

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
187-35 (COR)	Therese M. Terlaje	AN ACT TO ADD A NEW § 101301 TO CHAPTER 10 OF TITLE 25, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ADOPTING THE RULES AND REGULATIONS ENTITLED, "GUAM BOARD OF ALLIED HEALTH EXAMINERS ADOPTION OF FINAL RULES" REGARDING CODES OF PROFESSIONAL CONDUCT/ETHICS, ATTACHED HERETO AS EXHIBIT A.	7/30/19 12:02 p.m.	8/29/19	Committee on Health, Tourism, Historic Preservation, Land, and Justice	9/19/19 1:00 p.m.	10/4/19 5:38 p.m.	Waiver: 8/7/19	



Senator

THERESE M. TERLAJE

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

24 SEP 2019

The Honorable Tina Rose Muña Barnes

Speaker

I Mina'trentai Singko na Liheslaturan Guåhan

163 Chalan Santo Papa

Hagåtña, Guam 96910

ABL

VIA: The Honorable Régine Biscoe Lee

Chairperson, Committee on Rules

RE: Committee Report on Bill No. 187-35 (COR) As Amended

Håfa Adai Speaker Barnes:

Transmitted herewith is the Committee Report on **Bill No. 187-35 (COR) As Amended** by the Committee on Health, Tourism, Historic Preservation, Land and Justice – **“AN ACT TO ADD A NEW § 101301 TO CHAPTER 10 OF TITLE 25, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ADOPTING THE RULES AND REGULATIONS ENTITLED, “GUAM BOARD OF ALLIED HEALTH EXAMINERS ADOPTION OF FINAL RULES” REGARDING CODES OF CONDUCT/ETHICS, ATTACHED HERETO AS EXHIBIT A”.**

2019 OCT -4 PM 5:38

Committee votes are as follows:

- 4 TO DO PASS
- Ø TO NOT PASS
- 2 TO REPORT OUT ONLY
- Ø TO ABSTAIN
- Ø TO PLACE IN INACTIVE FILE

RECEIVED
 SEP 24 2019
 9:58 am
 COMMITTEE ON RULES

for Ch. F. V. de
 Rec'd 9-24-19 @ 11:10

Sincerely,

Therese M. Terlaje



Senator
THERESE M. TERLAJE

I Mina'trentai Singko na Libeslaturan Guåhan

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

COMMITTEE REPORT

Bill No. 187-35 (COR)

As Amended by the Committee on Health, Tourism, Historic Preservation, Land and Justice

Introduced by Senator Therese M. Terlaje

“AN ACT TO ADD A NEW § 101301 TO CHAPTER 10 OF TITLE 25, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ADOPTING THE RULES AND REGULATIONS ENTITLED, “GUAM BOARD OF ALLIED HEALTH EXAMINERS ADOPTION OF FINAL RULES” REGARDING CODES OF PROFESSIONAL CONDUCT/ETHICS, ATTACHED HERETO AS EXHIBIT A.”



Senator
THERESE M. TERLAJE

I Mina'trentai Singko na Libeslaturan Guåhan

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

September 23, 2019

MEMORANDUM

To: All Members
Committee on Health, Tourism, Historic Preservation, Land and Justice

From: Senator Therese M. Terlaje TMT
Committee Chairperson

Subject: Committee Report on Bill No. 187-35 (COR), As Amended by the Committee on Health, Tourism, Historic Preservation, Land and Justice

Transmitted herewith for your consideration is the Committee Report on Amended **Bill No. 187 -35 (COR) - "AN ACT TO ADD A NEW § 101301 TO CHAPTER 10 OF TITLE 25, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ADOPTING THE RULES AND REGULATIONS ENTITLED, "GUAM BOARD OF ALLIED HEALTH EXAMINERS ADOPTION OF FINAL RULES" REGARDING CODES OF CONDUCT/ETHICS, ATTACHED HERETO AS EXHIBIT A"**.

This report includes the following:

- Copy of COR Referral of Bill 187-35 (COR)
- Notices of Public Hearing & Other Correspondence
- Copy of the Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimonies & Supporting Documents
- Committee Report Digest
- Copy of Bill 187-35 (COR)
- Copy of Bill 187-35 (COR) *As Amended by the Committee*
- Amended Mark-Up Version
- Copy of Fiscal Note Waiver from Bureau of Budget and Management Research
- Committee Vote Sheet

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os ma'åse'!

Senator Régine Biscoe Lee,
Chair

Senator Amanda L. Shelton,
Vice Chair

Speaker Tina Rose Muña Barnes,
Member

Vice Speaker Telena Cruz Nelson,
Member

Senator Kelly Marsh (Taitano), PhD,
Member

Senator Sabina Flores Perez,
Member



COMMITTEE ON RULES
I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÁHAN
35TH GUAM LEGISLATURE

August 29, 2019

Senator Clynton E. Ridge,
Member

Senator Joe S. San Agustir,
Member

Senator Jose "Pedro" Terlaje,
Member

Senator Therese M. Terlaje,
Member

Senator James C. Moylan,
Member

Senator Mary Camacho Torres,
Member and Chair, Subcommittee on Protocol

MEMO

To: Rennae Meno
Clerk of the Legislature

Attorney Julian Aguon
Legislative Legal Counsel

From: Senator Régine Biscoe Lee
Chair, Committee on Rules

Re: Referral of Bill No. 187-35 (COR)

Buenas yan Háfa adai.

As per my authority as Chair of the Committee on Rules and subject to §6.01(d), Rule VI of our Standing Rules, I am forwarding the referral of **Bill No. 187-35 (COR)**.

Please ensure that the subject bill is referred to the **Committee on Health, Tourism, Historic Preservation, Land and Justice, chaired by Senator Therese M. Terlaje**.

I also request that the same be forwarded to the prime sponsor of the subject bill.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this matter.

Respectfully,

Senator Régine Biscoe Lee
Chair, Committee on Rules



I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
187-35 (COR)	Therese M. Terlaje	AN ACT TO ADOPT THE RULES AND REGULATIONS ATTACHED HERETO AS EXHIBIT A, ENTITLED: "RULES AND REGULATIONS GOVERNING ADOPTION OF CODES OF PROFESSIONAL CONDUCT AND ETHICS BY THE GUAM BOARD OF ALLIED HEALTH EXAMINERS", SPECIFICALLY ADDING A NEW §101301 TO TITLE 25 OF THE GUAM ADMINISTRATIVE RULES AND REGULATIONS.	7/30/19 12:02 p.m.	8/29/19	Committee on Health, Tourism, Historic Preservation, Land, and Justice			Waiver: 8/7/19	

Senator Régine Biscoe Lee
Chairperson

Senator Amanda L. Shelton,
Vice Chairperson

Speaker Tina Rose Muña Barnes,
Member

Vice Speaker Telena Cruz Nelson,
Member

Senator Kelly Marsh (Taitano), PhD,
Member

Senator Sabina Flores Perez
Member



COMMITTEE ON RULES
I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
35TH GUAM LEGISLATURE

July 25, 2019

Senator Clynton E. Ridg
Memb

Senator Joe S. San Agust
Memb

Senator Jose "Pedro" Terla
Memb

Senator Therese M. Terla
Memb

Senator James C. Moyla
Memb

Senator Mary Camacho Torri
Member and Chair, Subcommittee on Protoc

MEMO

To: Rennae Meno
Clerk of the Legislature

Attorney Julian Aguon
Legislative Legal Counsel

From: Senator Amanda L. Shelton
Acting Chairperson, Committee on Rules

Re: Referral of Proposed Rules and Regulations by the Guam Board of Allied Health Examiners Governing the Adoption of Codes of Professional Conduct/ Ethics

Buenas yan Håfa adai.

As per my authority as Acting Chairperson of the Committee on Rules, I am forwarding the referral of the following document:

Doc. Description: Proposed Rules and Regulations by the Guam Board of Allied Health Examiners Governing the Adoption of Codes of Professional Conduct/ Ethics

Agency: Guam Board of Allied Health Examiners

The rules and regulations packet may be referenced on the Guam Legislature's website at <http://guamlegislature.com/index/messages-and-communications/>. Please refer to the following document:

"35GL-19-0726: Guam Board of Allied Health Examiners - Final Rules Adopting Ethics Codes, Attachments, and Audio of Public Hearing.*"

Please ensure that the subject document is referred to the **Committee on Health, Tourism, Historic Preservation, Land and Justice, chaired by Senator Therese M. Terlaje**. I also request that the same be forwarded to all the senators of *I Mina'trentai Singko na Liheslaturan Guåhan*.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this matter.

Respectfully,

Handwritten signature of Senator Amanda L. Shelton in black ink.

Senator Amanda L. Shelton

Acting Chairperson, Committee on Rules

I Añu'trentai singkeNa Likedataram Guåhan
RULES AND REGULATIONS

DOCUMENT NO. MESSAGES AND COMMUNICATIONS	DATE RECEIVED	DEPARTMENT/AGENCY	PROPOSED RULES AND REGULATIONS	CMTE REFERRED	DATE REFERRED	PUBLIC HEARING DATE	CMTE REPORT FILED	ACTIONS	NOTES
35GL-19-0726	7/12/19	Guam Board of Allied Health Examiners	Proposed Rules and Regulations by the Guam Board of Allied Health Examiners Governing the Adoption of Codes of Professional Conduct/Ethics	Committee on Health, Tourism, Historic Preservation, Land, and Justice	7/25/19				



Senator Therese Terlaje <senatorterlajeguam@gmail.com>

First Notice of Public Hearing- Thursday, September 19, 2019 beginning at 1:00 p.m.

1 message

Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Thu, Sep 12, 2019 at 10:28 AM

To: Speaker's Office <speaker@guamlegislature.org>, Vice Speaker Telen Cruz Nelson <senatorcnelson@guamlegislature.org>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, "Office of Senator Kelly Marsh (Taitano), PhD." <office.senatorkelly@guamlegislature.org>, Senator Regine Biscoe Lee <senatorbiscoelee@guamlegislature.org>, "Senator Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Senator Clynt Ridgell <sen.cridgell@teleguam.net>, Senator Jose Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, Senator Sabina Perez <office@senatorperez.org>, Senator Wil Castro <wilcastro671@gmail.com>, Senator Louise Borja Muna <senatorlouise@gmail.com>, Senator Telo Taitague <senatortelot@gmail.com>, Senator James Moylan <senatormoylan@guamlegislature.org>, "Senator Mary C. Torres" <senatormary@guamlegislature.org>

Cc: phnotice@guamlegislature.org

Bcc: lifestyleeditor@glimpsesofofguam.com, carlsonc@pstripes.osd.mil, dcrisost@guam.gannett.com, dmgeorge@guampdn.com, The Post Editor in Chief <editor@postguam.com>, editor@saipantribune.com, michael ko <gktv23@hotmail.com>, guam@pstripes.osd.mil, Jason Salas <jason@kuam.com>, John Oconor <john@postguam.com>, Jon Anderson <jontalk@gmail.com>, KISH <kstokish@gmail.com>, life@guampdn.com, mabuhaynews@yahoo.com, Guam PDN <news@guampdn.com>, Sorensen Pacific Broadcasting <news@spbguam.com>, Bruce Hill <pacificjournalist@gmail.com>, parroyo@k57.com, KPRG Guam <pdkprg@gmail.com>, Phill Leon Guerrero <phill@spbguam.com>, publisher@glimpsesofofguam.com, rlimtiaco@guampdn.com, Sabrina Salas <sabrina@kuam.com>, Steve Limtiaco <slimtiaco@guampdn.com>, Manny Cruz <cruzma812@gmail.com>, Jerick Sablan <jpsablan@guampdn.com>, K57 <news@k57.com>, KPRG <admin.kprg@gmail.com>, Maria Louella Losinio <louella.losinio@gmail.com>, Pacific Island Times <pacificislandtimes@gmail.com>, cherrie@mvariety.com, emmanuel@mvariety.com, junhan@mvariety.com, bryan@mvariety.com, businesseditor@glimpsesofofguam.com, Patti Rodriguez <parroyo@spbguam.com>, heugenio@guampdn.com, raygibsonshow@gmail.com, Mar-Vic Cagurangan <publisher@pacificislandtimes.com>, pattiontheradio@yahoo.com, Kelly Park <kcn.kelly@gmail.com>, akaur@gannett.com, Desk Editor <deskeditor@postguam.com>, Mamie Balajadia <mamiecb@yahoo.com>, AM David <amdavid@guam.net>, Roma.Basa@dphss.guam.gov, Myrna Leon Guerrero <Myrna.LeonGuerrero@dphss.guam.gov>, Arania Adolphson <aadolphson@amc.clinic>, vincent.duenas@takecareasia.com, Nathaniel Berg <nberg@guamradiology.com>, annie.bordallo@gmha.org, reylim@hotmail.com, kiarahmani@hotmail.com, philipf@bankpacific.com, mae.pangelinan@dphss.guam.gov, Myrna Leon Guerrero <myrna.leonguerrero@dphss.guam.gov>

September 12, 2019

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Therese M. Terlaje
Chairperson, Committee on Health, Tourism, Historic Preservation, Land and Justice

Subject: **FIRST NOTICE of Public Hearing – Thursday, September 19, 2019 at 1:00 PM**

Håfa Adai!

Please be advised that the Committee on Health, Tourism, Historic Preservation, Land and Justice will convene a public hearing on **Thursday, September 19, 2019 beginning at 1:00 PM** in *I Liheslaturan Guåhan's* Public Hearing Room (Guam Congress Building, Hagåtña).

AGENDA

1:00 p.m. **Bill 187-35 (COR)– T. M. Terlaje - AN ACT TO ADOPT THE RULES AND REGULATIONS ATTACHED HERETO AS EXHIBIT A, ENTITLED: "RULES AND REGULATIONS GOVERNING ADOPTION OF CODES OF PROFESSIONAL CONDUCT AND ETHICS BY THE GUAM BOARD OF ALLIED HEALTH EXAMINERS", SPECIFICALLY ADDING A NEW §101301 TO TITLE 25 OF THE GUAM ADMINISTRATIVE RULES AND REGULATIONS.**

2:00 p.m. **1st Informational Briefing on Guam's Medical Malpractice Mandatory Arbitration Act (10 GCA, Chapter 10)**: *Note: This hearing is the first of a three-part series*

- Overview of Current Law and Prior Case Outcomes
- Patient Perspectives

Upcoming Hearings on Guam's Medical Malpractice Mandatory Arbitration Act:

Thursday, October 3, 2019 at 2:00 p.m.- 2nd Informational Briefing on Guam's Medical Malpractice Mandatory Arbitration Act (10 GCA, Chapter 10): Input from Health Professionals on Effect of Current Law on Standard of Care (All health professionals and patients are invited to provide written testimony or attend hearing).

Thursday, November 7, 2019 at 2:00 p.m. – 3rd Informational Briefing on Guam's Medical Malpractice Mandatory Arbitration Act (10 GCA, Chapter 10): Options Overview: Recommendations for Improvement (All health professionals and patients are invited to provide written testimony or attend hearing).

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4 and stream online via I Liheslaturan Guåhan's live feed. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. If written testimonies are to be presented at the Public Hearing, the Committee requests that copies be submitted prior to the public hearing date and should be addressed to Senator Therese M. Terlaje. Testimonies may be submitted via hand delivery to the Office of Senator Therese M. Terlaje at Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam; to the mail room of the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam; or via email to senatorterlajeguam@gmail.com. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Therese M. Terlaje at (671) 472-3586 or by sending an email to senatorterlajeguam@gmail.com.

We look forward to your attendance and participation.

Si Yu'os Ma'åse'

--

Office of Senator Therese M. Terlaje

Committee on Health, Tourism, Historic Preservation, Land and Justice

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Mailing address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 989-3590 Email: senatorterlajeguam@gmail.com

website: www.senatorterlaje.com

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Senator
THERESE M. TERLAJE

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

September 12, 2019

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Therese M. Terlaje *TK*
Chairperson, Committee on Health, Tourism, Historic Preservation, Land and Justice

Subject: **FIRST NOTICE of Public Hearing – Thursday, September 19, 2019 at 1:00 PM**

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AGENDA

- 1:00 p.m. **Bill 187-35 (COR)– T. M. Terlaje** - AN ACT TO ADOPT THE RULES AND REGULATIONS ATTACHED HERETO AS EXHIBIT A, ENTITLED: "RULES AND REGULATIONS GOVERNING ADOPTION OF CODES OF PROFESSIONAL CONDUCT AND ETHICS BY THE GUAM BOARD OF ALLIED HEALTH EXAMINERS", SPECIFICALLY ADDING A NEW §101301 TO TITLE 25 OF THE GUAM ADMINISTRATIVE RULES AND REGULATIONS.
- 2:00 p.m. **1st Informational Briefing on Guam's Medical Malpractice Mandatory Arbitration Act (10 GCA, Chapter 10):** *Note: This hearing is the first of a three-part series*
- Overview of Current Law and Prior Case Outcomes
 - Patient Perspectives

We look forward to your attendance and participation. *Si Yu'os Ma'åse'*

Upcoming Hearings on Guam's Medical Malpractice Mandatory Arbitration Act:


Thursday, October 3, 2019 at 2:00 p.m.- 2nd Informational Briefing on Guam's Medical Malpractice Mandatory Arbitration Act (10 GCA, Chapter 10): Input from Health Professionals on Effect of Current Law on Standard of Care (All health professionals and patients are invited to provide written testimony or attend hearing).

Thursday, November 7, 2019 at 2:00 p.m. – 3rd Informational Briefing on Guam's Medical Malpractice Mandatory Arbitration Act (10 GCA, Chapter 10): Options Overview: Recommendations for Improvement (All health professionals and patients are invited to provide written testimony or attend hearing).


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18 YEARS: Members of the Guam Fire Department Northern Command are served complimentary meals at the Dededo branch of Jamaican Grill on Wednesday morning. For 18 years, Jamaican Grill has been serving free meals to emergency first responders to commemorate the bravery of their counterparts who responded in the aftermath of the 9/11 terror attacks in New York and Washington, D.C., in 2001.
Norman M. Taruc/The Guam Daily Post

which could cost \$6 still needs review at by the rate-setting G Utilities Commission. The meeting will noon today in the San in the Outrigger Guam (Daily



PORT OF GUAM
ATURIDAT I PUEYTON GUAHAN
Jose D. Leon Guerrero Commercial Port
1026 Cabras Highway, Suite 201, Piti, Guam 96925
Telephone: 671-477-5931/35 Facsimile: 671-477-2689/4445
Website: www.portguam.com




Lourdes A. Leon Guerrero
Governor of Guam
Joshua F. Tenorio
Lieutenant Governor

The Port Authority of Guam Board of Directors will hold its regular Board meeting on **Thursday, September 19, 2019 at 3:00 p.m.**, at the Board of Directors' Conference Room, Port Authority of Guam, Cabras Island, Piti. Individuals with disabilities who may need special accommodations may contact Mr. Simeon Delos Santos, ADA Coordinator at 477-5931-4, ext. 430.

NOTICE OF GUAM ACADEMY CHARTER SCHOOL COUNCIL

Date: WEDNESDAY, September 18, 2019
Time: 2:00 p.m.
Location: University of Guam School of Business, Public Administration Office of the Dean, Dean's Conference Room
For Special Accommodations and further information, Jesse Quenga at 735-2501.

Committee On Health, Tourism, Historic Preservation, Land and Justice



PUBLIC HEARING • 1:00 PM • Thursday, September 19, 2019
Guam Legislature Public Hearing Room, Guam Congress Building, Hagåtña

SENATOR THERESE M. TERLAIE
I Mina'trental Singko na Liheslaturan Guahan
35th Guam Legislature | 472-3586

AGENDA:

1:00p.m. Public Hearing: Bill 187-35 (COR)- An Act To Adopt the Rules And Regulations attached hereto as Exhibit A, Entitled: "Rules and Regulations Governing Adoption of Codes of Professional Conduct and Ethics by the Guam Board of Allied Health Examiners" Specifically Adding a New §101301 to Title 25 of the Guam Administrative Rules and Regulations.

2:00p.m. First of a Three Part Series of Informational Briefings on Guam's Medical Malpractice Mandatory Arbitration Act (Citation 10 GCA Chapter 10)

- Overview of Current Law and Prior Case Outcomes
- Patient Perspectives

Testimonies may be submitted to our office at Ada Plaza Center, Suite 207, 173 Asipol Avenue, Hagåtña, Guam 96910, to the Guam Congress Building, or via email at senator@terlaie.com. The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 11780.4 and stream online via I Liheslaturan Guahan's live feed at <http://www.guamlegislature.com/live-feed.htm>. This ad is paid for with government funds.

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Senator Therese Terlaje <senatorterlajeguam@gmail.com>

SECOND NOTICE OF PUBLIC HEARING- Thursday, September 19, 2019 beginning at 1:00 p.m.

1 message

Senator Therese Terlaje <senatorterlajeguam@gmail.com> Mon, Sep 16, 2019 at 1:04 PM
To: Speaker's Office <speaker@guamlegislature.org>, Senator Telena Cruz Nelson <senatortcnelson@guamlegislature.org>, "Amanda S. Shelton" <senatorshelton@guamlegislature.org>, "Office of Senator Kelly Marsh (Taitano), PhD." <office.senatorkelly@guamlegislature.org>, "Senator Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Senator Jose Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, Senator Regine Biscoe Lee <senatorbiscoelee@guamlegislature.org>, Clynt Ridgell <clyntridgell@guamlegislature.org>, Senator Sabina Perez <office@senatorperez.org>, Senator William Mendiola Castro <sen.wilcastro@gmail.com>, Senator Louise Borja Muna <senatorlouise@gmail.com>, Senator Telo Taitague <senatortelot@gmail.com>, James Moylan <senatormoylan@guamlegislature.org>, "Mary C. Torres" <senatormary@guamlegislature.org>
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September 15, 2019

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Therese M. Terlaje
Chairperson, Committee on Health, Tourism, Historic Preservation, Land and Justice

Subject: **SECOND NOTICE of Public Hearing**– Thursday, September 19, 2019 at 1:00 PM

Håfa Adai!

Please be advised that the Committee on Health, Tourism, Historic Preservation, Land and Justice will convene a public hearing on **Thursday, September 19, 2019 beginning at 1:00**

PM in *I Liheslaturan Guåhan's* Public Hearing Room (Guam Congress Building, Hagåtña).

AGENDA

1:00 p.m. **Bill 187-35 (COR)–T. M. Terlaje - AN ACT TO ADOPT THE RULES AND REGULATIONS ATTACHED HERETO AS EXHIBIT A, ENTITLED: "RULES AND REGULATIONS GOVERNING ADOPTION OF CODES OF PROFESSIONAL CONDUCT AND ETHICS BY THE GUAM BOARD OF ALLIED HEALTH EXAMINERS", SPECIFICALLY ADDING A NEW §101301 TO TITLE 25 OF THE GUAM ADMINISTRATIVE RULES AND REGULATIONS.**

2:00 p.m. **1st Informational Briefing on Guam's Medical Malpractice Mandatory Arbitration Act (10 GCA, Chapter 10):**

Note: This hearing is the first of a three-part series

- Overview of Current Law and Prior Case Outcomes
- Patient Perspectives

Upcoming Hearings on Guam's Medical Malpractice Mandatory Arbitration Act:

Thursday, October 3, 2019 at 5:00 p.m.- 2nd Informational Briefing on Guam's Medical Malpractice Mandatory Arbitration Act (10 GCA, Chapter 10): Input from Health Professionals on Effect of Current Law on Standard of Care (All health professionals and patients are invited to provide written testimony or attend hearing).

Thursday, November 7, 2019 at 2:00 p.m. – 3rd Informational Briefing on Guam's Medical Malpractice Mandatory Arbitration Act (10 GCA, Chapter 10): Options Overview: Recommendations for Improvement (All health professionals and patients are invited to provide written testimony or attend hearing).

We look forward to your attendance and participation. *Si Yu'os Ma'åse'*

*The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4 and stream online via **I Liheslaturan Guåhan's live feed**. A recording of the hearing will be available online via **Guam Legislature Media** on YouTube after the hearing. If written testimonies are to be presented at the Public Hearing, the Committee requests that copies be submitted prior to the public hearing date and should be addressed to Senator Therese M. Terlaje. Testimonies may be submitted via hand delivery to the Office of Senator Therese M. Terlaje at Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam; to the mail room of the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam; or via email to senatorterlajeguam@gmail.com. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Therese M. Terlaje at (671) 472-3586 or by sending an email to senatorterlajeguam@gmail.com.*

--

Office of Senator Therese M. Terlaje

Committee on Health, Tourism, Historic Preservation, Land and Justice

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910



Senator
THERESE M. TERLAJE

I Mina'trentai Singko na Libeslaturan Guåhan

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

September 15, 2019

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Therese M. Terlaje 
Chairperson, Committee on Health, Tourism, Historic Preservation, Land and Justice

Subject: **SECOND NOTICE of Public Hearing** – Thursday, September 19, 2019 at 1:00 PM

Håfa Adai!

