

I Mina'Trentai Kuáttro Na Liheslaturan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
125-34 (COR)	Dennis G. Rodriguez, Jr. Joe S. San Agustin Fernando B. Esteves Tommy A. Morrison FRANK B. AGUON, JR. William M. Castro Telena C. Nelson Louise B. Muña	AN ACT TO ADD A NEW § 12208 (h) TO CHAPTER 12, PART 1, ARTICLE 2 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE ESTABLISHMENT OF A VISTING PHYSICIAN TEMPORARY PERMIT.	6/23/17 4:52 p.m.						

MINA' TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Bill No. 125-34 (COR)

Introduced by:

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**AN ACT TO ADD A NEW § 12208 (h) TO CHAPTER 12,
PART 1, ARTICLE 2 OF TITLE 10, GUAM CODE
ANNOTATED, RELATIVE TO THE ESTABLISHMENT
OF A VISTING PHYSICIAN TEMPORARY PERMIT.**

2017 JUN 23 PM 4:52

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 acknowledges the relationship that exists in our medical community with
4 health care professionals in other countries in Asia. Our patients are referred
5 and receive care in the Philippines, Taiwan and other Asian countries on a
6 daily basis. Referrals are sanctioned by both are private and government
7 sectors and this process enables our providers to consult with physicians in
8 these countries to ensure quality outcomes for our people. *I Liheslaturan*
9 *Guåhan* recognizes that the shortage of primary care providers causes
10 chronic delays in patients seeking medical care. Often times, this delay
11 causes minor concerns to become greater concerns due to the lack of timely
12 attention and thus results in greater anguish and cost for the patient. The

1 early identification of medical issues is proven time and again to effect the
2 greatest possible outcome.

3 *I Liheslaturan Guåhan* recognizes that at times there are opportunities
4 for physicians practicing outside of Guam, to provide services, in either an
5 emergency or charitable nature, that would be of great benefit to the
6 residents of Guam, without impeding the licensing structure established and
7 mirrored in the United States medical profession.

8 *I Liheslaturan Guåhan* further recognizes Texas and other states have
9 mechanisms that allow such temporary services.

10 It is therefore the intent of *I Liheslaturan Guåhan*; in recognizing the
11 valuable contributions that these medical professionals can provide to
12 alleviating the shortage of providers we have on our island, to establish a
13 Visiting Physician Temporary Permit within the Guam Board of Medical
14 Examiners.

15 **Section 2.** A new § 12208 (h), is added to Chapter 12, Part 1,
16 Article 2, of Title 10, Guam Code Annotated, to read:

17 **§ 12208. Limited Licensure for Physicians in Postgraduate Training.**

18 (a) To be eligible for limited licensure, the applicant should have
19 completed all the requirements for full and unrestricted medical licensure,
20 except postgraduate training or specific examination requirements.

21 (b) The application for limited licensure shall be made directly to the
22 Board in the jurisdiction where the applicant's postgraduate training is to
23 take place. The institution supervising the applicant's postgraduate training
24 program director shall have established procedures whereby the status of an
25 applicant's limited license is verified prior to acceptance into a postgraduate
26 training program, and such acceptance shall be made only after an applicant

1 demonstrates that he or she holds a limited license issued by the Board
2 specifically for the purpose of postgraduate training.

3 (c) The Board shall be directed to establish by regulation restrictions
4 for the limited license to assure that the holder will practice only under
5 appropriate supervision and at locations acceptable to the Board.

6 (d) The limited license shall be renewable annually with the approval
7 of the Board and upon the written recommendation of the supervising
8 institution, including a written evaluation of performance, until such time as
9 Board regulations require the achievement of full and unrestricted medical
10 licensure.

11 (e) The program directors responsible for postgraduate training shall
12 report to the Board, in writing, any disciplinary actions taken against an
13 individual with a limited license. They shall also report to the Board, in
14 writing, any individual who has not been advanced in the program or who
15 has been dropped from the program for performance or ethical reasons.
16 Directors of postgraduate training programs should also be required to
17 submit an annual written report to the Board on all individuals enrolled in
18 their programs. This annual report shall include any disciplinary actions
19 taken against, or restrictions placed upon, any individual in the program. The
20 report shall also include the reason(s) for any individual's failure to advance
21 in the program, as well as a full explanation of any individual's absence
22 from the program of fourteen (14) days or more. Failure to submit such a
23 report to the Board shall be considered a violation of the mandatory
24 reporting provisions of the Medical Practice Act, and shall be grounds to
25 initiate such disciplinary action as the Board deems appropriate, including
26 fines levied against the supervising institution and suspension of the
27 program director's medical license.

1 (f) The disciplinary provisions of the Physicians Practice Act shall
2 apply to the holders of the limited license as if they held full and unrestricted
3 medical licensure.

4 (g) The issuance of a limited license shall not be construed to imply
5 that a full and unrestricted medical license will be issued at any future date.

6 (h) The Board may issue a visiting physician temporary permit to
7 practice medicine to an applicant who intends to practice under the
8 supervision of a licensed Guam physician, excluding training in
9 postgraduate training programs:

10 (1) for educational purposes;

11 (2) to practice charity care to underserved populations in Guam;

12 (3) in cases of declared emergency disasters;

13 (4) for the provision of forensic psychiatric examinations

14 related to criminal matters; or

15 (5) for the provision of charitable specialized medical care for
16 which the applying physician has demonstrated good cause for
17 the issuance of the permit.

18 (6) a visiting physician must not have any medical license that
19 is under restriction, disciplinary order, or probation in another
20 state, territory, or country;

21 (7) a visiting physician must be supervised by a physician who:

22 (aa) has an unrestricted license in Guam; and

23 (bb) has not been the subject of a disciplinary order,
24 unless the order was administrative in nature;

25 (cc) takes responsibility for the visiting physician
26 during his/her stay in Guam, and must remain the
27 patient's primary physician.

1 (8) present written verification from the physician who will be
2 supervising the applicant that the physician will provide
3 continuous supervision of the applicant. Constant physical
4 presence of the physician is not required but the physician must
5 remain readily available; and

6 (9) present written verification from the supervising physician
7 as to the purpose for the requested permit.

8 (10) a visiting physician may not maintain an office in this
9 state, or appoint a place in this state for seeing, examining or
10 treating a patient or any other activity that the Board designates
11 as exempt from the application.

12 (11) except in emergency cases, a Visiting Physician
13 Temporary permit must be submitted 30 days prior to the
14 visiting physician entering Guam. Applications not adjudicated
15 by the Health Professional Licensing Office by the thirty first
16 day following submission, shall automatically be approved.

17 (12) visiting physician temporary permits shall be valid for no
18 more than ten working days and for a specified locale and
19 purpose. The board may extend the length of the temporary
20 permit if the applicant shows good cause for why the extended
21 time is needed.

22 (13) due to the charitable and emergency nature of the service,
23 there shall be no fee assessed for the permit.

24 **Section 3.** The GBME shall promulgate rules to implement the
25 provisions of this act within 90 days of enactment.

26 **Section 4. Severability.** If any provision of this Act or its
27 application to any person or circumstance is found to be invalid or contrary

1 to law, such invalidity shall not affect other provisions or applications of this
2 Act which can be given effect without the invalid provisions or application,
3 and to this end the provisions of this Act are severable.

4 **Section 5. Effective Date.** This Act shall become immediately
5 effective upon enactment.