

I Mina'Trentai Kuattro Na Liheslaturan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
127-34 (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 § 12207 (g) TO CHAPTER 12, PART 1, ARTICLE 2 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE ESTABLISHMENT OF A MILITARY LIMITED VOLUNTEER MEDICAL LICENSE FOR PHYSICIANS LICENSED WITH THE GUAM-BASED MILITARY CREDENTIALING OFFICE TO ENABLE THEM TO VOLUNTEER IN THE CIVILIAN COMMUNITY.	6/23/17 4:53 p.m.						

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

Bill No. 127 -34 (CO2)

Introduced by:

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**AN ACT TO ADD A NEW § 12207 (g) TO CHAPTER 12,
PART 1, ARTICLE 2 OF TITLE 10, GUAM CODE
ANNOTATED, RELATIVE TO THE ESTABLISHMENT
OF A MILITARY LIMITED VOLUNTEER MEDICAL
LICENSE FOR PHYSICIANS LICENSED WITH THE
GUAM-BASED MILITARY CREDENTIALING OFFICE
TO ENABLE THEM TO VOLUNTEER IN THE
CIVILIAN COMMUNITY.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*

acknowledges that the military medical community has a long and proud
continuing history on Guam beginning in August of 1899 with the arrival of
the Medical Officer of the USS Yosemite, Surgeon Philip Leach, and
Assistant Surgeons Mark V. Stone and Alfred G. Grunwell. When these
Naval Medical Officers arrived on Guam our residents had no modern
western medicines or doctors and there were many people on island sick
with serious illnesses such as tuberculosis, leprosy, typhoid, and whooping
cough. This 118 year legacy of military medical personnel working in the

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1 Guam community is marked with many significant events that built the
2 camaraderie we experience today.

3 *I Liheslaturan Guåhan* further acknowledges that the Health
4 Resources and Services Administration (HRSA) deems Guam as a Health
5 Professional Shortage Area (HPSA). In a March 24, 2017 memorandum, the
6 Director of the Department of Public Health and Social Services shares that
7 in 2017 the Community Health Centers (CHC's) experience delays in the
8 recruitment of providers due to the shortage of health professionals; the
9 difficulty in recruiting providers given Guam's remote island setting, small
10 scale, and territorial status (i.e.. not linked to any larger state entity); the
11 physician salary not comparable to U.S. rate; and the high cost of
12 malpractice insurance on Guam. Additionally, the CHCs have been
13 aggressively recruiting physicians and mid-level providers, but delays in the
14 Department of Administration's processing of contracts after they have been
15 signed by the Governor has hampered the CHCs' operation in that these
16 providers cannot promptly begin employment at the CHCs.

17 The shortage of primary care providers causes chronic delays in
18 patients seeking medical care. Often times, this delay causes minor concerns
19 to become greater concerns due to the lack of timely attention and thus
20 results in greater anguish and cost for the patient. The early identification of
21 medical issues is proven time and again to effect the greatest possible
22 outcome.

23 It is therefore the intent of *I Liheslaturan Guåhan*, in recognizing the
24 valuable contributions made by our military health care system and the
25 recognized need to increase our primary care provider base, to establish an
26 expedited Military Limited Volunteer License within the Guam Board of
27 Medical Examiners. This license is to make available, at no cost, to a

1 physician who is authorized as a physician to treat personnel enlisted in a
2 branch of the United States armed forces or veterans, and is limited to the
3 practice of medicine for no compensation in clinics and outreach events that
4 serve indigent populations.

5 **Section 2.** A new § 12207 (g), is added to Chapter 12, Part 1,
6 Article 2, of Title 10, Guam Code Annotated, to read:

7 "§ 12207. Licensure by Endorsement and Temporary and Special
8 Licensure.

9 (a) Licensure Without Examination. The Board is authorized, at its
10 discretion, to issue a license by endorsement to an applicant who:

11 (1) has complied with all current medical licensing
12 requirements save that for examination;

13 (2) has passed a medical licensing examination given in English
14 in another state, the District of Columbia, a territory or
15 possession of the United States or Canada, provided the Board
16 determines that examination was equivalent to its own current
17 examination;

18 (3) has a valid current medical license in another state, the
19 District of Columbia, a territory or possession of the United
20 States or Canada; and

21 (4) Required to take SPEX if last examination was taken more
22 than ten (10) years ago.

