to Article 3 [Rule-Making Procedures],
13 Chapter 9 [Administrative Adjudication Law], Division 1, Title 5, Guam Code
14 Annotated [Government Operations].

15 **§12113 Distribution and assignment of revenue realized.** Within six (6)
16 months of the enactment of this Act, the Director, in conjunction with the
17 Commission, *shall* develop, by regulation, a prorated schedule of distribution for
18 monies in the Fund which both subsidizes the work of the Division, with balance
19 being available to support the mission mandates, responsibilities and activities of
20 the respective Healing Arts boards, and the Commission.

21 (1) In making the determination of the prorated sharing of monies in the
22 Fund by regulation, the Director, in conjunction with the Commission,
23 and with the support of the Division, *shall* develop a prorated
24 apportioning methodology of the revenue in the Fund for expenditure

1 by the Division for costs of personnel and operation, with the balance
2 being available for expenditure for the purposes of facilitating the
3 work of the Commission and the respective Healing Arts boards.

4 (2) The apportionment shall duly consider the workload the Division
5 addresses for a respective board (i.e., some boards have more persons
6 practicing than others) versus other boards, and shall receive a higher
7 allotment from their share of monies in the Fund.

8 (3) The schedule of distribution shall duly ensure that a respective
9 Healing Art board or profession which generates a larger portion of
10 the revenue deposited in the Fund due to a larger practitioner
11 membership than another board, then, that board should accordingly
12 receive a larger portion of the money in the Fund to support their
13 mission mandates.

14 **Section 4. Reconciliation of accounts and transfer of monies to the**
15 **Commission on the Healing Arts Revolving Fund.** Notwithstanding any other
16 provision of law, the Director of the Department of Administration *shall*, within
17 thirty (30) days of the enactment of this Act, account for and reconcile all funds
18 within any accounts of the government of Guam into which any and all fees
19 received for licensure and/or other services pertaining to the Healing Arts, as
20 provided for and identified in Article 1.A of Chapter 12, Part 1, Title 10, Guam
21 Code Annotated, and inclusive of all revolving fund accounts. This shall also
22 include all monies received by the Health Professional Licensing Office of the
23 Department of Public Health and Social Services for licensure and all other related
24 services or activities pertaining to the practice of the Healing Arts.

1 **Section 5.** Section 18108 [Revolving Fund] of Chapter 18, Division 1, Title
2 10, Guam Code Annotated, is hereby *amended*, to read:

3 **“§ 18108. Revolving Fund.**

4 [~~There is hereby created, separate and apart from other funds of the government of~~
5 ~~Guam, a fund known as the ‘Barbering and Cosmetology Revolving Fund.’ The~~
6 ~~Fund shall not be commingled with any other fund and shall be deposited into a~~
7 ~~separate account.] All proceeds from fees and fines collected pursuant to this~~

8 Subchapter *shall* be deposited to the Commission on the Healing Arts Revolving
9 Fund (the Fund) [~~fund~~] and it *shall* be expended upon legislative appropriation
10 solely in support of the ~~functions of the~~ Division of Commission of the Healing
11 Arts and Licensure [~~Health Professional Licensing Office~~] of the Department of
12 Public Health and Social Services. The [~~This~~] Fund shall receive all interest
13 earned on the deposit of such revenues. Such funds should be continuously
14 appropriated and should be used by the Board for the administration and
15 enforcement of this Chapter, as provided in § 12229 of Article 2, Chapter 12, of
16 Title 10, Guam Code Annotated, as amended, and as further provided pursuant to
17 Article 1A of Chapter 12.

18 All monies in the revolving fund shall be deposited into the *Commission on*
19 *the Healing Arts Revolving Fund* and credited to the Barbering and Cosmetology
20 Board, as provided pursuant to Article 1A of Chapter 12, Part 1, of Title 10, Guam
21 Code Annotated.”

22 **Section 6.** Section 12229 [Revolving Fund] of Article 2, Part 1 of Chapter
23 12, Division 1, Title 10, Guam Code Annotated, is hereby *amended*, to read:

24 **“§ 12229. Revolving Fund Deposits.**

1 ~~[There is created a Revolving Fund within the Health Professional Licensing~~
2 ~~Office, into which a]~~ All money received or payable under the provisions of these
3 Chapters XII, XIII, XIV, and Chapter V of Title XVII of the Government Code of
4 Guam, shall be deposited into the Commission on the Healing Arts Revolving
5 Fund [~~shall be deposited~~]. The [~~revolving~~] funds received shall be used to defray
6 the cost of obtaining standardized examination materials and services for the
7 healing arts and cosmetology licensure and the cost of proctoring examination at
8 the testing site; and for operational expenses necessary for testing and monitoring
9 of examination. Tests for licensure of all the healing arts and cosmetology shall be
10 given at least every six (6) months.”

SOURCE: GC § 27128, as amended by P.L. 16-123; R/R by P.L. 21-33:9. Amended by P.L. 24-206:8.

11 **Section 7.** Section 12217 [Funding and Fees] of Article 2, Part 1 of Chapter
12 12, Division 1, Title 10, Guam Code Annotated, is hereby *amended*, to read:

13 **“§ 12217. Funding and Fees.**

14 The Board shall be fully supported by the revenues generated from its
15 activities, including fees, charges and reimbursed costs. All such revenues,
16 including fines, shall be deposited to the Commission on the Healing Arts
17 Revolving Fund [~~Health Professional Licensing Office Revolving Fund~~]. This
18 Fund shall receive all interest earned on the deposit of such revenues. Such funds
19 should be appropriated continuously and should be used by the Board only for
20 administration and enforcement of the Medical Practice Act, and as further
21 provided pursuant to Article 1A of Chapter 12, Part 1, Division 1, Title 10, Guam
22 Code Annotated.

