

**MINA' TRENTA NA LIHESLATURAN GUAHAN
THIRTIETH GUAM LEGISLATURE
2010 (SECOND) Regular**

Bill No. 416-30(COR)

Introduced by:

FRANK B. AGUON, JR.



**AN ACT RELATIVE TO PROVISIONS
APPLICABLE TO THE BOARD OF MEDICAL
EXAMINERS, AND, THE GUAM BOARD OF
ALLIED HEALTH EXAMINERS; BY
RESPECTIVELY AMENDING SUBSECTIONS (a)
AND (b) OF §12203 OF ARTICLE 2, AND,
SUBSECTIONS (a) AND (b) OF §12803 OF
ARTICLE 8, OF PART 1, CHAPTER 12, TITLE 10,
GUAM CODE ANNOTATED.**

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

2 **Section 1. Legislative Finding and Intent:** The conduct, provision and
3 quality of health care services ranks among the highest concerns of the people of
4 Guam. *I Liheslaturan Guahan* finds it appropriate that the people of Guam have
5 the opportunity to review and comment upon the appointment of the health care
6 professionals responsible for the development and implementation of health care
7 policy. It is critical, as well, that other health care professionals be duly accorded
8 the opportunity to review and comment upon appointment of those so tasked to
9 oversee the conduct of their respective health care fields.

10 *I Liheslaturan Guahan* further finds that with regard to the Guam Board of
11 Allied Health Examiners, there is a need to address, as well, the issue of reasonable
12 term limits for those responsible for promoting and regulating allied health care
13 services. Term limits will ensure a continuing public review and approval process

1 by which the people of Guam may participate in assessing the selection of a new
2 member, and/or the evaluation of the performance of a member being reappointed.

3 It is the intent of *I Liheslaturan Guahan* to require the that any nomination
4 for appointment to the Board of Medical Examiners or the Guam Board of Allied
5 Health Examiners be subject to the advice and consent of *I Liheslaturan Guahan*,
6 and ensuring thereby, the publics opportunity to assess and comment upon the
7 desirability of appointees, as well as the conduct and performance of the Board
8 collectively. Further, it is the intent of *I Liheslaturan Guahan* with respect to the
9 Guam Board of Allied Health Examiners, to mandate reasonable term limits for
10 members serving upon the Board. A two (2) year term, with an opportunity for
11 reappointment or replacement, helps to ensure the continuing desirability of board
12 members.

13 **Section 2.** Subsections (a) and (b) of §12203 of Article 2 - *Physicians*
14 *Practice Act*, Part 1, Chapter 12, Title 10, Guam Code Annotated, are amended, to
15 read:

16 “(a) There is established, in and for the government of Guam, a Guam Board
17 of Medical Examiners (the ‘BOARD’) composed of seven (7) members who shall
18 be nominated and appointed by *I Maga’lahen Guahan*, with the advice and consent
19 of *Liheslaturan Guahan*.

20 (b) At least six (6) of the seven (7) members shall be physicians licensed in
21 Guam, shall be person of recognized professional ability and integrity, and shall
22 have practiced in Guam for at least five (5) years. All members shall be citizens or
23 permanent residents of the United States who have resided in Guam for five (5)
24 years. One (1) of the physician board member shall be the Medical Director of the
25 Guam Memorial Hospital Authority (‘GMHA’) who meets the above criteria

1 otherwise *I Maga'lahren Guahan* shall nominate and appoint a qualified physician
2 from the GMHA staff. Provided that of the initial members appointed under this
3 Article, appointments shall be made so that three (3) members of the Board, sitting
4 or newly appointed, shall serve for two (2) years, and four (4) members, sitting or
5 newly appointed shall serve for a term of four (4) years, until a successor is
6 appointed and qualified. No member shall serve more than three (3) consecutive
7 terms.

8 The members of the Board sitting at the date of enactment of this Article
9 who meet the requirements and limitations placed upon membership by this Article
10 shall remain in office until the expiration of their respective terms. When a
11 vacancy occurs, *I Maga'lahren Guahan* shall nominate and appoint a new member
12 within sixty (60) days of the commencement of the vacancy, which shall be
13 subject to the advice and consent of *Liheslaturan Guahan*.

14 Members of the Board shall receive a stipend and be compensated in the
15 amount of Fifty Dollars (\$50.00) for attending a Board meeting, not to exceed One
16 Hundred Dollars (\$100.00) a month.”

17 **Section 3.** Subsections (a) and (b) of §12803 of Article 8 – *Allied Health*
18 *Practice Act*, Part 1, Chapter 12, Title 10, Guam Code Annotated, are amended, to
19 read:

20 “(a) Creation. There is established, in and for the government of Guam, a
21 Guam Board of Allied Health Examiners, composed of a representative from each
22 of the profession being examined for licensure of which currently there are nine (9)
23 members nominated and appointed by *I Maga'lahren Guahan*, with the advice and
24 consent of *Liheslaturan Guahan*. *I Maga'lahren Guahan* shall appoint two (2)

1 additional members, one (1) member for the Respiratory Therapist and one (1)
2 member for the Nutritionist/Clinical Dietician, and shall appoint additional
3 members for other allied health profession being examined for licensure that the
4 Board includes in the its licensing procedure and specifically recommend to *I*
5 *Maga'lahaen Guahan* to appoint a board member representative. There shall be no
6 Board member appointment with less than ten (10) allied health professionals
7 qualified applicants for licensure within that allied health profession of the
8 applicants. The Board shall examine applicants for licensure within the allied
9 health professions *not* having separate Board of Examiners enacted by
10 *LiheSlaturan Guahan*.

11 The term of appointment shall be for a period of two (2) years, at the end of
12 which *I Maga'lahaen Guahan* shall either reappoint the member or nominate and
13 appoint a new member, either of which case shall be with the advice and consent
14 of *LiheSlaturan Guahan*.

15 (b) Requirement. The members of the Board shall have practiced in their
16 respective disciplines for at least five (5) years. All members shall be citizens or
17 permanent residents of the United States who have resided in Guam for at least
18 five (5) years. The members of the Board sitting at the date of enactment of this
19 Act who meet the requirements and limitations placed upon membership by this
20 Act shall remain in office until the expiration of their respective terms. When a
21 vacancy occurs, *I Maga'lahaen Guahan* shall appoint a new member within sixty
22 (60) days of the commencement of the vacancy, with the advice and consent of
23 *LiheSlaturan Guahan*.

1 Members of the Board shall receive a stipend and be compensated in the
2 amount of Fifty Dollars (\$50.00) for attending a Board meeting, not to exceed One
3 Hundred Dollars (\$100.00) a month.”

4 **Section 4.** All other Subsections and Parts of §12203 of Article 2, Part 1,
5 Chapter 12, Title 10, Guam Code Annotated, and, §12803 of Article 8, Part 1,
6 Chapter 12, Title 10, Guam Code Annotated, respectively, are *not* affected by this
7 Act, and *shall* continue in full force and effect until otherwise provided by law.