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The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4 and stream online via [I Liheslaturan Guåhan's live feed](#). A recording of the hearing will be available online via [Guam Legislature Media](#) on YouTube after the hearing. If written testimonies are to be presented at the Public Hearing, the Committee requests that copies be submitted prior to the public hearing date and should be addressed to Senator Therese M. Terlaje. Testimonies may be submitted via hand delivery to the Office of Senator Therese M. Terlaje at Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam; to the mail room of the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam; or via email to senatorterlajeguam@gmail.com. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Therese M. Terlaje at (671) 472-3586 or by sending an email to senatorterlajeguam@gmail.com.

He added: "These horrendous shootings - in my opinion - deserve a response, I hope we can get something that can actually become the law of the United States of America."

Pelosi and Schumer said in a joint statement after the phone call with Trump: "This morning, we made it clear

president would endorse the legislation and lean on McConnell to pass it "to save as many lives as possible."

The White House described Trump's call with Pelosi and Schumer as "cordial," but said the president had not made any commitments on the House bill, known as H.R. 8.

control after mass shootings, including the December 2012 killings of 20 children and six staff members at Sandy Hook Elementary School in Newtown, Connecticut, have mostly failed in the face of fierce lobbying by the National Rifle Association and other gun groups.

Benjamin Netanyahu re-election on Tuesday people there will "make a decision" and "recognize his existence, his policies really is contradictory that we are all hoping for receives and receives."



The Honorable
Lourdes A. Leon Guerrero
Governor

The Honorable
Joshua F. Tenorio
Lt. Governor



PUBLIC NOTICE

The Board of Directors of the A.B. Won Pat International Airport Authority, Guam (GIAA) will convene its Regular Board Meeting on **Tuesday, September 24, 2019 at 3:00 p.m.**, in the Terminal Conference Room No.3. In addition to regular matters, pursuant to 5 G.C.A. §8111(c)(2), Executive Session will be held to discuss pending litigation to which GIAA is a party. Parking is available in the Public Parking Lot.

For special accommodations or agenda items, please call the Board Office at 642-4717/18.
(This ad paid for by GIAA)

Committee On Health,
Tourism, Historic Preservation,
Land and Justice



SENATOR THERESE M. TERLAJE

I Mina'trentai Singko na Liheslaturan Guahan
35th Guam Legislature | 472-3586

PUBLIC HEARING • 1:00 PM • Thursday, September 19, 2019
Guam Legislature Public Hearing Room, Guam Congress Building, Hagåtña

AGENDA:

1:00p.m. Public Hearing: Bill 187-35 (COR) - An Act To Adopt the Rules And Regulations attached hereto as Exhibit A, Entitled: "Rules and Regulations Governing Adoption of Codes of Professional Conduct and Ethics by the Guam Board of Allied Health Examiners" Specifically Adding a New §101301 to Title 25 of the Guam Administrative Rules and Regulations.

2:00p.m. First of a Three Part Series of Informational Briefings on Guam's Medical Malpractice Mandatory Arbitration Act (Citation 10 GCA Chapter 10).

- Overview of Current Law and Prior Case Outcomes
- Patient Perspectives

Testimonies may be submitted to our office at Ada Plaza Center, Suite 207, 173 Aspinwall Avenue, Hagåtña, Guam 96910, to the Guam Congress Building, or via email at senatorterelajegum@gmail.com. The hearing will broadcast on local television, GFA Channel 21, Docomo Channel 117/804 and stream online via Liheslaturan Guahan's live feed at http://www.guamlegislature.com/live_feed.htm. This ad is paid for with government funds.

CHamoru Land Trust Commission

(Kumision Inangokkon Tano' CHamoru)

CHamoru Land Trust Commission Regular Meeting
Thursday, September 19, 2019 at 1:00 p.m.

Public Comments will be held at 4:30 p.m.
Land Management Conference Room 3rd Floor, 11
590 S. Marine Corps Drive, Tamuning.

For a copy of the agenda you may email your request to [tina.jocson](mailto:tina.jocson@chamoru.gov.gu)
In compliance with ADA requirements, individuals requiring special auxiliary aids or services, may call 649-5263 Ext. 400. This ad is paid



Dipartamenton Kontribusyon yan Adu' ana

DEPARTMENT OF

REVENUE AND TAXATION

Government of Guam

Gubetnamenton Guahan

LOURDES A. LEON
JOSHUA F. TENORIO, I

DAFNE
MICHÉ

PUBLIC NOTICE

The Real Estate Commission will hold a meeting
September 24, 2019 at 2:00 p.m. at the Department of
Taxation Building, Director's Conference Room, at 1240
Barrigada. For further information, please contact the o
635-7669/7668/1844

DAFNE MANSAPIT - SHIMIZU

Real Estate Commissioner

I Mina'trentai Singko Na Liheslaturan Guåhan

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Updated as of 8/6/19



Senator
THERESE M. TERLAJE

I Mina'trentai Singko na Libeslaturan Guåhan

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

Thursday, September 19, 2019

AGENDA

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- Overview of Current Law and Prior Case Outcomes
- Patient Perspectives



I Mina'trentai Singko na Liheslaturan Guåhan
Office of Senator Therese M. Terlaje

Committee on Health, Tourism, Historic Preservation, Land and Justice

Date: Thursday, September 19, 2019

Time: 1:00 PM

Bill No. 187-35 (COR) - Therese M. Terlaje- AN ACT TO ADOPT THE RULES AND REGULATIONS ATTACHED HERETO AS EXHIBIT A, ENTITLED: "RULES AND REGULATIONS GOVERNING ADOPTION OF CODES OF PROFESSIONAL CONDUCT AND ETHICS BY THE GUAM BOARD OF ALLIED HEALTH EXAMINERS", SPECIFICALLY ADDING A NEW §101301 TO TITLE 25 OF THE GUAM ADMINISTRATIVE RULES AND REGULATIONS.

	NAME	ADDRESS	CONTACT NO.	E-MAIL	Type of Testimony		Support	
					WRITTEN	ORAL	Yes	No
1	Siby / Prizostom	770 Canada Toto Rd	4777773	catsmeow@teleguam.net			✓	
2	Greg Miller DL						✓	
3	Paul Pomes		929-4840	paul@pomes.org			✓	
4	ROB WEIMBERLY	ATTORNEY GENERAL'S OFFICE	687-7770	rweimberly@guam.gov			✓	
5	Bob Hildreth	Yigo	682-8890	office@dva.gov.guam.com			✓	
6	Catherine C. San Nicolas	106 Dangkol Ct. Dededo	486-0111	non.tone@hotmail.com			✓	
7	Vincent P. Pereda	De la la Guan	687-8415	vpereda47@guam.net			✓	
8	Mamie Balajadia	GBAHE			✓	✓	✓	
9								
10								



I Mina'trentai Singko na Liheslaturan Guåhan
Office of Senator Therese M. Terlaje

Committee on Health, Tourism, Historic Preservation, Land and Justice

Date: Thursday, September 19, 2019

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Bill No. 187-35 (COR) - Therese M. Terlaje- AN ACT TO ADOPT THE RULES AND REGULATIONS ATTACHED HERETO AS EXHIBIT A, ENTITLED: "RULES AND REGULATIONS GOVERNING ADOPTION OF CODES OF PROFESSIONAL CONDUCT AND ETHICS BY THE GUAM BOARD OF ALLIED HEALTH EXAMINERS", SPECIFICALLY ADDING A NEW §101301 TO TITLE 25 OF THE GUAM ADMINISTRATIVE RULES AND REGULATIONS.

	NAME	ADDRESS	CONTACT NO.	E-MAIL	Type of Testimony		Support	
					WRITTEN	ORAL	Yes	No
1	Thomas Pool	163 Dairy Road Maugilao	300-7966	guamvet@gmail.com			X	
2	Vanessa Osaro	154A Rt 8. Panigada Gn Agaña	734-4341	dashiro@gmail.com			X	
3	Peachy Piana	128 Guam Radiology consultants Tamuning, GU	649-1001	ppiana@guamradiology.com				
4								
5								
6								
7								
8								
9								
10								



Guam Board of Allied Health Examiners

Mailing Address: 123 Chalan Kareta • Mangilao, Guam 96913

Physical Location: Rm 209 Terlaje Professional Bldg.

194 Hernan Cortez Avenue, Hagåtña

• Telephone: (671) 735-7405•

September 19, 2019

The Honorable Therese M. Terlaje
Chairperson, Committee on Health, Tourism,
Historic Preservation, Land and Justice
35th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

RE: Bill 187-35 ~ Proposed Rules and Regulations by the Guam Board of Allied Health Examiners
Governing the Adoption of Codes of Professional Conduct and Ethics.

Dear Senator Terlaje and Members of the Committee on Health:

I am Mamie Balajadia, the current Chair of the Guam Board of Allied Health Examiners (GBAHE). It is a privilege to appear before you and this distinguished Committee to testify in favor of Bill 187-35.

This Board was established under the Guam Allied Health Practice Act (Public Law 24-329) now 10 Guam Code Annotated, Chapter 12, Division 1, Part 1, Articles 8-21. There are sixteen (16) professions this Board is currently regulating. These professions are: (1) Occupational Therapy represented by Ms. Alesia Ogo. (2) Acupuncture represented by Dr. Richard Chong. (3) Audiology represented by Dr. Dennis Triolo. (4) Chiropractic Medicine represented by Dr. Gregory Miller. (5) Clinical Psychology represented by Dr. Mamie Balajadia. (6) Licensed Professional Counseling represented by Mr. Vincent Pereda. (7) Licensed Mental Health Counseling and (8) Marriage & Family Therapy represented by Ms. Nadine Cepeda. (9) Physical Therapy represented by Dr. Ryan Claros. (10) Physician Assistants represented by Mr. Ray Tajalle. (11) Podiatry representation is currently vacant. (12) Speech-Language Pathology represented by Ms. Sibyl Crisostomo. (13) Veterinary Medicine is currently vacant as well. (14) Respiratory Therapy represented by Mr. Greg Cruz. (15) Nutrition & Dietetics represented by Catherine San Nicolas. (16) Nursing Home Administrators is also vacant.

Please allow me to provide some background information. It had been the practice of this Board to use Initial Application and Renewal Forms to remind Applicants and Licensees that they are bound by his/her National Associations' Codes of Conduct and Ethical guidelines. Now, under the advisement of our legal counsel, Assistant Attorney General Robert Weinberg, the Board has adopted specific enforceable codes of professional conduct and ethics which we have forwarded to you for legislative action.

We are pleased with our accomplishment; and we are happy to inform the Legislature that we continue to work diligently to update all of the rules and regulations governing the practice of Allied Health professions that this Board oversees. The GBAHE urges your support and the distinguished body of the 35th Guam Legislature's favorable passage of Bill 187-35.

Dangkulu na si Yu'us ma'ase'.

Senseramente,

MAMIE C. BALAJADIA, Ed.D.,
Chair, GBAHE

RE: Seeking clarification on Guam Board of Allied Health Examiners- Codes of Professional Conduct / Ethics

1 message

Rob Weinberg <rweinberg@guamag.org>
To: "senatorterlajeguam@gmail.com" <senatorterlajeguam@gmail.com>
Cc: Mamie Balajadia <mamiecb@yahoo.com>

Tue, Sep 17, 2019 at 7:52 PM

Dear Ms. Charfauros:

If I may answer your questions, I have been counsel to the GBAHE for quite some time and am about as familiar with the answers as anyone might be.

(1) The reason for the numbering as we have it, is that we have something much larger in scope in mind, and our numbering is based on where we think these rule will wind up. Attached is the title page, table of contents, and first two pages of DRAFT rules the GBAHE rules subcommittee has been working on in recent months. Also attached is the 1989 GBAHE Administrative Rules which I believe are still effective to some degree. I don't know why they've never been placed in Title 25 of the Administrative Code. But they're out there.

We are cognizant of the fact that the Compiler is authorized by law to number and re-number code provisions and administrative rules as she deems appropriate. **See, generally**, 1 GCA § 1606. We are hopeful that the Compiler will use the numbering proposed here in anticipation of rules to come.

(2) The GARs on the Compiler's website at 25 GAR Ch. 10 § 10101, **et seq.** are in fact devoted to Physicians Assistants alone, and don't involve any other profession regulated by GBAHE. We don't really know what the history of that chapter is, when it was promulgated or became effective. Unfortunately, there are no historical records of these rules at the Health Professions Licensing Office that anyone can find. I doubt the Legislative Secretary's Office has records either. The 1989 rules that I have attached I found through a lot of detective work. I'm positive they were properly promulgated under the Administrative Adjudication Law in effect at that time.

Along this line, if you look on the Compiler's website at 25 GAR Ch. 5, you'll see it contains rules for the practice of acupuncture at a time when the acupuncture profession apparently it had its own separate board. When and how acupuncture became one of the professions regulated by GBAHE is anyone guess, as historical records appear to have been lost to time and typhoon. So, there are two sets of (very old) rules for the GBAHE professions in the published GARs and one set from 1989 that have never made it into the GARs.

As a related aside, there are changes in the law being contemplated by both the GBAHE and the Guam Board of Medical Examiners (GBME). Both boards have recently agreed informally that physicians assistants and podiatrists should be moved from the GBAHE to the GBME. That, of course, will require legislation. As counsel to both boards, I'll be happy to work with your office if you'd like to take the lead on that.

The larger plan, ultimately, is to "repeal and reenact" the entirety of GBAHE's rules and regulations along the lines of the table of contents in the the draft that I've attached. That is a very big work in progress.

I plan to be available at the committee hearing Thursday. Please don't hesitate to call on me if I can answer any other questions before then.

~Rob

Robert M. Weinberg
Assistant Attorney General
Office of the Attorney General
590 S. Marine Corps Drive
Suite 706, ITC Building
Tamuning, Guam 96913
(671) 475-3324 ext. 3095
(671) 687-7720 (cell)

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From: Mamie Balajadia [mamiecb@yahoo.com]

Sent: Tuesday, September 17, 2019 6:49 PM

To: Rob Weinberg

Subject: Fwd: Seeking clarification on Guam Board of Allied Health Examiners- Codes of Professional Conduct / Ethics

Sent from my iPhone

Begin forwarded message:

From: Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Date: September 17, 2019 at 3:33:03 PM GMT+10

To: Mamie Balajadia <mamiecb@yahoo.com>

Subject: Seeking clarification on Guam Board of Allied Health Examiners- Codes of Professional Conduct / Ethics

Hafa Adai, Ms. Balajadia

We have been asked a few questions regarding Bill 187-35(COR), relative to the adoption of the Codes of Professional Conduct/ Ethics. If possible, we would like some clarification.

1.) Title 25, Chapter 10 ends at "Section 10110. Denial Suspension, or Revocation of License". However, in the documents submitted, both in the original and the amended version, the Board has listed that these Code of Ethics shall be under Section 101301. Could this be an error or is there are a reason as to why it would be Section 101301?

2.) The last Section of Chapter 10, Section 10110. Denial Suspension, or Revocation of License, only refers to physician assistants. Is there a reason physicians are not included?

We look forward to your response.

Thank you,
Natasha Charfauros
Policy Analyst

--

Office of Senator Therese M. Terlaje

Committee on Health, Tourism, Historic Preservation, Land and Justice

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Mailing address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 989-3590 Email: senatorterlajeguam@gmail.com

website: www.senatorterlaje.com

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2 attachments



2019-07-01 - GBAHE DRAFT Rules (extract).pdf

102K



GBAHE RULES (1989)(Scanned from Xerox).pdf

1728K

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR



JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

HAND DELIVERED

May 28, 2019

MAMIE C. BALAJADIA, ED. D.
Chairperson
Guam Board of Allied Health Examiners
123 Chalan Kareta
Mangilao, Guam 96913

Re: Proposed Rules and Regulations Governing Adoption of Codes of Professional Conduct and Ethics by the Guam Board of Allied Health Examiners (CF#19-2675)

Dear Madam Chair:

Thank you for submitting the proposed Rules and Regulations Governing the Adoption of Codes of Professional Conduct/Ethics by the Guam Board of Allied Health Examiners, dated May 3, 2019. In reviewing the documents, I was pleased to see the attention and detail that was afforded in their preparation. These rules and regulations, in their adoption of nationally recognized codes of professional conduct, play a significant role in ensuring that our healthcare providers are held to the highest ethical standards.

I encourage you to continue the good work ensuring the safety and welfare of our people and island.

Now, therefore, I, **Lourdes A. Leon Guerrero**, *I Maga'hågan Guåhan*, pursuant to Title 5, Chapter 9, Article 3, am approving these rules and regulations as to policy.

Senseremente,

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

Enclosure: Rules and Regs dated May 3, 2019 with attachments.

cc: Lt. Governor of Guam (via email)

EXHIBIT F



Guam Board of Allied Health Examiners

Mailing Address: 123 Chalan Kareta • Mangilao, Guam 96913
Physical Location: Rm 209 Terlaje Professional Bldg.
194 Hernan Cortez Avenue, Hagåtña
• Telephone: (671) 735-7405 •

35GL-19-0726
Speaker Tina Rose Muña Barnes

MEMORANDUM

DATE: July 5, 2019

TO: Honorable Tina Muña Barnes
Speaker, *Mina'trentai Singko Na Liheslaturan Guåhan*
35th Guam Legislature

FROM: Chair, Guam Board of Allied Health Examiners

RE: This is a Transmittal to I Liheslaturan Guåhan of Proposed Rules and Regulations Pursuant to the Administrative Adjudication Law – Proposed Rules and Regulations by the Guam Board of Allied Health Examiners Governing the Adoption of Codes of Professional Conduct / Ethics

JUL 09 2019
Time 12:29 () AM (X) PM
Received By: met

Dear Madam Speaker:

As required by 5 GCA § 9303(a)(4) of the Administrative Adjudication Law (“AAL”), attached please find a printed and an identical electronic (pdf) version of the proposed Rules and Regulations Governing the Adoption of Codes of Professional Conduct/Ethics that were approved by the Guam Board of Allied Health (“Board”) at its regular meeting held on October 5, 2018, together with the written approval of the Attorney General dated May 14, 2019 as to constitutionality, compliance with the AAL, and compliance with the Board’s statutory authority for the promulgation of the rules, and the written approval of *I Maga'hågan Guåhan* as to policy dated May 28, 2019.

2019 JUL -9 PM 1:23

Authority to Promulgate Rules

The Board is authorized to promulgate these rules and regulations by 10 GCA § 12803(c)(1) (“The Guam Board of Allied Health Examiners... shall have the following powers and responsibilities: (1) promulgate rules and regulations...”); 10 GCA § 12811(y) (“The following includes, but is not limited to, acts of unprofessional conduct which shall result in disciplinary action: ... any other acts, as determined by the Board, to be unprofessional conduct.”); and 10 GCA § 12825(a) (“The Board shall be authorized to adopt and enforce rules and regulations to carry into effect the provisions of the Allied Health Practice Act and to fulfill its duties under this Act.”).

Compliance with the Administrative Adjudication Law

Pursuant to 5 GCA § 9301 of the Administrative Adjudication Law (“AAL”), the Board held a public hearing on October 5, 2018 commencing at 10:00 a.m. at the Health Professions Licensing Office (HPLO) in the Terlaje Building in Hagåtña, Guam on the subject of Proposed Rules and Regulations Governing the Adoption of Codes of Professional Conduct / Ethics. As required by 5 GCA § 9301(a), notice of the public hearing was properly advertised in a newspaper of general

0726

<http://dphss.guam.gov/guam-board-of-allied-health-examiners/>
• Telephone: (671) 735-7404-10 • Fax: (671) 735-7413

July 5, 2019

~Page 2

Regulations Governing the Adoption of Codes of Professional Conduct / Ethics. As required by 5 GCA § 9301(a), notice of the public hearing was properly advertised in a newspaper of general circulation at least 10 days prior to the date of the hearing by publication in the *Guam Daily Post* on September 21, 2018. *See*, attached Exhibit A. A minimum of five copies of the draft rules were made available for public examination at the HPLO, and also on the Board's web page at <http://dphss.guam.gov/content/guam-board-allied-health-examiners>, from the date of publication of said notice continuously until the hearing.

Economic Impact Statement / Preliminary Cost Impact Assessment

No economic impact statement is required because the impact is less than \$500,000 as determined by a preliminary cost impact assessment which was made available to the public in advance of the public hearing. *See*, 5 GCA § 9301(i) (“Exemptions. Any proposed rule, change of rule, regulation or request to impose or raise fees or rates *shall* be exempted from the economic impact statement requirements of ... this Section if the annual economic impact to the general public is Five Hundred Thousand Dollars (\$500,000) or less, as determined by a preliminary cost impact assessment performed by the ... agency... proposing the rule, change of rule, regulation or request to impose or raise fees.”). A copy of the preliminary cost impact assessment, made available for examination at the HPLO and on the GBAHE web page in advance of the hearing, is attached as Exhibit B.

Public Comments

No written comments were received by the Board. Only one individual, Mr. Wayne Butler, testified orally who raised a concern regarding the wording of the language adopting codes of professional conduct which he viewed as possibly ambiguous. In particular, Mr. Butler expressed concern with the language in the proposed rules which reads, “In the event of a conflict between the [specific] Code of Ethics [being adopted] and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.” Mr. Butler perceived this statement to be ambiguous. His concern was fully considered by the Board, and it was determined that the quoted part of the draft rule merely reflects the legal truism that it is the Board and ultimately the Legislature that have the final say in determining what the ethical standards of any given profession are. A true and correct transcript of the public hearing held on October 5, 2018 transcribed by Marie L. Cruz, Paralegal II, Attorney General's Office, Solicitor Division, and edited by Robert M. Weinberg, Asst. Attorney General, is attached as Exhibit C.

Final Board Approval/Attorneys General's Approval as to Constitutionality and Legality/ Governor's Approval as to Policy

A true and correct copy of the amended Board Meeting minutes of the Board's regular board meeting held on October 5, 2018 following the public hearing approving the rules and regulations is attached as Exhibit D. True and correct copies of the Attorney General's May 14, 2019 approval of the rules as to constitutionality, compliance with the AAL, and compliance with the Board's statutory authority to promulgate rules is attached as Exhibit E; and *I Maga'hågan Guåhan's* May 28, 2019 approval of the draft rules as to policy is attached as Exhibit F.

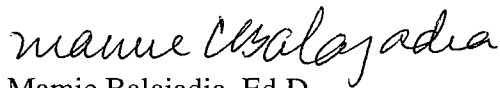
RE: Transmittal to *I Liheslaturan Guåhan* of Proposed Rules and Regulations Governing
the Adoption of Codes of Professional Conduct / Ethics for Professions Licensed by
The Guam Board of Allied Health Examiners

July 5, 2019

~Page 3

For further information, please free to contact me care of the Board Offices at the Health Professional Licensing Office, or our legal counsel, Assistant Attorney General Robert M. Weinberg care of the Office of the Attorney General. On behalf of the Board, I am

Sincerely,



Mamie Balajadia, Ed.D.

Chair, Guam Board of Allied Health Examiners

Attachments:

- Final Rules Governing the Adoption of Codes of Professional Conduct / Ethics
- Exhibit A – Proof of Publication of Notice of Public Hearing
- Exhibit B – Preliminary Cost Impact Assessment
- Exhibit C – Transcript of Public Hearing Held on October 5, 2018
- Exhibit D – Amended Board Meeting Minutes of Oct. 5, 2018 Approving Adoption of the Rules
- Exhibit E – Written approval of the Attorney General as to constitutionality, compliance with the AAL, and compliance with the statutory authority for the promulgation of the rules dated May 14, 2019
- Exhibit F – Written approval of *I Maga'hågan Guåhan* as to policy dated May 28, 2019

cc: Compiler of Laws

REFUNDS continued from page 1

governor's office, a second batch of tax refunds will be processed and sent out soon after this first batch has been issued. The amount to be paid in the second batch was not stated.

"This is a continuation of my administration's commitment to smart fiscal management," Calvo said. "We have always prioritized refunds owed to the people of Guam."

It's not clear how much of the \$77 million in Section 30 funding will be

devoted to paying tax refunds.

Debt service obligations

The administration has repeatedly stated its first obligation is to pay the annual installment payment on debts owed to those who have invested in Guam bonds.

Edward Birn, the director of the Department of Administration, told The Guam Daily Post on Thursday that the debt service obligation this month is \$19.8 million.

That would leave \$57.2 million for other obligations, including tax refunds.