23 The Board shall develop and adopt its own budget reflecting revenues,
24 including the interest thereon, and costs associated with each health care field

1 regulated. Revenues, and interest thereon, from each health care field regulated
2 should fully support Board regulation of that field. The budget should include
3 allocations for establishment and maintenance of a reasonable reserve fund.

4 All Board fees and charges shall be set by the Board pursuant to its proposed
5 budget needs. Reasonable notice should be provided for all increases or decreases
6 in fees and charges.

7 A designated officer of the Board, at the direction of the Board, should
8 oversee the collection and disbursement of funds. The Office of Public
9 Accountability [~~Guam Auditor's Office~~], or the equivalent State office shall
10 [~~should~~] audit the financial records of the Board annually and report to the Board,
11 the Commission on the Healing Arts, the Division of Commission of the Healing
12 Arts and Licensure, I Maga'lahan Guåhan and I Liheslaturan Guåhan.

13 **Section 8.** Subsection (i) of §12203 of Article 2, Part 1 of Chapter 12,
14 Division 1, Title 10, Guam Code Annotated, is hereby *amended*, to read:

15 (i) The Board shall [~~should~~] be authorized to appoint committees from its
16 membership. The Division of Commission of the Healing Arts and Licensure may
17 [~~and~~] employ an executive secretary or director and other staff, including an
18 adequate staff of investigators, as needed for the Board to effectively perform its
19 duties under the Act, subject to availability of funds. The Board shall [~~It should~~
20 ~~also~~] be assigned adequate legal counsel by the Office of the Attorney General at
21 no cost to the Board, and/or at the Boards discretion, shall be authorized to employ
22 private counsel or its own full-time attorney, as further provided pursuant to
23 §12104(a)(i) of Article 1, Part 1, Chapter 12, 10 GCA.

1 **Section 9. Future Appropriations.** Notwithstanding the funds realized
2 pursuant to this Act and deposited into the *Commission on the Healing Arts*
3 *Revolving Fund*, the Director of the Department of Public Health and Social *shall*
4 continue to provide for in the annual submission of the Budget Request of the
5 Executive Branch the appropriation needed for the personnel and operations of the
6 Division of Commission of the Healing Arts and Licensure.

7 **Section 10. Transfer of Personnel, Positions and Funding.**
8 Notwithstanding any other provision of law, rule or regulation, all personnel the
9 Health Professional Licensing Office of the Department of Public Health & Social
10 Services (the Department), to include all authorized positions budgeted for in the
11 2012 Fiscal Year Budget, regardless of whether the position is filled or vacant, and
12 to include all funds budgeted for such positions, are hereby transferred to the
13 Division of Commission of the Healing Arts and Licensure (the Division), to carry
14 out the purposes of this Act; and it is further, provided, all authorized personnel
15 positions, currently within the Health Professional Licensing Office and transferred
16 to the Division pursuant to this Act, regardless of whether the position(s) is
17 currently filled or vacant, which are budgeted for in the Fiscal Year Budget
18 Appropriation for the Executive Branch with monies from the General Fund, any
19 Special Fund and/or Federal funds, as of the date of enactment of this Article, *shall*
20 continue to be funded from these funding sources and not from the Fund, until such
21 time as a specific fiscal year budget proposal for the Division has been submitted
22 by the Director of the Department and approved by *I Liheslaturan Guåhan*.

23 **Section 11. (a) Legislative Finding and Intent.** It is the intent of *I*
24 *Liheslaturan Guåhan* that the provisions of Article 1, Part 1 of Chapter 12,
25 Division 1, Title 10, Guam Code Annotated *shall* be implemented, and that the

1 ‘Division of Commission of the Healing Arts and Licensure’ *shall* be established,
2 as provided pursuant to §12104, as amended by this Act. However, Article 2 of
3 Chapter 12, Part 1, Division 1, Title 10, Guam Code Annotated, also provides for
4 the Health Professional Licensing Office to also facilitate the activities and address
5 the needs of the respective Medical Practices and Healing Arts boards and
6 professions. Therefore, it is necessary to ensure there is only one office mandated
7 pursuant to law to perform the services required by the Commission on the Healing
8 Arts of Guam (Article 1, Chapter 12, 10 GCA), the respective Medical Practices
9 (Chapter 12, Parts 1 and 2, 10 GCA), and all Healing Arts boards and professions
10 established pursuant to Title 10, Guam Code Annotated. Therefore, it is the *intent*
11 of *I Liheslaturan Guåhan* to ***delete*** all references to the “Health Professional
12 Licensing Office” within Title 10, Guam Code Annotated, and ***substitute*** it with
13 the “Division of Commission of the Healing Arts and Licensure.”

14 **(b) Deletion and Substitution.** All provisions containing references in
15 Title 10, Guam Code Annotated, relative to the ‘Health Professional Licensing
16 Office’ are hereby *deleted*, and shall hereby be *substituted* with the ‘Division of
17 Commission of the Healing Arts and Licensure’.

18 **Section 12. Severability.** *If* any provision of this Act or its application to
19 any person or circumstance is found to be invalid or contrary to law, such
20 invalidity shall *not* affect other provisions or applications of this Act which can be
21 given effect without the invalid provisions or application, and to this end the
22 provisions of this Act are severable.

23 **Section 11. Effective Date.** This Act shall become immediately effective
24 upon enactment.