23 (b) Endorsement for Certified Applicants: The Board is authorized, at
24 its discretion, to issue a license by endorsement to an applicant who:

25 (1) has complied with all current medical licensing
26 requirements save that for examination; and

27 (2) has passed the examination of and been certified by a

1 certifying agency recognized by the Board (e.g., the National
2 Board of Medical Examiners or the National Board of
3 Examiners for Osteopathic Physicians and Surgeons), provided
4 the Board determines that examination was equivalent to its
5 own current examination and was not a specialty board
6 examination.

7 (c) Endorsement Examination: Notwithstanding any other provisions
8 of the act, the Board is authorized to require applicants for full and
9 unrestricted medical licensure by endorsement who have not been formally
10 tested by a United States or Canadian medical licensing jurisdiction, a
11 Board-approved medical certifying agency or a Board-approved medical
12 specialty board within a specific period of time before application (e.g. eight
13 (8) or ten (10) years to pass a written and/or oral medical examination
14 approved by the Board for that purpose.)

15 (d) Temporary Licensure. The Board is authorized to establish
16 regulations for issuance of a temporary medical license for the intervals
17 between Board meetings. Such a license should:

- 18 (1) be granted only to an applicant demonstrably qualified for a
19 full and unrestricted medical license under the requirements set
20 by the Medical Practice Act and the regulations of the Board;
21 and
- 22 (2) automatically terminate on the date of the next Board
23 meeting at which the holder could be considered for a full and
24 unrestricted medical license.

25 (e) Special Purpose License to Practice Medicine Across Guam/State
26 Lines. The Board is authorized, at its discretion, to issue a special purpose
27 license to practice medicine across Guam lines to an applicant who:

1 (1) holds a full and unrestricted license to practice in at least
2 one (1) other state or United States jurisdiction;

3 (2) has not had previous disciplinary or other action taken
4 against him or her by any state or jurisdiction; and

5 (3) must be at least qualified to be licensed in Guam.

6 Exceptions to the special purpose license to practice medicine
7 across Guam lines include the following:

8 (A) the practice of medicine across state lines by a
9 licensed physician on an irregular or infrequent basis,
10 provided such practice occurs less than once a week or
11 involves less than one percent (1%) of the physician's
12 diagnostic or therapeutic practice;

13 (B) the informal practice of medicine by a licensed
14 physician is without compensation or expectation of
15 compensation. (The practice of medicine conducted
16 within the parameters of a contractual relationship shall
17 not be considered informal and shall be subject to
18 regulation by the Guam Board of Medical Examiners.);

19 (C) physician specialist, or field of authority is not
20 available locally; and

21 (D) the practice of medicine in terms of diagnosis and
22 treatment of a patient is under the responsibility of a
23 locally licensed physician.

24 (f) Special Licensure. The Board is authorized to issue conditional,
25 restricted, or otherwise circumscribed licenses as it deems necessary.

26 (g) Military Limited Volunteer License. A physician who practices
27 medicine on Guam under a license issued under this Section may only

1 practice at a clinic or outreach event that primarily treats indigent
2 populations and the physician does not receive direct or indirect
3 compensation or payment of anything of monetary value in exchange for the
4 medical services rendered by the physician to the indigent patients at the
5 clinic or outreach event. The Board is authorized to issue a military limited
6 volunteer license to an applicant who:

7 (1) is licensed and in good standing as a physician in another state;

8 (2) maintains their credentials within the military credentialing system
9 and authorizes the Guam based Military Credentialing Office to provide to
10 the Guam Board of Medical Examiners the required verification documents
11 and Commander's approval;

12 (3) agrees to be subject to board rules and regulations, including
13 those regarding disciplinary action, license registration and renewal, and
14 continuing medical education.

15 A military limited volunteer license shall be issued for a period of two
16 (2) years at no charge to the applicant and may be renewed and maintained
17 according to registration requirements as prescribed by the Board.

18 The license shall be in effect upon receipt of the application packet by
19 the Guam Board of Medical Examiners subject to final review. This
20 presumptive eligibility for licensure is contingent upon the appropriate
21 Military Commander's permission allowing the physician to practice in the
22 community and the appropriate collaborative sharing of information between
23 the military credentialing office and the Guam Board of Medical
24 Examiners."

25 **Section 3. Severability.** If any provision of this Act or its
26 application to any person or circumstance is found to be invalid or contrary
27 to law, such invalidity shall not affect other provisions or applications of this

1 Act which can be given effect without the invalid provisions or application,
2 and to this end the provisions of this Act are severable.

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