However, Birn could not say whether all of that \$57.2 million would be used for refunds. The allocation is up to the governor.

In recent years, between \$125 million and \$140 million in tax refunds has been paid out annually.

Until Thursday, roughly \$76 million in refund checks had been issued this year. The additional \$35 million being mailed out Monday will raise that total to \$111 million.

The administration is under court order to pay all tax refunds owed to island taxpayers by Oct. 15.

3 hurt in house fire

Guam Fire Department units responded at about 6 p.m. Thursday to a fire along Maria Perez Street in Santa Rita.

Three people sustained burns in the fire, which occurred in a wood-and-tin extension to a concrete structure.

The three were transported to Guam Memorial Hospital for their injuries.

The cause of the fire is under investigation.

(Daily Post Staff)

CLTC continued from page 1

sial properties in Barrigada Heights, some of which benefited certain Department of Land Management managers' relatives, and which initiated scrutiny into CLTC practices.

In early September, the commission voted to send the voidable leases and 102 voided leases to the Legislature for consideration toward ratification.

Thursday meeting

However, during the commission's meeting Thursday, Chairwoman Pika Fejeran said she believes the commission could ratify — based on her discussions with lawyers and a former chairperson.

While the commission ratified the voidable leases, the commission maintained it didn't have the authority to ratify the void leases.

The ratification of void leases can only be addressed through legislative intervention, so that portion of the commission's original decision still stands.

Attorney General Elizabeth Barrett-Anderson has said CLTC leases are voidable if they are not approved by the commission. These leases may be ratified by the CLTC, but leases that were obtained by transferring or "switching" leases involving applications for individuals who are still alive are considered null and void.

The commission can do nothing about void leases, except to seek legislative action.

Staff at CLTC and its umbrella agency, the Department of Land Management, spent several months compiling a list of voidable and void leases. The voidable leases that were identified include applicants from 1995 and onward, as well as leases that were transferred legally. Under Guam law, leases can be transferred after an applicant's death or if seven years had passed since a lease was issued to that applicant.

The reason behind the earlier decision to forward the matter to the Legislature revolved around legal technicalities and the priority of applicants.

The law prioritizes residential leases first to applicants without land. Applicants who have 1 acre of land or less are the next priority, and applicants who have an acre or more of land should be last on the waiting list.

Throughout the program, individuals of lower priority were issued leases ahead of higher-priority applicants.

Earlier this month, Fejeran said the Legislature needs to specify how the priority listing can apply, now that the commission is addressing faults in its leases more than two decades after the first individuals applied for the program.

Implemented law 'too strictly'

But on Thursday, Fejeran said she believed the commission interpreted the law too strictly and it wasn't practical to believe all Priority 1 applicants could have been served ahead of those with lower priority.

To this day, there are Priority 1 applicants applying while lower priority applicants still haven't been addressed, she said.

Ratifying all voidable leases without some legislative recourse drew concern from both CLTC legal counsel Nicolas Toft and DLM Director Michael Borja.

The law is clear in requiring that Priority 1 applicants be addressed first, they said.

Ratifying all voidable leases, including those given to lower-priority lessees, might open the commission to lawsuits, Toft and Borja said.

The commission ultimately decided on a compromise, ratifying the leases themselves while still asking the Legislature to acknowledge the ratification, which could be done in the form of a law or resolution solidifying the legal status of the ratified leases.

If the Legislature does not acknowledge the ratification, Toft said the CLTC still made its decision and will defend it as best it can in case of litigation.

BLAS continued from page 1

governor at this time.

"I told them this is a party decision," Blas said. "If the party wants me to run for governor, the party has got to initiate the discussion."

He acknowledged that he was asked about his interest in running for governor in the wake of the July gun-grabbing incident involving Lt. Gov. Ray Tenorio, who is the Republican nominee for governor.

Blas said that the lieutenant governor's legal troubles will make it "that much tougher" for the party to hold on to Adelup. But he also noted the slim chance any candidate would have in trying to enter the race as a write-in at this late stage, only 46 days before the general election.

"I'm a Republican, but I also want to do what's best for the people of Guam," he said.

Party Chairman Jerry Crisostomo told The Guam Daily Post on Tuesday, "The party stands firmly and strongly behind the lieutenant governor as our party's nominee for governor." He said the party will not entertain or recognize any new team or a write-in team.

Tenorio has vowed to continue his bid for governor.



Joseph T. Duenas
CCU Chairman

GUAM POWER AUTHORITY

ATURIDÁT ILEKTRESEDÁT GUÅHAN
P.O. BOX 2977 • AGANA, GUAM U.S.A. 96932-2977

Telephone Nos. (671) 648-3054/55 or Facsimile (671) 648-3165



John M. Benavente, P.E.
General Manager

INVITATION FOR BID

This notice is paid for by the GUAM POWER AUTHORITY REVENUE, O&M & CIP FUNDS
Public Law 26-12

BID NO.:	PRE-BID DATE:	TIME:	DUE DATE:	TIME:	DESCRIPTION:
RE-BID GPA-101-18	-	-	10/04/2018	2:00 P.M.	Point of Sale (POS) Register Hardware and Installation Services
GPA-102-18	-	-	10/04/2018	2:30 P.M.	Voice and Data Services
(MULTI-STEP) GPA-118-18	10/04/2018	9:00 A.M.	11/27/2018	4:00 P.M.	Supply of Reprocessed Guam Power Authority Waste Oil Meeting GPA's Specifications for Reprocessed Waste Oil

Bid packages may be picked up at the GPWA Procurement Office, 1st Floor, Gloria B. Nelson Public Services Building, 688 Route 15, Mangilao, Guam 96913. All interested firms should register with GPA's Procurement Division to be able to participate in the bid. Please call our office at 1 (671) 648-3054 / 3055 to register. Registration is required to ensure that all "Amendments and Special Reminders" are communicated to all bidders throughout the bid process. Procurement instructions are posted on the Authority's website at http://guampowerauthority.com/gpa_authority/procurement/gpa_current_rfospb.

EXHIBIT A

NOTICE OF PUBLIC HEARING ON PROPOSED ADMINISTRATIVE RULES AND PROPOSED FEE SCHEDULE

The Guam Board of Allied Health Examiners (GBAHE) will conduct a public hearing to consider Proposed Administrative Rules Governing the Adoption of Codes of Professional Conduct / Ethics and to consider amendments to the current fee schedule on Friday, October 5, 2018 at 10:00 a.m., at the Health Professions Licensure Office (HPLO), 2nd Floor Conference Room, Terfaje Building, Hagåtña, Guam. The public is invited to attend. Copies of the proposed rules and fee schedule are available for inspection at the HPLO in the Terfaje Building, Hagåtña, Guam. The GBAHE will vote on adoption of the rules and fee schedule at its regularly scheduled Board meeting immediately following the public hearing. For more information call Heather Narcis, GBEP Secretary at (671) 735-7405 through 12. For special accommodations call (671) 735-7172, or (671) 649-1801 for the hearing or speech impaired.



Guam Board of Allied Health Examiners

Department of Public Health & Social Services
123 Chalan Kareta, Mangilao, Guam 96913

PRELIMINARY COST IMPACT ASSESSMENT (ECONOMIC IMPACT STATEMENT)

Title 5 GCA § 9301(i) of Guam's Administrative Adjudication Law provides the following exemptions to the requirement that an economic impact statement accompany proposed rules, changes of rules, regulations or requests to impose or raise fees or rates:

Exemptions. Any proposed rule, change of rule, regulation or request to impose or raise fees or rates shall be exempted from the economic impact statement requirements of Subsection (d), (e), (f), (g), and (h) of this Section if the annual economic impact to the general public is Five Hundred Thousand Dollars (\$500,000) or less, as determined by a preliminary cost impact assessment performed by the Bureau of Budget and Management Research, or the department, agency, autonomous agency, office or instrumentality proposing the rule, change of rule, regulation or request to impose or raise fees. The preliminary cost impact assessment must be completed and made available to the public prior to any required hearings on the proposed rules or regulations, and must be transmitted to *Liheslatura* (the Legislature) as part of the agency record.

The Guam Board of Allied Health Examiners in consultation with the Office of Attorney General has conducted a preliminary cost impact assessment of the proposed rules and amended fee schedule to be adopted and has made the following determination:

1. The proposed rules adopting Professional Codes of Conduct / Ethics has been determined to have no economic impact whatsoever.
2. The proposed fee schedule will have an economic impact to the general public of less than \$500,000.

Accordingly, no economic impact statement is required.

EXHIBIT B

BEFORE THE GUAM BOARD OF ALLIED HEALTH EXAMINERS

TRANSCRIPT OF PUBLIC HEARING

ON

PROPOSED AMENDMENTS TO ADMINISTRATIVE RULES & REGULATIONS

GOVERNING THE ADOPTION OF CODES OF ETHICS

AND

ADOPTION OF AMENDED FEE SCHEDULE

OCTOBER 5, 2018 - 10:00 a.m. - 11:10 a.m.

(Transcribed by Marie L. Cruz, Paralegal II, Attorney General's Office, Solicitor Division)

(Edited by Robert M. Weinberg, Asst. Attorney General)

(Audio Recording Time - 0:40 - 52:03)

In attendance: Guam Board of Allied Health Examiners Board Members Mamie Balajadia (Chair); Greg Miller; Sibyl Crisostomo; Alicia Ogo; Vince Pereda; Cathy San Nicolas; and Greg Cruz. Health Professions Licensing Office Staff Member, Mae Pangelinan; Legal Counsel, Assistant Attorney General Rob Weinberg.

1 **Mamie Balajadia** – I'm calling the Public Hearing to order right now, today is October 5th, 2018, this is
2 a public hearing for the public to comment on Guam Board of Allied Health Examiners proposed Code for
3 Professional Conduct Ethics as well as the proposed fee schedule. Present, are board members, we have
4 a quorum, Sibyl Crisostomo, Alicia Ogo, Vince Pereda, Dr. [Greg] Miller, Cathy San Nicolas, and Greg Cruz,
5 and myself, Mamie Balajadia. Present also, are [HPLO] staff member, Mae Pangelinan, and our legal
6 counsel, Assistant Attorney General Rob Weinberg.

7 This Public Hearing was published on September 27th [2018] as required by law, ten days prior to this
8 Public Hearing, at the – in the, the *Guam Post*, the *Post*.

9 Present, we have Mr. [Wayne] Butler, who signed in that he would like to make comments, and testify on
10 the subject matter. Wayne Butler, would you come in? Thank you.

11 **Wayne Butler** – So, I get two hours, I take it.

12 **Mamie Balajadia** – I think we need a set of rules, that um, I forgot to say, that, since we don't have others
13 that would like, you can speak, longer than five minutes allotment usually –

14 **Wayne Butler** – *(faded)* – I probably won't be more than five minutes. I appreciate that.

15 **Mamie Balajadia** – Sure, but, but, you know, but not for two hours, Thank you. *(Chuckle)*

16 **Wayne Butler** – *(Laugh)* Good, thank you. Good Morning. Thank you for the opportunity, Madam Chair,
17 and Board Members, most of, let's see, with regard to the ethical rules...mostly this looks really good, you
18 guys did a lot, a lot of hard work on this, and, and umm, the fee schedule, and I appreciate that. Just, just

1 one concern that I have is the language at, at the bottom, I think it's at every one, um, and, where, where
2 it talks about any statute, um, let's see, where it talks about any statute enacted by the Guam Legislature,
3 or any rule promulgated by this board, aah, or more recent in time, uuh, statute or rule shall be control,
4 what that says to me is, is that the uum Guam Legislature or the board as well as umm my profession can
5 set ethical rules? And that if my profession's ethical rules are in conflict with the Legislature or the board,
6 that the, that it could be that the Legislature or the board rule, would rule? Um, I'd really prefer it for
7 ethical purposes just that the ethical rules from my profession are what rule in there, and that, and that,
8 anything that the Guam Legislature or the board does may be rules but shouldn't be ethical rules? If that
9 makes sense? *(Pause)* But that, that's my only concern. Other than that, it looks really good to me.

10 **Mamie Balajadia** – Yeah, well this is all taken from your professions' ethic, code of ethics. So, the reason
11 why there has to be a language in there indicating, cause we don't want to go back to changing all the
12 time. Yeah, going back to the Legislature keeps, so there is language there indicating that whenever your
13 association may change the rules then therefore we follow, instead, of you know, every single time. So,
14 our legal counsel can elaborate on that. *(Pause)*

15 **Rob Weinberg** – I'm Rob Weinberg, I'm an Assistant AG. That's a neat point, Wayne Butler, and I
16 *(inaudible)* that last sentence is kind of based on my experience, my observations of other professions,
17 like the legal profession it has the American Bar Association out there, but the jurisdictions like the
18 Alabama Supreme Court, or Guam Supreme Court when adopting rules of ethics, they adopt them, kind
19 of case by case, so the American Bar Association can come out with amended proposed rules, model rules
20 in 1987, but it's not until the Alabama Supreme Court, Guam Supreme Court, approves them or adopts
21 them, then they are. And so, in the event that there's a conflict – although I love the idea that anytime that
22 they change, that, that these are automatically changed – and that was kind of the, that's the context here.
23 But in the event that, that either the board takes issue with the way something is written, or any one of
24 the particulars, or the Legislature, it's the board and the Legislature that have final say. And that is why
25 when there is a later in time conflict, it's the board and the Legislature have the last word.

26 **Wayne Butler** – But, I guess my concern is then, the Legislature and the board are actually making ethical
27 rules for my profession and they're not necessarily qualified to do that? *(Pause)* Or could be anyway.

28 **Rob Weinberg** – I think that I understand what you are saying, but I think the answer is that the
29 Legislature has, has set the bar. That the Legislature has delegated – although you know it's odd in this
30 particular board, because, because it's this umbrella board of this multitude of professions – they have
31 the final, uuh say on what is a violation of ethics. That's why actually the idea of having this in the first
32 place, was rather than catch-all generic ones, it's already there, it's added to the board professions
33 specific ones they adopted.

34 **Wayne Butler** – Yeah, well I definitely like, I like the professions-specific piece, it's just, what . . . I don't
35 know, there's just a, there's a conflict for me, with it, I have no trouble following the ethical rules in my
36 profession, it's when somebody else can come in and say, "Oh well, we don't like that rule, this is the rule
37 instead," that concerns me, and I think you're getting that.

38 **Rob Weinberg** – Uh, yeah

- 1 **Wayne Butler** – It's no problem if it's in the law that as soon as my profession changes, um, a rule, that
2 that's what um, that that's the rule, you know.
- 3 **Rob Weinberg** – Yeah, and that's the difference between a professional association and the American
4 Bar Association, American Psychological Association, Medical, which doesn't issue a license, versus a
5 board of, licensure board, which does.
- 6 **Wayne Butler** – But, but, these are national organizations, so national ethical rules, rather than, than
7 local.
- 8 **Rob Weinberg** – Yeah, but they can't take your license.
- 9 **Wayne Butler** – No they can't, and, and it, but, or and, the board will be able to – if I violated my national,
10 my national rules under this anyway.
- 11 **Rob Weinberg** – Except, if there's, except if there's something more specific than the Guam Allied Health
12 Board had adopted later in time, in which case that would control.
- 13 **Wayne Butler** – Right, but that, that's where I'm having an issue, is because then the board is, is creating
14 ethical rules for my specific profession that may or may not actually apply to that profession properly.
- 15 **Rob Weinberg** – Well that's what they're doing with this here, in doing these adoptions here.
- 16 **Wayne Butler** – Except, except with that, that, that one line. *(Laugh)* You see, you see what I'm saying.
- 17 **Sybil Crisostomo** – Where's that line?
- 18 **Wayne Butler** – The very bottom line. It's the, it's the last line of...
- 19 **Mamie Balajadia** – of every profession...
- 20 **Sybil Crisostomo** – ...of the very last one.
- 21 **Wayne Butler** – Yeah, yeah.
- 22 **Wayne Butler** – Cause, they're, there it's saying that, any statute, any statute, enacted by the Guam
23 Legislature or any rule by the Guam boards.
- 24 **Rob Weinberg** – *(Inaudible)* with your professions'...
- 25 **Wayne Butler** – Right.
- 26 **Rob Weinberg** – ... model rules,
- 27 **Wayne Butler** – Right.
- 28 **Rob Weinberg** – and that's all your professions' are, they're model rules.
- 29 **Wayne Butler** – Yeah, of course, of course.

- 1 **Rob Weinberg** – Now, your professional association ... But I think that this sentence also... And, I don't
2 want to argue with you, because you're entitled to your statement.
- 3 **Wayne Butler** – No I don't, I appreciate it.
- 4 **Rob Weinberg** – Then, I think that this, that this is, you know, anything that would come subsequent to
5 your association's rules, and is in conflict – either by the board in a new rule or by the Legislature in its
6 statute, will have thoughtfully considered why it should differ from the association's pre-existing rule.
- 7 **Wayne Butler** – Let me, let me follow that, follow that logic then. So, so the board, um or yeah, let's say
8 the board makes a rule that conflicts with my professional association, and then, the professional
9 association changes that rule. Then that then suddenly, even though the board disagrees, may continue
10 to disagree with, then that's the rule until the board makes a change again. That, so, you see where I'm...
11 I'd really rather have just one single source of: this is ethical or this is not. And, and I have no problem
12 with my profession being that, that source. *(Pause)* I think, I really think that addresses what your
13 concerns are, but I could be wrong, I may not be hearing you correctly.
- 14 **Rob Weinberg** – Well, I see your issue, and it's a good one. Uh, I'm not quite sure how it's going to happen
15 until we get to that point.
- 16 **Wayne Butler** – OK. But just wanted to raise it, and if there's some way of addressing that, maybe.
- 17 **Mamie Balajadia** – We will put that comment...
- 18 **Wayne Butler** – Give you something to think about.
- 19 **Mamie Balajadia** – ... as a collective, we'll put that comment collectively to, you know, when we present
20 to the Legislature. But remember that there's another public hearing...
- 21 **Wayne Butler** – Yea, yes.
- 22 **Mamie Balajadia** – ... at the Legislature, so you can bring that up. But what you're presenting, you say
23 that, I think it might make them feel like they're insulted. Hello? You know what I'm saying? I'm just kind
24 of like looking at it, because certain body thinks that they're the only thing that happens, you know, in
25 the community, and so, yeah, but, but I think to make this clear is that the reason why those words are
26 said so every time let's say the profession changes, we don't want to come back to the Legislature and
27 keep changing, for example there's a rule, that like say your profession changes, let's say the psychology,
28 okay, change[s], we don't want to come back to say, oh, they change, and without the wording, whatever,
29 then you have to go back to the Legislature, it's very cumbersome. We all know that, that's the reason
30 why this is in there.
- 31 **Wayne Butler** – Yeah and I agree with you 100% on that.
- 32 **Rob Weinberg** – That's actually the more common process, which is *(inaudible)* if the ABA, the American
33 Bar Association, comes out with a change to its model rules, it's not automatic for my profession.
- 34 **Wayne Butler** – Yeah.

- 1 **Mamie Balajadia** – Right.
- 2 **Rob Weinberg** – The Guam Supreme Court has to go, “well....” Then have its....
- 3 **Wayne Butler** – No, yeah, I’m totally on board with the, if my profession changes, that it be changed
4 automatically.
- 5 **Mamie Balajadia** – I think that change will have to be substantial and big impact, because . . .
- 6 **Wayne Butler** – Yeah, I’m just concerned, concerned that the Legislature could, or the board could...
- 7 **Mamie Balajadia** – ...they’re too busy for other things.
- 8 **Wayne Butler** – ... create...Yeah ...
- 9 **Mamie Balajadia** – They’re not going to look into your profession.
- 10 **Wayne Butler** – Yeah, but if ...
- 11 **Mamie Balajadia** – Unless you have you in the Legislature, then they may think about it, right?
- 12 **Wayne Butler** – There we go.
- 13 **Mamie Balajadia** – But, at this point we all know the prediction, is that the Legislature is too busy with
14 other things, that they don’t really care, about regulatory, as you know? Right?
- 15 **Wayne Butler** – In general....
- 16 **Mamie Balajadia** – But, but I think that we’ll include your comment though, into this. Right?
- 17 **Wayne Butler** – Put it on the record, yeah.
- 18 **Mamie Balajadia** – Any, any other questions for Wayne Butler? A dialog going? Because I think that was
19 the main concern that when we were discussing it, that that was the thing to, so thanks for bringing that
20 out from your perspective, yeah.
- 21 **Vince Pereda** – I have a question then. If you, if you have more than one license, okay, and you have two,
22 both licenses have different codes of ethics, how do you reconcile that in terms of uh, which one do you
23 adhere too (*inaudible*).
- 24 **Wayne Butler** – I have no idea exactly...
- 25 **Vince Pereda** – Yeah, see (*inaudible*)
- 26 **Wayne Butler** – I, I, actually, Vince in a way, I would think that, that, how, let’s see. Say, say I have an LPC
27 and an MFT license, um, if I’m seeing somebody as an LPC then the LPC rules, and, and yeah, that would
28 be, that would be nasty.

- 1 **Rob Weinberg** – I think the recommended answer and it's all, it's recommended, is go with the most
2 stringent rule, go with the most conservative rule, you know, thing to do, related to it. If one rule says it's
3 okay to date a former client after six years, but another rule says ten years, go with the ten years.
- 4 **Wayne Butler** – Yeah, yeah.
- 5 **Greg Miller** – Could somebody bring up the argument that they're a licensee, that they are not a member
6 of that association, so, it....
- 7 **Rob Weinberg** – No, I mean, yeah, it's not, no, it doesn't affect the board's adoption of that association's
8 rules as its own.
- 9 **Greg Miller** – Great, yeah.
- 10 **Wayne Butler** – Yeah, yeah.
- 11 **Greg Miller** – I'm sure somebody will.
- 12 **Rob Weinberg** – Wayne doesn't have to been a member of whatever to be subject to those rules now.
- 13 **Greg Miller** – Right.
- 14 **Rob Weinberg** – And he may be subject to the rules now, but there's nothing the board can do to enforce
15 them, until it adopts them.
- 16 **Greg Miller** – Right. Okay.
- 17 **Rob Weinberg** – But they're the board's own. They're no longer associations'.
- 18 **Wayne Butler** – Yeah, well really good questions.
- 19 **Mamie Balajadia** – But you know another thing too, is that when, when a person is faced – I don't know
20 about, uum, I know for the APA – is that when they're faced with, uum, aah, sanctioned by any board with
21 the license, that is being reported, (*inaudible*) I think that for ethical . . . for example, if the ethical or
22 whatever situation, it is, and you being a member, of let's say APA, APA, you submitted to APA, APA can,
23 you know, uh, terminate your membership and indicate the reason why. I don't know about the other,
24 you know.
- 25 **Wayne Butler** – And often, they'll report to the local board as well, and I think that's appropriate.
- 26 **Mamie Balajadia** – Only after investigation ...
- 27 **Wayne Butler** – Right.
- 28 **Mamie Balajadia** – ... after all these things, you know, not just off the, yeah,
- 29 **Wayne Butler** – Yeah, once they've taken....
- 30 **Mamie Balajadia** – Right, right. It has to go through the process, right? Yeah, so that's the reason why
31 the association's profession ethics and code of conduct is very important,

- 1 **Wayne Butler** – Oh, absolutely.
- 2 **Mamie Balajadia** – But not everybody is in agreement, you know, there are some people on Guam that
3 just do what the hell they wanted, what they like to do, uum, not following you know, guidelines, no rules,
4 you know, stuff like that. So that's why this is very important, uh, to bring out, yeah, to have some
5 governing, regulating people's behavior, I mean we all behave pretty, pretty well, but some people don't
6 behave.
- 7 **Wayne Butler** – Yeah, I hope our, our profession has been, has been good.
- 8 **Mamie Balajadia** – Yeah, there's no complaint.
- 9 **Wayne Butler** – I don't know of any ethical violations.
- 10 **Mamie Balajadia** – Yeah. So, any board member, any discussion about this? Because, it's not only
11 directed at Wayne Butler, but, you know, some, your thoughts about, questions about your own
12 profession, for discussion, because in the board meetings we quickly go through it, but we haven't have
13 a long discussion. Vince Pereda?
- 14 **Vince Pereda** – No, I'm, you know with the uh, counselor's license, we have three licenses, right? LPC,
15 the licensed mental health counselor, and the marriage and family therapy license. Now currently, we
16 have many social workers who are licensed by this board, okay, that um, it's either one of these three
17 licenses. In addition to having these licenses, there are also social workers, and that they have master's
18 degrees in social work, and maybe some of them even have licensed clinical social work licenses from
19 other states, okay, in addition to being licensed by this board, uh we, I see there's potential problem in
20 terms of addressing ethical violations, when you consider, uh, the profession that, that individual would
21 assert himself to be in, either being as, because um, because social work at the present time does not have
22 a license. They're attempting to create a license for social workers, but the social workers don't have
23 licenses at this time, so all social workers who are license by this board are subject to rules and
24 regulations of this board, okay, even though they may be, uh, practicing in the profession of social work,
25 but what they're practicing under a license, they're not practicing as social workers, they're practicing as
26 an LPC or as a mental health counselor.
- 27 **Mamie Balajadia** – Right.
- 28 **Vince Pereda** – or license marriage and planning counselor. Um, so ethical violations, they would be
29 subject to the ethical violation of the particular license that they hold, okay, um, unless that changes. Uum,
30 *(Pause)* It's just ... a point where you have, uh, different professions and different disciplines that may be
31 involved in the licensure process.
- 32 **Mamie Balajadia** – Well, I *(inaudible)* I think that because of, you know, the title of your license should
33 be governing, right? So, you have a LCSW, right, but your license is marriage and family therapist, for
34 example, mental health counselor license, so you should be governed by that.
- 35 **Vince Pereda** – Right.

- 1 **Mamie Balajadia** – So, it doesn't matter, but because, because the evolving of the, you know, IMFT to
2 that, to the LPC and the others, so, social work needs to then take a look at that, I don't know whether
3 they are going to adopt the social work, you know....
- 4 **Rob Weinberg** – The thing about social workers and ethics is that, whoever has drafted their statute
5 took the entirety of the National Association of Social Workers' code of ethics and put it into the statute
6 itself. They didn't do what we did here, and referred to it, you know, and say, you know the code of ethics
7 of the NASW shall be the code of ethics followed by the social workers license on Guam. They did every
8 single one of them, which means that if the NASW happens to change theirs in the future, in order to
9 change Guam's, they're going to have to go through the legislative process. And um, a very cumbersome
10 way to do that, and, not recommended that.
- 11 **Mamie Balajadia** – So Vince, I think it, depending on the license which you hold, yeah, so that's a matter
12 of your degree....
- 13 **Vince Pereda** – You could conceivably run into a situation where a current social worker whose license
14 under our board chooses to be licensed under the social work board, and have a dual license as a social
15 worker, as well as a licensed counselor and then we have to deal with.
- 16 **Mamie Balajadia** – Well if, I guess we have to come, you know, deal with it when it comes. If a complaint
17 is made to this board, we have to deal with it, and then, you know.
- 18 **Rob Weinberg** – I think the underlying facts of any violation, refer may occur, may happen under
19 different professions ethical codes. So, I don't think it would be a defense, or I would argue for you, that
20 it was not a defense, like I was not an LPC at the time, I was a social worker, therefore, you cannot
21 discipline me. I don't think so, I think that whatever the underline facts are in support the social workers'
22 discipline, would probably support something disciplinable by you as well, some character that...
23 *(inaudible)* A lot of stuff....
- 24 **Vince Pereda** – Just something that we can probably anticipate dealing with in the future.
- 25 **Mamie Balajadia** – Yeah, I mean we can't say, you know, what's happening, but, um, you know, there're
26 some laws that passes without our consent, I mean, without our input, but we have to deal with it, such
27 as the euthanasia as you remember just thrown at our face, you know. Uh, but then you know you have
28 to deal with it when it comes, so, uh....
- 29 **Greg Miller** – This is a little bit of a segue for this, but all this ethical stuff fascinates me. Is it standard or
30 common for boards to have ethical rules for board members on how we react?
- 31 **Rob Weinberg** – It's kind of the wave for the present and the future, that board members actually sign
32 conduct, codes of conduct, or codes of ethics or things. When I was on the board at Sanctuary, it was a
33 very nouveau, you know, kind of the thing to do, at the time, actually they had someone come in from off-
34 island to give an analysis on board and such. And so, yeah, I hope I'm answering your question. It's kind
35 of the thing of the future, that if you're on a board, you're going to subscribe to a *(inaudible)* putting the

- 1 board first, putting the company first, the organization first, so it's not unusual. Its separate from the
2 codes of ethics for your licensees
- 3 **Greg Miller** – Right, yeah.
- 4 **Rob Weinberg** – a code of ethics, code of conduct for the board itself? That's not uncommon with these
5 things,
- 6 **Greg Miller** – Is this something we should look at in the future?
- 7 **Rob Weinberg** – You can, I'm glad I can pull something up.
- 8 **Mamie Balajadia** – I'm sorry, about the conduct of the board member.
- 9 **Greg Miller** – Yeah, in other words, what I'm asking him is the comment for boards, actually, to have
10 their own ethical standard that they would sign and abide to, as a member of the board.
- 11 **Rob Weinberg** – And as a matter of fact, as a kind of a, this is round 1 and 2, perhaps. Round 3 and 4 and
12 5 is going to be looking at the rest of the rules more comprehensively, including the board, and its
13 meeting, conduct, and stuff. So, that would be an appropriate place to insert kind of a, the board, you
14 know, "the board member shall subscribe to the following..." you know, oath of office kind of a thing, in
15 addition to being sworn at by the governor.
- 16 **Greg Miller** – It's worth thinking about.
- 17 **Mamie Balajadia** – Well, I don't know if you have, but, in the past I was sworn in by the Governor. For
18 the appointment. Um, I think as a board member, the orientation about being a board member, about the
19 law, uh, how to behave, you know, when to be able to distinguish between a regular, uuh, decision that
20 you make, of voting versus some ethical situation that you might be encountering, um, I think those can
21 be discussed, um, because ethics as a general, uh, there is a general, but then there's a lot of stuff, right,
22 categories how things you should not be doing, you know, that make it obvious, but I think as a board
23 member, the appearance, you know, of it might be of question, so nobody brings it up, then I think that
24 maybe just pass on. But if somebody brings it up, that could be discussed, aah, what the situation, and
25 how it is. That's why we have a legal counsel.
- 26 **Greg Miller** – Right.
- 27 **Mamie Balajadia** – Yeah, on the ethics, ethical, um, but you know, I don't know, there's just so many
28 things written about ethics from Supreme Court, to you know, (*Chuckle*) to local association to person,
29 uh. So, that could be something as an orientation for new board members, and even old board members,
30 because I know you conduct training, Rob, for board members, uh, and I know that you talked about
31 ethics, but nothing specific, but in general.
- 32 **Rob Weinberg** – I'll look at putting something together, to give you a feel on, you know, what's been
33 done, what others have done.

- 1 **Greg Miller** – Yeah, this board’s not so bad, because it’s made up of so many professions. But I’ve known
2 people who’ve chitchatted, privately, that “oh I want to get on the so and so board” cause they’re pissed
3 off at somebody, you know, their whole reason for getting on the board is going to be retaliatory,
4 because....
- 5 **Mamie Balajadia** – Oh, really?
- 6 **Greg Miller** – Yeah, it’s not this board, it’s, you know, there’s been a lot of drama.
- 7 **Rob Weinberg** – There are people who run for office, on particular boards that I’ve heard saying the
8 same thing....
- 9 **Greg Miller** – Right . . . right, and I think that would be a nice thing to put on the board (*inaudible*).
- 10 **Mamie Balajadia** – Oh I never think about that.
- 11 **Greg Miller** – Of course, then you have to get into when you recuse yourself or...
- 12 **Mamie Balajadia** – Yeah.
- 13 **Greg Miller** – ...your businesses, you know, how it effects your business or, does your rule, hamper
14 somebody else’s business. There’s a lot of ethical issues here. Anyway, I didn’t mean to go too far off that
15 segue.
- 16 **Mamie Balajadia** – No, but I think that’s good discussion, because the appointment is by the Governor,
17 you know. But if there’s a situation that’s out of whack, I think the Governor’s office needs to be aware of
18 this, I don’t know. D’you see what I’m saying? I mean, the only person that’s going to be getting rid of you,
19 is the Governor. I mean, board member have no jurisdiction as to sanctioning board members except as
20 a whole, and it need to be written up and go through the process. Right? And like everything else. This is
21 America!
- 22 **Greg Miller** – (*Chuckle*) Make it great again.
- 23 **Mamie Balajadia** – So, y’know, I . . .
- 24 **Greg Miller** – Ok. What if a board could sanction its own members? What if you had a kind of a renegade
25 board member who obviously is in there for his own or her own personal gain, um, could you come up
26 with rules and regulations about that type of behavior?
- 27 **Mamie Balajadia** – Well, Rob?
- 28 **Greg Miller** – It’s just not (*inaudible*) in other words if you could sanction and then tell the Governor,
29 look at it. This guy’s so far out of line, that we had to sanction.
- 30 **Rob Weinberg** – I think its possible (*inaudible*) I think it’s normal.
- 31 **Greg Miller** – Something to think about, you know – I mean this is a good board now, but you just never
32 know, it’s so dynamic. It could change.

1 **Rob Weinberg** – I mean, if you look at Robert's Rules of Order and try and understand them. Y'know,
2 they're so archaic, but if you look at of the Dummies version of it, there are parts in there about discipline
3 of members by the organization, discipline of, you know, board members it's not inconceivable, at all.

4 **Mamie Balajadia** – Rob, during your spare time, *(Chuckle)* could you, um, include that in the orientation,
5 with, you know to board members, because I think other than learning about procurement, which we
6 have no power, authority to do so, I think it's important that, that, you know, how to act behave properly
7 as a board member. Uh, and what are some of the rules are, you know. But that's something that coming
8 from the, from you, yeah, the legal counsel, might be helpful. That's just one way to be able, to you know,
9 uh differentiate that, from people. We all assume that people know, but then I learned pretty late in life
10 not everybody knows. So, that should be something that we, since we are in this ethical thing, yeah.

11 But I think overall, you know not very many states, you know, do have this big huge board. And then of
12 course, the Legislature would like to add more people to this board. I think we already have, you know,
13 quite a bit of people, ah generally, it's because, everybody has their own, you know, concentrated board.
14 The reason, why we have this collection, is because of the numbers. It's because in the states, the numbers
15 count, so you can have your own board. But we don't have numbers, like clinical, it's only 15 people being
16 licensed, you know. It's the same people you're regulating, so it becomes a little bit, uh difficult at times,
17 you know, being small. So, I think there're originally why this came about as a Allied Health, I was not
18 around at that time. It collectively, because of the numbers, and also says not, I think in the law, on Article
19 8, it says, not more, if it's less than ten licensed individuals in that profession, then you don't have a board.
20 But when you have more than ten licensed people, let's say psychology, you should have your own board,
21 right? But, does it make sense, you have your own board of 16 people? How many people are going to be
22 a board member? You have to have at least three, right, to be able, the odd numbers...and imagine if every
23 profession, SLP have their own board, God forbid! You know, the office, which is only running on \$80,
24 and people are complaining about the cost, you know, they'll never be able to administrate all the boards.
25 Would you like to have more boards? *(Laugh) (Chuckle)* You know, so that's the reason why, this, this,
26 you know I can see the problem. Um, except that I think that maybe, uh LPC, you know, they have a lot of
27 people, maybe they [should] have their own board, you know.

28 **Rob Weinberg** – There may be some, I believe we've kicked around ideas about restructuring of the
29 mental health professions. Y'know maybe have the SLP, get the language together, sociology together
30 with somewhat related...It's not a bad idea to look at restructuring.

31 **Mamie Balajadia** – But who's going to look at restructuring and who's going to make it in reality

32 **Rob Weinberg** – Vince *(Chuckle)*

33 **Greg Miller** – There you go. Congratulations.

34 **Wayne Butler** – There's definitely work to be done, but I do think a mental health board, or behavioral
35 health board would be really good. Have the social workers, clinical psychologists, and the....

36 **Mamie Balajadia** – I'm not sure about social workers,

- 1 **Wayne Butler** – Well, yeah, but....
- 2 **Mamie Balajadia** – I’m talking about LCSW. They have the background...
- 3 **Wayne Butler** – Yes, yes, yes.
- 4 **Mamie Balajadia** – ...into mental health. They’re clinically oriented. But I’m talking about social work
5 public health social work, with food stamps, and, all that. I don’t think that, that needs to be, you know.
- 6 **Wayne Butler** – You have 100% agreement.
- 7 **Mamie Balajadia** – I’m not going to be in agreement with that...
- 8 **Vince Pereda** – Just strictly the clinical social work.
- 9 **Mamie Balajadia** – Exactly, just strictly clinical people who’ve gone through the background training,
10 you know, seeing people,. But I disagree with having social work, just to be a part of that.
- 11 **Wayne Butler** – Can we talk about the fee schedule for just a little bit?
- 12 **Mamie Balajadia** – Yeah, fee schedule (*discussion overlapping*) that’s too long already . . . the ethics

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---End of Discussion Related to Adoption of Codes of Ethics---

(32:08 Mark on Audio. Approx. 10:50 a.m.)

1 --- DISCUSSION RELATED TO ADOPTION OF AMENDED FEE SCHEDULE ---

2 (32:08 Mark on Audio. Approx. 10:50 a.m.)

3 **Wayne Butler** – I’m really, really concerned, um, let’s see. I want to say that I’m 100% in favor of the
4 board being able to support itself with the fees from our professions. That having been said, it seems to
5 me that the board hasn’t made its case in, because there’s, it looks, as far as I seen there’s actually no
6 budget for the board, I’d really like to see you guys have a, aah budget that is not transferrable by the
7 governor; and because I really think that our fees should pay for what you guys do. But just simply saying
8 that we haven’t raised fees in however many years it was.

9 **Mamie Balajadia** – ‘99

10 **Wayne Butler** – That doesn’t tell me whether the fees that you’re collecting are not, uum, are sufficient,
11 or not.

12 **Mamie Balajadia** – It’s not,

13 **Wayne Butler** – But how do you know that?

14 **Mamie Balajadia** – I know! *(Yes)*

15 **Wayne Butler** – But, but, but not being able, for me as an outsider not being able to see the, see the
16 numbers, I can’t tell that. And that’s is where I’m coming from with that, and the same with what we
17 looked at these other jurisdictions, and this is roughly in what other people cost, doesn’t tell us about our
18 jurisdiction and what we actually, we actually... Maybe these fees that you’re proposing are sufficient,
19 maybe they’re not, maybe they’re actually too low, or maybe they’re too high, I don’t know, because, yeah,
20 because I don’t, I can’t see, huh, a specific budget and, and I think you guys mentioned as well that the
21 governor has transfer authority, and I think that’s outrageous.

22 **Mamie Balajadia** – Yeah, okay, um, let me just say this, um, concerning about the budget. Right now, the
23 structuring of this office is under Public Health, right? And rightfully so, cause where is it going to get.
24 Several months ago, Dennis Rodriguez, chair of health, had a bill out, in which it created the office of
25 health, *(Pause)* we use to have a health office where Eula (?) Craig use to have....

26 **Greg Miller?** – That was Health....

27 **Rob Weinberg** – State Health Planning

28 **Mamie Balajadia** – Yeah, Health Planning

29 **Greg Miller?** – Yeah, Health Planning. I was on that board.

30 **Mamie Balajadia** – Well, he proposed to have health planning, and that have the office of HPLO under
31 the health planning. That went on a public hearing, and that, a lot of people from the boards were not
32 happy to be under the health planning, office, okay. So, in that particular bill, it says that any money
33 collected by the office, is not transferrable. It created a special account in the government of Guam in

1 which all the fees come in to be used only for that sole purpose. *(Wayne Butler: Okay)* That needs to be
2 done, and we're hoping that when this happens it goes to Senator Rodriguez's office, let me just say,
3 personally, he's been nagging me about fee schedule. He said "Why you guys not having a fee schedule,"
4 you know, not, not, not coming up with, collective, ah, you know, upgrading the fee schedule, it is too low,
5 you know. He's able to see the budget of the public health. Right now, the structuring of this particular
6 office, uum, is under uuh, the Director's office, and personnel is collectively taken from various depart, I
7 mean units, *(Wayne Butler: Right)* of the Public Health agency and assigned then here, right? *(Wayne*
8 *Butler: Right)* So, ideally, it should be an office created HPLO, either it could be independently like the
9 election commission. But I don't think that collection of fees was able to sustain it as an independent
10 office. It has to be subsidized by one bigger, this is coming from me being, you know, former government
11 of Guam employee in an administrative, right, it cannot sustain itself just by being an independent aah,
12 line agency, like a line agency, because, it is, just no way the fees collected.

13 **Wayne Butler** – Is it because of the fees over, for all the boards are too low? Is that what....

14 **Mamie Balajadia** – We have no control of the boards, we're only looking out for ourselves, yeah.

15 **Wayne Butler** – But what you're saying that the HPLO couldn't sustain itself, is it because the fees overall
16 are too low, is that?

17 **Mamie Balajadia** – I think, you know like you're cutting your hair you know how much they're charging
18 you? A hundred dollars, right? But do you know how much is the fee right now? For license? Five dollars!
19 Three dollars!

20 **Wayne Butler** – What?!

21 **Rob Weinberg** – Yeah!

22 **Greg Miller** – For cosmetology.

23 **Wayne Butler** – Oh, oh, oh. *(discussion overlapping)*

24 **Mamie Balajadia** – But see, we have no control over that. That needs to come up from them, you know,
25 as to what the fee is. *(Wayne Butler: OK)* So, let's go back to the structuring of this office, *(Wayne Butler:*
26 *Ok shoot)* this office should be a line . . . I don't think coming from me in my opinion could be a line agency,
27 cause there's no way, is it going to be supporting itself, ok, *(Wayne Butler: Probably not)* it has to be
28 subsidized. So, it has to go to some already established agency, Public Health, which is okay, or it could
29 go to another agency, and it was proposed, at that particular health planning, to go under the governor's
30 office *(Wayne Butler: Right)* you know one of the agency's *(Wayne Butler: Right, I remember)* Bureau of
31 Budget, Planning, whatever, right, to establish under there, but then, my understanding is I recall, the
32 Dr.'s said, some doctor, I don't know, I don't recall who, that it will be too close to the Governor, to close
33 to comfort to the Governor, but you know, all of us have been appointed by the governor, *(Wayne Butler:*
34 *Exactly)* I mean, you know, is, he is in charge of the organic act by health, that is, if he's so obvious about
35 it, that's going to be a question, right? But he if he's not, you know, as far as I know he hasn't interfered
36 anything, in here it says we don't like your decision about, you know licensing, "Wait Butler, how come

1 you do that, you know, you better double-check that." I never heard, throughout my whole career, I never
2 heard the Governor come down to me and says, how come you, you know, "Why aren't you hiring this
3 person that I wanted." I already made it clear when I was appointed Director under the Bordallo, I said
4 don't come to me and say, you want me to hire this person, cause I would not do so, but give me people
5 that have the qualification, you know, with the background mental health, disabled. You know how many
6 people I got rid of because of contract? That no background?

7 **Rob Weinberg** – Madam Chair, *(inaudible)*

8 **Mamie Balajadia** – I'm just saying that *(Chuckle)* explaining, the fee structure is that we need to have a
9 fee structure, that I know that there is going to be a lot of squawking about it, but, even with the one that
10 we are proposing, it's not going to sustain the office. You know, even, even the xerox machine, would
11 not...

12 **Wayne Butler** – We can't even tell that it sustains you guys, the board, and really, and for me I would like
13 to know that it does, but, you know, I can't tell one way or another, whether it does or it doesn't...

14 **Rob Weinberg** – I think your, your, your point here is really well taken, which remain, I have tried for as
15 many years since I've been working with these boards which I think goes back to 2006, uuh, to get a sense
16 of the actual budget, the actual cost of personnel, rent and utilities, and xerox, and contracts, and yet, and
17 I cannot, and I'm past the point of frustration into whatever the next *(inaudible)* motion is on that scale.
18 My inability to get straight answers to that very simple question of, what does it take to run the HPLO
19 office, what's the proportionate share from the various boards, what is the, what income do they have,
20 it's trivial questions, I can't get answers, and I'm a lawyer, *(inaudible)*

21 **Wayne Butler** – And I remember a board meeting when ah, [DPHSS Director] Jim Gillen came and
22 couldn't tell you, I remember that, and I was shocked! But I would, that's why...for me personally I would
23 like to see the Allied Board as a line item that cannot be touched.

24 **Mamie Balajadia** – Well let me just say this . . .

25 **Wayne Butler** – then I'd be 100% on board with whatever fee schedule sustain that.

26 **Mamie Balajadia** – The only way you are able to do that, is that when the Public Health budget that they
27 do the fiscal year budget, if they dedicated only HPLO as a unit itself, when they, they come to the budget,
28 that's the only way. But the way it's done right now, it's that, it's not, it's just like, is like subsidizing.

29 **Wayne Butler** – Right, so, so, I don't know, I'm left with then, I don't know what the fees go to, you know,
30 really, I can't tell that there're being used properly or improperly, I just can't....

31 **Vince Pereda** – As far as I know they go to the general fund, because there's no, there's no, statute, that's
32 exclusively....

33 **Wayne Butler** – cause it should *(inaudible)*....

- 1 **Mamie Balajadia** – But what I think we can do is this, is this when this goes to the Legislature for the
2 public hearing, you can say the same thing, and what they can do, they can vote on this section of the
3 language it says, “that all fees collected,” the same thing that Dennis proposed, bill, you know, about
4 health planning, will go to a special fund, um, that was only can be used by the HPLO only.
- 5 **Wayne Butler** – Actually, I’d just like to, at least the fees collected here, I think, should just go to the
6 Allied Board, at least as far as I’m concerned.
- 7 **Mamie Balajadia** – It should be, right? But the thing is that, you know... *(discussion overlap)*
- 8 **Wayne Butler** – And, so, for me what I’d like to see is legislative language it says, these fees go to the
9 Allied Board *(discussion overlap)*
- 10 **Mamie Balajadia** – Wayne, then you should go, and write that, saying that that case, because let me just
11 say this: Several years back, HPLO, um, the Governor, took, I don’t know, how much money that the
12 Governor took? Like quite an amount!
- 13 **Sibyl Crisostomo** – Four hundred some thousand . . .
- 14 **Mamie Balajadia** – Four–Hundred some Thousand and went to DOC *(Yeah)* for their operation *(Pause)*
- 15 **Wayne Butler** – Yeah, to me that’s outrageous you guys have an important function and it needs to be
16 supported....
- 17 **Rob Weinberg** – Well, that’s how things are done. *(Chuckle)* Despite language on the books that already
18 says it shall not be subject to the Governor’s transfer authority, funds get transferred, including funds
19 from various *(inaudible)*.
- 20 **Wayne Butler** – But, but still, there’s not a specific legislative language that identifies funds specifically
21 for you guys *(inaudible)*.
- 22 **Mamie Balajadia** – But, when this goes to the Legislature if the language is in there, as a bill, then
23 hopefully that it will happen, and the Governor signs off on it. So you need to indicate that, and even from
24 your association, that, you know, there’s no money, you know, numbers matter, right? So that is the case,
25 yep, uum, we have board member Sibyl.
- 26 **Sibyl Crisostomo** – I’m just reading from Article 8, [section] 12826, “Funding and fees. The Board shall
27 also be supported by the revenues generated from its activities, including fees, charges and reimbursed
28 costs. All such revenues, including fines, shall be deposited in the Revolving Fund (and) shall receive all
29 interest earned on the deposit of such revenues.”
- 30 **Rob Weinberg** – And I’ve drafted proposed amendments to these laws here, for this and for other boards,
31 that I’d love to see picked up at some point. But that’s exactly what you’re talking about.
- 32 **Wayne Butler** – I’d be happy to work with you on that, and maybe get, get support from our organization
33 to, to push that.

- 1 **Mamie Balajadia** – I think what you do is just submit it, from, from yours, from that association. Say that
2 we need the funds, you know, on the fee schedule, that will be great.
- 3 **Catherine San Nicolas** – May I ask Wayne Butler, what percentage is you have to see involve
4 transparency, is that what you're saying? That you have to see how much was collected in fees, and how
5 much the budget was?
- 6 **Wayne Butler** – Exactly, exactly, what are the cost, and what's the income, and what's the cost, really, for
7 the board, and....
- 8 **Catherine San Nicolas** – so that, and perhaps is that what, so that you can feel that your fees are....
- 9 **Wayne Butler** – Absolutely!
- 10 **Female response** – Super.
- 11 **Mamie Balajadia** – But, I don't know whether we're able to, to provide that....
- 12 **Sibyl Crisostomo** – Is that public information?
- 13 **Wayne Butler** – It should be.
- 14 **Mamie Balajadia** – Well, see the budget for this office, when we look into that, it's from everywhere. To,
15 you know, its supported by, right? Am I correct? It's supported by other, other units, of Public Health to,
16 for this office.
- 17 **Sibyl Crisostomo** – but, um, just information on how much was collected (*discussion overlap*).
- 18 **Wayne Butler** – So, so we can support you actually, how much was collected, what are the cost for the
19 board, not the whole HPLO, but just for this board, then we know, then we know, either, either, there's a
20 shortfall or, or not.
- 21 **Mamie Balajadia** – Well, I can tell you, that we can take the numbers of people license from last year,
22 let's say, okay? And multiply by \$80.00, and then the number of applicants, multiply by \$100.00, that's
23 the amount that you've collected, which is a measly amount of money
- 24 **Wayne Butler** – Right, and, but the missing piece is what the actual expenses are as well (*discussion*
25 *overlap*) then what's the difference, then we can, then I, I, for me, I'd support you, if there's, if there's a
26 huge difference, then, yeah, raise fees.
- 27 **Mamie Balajadia** – Um, Rob, maybe that could be included in your impact statement.
- 28 **Rob Weinberg** – What's that?
- 29 **Mamie Balajadia** – We can do, that number, for this, for this, cycle?
- 30 **Rob Weinberg** – Oh, that'd be awesome, (*cell ringing*) (*inaudible*) if, forgive my sarcasm, but you can get
31 an actual number from anybody (*inaudible*).

- 1 **Mamie Balajadia** – I can do that with a number of people, because, you know, I always keep a tally of the
2 number of people being license times 80 the renewal, times \$100, you know, and all that, that's going to
3 be the estimate, whether that's the amount. Base on the number of licenses! It could be part of your
4 impact statement, in fact that is what I wrote from several years back when we had the, when we, Sibyl
5 and I were presiding over the fee schedule also. Something we did.
- 6 **Wayne Butler** – At least for me that, that would be way more powerful, then simply saying oh, we haven't
7 raised the fees since 1999, or....
- 8 **Sibyl Crisostomo** – Yeah, we haven't.
- 9 **Wayne Butler** – But, that doesn't tell me whether the fees were, were, are sufficient or not.
- 10 **Mamie Balajadia** – Did you have a salary increase since 1999?
- 11 **Wayne Butler** – You know, I, you know, I get that. It's just, it's just that, it's not as powerful of an argument
12 as this is what we collected, this is what we've spent, this is the difference, let's make that, let's make
13 that....
- 14 **Rob Weinberg** – Those are great. But even if we could do the multiplication (*Mamie Balajadia: Yeah*
15 *that's easy*) we're not going to get an answer on how much... (*inaudible*) There's two avenues for ... and
16 the public, and two avenues alone, cause the rest don't work, one is try any FOIA request you want, to
17 get those things, now, FOIA says that you have to turnover documents that are created, (*inaudible*)
18 doesn't say that the agency has to create something for you, but if you can figure out a way to work a
19 FOIA request to say, give us, and do your own math, you know, it will be utilities, however you did it,
20 that's one way, the other is sit down with the group, public auditor and invite his participation, and with
21 the help get straight answers to these questions.
- 22 **Mamie Balajadia** – He's busy
- 23 **Greg Miller** – (*inaudible*) He's busy (*Chuckle*).
- 24 **Rob Weinberg** – That's not, so am I, it doesn't stop me from becoming (*inaudible*)
- 25 **Sibyl Crisostomo** – Our present fee is 125 [dollars] for initial, and then we have to pay for the certificate
26 also, so the certificate fee amount is maybe, is it 50 dollars?
- 27 **Female response** – Right now?
- 28 **Sibyl Crisostomo** – Yeah.
- 29 **Alesia Ogo** – For initial?
- 30 **Sibyl Crisostomo** – Yeah.
- 31 **Unknown Female voice** – One Hundred and Twenty-Five.
- 32 **Sibyl Crisostomo** – One Hundred and Twenty-Five for the certificate)

- 1 **Mamie Balajadia** – just go with the fees
- 2 **Sibyl Crisostomo** – application, so Two Hundred and Fifty Dollars.
- 3 **Mamie Balajadia** – Two Hundred and Fifty Dollars. Just go with the records of payment . . . yeah
- 4 **Sibyl Crisostomo** – One Hundred and Fifty all together. *(Yeah, now)*
- 5 **Mamie Balajadia** – Rob, I think that we need also, another part is that we need to charge people for
6 taking exams that's not in the proposed fee . . . you know they're people . . .
- 7 **Sibyl Crisostomo** – Application by examination is One Hundred Twenty-Five
- 8 **Mamie Balajadia** – Oh, is that in there? *(Sibyl Crisostomo: Yes)*
- 9 **Sibyl Crisostomo** – This is the original, this is the existing *(inaudible)*.
- 10 **Rob Weinberg** – I don't if that's in the....
- 11 **Mamie Balajadia** – No, it's not in the proposed... yeah
- 12 **Greg Miller** – But application by examination does not include the cost of the examination. Because a lot
13 of examination could be very expensive.
- 14 **Mamie Balajadia** – The... excuse me?
- 15 **Greg Miller** – The application by examination, I don't think, that's just an application fee, it doesn't
16 include the cost of the actual examination. They're very expensive.
- 17 **Mamie Balajadia** – Oh, oh. No. Well, what happen with, the only people taking the exam is clinical psych
18 for the E-triple P, and the um, the LPC, and the, the other two, right? What happens is that, they come
19 here for the board to approve, because they have the ready to take the exam, but when it comes to, like
20 Kaplan, you know, administrative exam, then they have to pay that. *(Greg Miller: Oh, on top)* Yeah, we just
21 have to um, they go through like any application, but this exam, so you know the charge of it. So, by exam,
22 that's not in the proposed, the old one, yes, there is *(Greg Miller: This is the application)* yeah, right.
- 23 **Sibyl Crisostomo** – Then you're paying the license fee on top of that
- 24 **Mamie Balajadia** – Right, of course, right. *(Sibyl Crisostomo: inaudible)* So there's only right now, I don't
25 know any other professions doing exam, except clinical psych for e-triple P, and also LPC, *(Vince Pereda:*
26 *All the counselors)* right, LPC only, so that needs to be a section in there, that go back to the old one,
27 examination. . . . Any other....
- 28 **Wayne Butler** – That's definitely a sub-, a cost to the board because you have to, it wasn't it like \$500 a
29 year to be able to get, I think it was the MFT license? Or the exam?
- 30 **Mamie Balajadia** – Oh that, we don't take it here. That is being paid to the vendor, who does the exam

- 1 **Wayne Butler** – Right, right but that’s a cost to the board isn’t it? So, that’s something that should be
2 picked up by the, by the people that are, you know, applying, wanting to take the exam....
- 3 **Mamie Balajadia** – That’s what I’m saying, right now in the payment, is that by examination. So we need
4 to include that; that’s not included, yeah. So, that’s only two professions that’s doing the exam.
- 5 **Wayne Butler** – Four actually.
- 6 **Mamie Balajadia** – The MFT, too?
- 7 **Wayne Butler** – MFT, LPC and LMHC are also all exams.
- 8 **Vince Pereda** – Yeah, all three require examinations.
- 9 **Mamie Balajadia** – So, that would be by examination. (*Vince Pereda: Right*) Because of the form that we
10 do apply. It already includes everybody. I went through that just by accident. It, it’s just one form. The E-
11 triple-P form, I mean, you know. Why we have so many forms? So, you know, you just check whatever
12 profession, right, what exam you are taking, right. Okay?
- 13 **Wayne Butler** – Thank you so much!
- 14 **Mamie Balajadia** – Sure anytime. Anybody [else] wants to go before this body? It is now 11:10. (*Pause*)

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END 52:03. APPROX. 11:10 A.M.

**HEALTH PROFESSIONAL LICENSING OFFICE
DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES**

GUAM BOARD OF ALLIED HEALTH EXAMINERS

Regular Scheduled Session **MINUTES**

(Amended at GBAHE Regular Board Meeting on May 3, 2019)

Date: October 5, 2018	Time: 12:00 pm	Place: HPLO Conference Room 209, Terlaje Bldg., Hagåtña
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Present: Dr. Mamie Balajadia, Chair; Dr. Greg Miller, Vice-Chair; Vincent Pereda, Secretary; Dennis Triolo, Member; Sibyl Crisostomo, Member; Dr. Richard Chong, Member; Dr. Ryan Claros, Member; Ray Tajalle, Member; Catherine San Nicolas, Member; Greg Cruz, Member; Alesia Ogo, Member; AAG Robert Weinberg, Legal Counsel; and Staff of HPLO: Mae Pangelinan and Roma Basa.

Absent: Nadine Cepeda, Member.

- I. Meeting was called to order by Chair at 12:20 pm. Quorum was established. The Chair indicated that subject meeting of October 5, 2018 was advertised on September 28 and October 3, 2018 in the Guam Daily Post.
- II. Adoption of Agenda. (Motioned by Miller, Seconded by Pereda)
- III. Minutes of September 7, 2018 were approved (Motioned by Miller, Seconded by Cruz)
- IV. Old Business
 - A. Legal Counsel's Report:

On the proposed Rules and Amended Fee Schedule, AAG Weinberg discussed Public Hearing of October 5, 2018 at 10 a.m. held at HPLO Conference Room 209. One (1) witness, Wayne Butler, Licensed Marriage & Family Therapist, presented his testimony. On the proposed Code of Ethics taken from each profession's national association, Mr. Butler objected to language that allowed the Guam Legislature to amend an association's code. Board member Alesia Ogo presented verbal feedback from Occupational Therapist licensees that the proposed fees were too high and how were the fees based. She expressed concerns on the costs of staffing, office and how the collected fees were used for what purpose. To date, the Board had not been given, although requested, a financial picture of the actual cost of HPLO operation. Legal Counsel will compile all documents and transcript related to the public hearing for the Chair's signature which will then be forwarded to the Attorney General for signature. Then all documents will be forward to the Legislature's Chair on Health Committee, with attachments of proposed changes including recordings of the public hearing, for action.
 - B. Discussion on the Public Hearing on proposed Rules and amended fees that was held on October 5, 2018 at 10 am at HPLO conference room 209.
 - C. Following extensive discussion it was decided to table the proposed amended fee schedule pending receipt of financial data related to income and expenditures assignable to the GBAHE.

EXHIBIT D

- D. **Adoption of Proposed Rules and Regulations Governing the Adoption of Codes of Professional Conduct/Ethics.** On Motion of Miller, seconded by Pereda, the proposed rules and regulations governing the adoption of codes of conduct/ethics was *unanimously approved*. The next step is to prepare the transcript and record for transmission to the governor and attorney general to secure their separate approvals, followed by transmittal of the record to the Legislature in accordance with the Administrative Adjudication Law.
- E. Application:
1. **Jin Mo Yoon** for Chiropractic Medicine was approved (Miller)
 2. **Jin Mo Yoon** for Acupuncture was tabled (Chong)
- F. Letter to GRMC on LPN providing respiratory therapy was completed and forwarded.
- V. New Business
- A. Initial/New Application:
1. **Bethany Helm** for Physician Assistant was approved. (Moved by Tajalle, Seconded by Miller)
- B. Collaborative Practice Agreement (CPA):
1. **Bethany Helm**, PA-C was approved. (Moved by Tajalle, Seconded by Miller)
 2. **Nicole Kitchen**, PA-C was approved. Moved by Tajalle, Seconded by Miller)
- C. Renewal Applications:
- The following were approved for renewal: (Moved by Triolo, Seconded by Crisostomo)
1. **Renee Koffend** for Audiology (Triolo)
 2. **Dennis Triolo** for Audiology (Crisostomo)
 3. **David Zieber** for Audiology (Triolo)
 4. **Steve Arthur** for Chiropractic Medicine (Miller)
 5. **Angela Laygo** for Clinical Psychology (Balajadia)
 6. **Andrea Leitheiser** for Clinical Psychology (Balajadia)
 7. **Daniel Lord** for Clinical Psychology (Balajadia)
 8. **Iain Twaddle** for Clinical Psychology (Balajadia)
 9. **Cristina Dela Cruz Twaddle** for Licensed Mental Health Counselor (Pereda)
 10. **Lynnette Arriola** for Licensed Professional Counselor (Pereda)
 11. **Reyna Calvo** for Licensed Professional Counselor (Pereda)
 12. **Kristine Kessler** for Licensed Professional Counselor (Pereda)
 13. **Rosita Mahony** for Licensed Professional Counselor (Pereda)
 14. **Carolyn Zieber** for Licensed Professional Counselor (Pereda)
 15. **Teresita Manaloto** for Nursing Home Administrator (Balajadia)
 16. **Maria Gernsaniba** for Clinical Dietitian (San Nicolas)
 17. **Charles Morris** for Clinical Dietitian (San Nicolas)
 18. **Julieta Vargas** for Clinical Dietitian (San Nicolas)
 19. **Mariano Ligaya** for Occupational Therapy (Ogo)
 20. **Alesia Ogo** for Occupational Therapy (Claros)
 21. **Brooke Olson** for Occupational Therapy (Ogo)
 22. **Michelle Williams** Occupational Therapy (Ogo)
 23. **Brenda Delisle** for Physician Assistant (Tajalle)
 24. **Walter Stratton** for Physician Assistant (Tajalle)

25. **Walter Woodroff** for Physician Assistant (Tajalle)
26. **Mary Borja** for Physical Therapy (Claros)
27. **Julienne Duenas** for Physical Therapy (Claros)
28. **Nora Garces** for Physical Therapy (Claros)
29. **Leonor Josef** for Physical Therapy (Claros)
30. **Marina Ng** for Physical Therapy (Claros)
31. **Shannon O'Connor** for Physical Therapy (Claros)
32. **Roseanne Tkaczuk** for Physical Therapy (Claros)
33. **Melissa Adolph** for Physical Therapy Assistant (Claros)
34. **Roland Palmquist** for Podiatry (Miller)
35. **Phillip Tutnauer** for Podiatry (Miller)
36. **Ronald Beaver** for Registered Respiratory Therapy (Cruz)
37. **Cleopatra Manzon** for Registered Respiratory Therapy (Cruz)
38. **Judy Roa** for Registered Respiratory Therapy (Cruz)
39. **Robert Sales** for Registered Respiratory Therapy (Cruz)
40. **Craig Nichols** for Certified Respiratory Therapy (Cruz)
41. **Inna Anderson** for Certified Respiratory Therapy (Cruz)
42. **Julianne Abuda** for Speech & Language Pathology (Crisostomo)
43. **Clare Camacho** for Speech & Language Pathology (Crisostomo)
44. **LeeAnn Santos** for Speech & Language Pathology (Crisostomo)
45. **Jessica Wong** for Speech & Language Pathology (Crisostomo)
46. **Christine Franquez** for Speech & Language Pathology Assistant (Crisostomo)
47. **John Payne** for Speech & Language Pathology Assistant (Crisostomo)
48. **Rhonda Aliah** for Veterinary Medicine (Crisostomo)

The following were tabled due to incomplete document or lacking CE hours:

1. **Richelle Rada** for Clinical Dietitian (San Nicolas)
2. **Rowena Ybarra** for Clinical Dietitian (San Nicolas)
3. **Ma. Farrah Cunanan** for Physical Therapy (Claros)
4. **Arlene Data** for Physical Therapy (Claros)
5. **Isaias Santos** for Physical Therapy (Claros)
6. **Nino Matias** for Physical Therapy Assistant (Claros)
7. **Joame Topacia** for Physical Therapy (Claros)

D. Letter from DOE Speech & Language Pathology Assistants to the Board was expressing issues that were pertaining to employees (signatures) and Management (DOE Special Education in this case) was discussed. The Chair advised the SLP Assistants to bring their concerns to the Associate Superintendent of SPED for a resolution.

V. Miscellaneous:

- A. Speech & Language Pathology revised Forms were presented. (Crisostomo)
- B. Fee Comparison for Occupational Therapist in other states was discussed. (Ogo)
- C. CE hours claimed must be obtained during the renewal period time-frame, from January 1st of the odd year to December 31st of the even year. For this renewal period, CE hours claimed must be from January 1, 2017 to December 31, 2018.

VI. **Next meeting: Friday, November 9, 2018.**

VII. Adjournment: (Moved by San Nicolas, Seconded by Pereda)
Meeting was adjourned at 1:20 pm.



OFFICE OF THE ATTORNEY GENERAL OF GUAM

590 S. Marine Corps Drive, Suite 901, Tamuning, Guam 96913

♦ Phone: 671.475.3324 extension 5015 ♦ Fax 671.477-4703 ♦ Email law@guamag.org

Hon. Leevin Taitano Camacho
Attorney General of Guam

May 14, 2019

Mamie Balajadia, Ed.D., Chair
Guam Board of Allied Health Examiners
123 Chalan Kareta
Mangilao, Guam 96913-6304

Subject: Approval of Proposed Rules and Regulations Governing the Adoption of Codes of Professional Conduct/Ethics by the Guam Board of Allied Health Examiners (Ref: DPHSS 19-0257)

Dear Madam Chair:

The Office of the Attorney General has completed its review of the Guam Board of Allied Health Examiners' (the Board or GBAHE) proposed Rules and Regulations Governing the Adoption of Codes of Professional Conduct/Ethics received in this office May 6, 2019.

Pursuant to 5 GCA § 9303(a)(4) of the Administrative Adjudication Law (AAL), as amended by P.L. 34-032 (July 13, 2017), I am approving the proposed Rules as to form, constitutionality, compliance with the requirements of the AAL, and compliance with the GBAHE's statutory authority to promulgate rules.

Please be reminded that the AAL's current rule-making procedures require the Board to file the proposed Rules, together with the written approval of *I Maga'låhi* as to policy and approval of the Attorney General as to compliance with the law, with the Speaker of *I Liheslatura* in a format and manner specified in 5 GCA § 9303(a)(4). Section 9303(c) further provides that no rule shall become effective until after ninety (90) calendar days have elapsed from the date of filing with the Speaker of *I Liheslatura* during which time and within seventy-five (75) calendar days from the date of filing of the rules with the Speaker, the legislative committee with oversight of the subject matter or the Committee of the Whole shall have conducted one or more public hearings on the proposed rules. After the public hearing and within the 90-day time period, *I Liheslatura* may approve, disapprove, or amend the proposed rules by the passage of a bill into law. In the event *I Liheslatura* declines to formally approve, disapprove, or amend the proposed rules by the passage of a bill into law, the Speaker may certify and the Legislative Secretary may attest to the default approval of compliant rules.

If you have any questions, please contact Deputy Attorney General of the Solicitor Division Karl P. Espaldon at (671) 475-3324, extension 3115.

Sincerely,


LEEVIN TAITANO CAMACHO
Attorney General

Enclosure

EXHIBIT E

5.08.19 *TH*

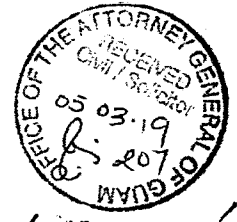


Guam Board of Allied Health Examiners

Mailing Address: 123 Chalan Kareta • Mangilao, Guam 96913
Physical Location: Rm 209 Terlaje Professional Bldg.
194 Hernan Cortez Avenue, Hagåtña
• Telephone: (671) 735-7405•

MEMORANDUM

DATE: May 3, 2019
TO: Attorney General *cc 5/8/19*
FROM: Guam Board of Allied Health Examiners



VIA AAG R. WEINBERG

RE: Request for Attorney General's Approval of Proposed Rules and Regulations Governing the Adoption of Codes of Professional Conduct/Ethics by the Guam Board of Allied Health Examiners

As required by 5 GCA § 9303(a) of the Administrative Adjudication Law ("AAL"), attached please find a printed and an identical electronic (pdf) version of the proposed Rules and Regulations Governing the Adoption of Codes of Professional Conduct/Ethics that were approved by the Guam Board of Allied Health ("Board") at its regular meeting held on October 5, 2018.

Authority to Promulgate Rules

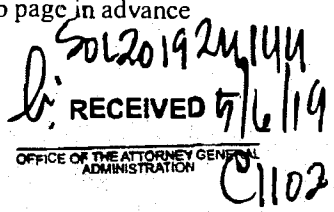
The Board is authorized to promulgate these rules and regulations by 10 GCA § 12803(c)(1) ("The Guam Board of Allied Health Examiners... shall have the following powers and responsibilities: (1) promulgate rules and regulations..."); 10 GCA § 12811(y) ("The following includes, but is not limited to, acts of unprofessional conduct which shall result in disciplinary action: ... any other acts, as determined by the Board, to be unprofessional conduct."); and 10 GCA § 12825(a) ("The Board shall be authorized to adopt and enforce rules and regulations to carry into effect the provisions of the Allied Health Practice Act and to fulfill its duties under this Act.").

Compliance with the Administrative Adjudication Law

Pursuant to 5 GCA § 9301, the Board held a public hearing on October 5, 2018 commencing at 10:00 a.m. at the Health Professions Licensing Office (HPLO) in the Terlaje Building in Hagåtña, Guam on the subject of Proposed Rules and Regulations Governing the Adoption of Codes of Professional Conduct / Ethics. As required by 5 GCA § 9301(a), notice of the public hearing was properly advertised in a newspaper of general circulation at least 10 days prior to the date of the hearing by publication in the *Guam Daily Post* on September 21, 2018. *See*, attached Exhibit A. A minimum of five copies of the draft rules were made available for public examination at the HPLO, and also on the Board's web page available at <http://dphss.guam.gov/econtent/guam-board-allied-health-examiners>, from the date of publication of said notice continuously until the said hearing.

No economic impact statement is required because the impact is less than \$500,000 as determined by a preliminary cost impact assessment which was made available to the public in advance of the public hearing. *See*, 5 GCA § 9301(i) ("Exemptions. Any proposed rule, change of rule, regulation or request to impose or raise fees or rates shall be exempted from the economic impact statement requirements of ... this Section if the annual economic impact to the general public is Five Hundred Thousand Dollars (\$500,000) or less, as determined by a preliminary cost impact assessment performed by the ... agency... proposing the rule, change of rule, regulation or request to impose or raise fees."). A copy of the preliminary cost impact assessment, made available for examination at the HPLO and on the GBAHE web page in advance of the hearing, is attached as Exhibit B.

<http://dphss.guam.gov/guam-board-of-allied-health-examiners/>
• Telephone: (671) 735-7404-10 • Fax: (671) 735-7413



RE: Request for Attorney General's Approval of Proposed Rules and Regulations Governing
the Adoption of Codes of Professional Conduct / Ethics

May 3, 2019

~Page 2

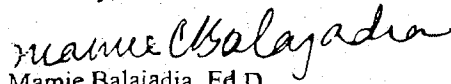
No written comments were received by the Board. One individual testified orally who raised a concern regarding the wording of the language adopting codes of professional conduct which he viewed as possibly ambiguous, which was given full consideration by the Board prior to a final vote thereon. A true and correct transcript of the public hearing held on October 5, 2018 transcribed by Marie L. Cruz, Paralegal II, Attorney General's Office, Solicitor Division, and edited by Robert M. Weinberg, Asst. Attorney General, is attached as Exhibit C.

Finally, a true and correct copy of the amended Board Meeting minutes of the Board's regular board meeting held on October 5, 2018 following the public hearing approving the rules and regulations is attached as Exhibit D.

Pursuant to 5 GCA § 9303(a)(4) of the Administrative Adjudication Law, the Attorney General's approval of the proposed rules and regulations as to constitutionality, compliance with the AAL, and compliance with the Board's statutory authority for the promulgation of the rules is required as part of the rule-making process. The Board respectfully asks that you review these proposed rules and regulations and accompanying documents; and in the event you find them compliant with the law that you so advise so that we may then forward them to *Liheslatura*.

For further information, please free to contact me care of the Board Offices at the Health Professional Licensing Office. On behalf of the Board, I am

Sincerely,



Mamie Balajadia, Ed.D.

Chair, Guam Board of Allied Health Examiners

Attachments:

- Final Rules Governing the Adoption of Codes of Professional Conduct / Ethics
AGENCY RECORD
- Exhibit A – Proof of Publication of Notice
- Exhibit B – Preliminary Cost Impact Assessment
- Exhibit C – Transcript of Public Hearing Held on October 5, 2018
- Exhibit D – Amended Board Meeting Minutes of Oct. 5, 2018
Approving Adoption of the Rules

For Publication On or Before September 24, 2018

The GUAM BOARD OF ALLIED HEALTH EXAMINERS proposes the adoption of the following Codes of Professional Conduct / Ethics to be considered and voted upon at its regularly scheduled meeting immediately following a public hearing to be held on October 5, 2018:

25 GAR § 101301. CODES OF PROFESSIONAL CONDUCT / ETHICS

(a) All licensees, registrants, and certificate holders shall comply with the following Codes of Professional Conduct:

(1) **OCCUPATIONAL THERAPY.** In the case of Occupational Therapists and Occupational Therapist Assistants licensed by the Board as provided in Articles 7 and 14 of Chapter 12, Title 10, the Code of Professional Conduct shall be the American Occupational Therapy Association (AOTA) Occupational Therapy Code of Ethics (2015), as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Occupational Therapists and Occupational Therapist Assistants and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the AOTA Occupational Therapy Code of Ethics (2015) and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(2) **ACUPUNCTURE.** The Code of Professional Conduct for persons licensed to practice acupuncture shall be the National Certification Commission for Acupuncture and Oriental Medicine Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for the Practice of Acupuncture and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the National Certification Commission for Acupuncture and Oriental Medicine Code of Ethics and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(3) **AUDIOLOGY.** The Code of Professional Conduct for Audiologists licensed by the Board shall be the Code of Ethics published by the American Academy of Audiology, and the American Academy of Audiology Standards of Practice (2012), as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Audiologist and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for the Practice of Audiology and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(4) **CHIROPRACTIC MEDICINE.** The Code of Professional Conduct for Chiropractors licensed by the Board shall be the American Chiropractic Association Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Chiropractors and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for

Chiropractors and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(5) **CLINICAL PSYCHOLOGY.** The Code of Professional Conduct for Clinical Psychologists licensed by the Board shall be the Association of State and Provincial Psychology Boards Code of Conduct, as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Clinical Psychologists and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Clinical Psychologist and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(6) **LICENSED PROFESSIONAL COUNSELING.** The Code of Professional Conduct for Licensed Professional Counselors licensed by the Board shall be the American Counseling Association Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Licensed Professional Counselors and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Licensed Professional Counselors and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(7) **LICENSED MENTAL HEALTH COUNSELING.** The Code of Professional Conduct for Licensed Mental Health Counselors licensed by the Board shall be the American Mental Health Counselors Association (AMHCA) Code of Ethics (Oct. 2015), as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Licensed Mental Health Counselors and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Licensed Mental Health Counselors and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(8) **MARRIAGE AND FAMILY THERAPY.** The Code of Professional Conduct for Marriage and Family Therapists licensed by the Board shall be the American Association of Marriage and Family Therapy (AAMFT) Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Marriage and Family Therapists and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Marriage and Family Therapists and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(9) **PHYSICAL THERAPY.** The Code of Professional Conduct for Physical Therapists licensed by the Board shall be the American Physical Therapy Association (APTA) Code of Ethics for the Physical Therapist; and the APTA Guide for Professional Conduct, as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. The Code of Professional Conduct for Physical Therapist Assistants licensed by the Board shall be the APTA Guide for Conduct of the Physical Therapist Assistant (PTA); and the APTA Standards of Ethical Conduct for the Physical Therapist Assistant, as adopted as of the effective dates of these rules, and any revisions made

hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Physical Therapists and Physical Therapist Assistant, and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Physical Therapists and Physical Therapist Assistant, and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(10) **PHYSICIAN ASSISTANTS.** The Code of Professional Conduct for Physician Assistants licensed by the Board shall be the Guidelines for Ethical Conduct for the Physieian Assistant Profession (2013) as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Physician Assistants and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Physician Assistants and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(11) **PODIATRY.** The Code of Professional Conduct for Podiatrists licensed by the Board shall be the American Podiatric Medical Association – Code of Ethics (2013) as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Podiatrist and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Podiatrist and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(12) **SPEECH-LANGUAGE PATHOLOGY.** The Code of Professional Conduct for Speech-Language Pathologists and Speech-Language Pathology Assistants licensed by the Board shall be the American Speech-Language-Hearing Association (ASHA) Code of Ethics (2016) as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Speech-Language Pathologists and Speech-Language Pathology Assistants and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(13) **VETERINARY MEDICINE.** The Code of Professional Conduct for Veterinarians licensed by the Board shall be the American Veterinary Medical Association Principles of Veterinary Medical Ethics (PVME) as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Veterinarians and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Veterinarians and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(14) **RESPIRATORY THERAPY.** The Code of Professional Conduct for Respiratory Therapists licensed by the Board shall be the American Association for Respiratory Care (AARC) Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Respiratory Therapy and by reference thereto shall have the full

force and effect of a regulation of the Board. In the event of a conflict between the American Association for Respiratory Care Code of Ethics and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(15) **NUTRITION AND DIETETICS.** The Code of Professional Conduct for Nutritionists and Clinical Dieticians licensed by the Board shall be the Academy of Nutrition and Dietetics Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Nutritionists and Clinical Dieticians and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Nutritionists and Clinical Dieticians and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(16) **NURSING HOME ADMINISTRATORS.** The Code of Professional Conduct for Nursing Home Administrators licensed by the Board shall be the American College of Health Care Administrators (ACHCA) Code of Ethics and the National Association for Home Care & Hospice (NAHC) Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Nursing Home Administrators and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Nursing Home Administrators and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(b) Each applicant or licensee, registrant, or certificate holder is responsible for being familiar with and following the Code of Ethics of that individual's profession.

(c) Unethical conduct includes, but is not limited to, the following:

- (1) Knowingly circulating untrue, fraudulent, misleading or deceptive advertising.
- (2) Engaging in sexual activities with clients.
- (3) Addiction to the habitual use of intoxicating liquors, narcotics, or other stimulants to such an extent as to incapacitate him from the performance of his professional obligations and duties.
- (4) Failure of a licensee to inform clients fully about the limits of confidentiality in a given situation, the purposes— for which information is obtained, and how it may be used.
- (5) Denial of a client's reasonable request for access to any records concerning the client. When providing clients with access to records, the licensee shall take due care to protect the confidences of others contained in those records.
- (6) Failure to obtain informed consent of clients before taping, recording, or permitting third party observation of their activities.
- (7) Failure to clarify the nature and directions of a licensee's loyalties and responsibilities and keep all parties informed of their commitments when a conflict of interest exists between a client and the licensee's employing institution.
- (8) Failure to fully inform consumers as to the purpose and nature of an evaluation, research, treatment, educational or training procedure, and freely acknowledging that

clients', students, or participants in research have freedom of choice with regard to participation.

(9) Failure to attempt to terminate a clinical or consulting relationship when it is reasonably clear that the relationship is not benefiting the consumer, patient, or client. Licensees who find that their services are being used by employers in a way that is not beneficial to the participants or to employees who may be affected, or to significant others, have the responsibility to make their observations known to the responsible persons and to propose modification or termination of the engagement.

(10) Failure to make every effort to avoid dual relationships with clients and/or relationships which might impair independent professional judgment or increase the risk of client exploitation.

(11) Failure to assist clients in finding needed services by making appropriate referrals in those instances where payment of the usual fee would be a hardship.

(12) Failure to terminate service to clients and professional relationships with them, when such service and relationships are no longer required. The licensee who anticipates the termination or interruption of service to clients shall notify clients promptly and seek the transfer, referral, or continuation of service in relation to the clients' needs and preferences.

(13) Setting fees that are unreasonable and not commensurate with the service performed.

(14) Engaging in the division of fees or agreeing to split or divide the fee received for professional services with any person for bringing or referring a patient.

REFUNDS continued from page 1

governor's office, a second batch of tax refunds will be processed and sent out soon after this first batch has been issued. The amount to be paid in the second batch was not stated.

"This is a continuation of my administration's commitment to smart fiscal management," Calvo said. "We have always prioritized refunds owed to the people of Guam."

It's not clear how much of the \$77 million in Section 30 funding will be

devoted to paying tax refunds.

Debt service obligations

The administration has repeatedly stated its first obligation is to pay the annual installment payment on debts owed to those who have invested in Guam bonds.

Edward Birn, the director of the Department of Administration, told The Guam Daily Post on Thursday that the debt service obligation this month is \$19.8 million.

That would leave \$57.2 million for other obligations, including tax refunds.

However, Birn could not say whether all of that \$57.2 million would be used for refunds. The allocation is up to the governor.

In recent years, between \$125 million and \$140 million in tax refunds has been paid out annually.

Until Thursday, roughly \$76 million in refund checks had been issued this year. The additional \$35 million being mailed out Monday will raise that total to \$111 million.

The administration is under court order to pay all tax refunds owed to island taxpayers by Oct. 15.

CLTC continued from page 1

sial properties in Barrigada Heights, some of which benefited certain Department of Land Management managers' relatives, and which initiated scrutiny into CLTC practices.

In early September, the commission voted to send the voidable leases and 102 voided leases to the Legislature for consideration toward ratification.

Thursday meeting

However, during the commission's meeting Thursday, Chairwoman Pika Fejeran said she believes the commission could ratify — based on her discussions with lawyers and a former chairperson.

While the commission ratified the voidable leases, the commission maintained it didn't have the authority to ratify the void leases.

The ratification of void leases can only be addressed through legislative intervention, so that portion of the commission's original decision still stands.

Attorney General Elizabeth Barrett-Anderson has said CLTC leases are voidable if they are not approved by the commission. These leases may be ratified by the CLTC, but leases that were obtained by transferring or "switching" leases involving applications for individuals who are still alive are considered null and void.

The commission can do nothing about void leases, except to seek legislative action.

Staff at CLTC and its umbrella agency, the Department of Land Management, spent several months compiling a list of voidable and void leases. The voidable leases that were identified include applicants from 1995 and onward, as well as leases that were transferred legally. Under Guam law, leases can be transferred after an applicant's death or if seven years had passed since a lease was issued to that applicant.

The reason behind the earlier decision to forward the matter to the Legislature revolved around legal technicalities and the priority of applicants.

The law prioritizes residential leases first to applicants without land. Applicants who have 1 acre of land or less are the next priority, and applicants who have an acre or more of land should be last on the waiting list.

Throughout the program, individuals of lower priority were issued leases ahead of higher-priority applicants.

Earlier this month, Fejeran said the Legislature needs to specify how the priority listing can apply, now that the commission is addressing faults in its leases more than two decades after the first individuals applied for the program.

Implemented law 'too strictly'

But on Thursday, Fejeran said she believed the commission interpreted the law too strictly and it wasn't practical to believe all Priority 1 applicants could have been served ahead of those with lower priority.

To this day, there are Priority 1 applicants applying while lower priority applicants still haven't been addressed, she said.

Ratifying all voidable leases without some legislative recourse drew concern from both CLTC legal counsel Nicolas Toft and DLM Director Michael Borja.

The law is clear in requiring that Priority 1 applicants be addressed first, they said.

Ratifying all voidable leases, including those given to lower-priority lessees, might open the commission to lawsuits, Toft and Borja said.

The commission ultimately decided on a compromise, ratifying the leases themselves while still asking the Legislature to acknowledge the ratification, which could be done in the form of a law or resolution solidifying the legal status of the ratified leases.

If the Legislature does not acknowledge the ratification, Toft said the CLTC still made its decision and will defend it as best it can in case of litigation.

3 hurt in house fire

Guam Fire Department units responded at about 6 p.m. Thursday to a fire along Maria Perez Street in Santa Rita.

Three people sustained burns in the fire, which occurred in a wood-and-tin extension to a concrete structure.

The three were transported to Guam Memorial Hospital for their injuries.

The cause of the fire is under investigation.

(Daily Post Staff)

BLAS continued from page 1

governor at this time.

"I told them this is a party decision," Blas said. "If the party wants me to run for governor, the party has got to initiate the discussion."


He acknowledged that he was asked about his interest in running for governor in the wake of the July gun-grabbing incident involving Lt. Gov. Ray Tenorio, who is the Republican nominee for governor.

Blas said that the lieutenant governor's legal troubles will make it "that much tougher" for the party to hold on to Adelup. But he also noted the slim chance any candidate would have in trying to enter the race as a write-in at this late stage, only 46 days before the general election.

"I'm a Republican, but I also want to do what's best for the people of Guam," he said.


Party Chairman Jerry Crisostomo told The Guam Daily Post on Tuesday, "The party stands firmly and strongly behind the lieutenant governor as our party's nominee for governor." He said the party will not entertain or recognize any new team or a write-in team.

Tenorio has vowed to continue his bid for governor.



GUAM POWER AUTHORITY

ATURIDĀT ILEKTRESEDĀT GUĀHAN
P.O. BOX 2977 • AGANA, GUAM U.S.A. 96932-2977
Telephone Nos. (671) 648-3054/55 or Facsimile (671) 648-3165



John M. Benavente, P.E.
General Manager

INVITATION FOR BID

This notice is paid for by the GUAM POWER AUTHORITY REVENUE, O&M & CIP FUNDS
Public Law 26-12

BID NO.:	PRE-BID DATE:	TIME:	DUE DATE:	TIME:	DESCRIPTION:
RE-BID GPA-101-18	-	-	10/04/2018	2:00 P.M.	Point of Sale (POS) Register Hardware and Installation Services
GPA-102-18	-	-	10/04/2018	2:30 P.M.	Voice and Oata Services
(MULTI-STEP) GPA-118-18	10/04/2018	9:00 A.M.	11/27/2018	4:00 P.M.	Supply of Reprocessed Guam Power Authority Waste Oil Meeting GPA's Specifications for Reprocessed Waste Oil

Bid packages may be picked up at the (GPA Procurement Office, 1st Floor Gloria R. Nelson Public Services Building, RR Route 15, Mangilao, Guam 96913. All interested fir call our office at 1 (671) 648-3054 / 30 are communicated to all bidders thro <http://guampowerauthority.com/gpa>

EXHIBIT A

NOTICE OF PUBLIC HEARING
ON PROPOSED ADMINISTRATIVE
RULES AND PROPOSED FEE SCHEDULE

The Guam Board of Allied Health Examiners (GBAHE) will conduct a public hearing to consider Proposed Administrative Rules Governing the Adoption of Codes of Professional Conduct / Ethics and to consider amendments to the current fee schedule on Friday, October 5, 2018 at 10:00 a.m., at the Health Professions Licensure Office (HPLO), 2nd Floor Conference Room, Teraje Building, Hagåtña, Guam. The public is invited to attend. Copies of the proposed rules and fee schedule are available for inspection at the HPLO in the Teraje Building, Hagåtña, Guam. The GBAHE will vote on adoption of the rules and fee schedule at its regularly scheduled Board meeting immediately following the public hearing. For more information call Heather Narcis, GBEP Secretary at (671) 735-7405 through 12. For special accommodations call (671) 735-7172, or (671) 649-1801 for the hearing or speech impaired.



Guam Board of Allied Health Examiners

Department of Public Health & Social Services
123 Chalan Kareta, Mangilao, Guam 96913

PRELIMINARY COST IMPACT ASSESSMENT (ECONOMIC IMPACT STATEMENT)

Title 5 GCA § 9301(i) of Guam's Administrative Adjudication Law provides the following exemptions to the requirement that an economic impact statement accompany proposed rules, changes of rules, regulations or requests to impose or raise fees or rates:

Exemptions. Any proposed rule, change of rule, regulation or request to impose or raise fees or rates shall be exempted from the economic impact statement requirements of Subsection (d), (e), (f), (g), and (h) of this Section if the annual economic impact to the general public is Five Hundred Thousand Dollars (\$500,000) or less, as determined by a preliminary cost impact assessment performed by the Bureau of Budget and Management Research, or the department, agency, autonomous agency, office or instrumentality proposing the rule, change of rule, regulation or request to impose or raise fees. The preliminary cost impact assessment must be completed and made available to the public prior to any required hearings on the proposed rules or regulations, and must be transmitted to *Liheslatura* (the Legislature) as part of the agency record.

The Guam Board of Allied Health Examiners in consultation with the Office of Attorney General has conducted a preliminary cost impact assessment of the proposed rules and amended fee schedule to be adopted and has made the following determination:

1. The proposed rules adopting Professional Codes of Conduct / Ethics has been determined to have no economic impact whatsoever.
2. The proposed fee schedule will have an economic impact to the general public of less than \$500,000.

Accordingly, no economic impact statement is required.

BEFORE THE GUAM BOARD OF ALLIED HEALTH EXAMINERS

**TRANSCRIPT OF PUBLIC HEARING
ON
PROPOSED AMENDMENTS TO ADMINISTRATIVE RULES & REGULATIONS
GOVERNING THE ADOPTION OF CODES OF ETHICS
AND
ADOPTION OF AMENDED FEE SCHEDULE**

OCTOBER 5, 2018 - 10:00 a.m. - 11:10 a.m.

**(Transcribed by Marie L. Cruz, Paralegal II, Attorney General's Office, Solicitor Division)
(Edited by Robert M. Weinberg, Asst. Attorney General)**

(Audio Recording Time - 0:40 - 52:03)

**In attendance: Guam Board of Allied Health Examiners Board Members Mamie Balajadia (Chair);
Greg Miller; Sibyl Crisostomo; Alicia Ogo; Vince Pereda; Cathy San Nicolas; and Greg Cruz.
Health Professions Licensing Office Staff Member, Mae Pangelinan; Legal Counsel,
Assistant Attorney General Rob Weinberg.**

- 1 **Mamie Balajadia** - I'm calling the Public Hearing to order right now, today is October 5th, 2018, this is
2 a public hearing for the public to comment on Guam Board of Allied Health Examiners proposed Code for
3 Professional Conduct Ethics as well as the proposed fee schedule. Present, are board members, we have
4 a quorum, Sibyl Crisostomo, Alicia Ogo, Vince Pereda, Dr. [Greg] Miller, Cathy San Nicolas, and Greg Cruz,
5 and myself, Mamie Balajadia. Present also, are [HPLO] staff member, Mae Pangelinan, and our legal
6 counsel, Assistant Attorney General Rob Weinberg.
- 7 This Public Hearing was published on September 27th [2018] as required by law, ten days prior to this
8 Public Hearing, at the - in the, the *Guam Post*, the *Post*.
- 9 Present, we have Mr. [Wayne] Butler, who signed in that he would like to make comments, and testify on
10 the subject matter. Wayne Butler, would you come in? Thank you.
- 11 **Wayne Butler** - So, I get two hours, I take it.
- 12 **Mamie Balajadia** - I think we need a set of rules, that um, I forgot to say, that, since we don't have others
13 that would like, you can speak, longer than five minutes allotment usually -
- 14 **Wayne Butler** - *(faded)* - I probably won't be more than five minutes. I appreciate that.
- 15 **Mamie Balajadia** - Sure, but, but, you know, but not for two hours, Thank you. *(Chuckle)*
- 16 **Wayne Butler** - *(Laugh)* Good, thank you. Good Morning. Thank you for the opportunity, Madam Chair,
17 and Board Members, most of, let's see, with regard to the ethical rules...mostly this looks really good, you
18 guys did a lot, a lot of hard work on this, and, and umm, the fee schedule, and I appreciate that. Just, just

- 1 one concern that I have is the language at, at the bottom, I think it's at every one, um, and, where, where
2 it talks about any statute, um, let's see, where it talks about any statute enacted by the Guam Legislature,
3 or any rule promulgated by this board, aah, or more recent in time, uuh, statute or rule shall be control,
4 what that says to me is, is that the uum Guam Legislature or the board as well as umm my profession can
5 set ethical rules? And that if my profession's ethical rules are in conflict with the Legislature or the board,
6 that the, that it could be that the Legislature or the board rule, would rule? Um, I'd really prefer it for
7 ethical purposes just that the ethical rules from my profession are what rule in there, and that, and that,
8 anything that the Guam Legislature or the board does may be rules but shouldn't be ethical rules? If that
9 makes sense? *(Pause)* But that, that's my only concern. Other than that, it looks really good to me.
- 10 **Mamie Balajadia** – Yeah, well this is all taken from your professions' ethic, code of ethics. So, the reason
11 why there has to be a language in there indicating, cause we don't want to go back to changing all the
12 time. Yeah, going back to the Legislature keeps, so there is language there indicating that whenever your
13 association may change the rules then therefore we follow, instead, of you know, every single time. So,
14 our legal counsel can elaborate on that. *(Pause)*
- 15 **Rob Weinberg** – I'm Rob Weinberg, I'm an Assistant AG. That's a neat point, Wayne Butler, and I
16 *(inaudible)* that last sentence is kind of based on my experience, my observations of other professions,
17 like the legal profession it has the American Bar Association out there, but the jurisdictions like the
18 Alabama Supreme Court, or Guam Supreme Court when adopting rules of ethics, they adopt them, kind
19 of case by case, so the American Bar Association can come out with amended proposed rules, model rules
20 in 1987, but it's not until the Alabama Supreme Court, Guam Supreme Court, approves them or adopts
21 them, then they are. And so, in the event that there's a conflict – although I love the idea that anytime that
22 they change, that, that these are automatically changed – and that was kind of the, that's the context here.
23 But in the event that, that either the board takes issue with the way something is written, or any one of
24 the particulars, or the Legislature, it's the board and the Legislature that have final say. And that is why
25 when there is a later in time conflict, it's the board and the Legislature have the last word.
- 26 **Wayne Butler** – But, I guess my concern is then, the Legislature and the board are actually making ethical
27 rules for my profession and they're not necessarily qualified to do that? *(Pause)* Or could be anyway.
- 28 **Rob Weinberg** – I think that I understand what you are saying, but I think the answer is that the
29 Legislature has, has set the bar. That the Legislature has delegated – although you know it's odd in this
30 particular board, because, because it's this umbrella board of this multitude of professions – they have
31 the final, uuh say on what is a violation of ethics. That's why actually the idea of having this in the first
32 place, was rather than catch-all generic ones, it's already there, it's added to the board professions
33 specific ones they adopted.
- 34 **Wayne Butler** – Yeah, well I definitely like, I like the professions-specific piece, it's just, what . . . I don't
35 know, there's just a, there's a conflict for me, with it, I have no trouble following the ethical rules in my
36 profession, it's when somebody else can come in and say, "Oh well, we don't like that rule, this is the rule
37 instead," that concerns me, and I think you're getting that.
- 38 **Rob Weinberg** – Uh, yeah

- 1 **Wayne Butler** – It's no problem if it's in the law that as soon as my profession changes, um, a rule, that
2 that's what um, that that's the rule, you know.
- 3 **Rob Weinberg** – Yeah, and that's the difference between a professional association and the American
4 Bar Association, American Psychological Association, Medical, which doesn't issue a license, versus a
5 board of, licensure board, which does.
- 6 **Wayne Butler** – But, but, these are national organizations, so national ethical rules, rather than, than
7 local.
- 8 **Rob Weinberg** – Yeah, but they can't take your license.
- 9 **Wayne Butler** – No they can't, and, and it, but, or and, the board will be able to – if I violated my national,
10 my national rules under this anyway.
- 11 **Rob Weinberg** – Except, if there's, except if there's something more specific than the Guam Allied Health
12 Board had adopted later in time, in which case that would control.
- 13 **Wayne Butler** – Right, but that, that's where I'm having an issue, is because then the board is, is creating
14 ethical rules for my specific profession that may or may not actually apply to that profession properly.
- 15 **Rob Weinberg** – Well that's what they're doing with this here, in doing these adoptions here.
- 16 **Wayne Butler** – Except, except with that, that, that one line. *(Laugh)* You see, you see what I'm saying.
- 17 **Sybil Crisostomo** – Where's that line?
- 18 **Wayne Butler** – The very bottom line. It's the, it's the last line of...
- 19 **Mamie Balajadia** – of every profession...
- 20 **Sybil Crisostomo** – ...of the very last one.
- 21 **Wayne Butler** – Yeah, yeah.
- 22 **Wayne Butler** – Cause, they're, there it's saying that, any statute, any statute, enacted by the Guam
23 Legislature or any rule by the Guam boards.
- 24 **Rob Weinberg** – *(Inaudible)* with your professions' ...
- 25 **Wayne Butler** – Right.
- 26 **Rob Weinberg** – ... model rules,
- 27 **Wayne Butler** – Right.
- 28 **Rob Weinberg** – and that's all your professions' are, they're model rules.
- 29 **Wayne Butler** – Yeah, of course, of course.

- 1 **Rob Weinberg** – Now, your professional association ... But I think that this sentence also... And, I don't
2 want to argue with you, because you're entitled to your statement.
- 3 **Wayne Butler** – No I don't, I appreciate it.
- 4 **Rob Weinberg** – Then, I think that this, that this is, you know, anything that would come subsequent to
5 your association's rules, and is in conflict – either by the board in a new rule or by the Legislature in its
6 statute, will have thoughtfully considered why it should differ from the association's pre-existing rule.
- 7 **Wayne Butler** – Let me, let me follow that, follow that logic then. So, so the board, um or yeah, let's say
8 the board makes a rule that conflicts with my professional association, and then, the professional
9 association changes that rule. Then that then suddenly, even though the board disagrees, may continue
10 to disagree with, then that's the rule until the board makes a change again. That, so, you see where I'm...
11 I'd really rather have just one single source of: this is ethical or this is not. And, and I have no problem
12 with my profession being that, that source. *(Pause)* I think, I really think that addresses what your
13 concerns are, but I could be wrong, I may not be hearing you correctly.
- 14 **Rob Weinberg** – Well, I see your issue, and it's a good one. Uh, I'm not quite sure how it's going to happen
15 until we get to that point.
- 16 **Wayne Butler** – OK. But just wanted to raise it, and if there's some way of addressing that, maybe.
- 17 **Mamie Balajadia** – We will put that comment...
- 18 **Wayne Butler** – Give you something to think about.
- 19 **Mamie Balajadia** – ... as a collective, we'll put that comment collectively to, you know, when we present
20 to the Legislature. But remember that there's another public hearing...
- 21 **Wayne Butler** – Yea, yes.
- 22 **Mamie Balajadia** – ... at the Legislature, so you can bring that up. But what you're presenting, you say
23 that, I think it might make them feel like they're insulted. Hello? You know what I'm saying? I'm just kind
24 of like looking at it, because certain body thinks that they're the only thing that happens, you know, in
25 the community, and so, yeah, but, but I think to make this clear is that the reason why those words are
26 said so every time let's say the profession changes, we don't want to come back to the Legislature and
27 keep changing, for example there's a rule, that like say your profession changes, let's say the psychology,
28 okay, change[s], we don't want to come back to say, oh, they change, and without the wording, whatever,
29 then you have to go back to the Legislature, it's very cumbersome. We all know that, that's the reason
30 why this is in there.
- 31 **Wayne Butler** – Yeah and I agree with you 100% on that.
- 32 **Rob Weinberg** – That's actually the more common process, which is *(inaudible)* if the ABA, the American
33 Bar Association, comes out with a change to its model rules, it's not automatic for my profession.
- 34 **Wayne Butler** – Yeah.

- 1 Mamie Balajadia – Right.
- 2 Rob Weinberg – The Guam Supreme Court has to go, “well....” Then have its....
- 3 Wayne Butler – No, yeah, I’m totally on board with the, if my profession changes, that it be changed
4 automatically.
- 5 Mamie Balajadia – I think that change will have to be substantial and big impact, because ...
- 6 Wayne Butler – Yeah, I’m just concerned, concerned that the Legislature could, or the board could ...
- 7 Mamie Balajadia – ...they’re too busy for other things.
- 8 Wayne Butler – ... create...Yeah ...
- 9 Mamie Balajadia – They’re not going to look into your profession.
- 10 Wayne Butler – Yeah, but if ...
- 11 Mamie Balajadia – Unless you have you in the Legislature, then they may think about it, right?
- 12 Wayne Butler – There we go.
- 13 Mamie Balajadia – But, at this point we all know the prediction, is that the Legislature is too busy with
14 other things, that they don’t really care, about regulatory, as you know? Right?
- 15 Wayne Butler – In general...
- 16 Mamie Balajadia – But, but I think that we’ll include your comment though, into this. Right?
- 17 Wayne Butler – Put it on the record, yeah.
- 18 Mamie Balajadia – Any, any other questions for Wayne Butler? A dialog going? Because I think that was
19 the main concern that when we were discussing it, that that was the thing to, so thanks for bringing that
20 out from your perspective, yeah.
- 21 Vince Pereda – I have a question then. If you, if you have more than one license, okay, and you have two,
22 both licenses have different codes of ethics, how do you reconcile that in terms of uh, which one do you
23 adhere too (*inaudible*).
- 24 Wayne Butler – I have no idea exactly...
- 25 Vince Pereda – Yeah, see (*inaudible*)
- 26 Wayne Butler – I, I, actually, Vince in a way, I would think that, that, how, let’s see. Say, say I have an LPC
27 and an MFT license, um, if I’m seeing somebody as an LPC then the LPC rules, and, and yeah, that would
28 be, that would be nasty.

- 1 **Rob Weinberg** – I think the recommended answer and it's all, it's recommended, is go with the most
2 stringent rule, go with the most conservative rule, you know, thing to do, related to it. If one rule says it's
3 okay to date a former client after six years, but another rule says ten years, go with the ten years.
- 4 **Wayne Butler** – Yeah, yeah.
- 5 **Greg Miller** – Could somebody bring up the argument that they're a licensee, that they are not a member
6 of that association, so, it....
- 7 **Rob Weinberg** – No, I mean, yeah, it's not, no, it doesn't affect the board's adoption of that association's
8 rules as its own.
- 9 **Greg Miller** – Great, yeah.
- 10 **Wayne Butler** – Yeah, yeah.
- 11 **Greg Miller** – I'm sure somebody will.
- 12 **Rob Weinberg** – Wayne doesn't have to been a member of whatever to be subject to those rules now.
- 13 **Greg Miller** – Right.
- 14 **Rob Weinberg** – And he may be subject to the rules now, but there's nothing the board can do to enforce
15 them, until it adopts them.
- 16 **Greg Miller** – Right. Okay.
- 17 **Rob Weinberg** – But they're the board's own. They're no longer associations'.
- 18 **Wayne Butler** – Yeah, well really good questions.
- 19 **Mamie Balajadia** – But you know another thing too, is that when, when a person is faced – I don't know
20 about, uum, I know for the APA – is that when they're faced with, uum, aah, sanctioned by any board with
21 the license, that is being reported, (*inaudible*) I think that for ethical . . . for example, if the ethical or
22 whatever situation, it is, and you being a member, of let's say APA, APA, you submitted to APA, APA can,
23 you know, uh, terminate your membership and indicate the reason why. I don't know about the other,
24 you know.
- 25 **Wayne Butler** – And often, they'll report to the local board as well, and I think that's appropriate.
- 26 **Mamie Balajadia** – Only after investigation ...
- 27 **Wayne Butler** – Right.
- 28 **Mamie Balajadia** – ... after all these things, you know, not just off the, yeah,
- 29 **Wayne Butler** – Yeah, once they've taken....
- 30 **Mamie Balajadia** – Right, right. It has to go through the process, right? Yeah, so that's the reason why
31 the association's profession ethics and code of conduct is very important,

- 1 **Wayne Butler** – Oh, absolutely.
- 2 **Mamie Balajadia** – But not everybody is in agreement, you know, there are some people on Guam that
3 just do what the hell they wanted, what they like to do, uum, not following you know, guidelines, no rules,
4 you know, stuff like that. So that's why this is very important, uh, to bring out, yeah, to have some
5 governing, regulating people's behavior, I mean we all behave pretty, pretty well, but some people don't
6 behave.
- 7 **Wayne Butler** – Yeah, I hope our, our profession has been, has been good.
- 8 **Mamie Balajadia** – Yeah, there's no complaint.
- 9 **Wayne Butler** – I don't know of any ethical violations.
- 10 **Mamie Balajadia** – Yeah. So, any board member, any discussion about this? Because, it's not only
11 directed at Wayne Butler, but, you know, some, your thoughts about, questions about your own
12 profession, for discussion, because in the board meetings we quickly go through it, but we haven't have
13 a long discussion. Vince Pereda?
- 14 **Vince Pereda** – No, I'm, you know with the uh, counselor's license, we have three licenses, right? LPC,
15 the licensed mental health counselor, and the marriage and family therapy license. Now currently, we
16 have many social workers who are licensed by this board, okay, that um, it's either one of these three
17 licenses. In addition to having these licenses, there are also social workers, and that they have master's
18 degrees in social work, and maybe some of them even have licensed clinical social work licenses from
19 other states, okay, in addition to being licensed by this board, uh we, I see there's potential problem in
20 terms of addressing ethical violations, when you consider, uh, the profession that, that individual would
21 assert himself to be in, either being as, because um, because social work at the present time does not have
22 a license. They're attempting to create a license for social workers, but the social workers don't have
23 licenses at this time, so all social workers who are license by this board are subject to rules and
24 regulations of this board, okay, even though they may be, uh, practicing in the profession of social work,
25 but what they're practicing under a license, they're not practicing as social workers, they're practicing as
26 an LPC or as a mental health counselor.
- 27 **Mamie Balajadia** – Right.
- 28 **Vince Pereda** – or license marriage and planning counselor. Um, so ethical violations, they would be
29 subject to the ethical violation of the particular license that they hold, okay, um, unless that changes. Uum,
30 *(Pause)* It's just ... a point where you have, uh, different professions and different disciplines that may be
31 involved in the licensure process.
- 32 **Mamie Balajadia** – Well, I *(inaudible)* I think that because of, you know, the title of your license should
33 be governing, right? So, you have a LCSW, right, but your license is marriage and family therapist, for
34 example, mental health counselor license, so you should be governed by that.
- 35 **Vince Pereda** – Right.

- 1 **Mamie Balajadia** – So, it doesn't matter, but because, because the evolving of the, you know, IMFT to
2 that, to the LPC and the others, so, social work needs to then take a look at that, I don't know whether
3 they are going to adopt the social work, you know....
- 4 **Rob Weinberg** – The thing about social workers and ethics is that, whoever has drafted their statute
5 took the entirety of the National Association of Social Workers' code of ethics and put it into the statute
6 itself. They didn't do what we did here, and referred to it, you know, and say, you know the code of ethics
7 of the NASW shall be the code of ethics followed by the social workers license on Guam. They did every
8 single one of them, which means that if the NASW happens to change theirs in the future, in order to
9 change Guam's, they're going to have to go through the legislative process. And um, a very cumbersome
10 way to do that, and, not recommended that.
- 11 **Mamie Balajadia** – So Vince, I think it, depending on the license which you hold, yeah, so that's a matter
12 of your degree....
- 13 **Vince Pereda** – You could conceivably run into a situation where a current social worker whose license
14 under our board chooses to be licensed under the social work board, and have a dual license as a social
15 worker, as well as a licensed counselor and then we have to deal with.
- 16 **Mamie Balajadia** – Well if, I guess we have to come, you know, deal with it when it comes. If a complaint
17 is made to this board, we have to deal with it, and then, you know.
- 18 **Rob Weinberg** – I think the underlying facts of any violation, refer may occur, may happen under
19 different professions ethical codes. So, I don't think it would be a defense, or I would argue for you, that
20 it was not a defense, like I was not an LPC at the time, I was a social worker, therefore, you cannot
21 discipline me. I don't think so, I think that whatever the underline facts are in support the social workers'
22 discipline, would probably support something disciplinable by you as well, some character that...
23 *(inaudible)* A lot of stuff....
- 24 **Vince Pereda** – Just something that we can probably anticipate dealing with in the future.
- 25 **Mamie Balajadia** – Yeah, I mean we can't say, you know, what's happening, but, um, you know, there're
26 some laws that passes without our consent, I mean, without our input, but we have to deal with it, such
27 as the euthanasia as you remember just thrown at our face, you know. Uh, but then you know you have
28 to deal with it when it comes, so, uh....
- 29 **Greg Miller** – This is a little bit of a segue for this, but all this ethical stuff fascinates me. Is it standard or
30 common for boards to have ethical rules for board members on how we react?
- 31 **Rob Weinberg** – It's kind of the wave for the present and the future, that board members actually sign
32 conduct, codes of conduct, or codes of ethics or things. When I was on the board at Sanctuary, it was a
33 very nouveau, you know, kind of the thing to do, at the time, actually they had someone come in from off-
34 island to give an analysis on board and such. And so, yeah, I hope I'm answering your question. It's kind
35 of the thing of the future, that if you're on a board, you're going to subscribe to a *(inaudible)* putting the

- 1 board first, putting the company first, the organization first, so it's not unusual. Its separate from the
2 codes of ethics for your licensees
- 3 **Greg Miller** – Right, yeah.
- 4 **Rob Weinberg** – a code of ethics, code of conduct for the board itself? That's not uncommon with these
5 things,
- 6 **Greg Miller** – Is this something we should look at in the future?
- 7 **Rob Weinberg** – You can, I'm glad I can pull something up.
- 8 **Mamie Balajadia** – I'm sorry, about the conduct of the board member.
- 9 **Greg Miller** – Yeah, in other words, what I'm asking him is the comment for boards, actually, to have
10 their own ethical standard that they would sign and abide to, as a member of the board.
- 11 **Rob Weinberg** – And as a matter of fact, as a kind of a, this is round 1 and 2, perhaps. Round 3 and 4 and
12 5 is going to be looking at the rest of the rules more comprehensively, including the board, and its
13 meeting, conduct, and stuff. So, that would be an appropriate place to insert kind of a, the board, you
14 know, "the board member shall subscribe to the following..." you know, oath of office kind of a thing, in
15 addition to being sworn at by the governor.
- 16 **Greg Miller** – It's worth thinking about.
- 17 **Mamie Balajadia** – Well, I don't know if you have, but, in the past I was sworn in by the Governor. For
18 the appointment. Um, I think as a board member, the orientation about being a board member, about the
19 law, uh, how to behave, you know, when to be able to distinguish between a regular, uuh, decision that
20 you make, of voting versus some ethical situation that you might be encountering, um, I think those can
21 be discussed, um, because ethics as a general, uh, there is a general, but then there's a lot of stuff, right,
22 categories how things you should not be doing, you know, that make it obvious, but I think as a board
23 member, the appearance, you know, of it might be of question, so nobody brings it up, then I think that
24 maybe just pass on. But if somebody brings it up, that could be discussed, aah, what the situation, and
25 how it is. That's why we have a legal counsel.
- 26 **Greg Miller** – Right.
- 27 **Mamie Balajadia** – Yeah, on the ethics, ethical, um, but you know, I don't know, there's just so many
28 things written about ethics from Supreme Court, to you know, (*Chuckle*) to local association to person,
29 uh. So, that could be something as an orientation for new board members, and even old board members,
30 because I know you conduct training, Rob, for board members, uh, and I know that you talked about
31 ethics, but nothing specific, but in general.
- 32 **Rob Weinberg** – I'll look at putting something together, to give you a feel on, you know, what's been
33 done, what others have done.

- 1 **Greg Miller** – Yeah, this board’s not so bad, because it’s made up of so many professions. But I’ve known
2 people who’ve chitchatted, privately, that “oh I want to get on the so and so board” cause they’re pissed
3 off at somebody, you know, their whole reason for getting on the board is going to be retaliatory,
4 because....
- 5 **Mamie Balajadia** – Oh, really?
- 6 **Greg Miller** – Yeah, it’s not this board, it’s, you know, there’s been a lot of drama.
- 7 **Rob Weinberg** – There are people who run for office, on particular boards that I’ve heard saying the
8 same thing....
- 9 **Greg Miller** – Right ... right, and I think that would be a nice thing to put on the board (*inaudible*).
- 10 **Mamie Balajadia** – Oh I never think about that.
- 11 **Greg Miller** – Of course, then you have to get into when you recuse yourself or...
- 12 **Mamie Balajadia** – Yeah.
- 13 **Greg Miller** – ...your businesses, you know, how it effects your business or, does your rule, hamper
14 somebody else’s business. There’s a lot of ethical issues here. Anyway, I didn’t mean to go too far off that
15 segue.
- 16 **Mamie Balajadia** – No, but I think that’s good discussion, because the appointment is by the Governor,
17 you know. But if there’s a situation that’s out of whack, I think the Governor’s office needs to be aware of
18 this, I don’t know. D’you see what I’m saying? I mean, the only person that’s going to be getting rid of you,
19 is the Governor. I mean, board member have no jurisdiction as to sanctioning board members except as
20 a whole, and it need to be written up and go through the process. Right? And like everything else. This is
21 America!
- 22 **Greg Miller** – (*Chuckle*) Make it great again.
- 23 **Mamie Balajadia** – So, y’know, I...
- 24 **Greg Miller** – Ok. What if a board could sanction its own members? What if you had a kind of a renegade
25 board member who obviously is in there for his own or her own personal gain, um, could you come up
26 with rules and regulations about that type of behavior?
- 27 **Mamie Balajadia** – Well, Rob?
- 28 **Greg Miller** – It’s just not (*inaudible*) in other words if you could sanction and then tell the Governor,
29 look at it. This guy’s so far out of line, that we had to sanction.
- 30 **Rob Weinberg** – I think its possible (*inaudible*) I think it’s normal.
- 31 **Greg Miller** – Something to think about, you know – I mean this is a good board now, but you just never
32 know, it’s so dynamic. It could change.

- 1 **Rob Weinberg** – I mean, if you look at Robert's Rules of Order and try and understand them. Y'know,
2 they're so archaic, but if you look at of the Dummies version of it, there are parts in there about discipline
3 of members by the organization, discipline of, you know, board members it's not inconceivable, at all.
- 4 **Mamie Balajadia** – Rob, during your spare time, (*Chuckle*) could you, um, include that in the orientation,
5 with, you know to board members, because I think other than learning about procurement, which we
6 have no power, authority to do so, I think it's important that, that, you know, how to act behave properly
7 as a board member. Uh, and what are some of the rules are, you know. But that's something that coming
8 from the, from you, yeah, the legal counsel, might be helpful. That's just one way to be able, to you know,
9 uh differentiate that, from people. We all assume that people know, but then I learned pretty late in life
10 not everybody knows. So, that should be something that we, since we are in this ethical thing, yeah.
- 11 But I think overall, you know not very many states, you know, do have this big huge board. And then of
12 course, the Legislature would like to add more people to this board. I think we already have, you know,
13 quite a bit of people, ah generally, it's because, everybody has their own, you know, concentrated board.
14 The reason, why we have this collection, is because of the numbers. It's because in the states, the numbers
15 count, so you can have your own board. But we don't have numbers, like clinical, it's only 15 people being
16 licensed, you know. It's the same people you're regulating, so it becomes a little bit, uh difficult at times,
17 you know, being small. So, I think there're originally why this came about as a Allied Health, I was not
18 around at that time. It collectively, because of the numbers, and also says not, I think in the law, on Article
19 8, it says, not more, if it's less than ten licensed individuals in that profession, then you don't have a board.
20 But when you have more than ten licensed people, let's say psychology, you should have your own board,
21 right? But, does it make sense, you have your own board of 16 people? How many people are going to be
22 a board member? You have to have at least three, right, to be able, the odd numbers...and imagine if every
23 profession, SLP have their own board, God forbid! You know, the office, which is only running on \$80,
24 and people are complaining about the cost, you know, they'll never be able to administrate all the boards.
25 Would you like to have more boards? (*Laugh*) (*Chuckle*) You know, so that's the reason why, this, this,
26 you know I can see the problem. Um, except that I think that maybe, uh LPC, you know, they have a lot of
27 people, maybe they [should] have their own board, you know.
- 28 **Rob Weinberg** – There may be some, I believe we've kicked around ideas about restructuring of the
29 mental health professions. Y'know maybe have the SLP, get the language together, sociology together
30 with somewhat related...It's not a bad idea to look at restructuring.
- 31 **Mamie Balajadia** – But who's going to look at restructuring and who's going to make it in reality
- 32 **Rob Weinberg** – Vince (*Chuckle*)
- 33 **Greg Miller** – There you go. Congratulations.
- 34 **Wayne Butler** – There's definitely work to be done, but I do think a mental health board, or behavioral
35 health board would be really good. Have the social workers, clinical psychologists, and the....
- 36 **Mamie Balajadia** – I'm not sure about social workers,

1 **Wayne Butler** – Well, yeah, but....

2 **Mamie Balajadia** – I'm talking about LCSW. They have the background...

3 **Wayne Butler** – Yes, yes, yes.

4 **Mamie Balajadia** – ...into mental health. They're clinically oriented. But I'm talking about social work
5 public health social work, with food stamps, and, all that. I don't think that, that needs to be, you know.

6 **Wayne Butler** – You have 100% agreement.

7 **Mamie Balajadia** – I'm not going to be in agreement with that...

8 **Vince Pereda** – Just strictly the clinical social work.

9 **Mamie Balajadia** – Exactly, just strictly clinical people who've gone through the background training,
10 you know, seeing people,. But I disagree with having social work, just to be a part of that.

11 **Wayne Butler** – Can we talk about the fee schedule for just a little bit?

12 **Mamie Balajadia** – Yeah, fee schedule (*discussion overlapping*) that's too long already ... the ethics

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14 **---End of Discussion Related to Adoption of Codes of Ethics---**

15 **(32:08 Mark on Audio. Approx. 10:50 a.m.)**

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1 --- DISCUSSION RELATED TO ADOPTION OF AMENDED FEE SCHEDULE ---

2 (32:08 Mark on Audio. Approx. 10:50 a.m.)

3 **Wayne Butler** – I'm really, really concerned, um, let's see. I want to say that I'm 100% in favor of the
4 board being able to support itself with the fees from our professions. That having been said, it seems to
5 me that the board hasn't made its case in, because there's, it looks, as far as I seen there's actually no
6 budget for the board, I'd really like to see you guys have a, aah budget that is not transferrable by the
7 governor; and because I really think that our fees should pay for what you guys do. But just simply saying
8 that we haven't raised fees in however many years it was.

9 **Mamie Balajadia** – '99

10 **Wayne Butler** – That doesn't tell me whether the fees that you're collecting are not, uum, are sufficient,
11 or not.

12 **Mamie Balajadia** – It's not,

13 **Wayne Butler** – But how do you know that?

14 **Mamie Balajadia** – I know! *(Yes)*

15 **Wayne Butler** – But, but, but not being able, for me as an outsider not being able to see the, see the
16 numbers, I can't tell that. And that's is where I'm coming from with that, and the same with what we
17 looked at these other jurisdictions, and this is roughly in what other people cost, doesn't tell us about our
18 jurisdiction and what we actually, we actually... Maybe these fees that you're proposing are sufficient,
19 maybe they're not, maybe they're actually too low, or maybe they're too high, I don't know, because, yeah,
20 because I don't, I can't see, huh, a specific budget and, and I think you guys mentioned as well that the
21 governor has transfer authority, and I think that's outrageous.

22 **Mamie Balajadia** – Yeah, okay, um, let me just say this, um, concerning about the budget. Right now, the
23 structuring of this office is under Public Health, right? And rightfully so, cause where is it going to get.
24 Several months ago, Dennis Rodriguez, chair of health, had a bill out, in which it created the office of
25 health, *(Pause)* we use to have a health office where Eula (?) Craig use to have....

26 **Greg Miller?** – That was Health....

27 **Rob Weinberg** – State Health Planning

28 **Mamie Balajadia** – Yeah, Health Planning

29 **Greg Miller?** – Yeah, Health Planning. I was on that board.

30 **Mamie Balajadia** – Well, he proposed to have health planning, and that have the office of HPLO under
31 the health planning. That went on a public hearing, and that, a lot of people from the boards were not
32 happy to be under the health planning, office, okay. So, in that particular bill, it says that any money
33 collected by the office, is not transferrable. It created a special account in the government of Guam in

1 which all the fees come in to be used only for that sole purpose. *(Wayne Butler: Okay)* That needs to be
2 done, and we're hoping that when this happens it goes to Senator Rodriguez's office, let me just say,
3 personally, he's been nagging me about fee schedule. He said "Why you guys not having a fee schedule,"
4 you know, not, not, not coming up with, collective, ah, you know, upgrading the fee schedule, it is too low,
5 you know. He's able to see the budget of the public health. Right now, the structuring of this particular
6 office, uum, is under uuh, the Director's office, and personnel is collectively taken from various depart, I
7 mean units, *(Wayne Butler: Right)* of the Public Health agency and assigned then here, right? *(Wayne*
8 *Butler: Right)* So, ideally, it should be an office created HPLO, either it could be independently like the
9 election commission. But I don't think that collection of fees was able to sustain it as an independent
10 office. It has to be subsidized by one bigger, this is coming from me being, you know, former government
11 of Guam employee in an administrative, right, it cannot sustain itself just by being an independent aah,
12 line agency, like a line agency, because, it is, just no way the fees collected.

13 **Wayne Butler** – Is it because of the fees over, for all the boards are too low? Is that what....

14 **Mamie Balajadia** – We have no control of the boards, we're only looking out for ourselves, yeah.

15 **Wayne Butler** – But what you're saying that the HPLO couldn't sustain itself, is it because the fees overall
16 are too low, is that?

17 **Mamie Balajadia** – I think, you know like you're cutting your hair you know how much they're charging
18 you? A hundred dollars, right? But do you know how much is the fee right now? For license? Five dollars!
19 Three dollars!

20 **Wayne Butler** – What?!

21 **Rob Weinberg** – Yeah!

22 **Greg Miller** – For cosmetology.

23 **Wayne Butler** – Oh, oh, oh. *(discussion overlapping)*

24 **Mamie Balajadia** – But see, we have no control over that. That needs to come up from them, you know,
25 as to what the fee is. *(Wayne Butler: OK)* So, let's go back to the structuring of this office, *(Wayne Butler:*
26 *Ok shoot)* this office should be a line... I don't think coming from me in my opinion could be a line agency,
27 cause there's no way, is it going to be supporting itself, ok, *(Wayne Butler: Probably not)* it has to be
28 subsidized. So, it has to go to some already established agency, Public Health, which is okay, or it could
29 go to another agency, and it was proposed, at that particular health planning, to go under the governor's
30 office *(Wayne Butler: Right)* you know one of the agency's *(Wayne Butler: Right, I remember)* Bureau of
31 Budget, Planning, whatever, right, to establish under there, but then, my understanding is I recall, the
32 Dr.'s said, some doctor, I don't know, I don't recall who, that it will be too close to the Governor, to close
33 to comfort to the Governor, but you know, all of us have been appointed by the governor, *(Wayne Butler:*
34 *Exactly)* I mean, you know, is, he is in charge of the organic act by health, that is, if he's so obvious about
35 it, that's going to be a question, right? But he if he's not, you know, as far as I know he hasn't interfered
36 anything, in here it says we don't like your decision about, you know licensing, "Wait Butler, how come

- 1 you do that, you know, you better double-check that." I never heard, throughout my whole career, I never
2 heard the Governor come down to me and says, how come you, you know, "Why aren't you hiring this
3 person that I wanted." I already made it clear when I was appointed Director under the Bordallo, I said
4 don't come to me and say, you want me to hire this person, cause I would not do so, but give me people
5 that have the qualification, you know, with the background mental health, disabled. You know how many
6 people I got rid of because of contract? That no background?
- 7 **Rob Weinberg – Madam Chair, (inaudible))**
- 8 **Mamie Balajadia – I'm just saying that (Chuckle) explaining, the fee structure is that we need to have a**
9 **fee structure, that I know that there is going to be a lot of squawking about it, but, even with the one that**
10 **we are proposing, it's not going to sustain the office. You know, even, even the xerox machine, would**
11 **not...**
- 12 **Wayne Butler – We can't even tell that it sustains you guys, the board, and really, and for me I would like**
13 **to know that it does, but, you know, I can't tell one way or another, whether it does or it doesn't...**
- 14 **Rob Weinberg – I think your, your, your point here is really well taken, which remain, I have tried for as**
15 **many years since I've been working with these boards which I think goes back to 2006, uuh, to get a sense**
16 **of the actual budget, the actual cost of personnel, rent and utilities, and xerox, and contracts, and yet, and**
17 **I cannot, and I'm past the point of frustration into whatever the next (inaudible) motion is on that scale.**
18 **My inability to get straight answers to that very simple question of, what does it take to run the HPLO**
19 **office, what's the proportionate share from the various boards, what is the, what income do they have,**
20 **it's trivial questions, I can't get answers, and I'm a lawyer, (inaudible)**
- 21 **Wayne Butler – And I remember a board meeting when ah, [DPHSS Director] Jim Gillen came and**
22 **couldn't tell you, I remember that, and I was shocked! But I would, that's why...for me personally I would**
23 **like to see the Allied Board as a line item that cannot be touched.**
- 24 **Mamie Balajadia – Well let me just say this . . .**
- 25 **Wayne Butler – then I'd be 100% on board with whatever fee schedule sustain that.**
- 26 **Mamie Balajadia – The only way you are able to do that, is that when the Public Health budget that they**
27 **do the fiscal year budget, if they dedicated only HPLO as a unit itself, when they, they come to the budget,**
28 **that's the only way. But the way it's done right now, it's that, it's not, it's just like, is like subsidizing.**
- 29 **Wayne Butler – Right, so, so, I don't know, I'm left with then, I don't know what the fees go to, you know,**
30 **really, I can't tell that there're being used properly or improperly, I just can't....**
- 31 **Vince Pereda – As far as I know they go to the general fund, because there's no, there's no, statute, that's**
32 **exclusively....**
- 33 **Wayne Butler – cause it should (inaudible)....**

- 1 **Mamie Balajadia** – But what I think we can do is this, is this when this goes to the Legislature for the
2 public hearing, you can say the same thing, and what they can do, they can vote on this section of the
3 language it says, “that all fees collected,” the same thing that Dennis proposed, bill, you know, about
4 health planning, will go to a special fund, um, that was only can be used by the HPLO only.
- 5 **Wayne Butler** – Actually, I’d just like to, at least the fees collected here, I think, should just go to the
6 Allied Board, at least as far as I’m concerned.
- 7 **Mamie Balajadia** – It should be, right? But the thing is that, you know... (*discussion overlap*)
- 8 **Wayne Butler** – And, so, for me what I’d like to see is legislative language it says, these fees go to the
9 Allied Board (*discussion overlap*)
- 10 **Mamie Balajadia** – Wayne, then you should go, and write that, saying that that case, because let me just
11 say this: Several years back, HPLO, um, the Governor, took, I don’t know, how much money that the
12 Governor took? Like quite an amount!
- 13 **Sibyl Crisostomo** – Four hundred some thousand ...
- 14 **Mamie Balajadia** – Four-Hundred some Thousand and went to DOC (*Yeah*) for their operation (*Pause*)
- 15 **Wayne Butler** – Yeah, to me that’s outrageous you guys have an important function and it needs to be
16 supported....
- 17 **Rob Weinberg** – Well, that’s how things are done. (*Chuckle*) Despite language on the books that already
18 says it shall not be subject to the Governor’s transfer authority, funds get transferred, including funds
19 from various (*inaudible*).
- 20 **Wayne Butler** – But, but still, there’s not a specific legislative language that identifies funds specifically
21 for you guys (*inaudible*).
- 22 **Mamie Balajadia** – But, when this goes to the Legislature if the language is in there, as a bill, then
23 hopefully that it will happen, and the Governor signs off on it. So you need to indicate that, and even from
24 your association, that, you know, there’s no money, you know, numbers matter, right? So that is the case,
25 yep, uum, we have board member Sibyl.
- 26 **Sibyl Crisostomo** – I’m just reading from Article 8, [section] 12826, “Funding and fees. The Board shall
27 also be supported by the revenues generated from its activities, including fees, charges and reimbursed
28 costs. All such revenues, including fines, shall be deposited in the Revolving Fund (and) shall receive all
29 interest earned on the deposit of such revenues.”
- 30 **Rob Weinberg** – And I’ve drafted proposed amendments to these laws here, for this and for other boards,
31 that I’d love to see picked up at some point. But that’s exactly what you’re talking about.
- 32 **Wayne Butler** – I’d be happy to work with you on that, and maybe get, get support from our organization
33 to, to push that.

- 1 **Mamie Balajadia** – I think what you do is just submit it, from, from yours, from that association. Say that
2 we need the funds, you know, on the fee schedule, that will be great.
- 3 **Catherine San Nicolas** – May I ask Wayne Butler, what percentage is you have to see involve
4 transparency, is that what you're saying? That you have to see how much was collected in fees, and how
5 much the budget was?
- 6 **Wayne Butler** – Exactly, exactly, what are the cost, and what's the income, and what's the cost, really, for
7 the board, and....
- 8 **Catherine San Nicolas** – so that, and perhaps is that what, so that you can feel that your fees are....
- 9 **Wayne Butler** – Absolutely!
- 10 **Female response** – Super.
- 11 **Mamie Balajadia** – But, I don't know whether we're able to, to provide that....
- 12 **Sibyl Crisostomo** – Is that public information?
- 13 **Wayne Butler** – It should be.
- 14 **Mamie Balajadia** – Well, see the budget for this office, when we look into that, it's from everywhere. To,
15 you know, its supported by, right? Am I correct? It's supported by other, other units, of Public Health to,
16 for this office.
- 17 **Sibyl Crisostomo** – but, um, just information on how much was collected (*discussion overlap*).
- 18 **Wayne Butler** – So, so we can support you actually, how much was collected, what are the cost for the
19 board, not the whole HPLO, but just for this board, then we know, then we know, either, either, there's a
20 shortfall or, or not.
- 21 **Mamie Balajadia** – Well, I can tell you, that we can take the numbers of people license from last year,
22 let's say, okay? And multiply by \$80.00, and then the number of applicants, multiply by \$100.00, that's
23 the amount that you've collected, which is a measly amount of money
- 24 **Wayne Butler** – Right, and, but the missing piece is what the actual expenses are as well (*discussion*
25 *overlap*) then what's the difference, then we can, then I, I, for me, I'd support you, if there's, if there's a
26 huge difference, then, yeah, raise fees.
- 27 **Mamie Balajadia** – Um, Rob, maybe that could be included in your impact statement.
- 28 **Rob Weinberg** – What's that?
- 29 **Mamie Balajadia** – We can do, that number, for this, for this, cycle?
- 30 **Rob Weinberg** – Oh, that'd be awesome, (*cell ringing*) (*inaudible*) if, forgive my sarcasm, but you can get
31 an actual number from anybody (*inaudible*).

- 1 Mamie Balajadia – I can do that with a number of people, because, you know, I always keep a tally of the
2 number of people being license times 80 the renewal, times \$100, you know, and all that, that's going to
3 be the estimate, whether that's the amount. Base on the number of licenses! It could be part of your
4 impact statement, in fact that is what I wrote from several years back when we had the, when we, Sibyl
5 and I were presiding over the fee schedule also. Something we did.
- 6 Wayne Butler – At least for me that, that would be way more powerful, then simply saying oh, we haven't
7 raised the fees since 1999, or....
- 8 Sibyl Crisostomo – Yeah, we haven't.
- 9 Wayne Butler – But, that doesn't tell me whether the fees were, were, are sufficient or not.
- 10 Mamie Balajadia – Did you have a salary increase since 1999?
- 11 Wayne Butler – You know, I, you know, I get that. It's just, it's just that, it's not as powerful of an argument
12 as this is what we collected, this is what we've spent, this is the difference, let's make that, let's make
13 that....
- 14 Rob Weinberg – Those are great. But even if we could do the multiplication (*Mamie Balajadia: Yeah*
15 *that's easy*) we're not going to get an answer on how much... (*inaudible*) There's two avenues for ... and
16 the public, and two avenues alone, cause the rest don't work, one is try any FOIA request you want, to
17 get those things, now, FOIA says that you have to turnover documents that are created, (*inaudible*)
18 doesn't say that the agency has to create something for you, but if you can figure out a way to work a
19 FOIA request to say, give us, and do your own math, you know, it will be utilities, however you did it,
20 that's one way, the other is sit down with the group, public auditor and invite his participation, and with
21 the help get straight answers to these questions.
- 22 Mamie Balajadia – He's busy
- 23 Greg Miller – (*inaudible*) He's busy (*Chuckle*).
- 24 Rob Weinberg – That's not, so am I, it doesn't stop me from becoming (*inaudible*)
- 25 Sibyl Crisostomo – Our present fee is 125 [dollars] for initial, and then we have to pay for the certificate
26 also, so the certificate fee amount is maybe, is it 50 dollars?
- 27 Female response – Right now?
- 28 Sibyl Crisostomo – Yeah.
- 29 Alesia Ogo – For initial?
- 30 Sibyl Crisostomo – Yeah.
- 31 Unknown Female voice – One Hundred and Twenty-Five.
- 32 Sibyl Crisostomo – One Hundred and Twenty-Five for the certificate)

- 1 **Mamie Balajadia** – just go with the fees
- 2 **Sibyl Crisostomo** – application, so Two Hundred and Fifty Dollars.
- 3 **Mamie Balajadia** – Two Hundred and Fifty Dollars. Just go with the records of payment ... yeah
- 4 **Sibyl Crisostomo** – One Hundred and Fifty all together. *(Yeah, now)*
- 5 **Mamie Balajadia** – Rob, I think that we need also, another part is that we need to charge people for
6 taking exams that's not in the proposed fee ... you know they're people ...
- 7 **Sibyl Crisostomo** – Application by examination is One Hundred Twenty-Five
- 8 **Mamie Balajadia** – Oh, is that in there? *(Sibyl Crisostomo: Yes)*
- 9 **Sibyl Crisostomo** – This is the original, this is the existing *(inaudible)*.
- 10 **Rob Weinberg** – I don't if that's in the....
- 11 **Mamie Balajadia** – No, it's not in the proposed... yeah
- 12 **Greg Miller** – But application by examination does not include the cost of the examination. Because a lot
13 of examination could be very expensive.
- 14 **Mamie Balajadia** – The... excuse me?
- 15 **Greg Miller** – The application by examination, I don't think, that's just an application fee, it doesn't
16 include the cost of the actual examination. They're very expensive.
- 17 **Mamie Balajadia** – Oh, oh. No. Well, what happen with, the only people taking the exam is clinical psych
18 for the E-triple P, and the um, the LPC, and the, the other two, right? What happens is that, they come
19 here for the board to approve, because they have the ready to take the exam, but when it comes to, like
20 Kaplan, you know, administrative exam, then they have to pay that. *(Greg Miller: Oh, on top)* Yeah, we just
21 have to um, they go through like any application, but this exam, so you know the charge of it. So, by exam,
22 that's not in the proposed, the old one, yes, there is *(Greg Miller: This is the application)* yeah, right.
- 23 **Sibyl Crisostomo** – Then you're paying the license fee on top of that.
- 24 **Mamie Balajadia** – Right, of course, right. *(Sibyl Crisostomo: inaudible)* So there's only right now, I don't
25 know any other professions doing exam, except clinical psych for e-triple P, and also LPC, *(Vince Pereda:*
26 *All the counselors)* right, LPC only, so that needs to be a section in there, that go back to the old one,
27 examination.... Any other....
- 28 **Wayne Butler** – That's definitely a sub-, a cost to the board because you have to, it wasn't it like \$500 a
29 year to be able to get, I think it was the MFT license? Or the exam?
- 30 **Mamie Balajadia** – Oh that, we don't take it here. That is being paid to the vendor, who does the exam

1 **Wayne Butler** – Right, right but that’s a cost to the board isn’t it? So, that’s something that should be
2 picked up by the, by the people that are, you know, applying, wanting to take the exam....

3 **Mamie Balajadia**– That’s what I’m saying, right now in the payment, is that by examination. So we need
4 to include that; that’s not included, yeah. So, that’s only two professions that’s doing the exam.

5 **Wayne Butler** – Four actually.

6 **Mamie Balajadia** – The MFT, too?

7 **Wayne Butler** – MFT, LPC and LMHC are also all exams.

8 **Vince Pereda** – Yeah, all three require examinations.

9 **Mamie Balajadia** – So, that would be by examination. (*Vince Pereda: Right*) Because of the form that we
10 do apply. It already includes everybody. I went through that just by accident. It, it’s just one form. The E-
11 triple-P form, I mean, you know. Why we have so many forms? So, you know, you just check whatever
12 profession, right, what exam you are taking, right. Okay?

13 **Wayne Butler** – Thank you so much!

14 **Mamie Balajadia** – Sure anytime. Anybody [else] wants to go before this body? It is now 11:10. (*Pause*)

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END 52:03. APPROX. 11:10 A.M.

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HEALTH PROFESSIONAL LICENSING OFFICE
DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES

GUAM BOARD OF ALLIED HEALTH EXAMINERS
Regular Scheduled Session *MINUTES*

(Amended at GBAHE Regular Board Meeting on May 3, 2019)

Date: **October 5, 2018** Time: 12:00 pm Place: HPLO Conference Room 209, Terlaje Bldg., Hagåtña

Present: Dr. Mamie Balajadia, Chair; Dr. Greg Miller, Vice-Chair; Vincent Pereda, Secretary; Dennis Triolo, Member; Sibyl Crisostomo, Member; Dr. Richard Chong, Member; Dr. Ryan Claros, Member; Ray Tajalle, Member; Catherine San Nicolas, Member; Greg Cruz, Member; Alesia Ogo, Member; AAG Robert Weinberg, Legal Counsel; and Staff of HPLO: Mae Pangelinan and Roma Basa.

Absent: Nadine Cepeda, Member.

- I. Meeting was called to order by Chair at 12:20 pm. Quorum was established. The Chair indicated that subject meeting of October 5, 2018 was advertised on September 28 and October 3, 2018 in the Guam Daily Post.
- II. Adoption of Agenda. (Motioned by Miller, Seconded by Pereda)
- III. Minutes of September 7, 2018 were approved (Motioned by Miller, Seconded by Cruz)

IV. Old Business

A. Legal Counsel's Report:

On the proposed Rules and Amended Fee Schedule, AAG Weinberg discussed Public Hearing of October 5, 2018 at 10 a.m. held at HPLO Conference Room 209.

One (1) witness, Wayne Butler, Licensed Marriage & Family Therapist, presented his testimony. On the proposed Code of Ethics taken from each profession's national association, Mr. Butler objected to language that allowed the Guam Legislature to amend an association's code. Board member Alesia Ogo presented verbal feedback from Occupational Therapist licensees that the proposed fees were too high and how were the fees based. She expressed concerns on the costs of staffing, office and how the collected fees were used for what purpose. To date, the Board had not been given, although requested, a financial picture of the actual cost of HPLO operation.

Legal Counsel will compile all documents and transcript related to the public hearing for the Chair's signature which will then be forwarded to the Attorney General for signature. Then all documents will be forward to the Legislature's Chair on Health Committee, with attachments of proposed changes including recordings of the public hearing, for action.

- B. Discussion on the Public Hearing on proposed Rules and amended fees that was held on October 5, 2018 at 10 am at HPLO conference room 209.
- C. Following extensive discussion it was decided to table the proposed amended fee schedule pending receipt of financial data related to income and expenditures assignable to the GBAHE.

D. **Adoption of Proposed Rules and Regulations Governing the Adoption of Codes of Professional Conduct/Ethics.** On Motion of Miller, seconded by Pereda, the proposed rules and regulations governing the adoption of codes of conduct/ethics was *unanimously approved*. The next step is to prepare the transcript and record for transmission to the governor and attorney general to secure their separate approvals, followed by transmittal of the record to the Legislature in accordance with the Administrative Adjudication Law.

E. Application:

1. **Jin Mo Yoon** for Chiropractic Medicine was approved (Miller)
2. **Jin Mo Yoon** for Acupuncture was tabled (Chong)

F. Letter to GRMC on LPN providing respiratory therapy was completed and forwarded.

V. New Business

A. Initial/New Application:

1. **Bethany Helm** for Physician Assistant was approved. (Moved by Tajalle, Seconded by Miller)

B. Collaborative Practice Agreement (CPA):

1. **Bethany Helm**, PA-C was approved. (Moved by Tajalle, Seconded by Miller)
2. **Nicole Kitchen**, PA-C was approved. Moved by Tajalle, Seconded by Miller)

C. Renewal Applications:

The following were approved for renewal: (Moved by Triolo, Seconded by Crisostomo)

1. **Renee Koffend** for Audiology (Triolo)
2. **Dennis Triolo** for Audiology (Crisostomo)
3. **David Zieber** for Audiology (Triolo)
4. **Steve Arthur** for Chiropractic Medicine (Miller)
5. **Angela Laygo** for Clinical Psychology (Balajadia)
6. **Andrea Leitheiser** for Clinical Psychology (Balajadia)
7. **Daniel Lord** for Clinical Psychology (Balajadia)
8. **Iain Twaddle** for Clinical Psychology (Balajadia)
9. **Cristina Dela Cruz Twaddle** for Licensed Mental Health Counselor (Pereda)
10. **Lynnette Arriola** for Licensed Professional Counselor (Pereda)
11. **Reyna Calvo** for Licensed Professional Counselor (Pereda)
12. **Kristine Kessler** for Licensed Professional Counselor (Pereda)
13. **Rosita Mahony** for Licensed Professional Counselor (Pereda)
14. **Carolyn Zieber** for Licensed Professional Counselor (Pereda)
15. **Teresita Manaloto** for Nursing Home Administrator (Balajadia)
16. **Maria Gernsaniba** for Clinical Dietitian (San Nicolas)
17. **Charles Morris** for Clinical Dietitian (San Nicolas)
18. **Julieta Vargas** for Clinical Dietitian (San Nicolas)
19. **Mariano Ligaya** for Occupational Therapy (Ogo)
20. **Alesia Ogo** for Occupational Therapy (Claros)
21. **Brooke Olson** for Occupational Therapy (Ogo)
22. **Michelle Williams** Occupational Therapy (Ogo)
23. **Brenda Delisle** for Physician Assistant (Tajalle)
24. **Walter Stratton** for Physician Assistant (Tajalle)

25. *Walter Woodroff* for Physician Assistant (Tajalle)
26. *Mary Borja* for Physical Therapy (Claros)
27. *Julienne Duenas* for Physical Therapy (Claros)
28. *Nora Garces* for Physical Therapy (Claros)
29. *Leonor Josef* for Physical Therapy (Claros)
30. *Marina Ng* for Physical Therapy (Claros)
31. *Shannon O'Connor* for Physical Therapy (Claros)
32. *Roseanne Tkaczuk* for Physical Therapy (Claros)
33. *Melissa Adolph* for Physical Therapy Assistant (Claros)
34. *Roland Palmquist* for Podiatry (Miller)
35. *Phillip Tutnauer* for Podiatry (Miller)
36. *Ronald Beaver* for Registered Respiratory Therapy (Cruz)
37. *Cleopatra Manzon* for Registered Respiratory Therapy (Cruz)
38. *Judy Roa* for Registered Respiratory Therapy (Cruz)
39. *Robert Sales* for Registered Respiratory Therapy (Cruz)
40. *Craig Nichols* for Certified Respiratory Therapy (Cruz)
41. *Inna Anderson* for Certified Respiratory Therapy (Cruz)
42. *Julianne Abuda* for Speech & Language Pathology (Crisostomo)
43. *Clare Camacho* for Speech & Language Pathology (Crisostomo)
44. *LeeAnn Santos* for Speech & Language Pathology (Crisostomo)
45. *Jessica Wong* for Speech & Language Pathology (Crisostomo)
46. *Christine Franquez* for Speech & Language Pathology Assistant (Crisostomo)
47. *John Payne* for Speech & Language Pathology Assistant (Crisostomo)
48. *Rhonda Aliah* for Veterinary Medicine (Crisostomo)

The following were tabled due to incomplete document or lacking CE hours:

1. *Richelle Rada* for Clinical Dietitian (San Nicolas)
2. *Rowena Ybarra* for Clinical Dietitian (San Nicolas)
3. *Ma. Farrah Cunanan* for Physical Therapy (Claros)
4. *Arlene Data* for Physical Therapy (Claros)
5. *Isaias Santos* for Physical Therapy (Claros)
6. *Nino Matias* for Physical Therapy Assistant (Claros)
7. *Joame Topacia* for Physical Therapy (Claros)

- D. Letter from DOE Speech & Language Pathology Assistants to the Board was expressing issues that were pertaining to employees (signatures) and Management (DOE Special Education in this case) was discussed. The Chair advised the SLP Assistants to bring their concerns to the Associate Superintendent of SPED for a resolution.

V. Miscellaneous:

- A. Speech & Language Pathology revised Forms were presented. (Crisostomo)
- B. Fee Comparison for Occupational Therapist in other states was discussed. (Ogo)
- C. CE hours claimed must be obtained during the renewal period time-frame, from January 1st of the odd year to December 31st of the even year. For this renewal period, CE hours claimed must be from January 1, 2017 to December 31, 2018.

VI. **Next meeting: Friday, November 9, 2018.**

- VII. Adjournment: (Moved by San Nicolas, Seconded by Pereda)
Meeting was adjourned at 1:20 pm.

GUAM BOARD OF ALLIED HEALTH EXAMINERS

ADOPTION OF

FINAL RULES

Having complied with the Administrative Adjudication Law in all respects, the GUAM BOARD OF ALLIED HEALTH EXAMINERS has adopted the following Codes of Professional Conduct / Ethics:

* * *

25 GAR § 101301. CODES OF PROFESSIONAL CONDUCT / ETHICS

(a) All licensees, registrants, and certificate holders shall comply with the following Codes of Professional Conduct:

(1) **OCCUPATIONAL THERAPY.** In the case of Occupational Therapists and Occupational Therapist Assistants licensed by the Board as provided in Articles 7 and 14 of Chapter 12, Title 10, the Code of Professional Conduct shall be the American Occupational Therapy Association (AOTA) Occupational Therapy Code of Ethics (2015), as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Occupational Therapists and Occupational Therapist Assistants and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the AOTA Occupational Therapy Code of Ethics (2015) and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(2) **ACUPUNCTURE.** The Code of Professional Conduct for persons licensed to practice acupuncture shall be the National Certification Commission for Acupuncture and Oriental Medicine Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for the Practice of Acupuncture and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the National Certification Commission for Acupuncture and Oriental Medicine Code of Ethics and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(3) **AUDIOLOGY.** The Code of Professional Conduct for Audiologists licensed by the Board shall be the Code of Ethics published by the American Academy of Audiology, and the American Academy of Audiology Standards of Practice (2012), as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Audiologist and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for the Practice of Audiology and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(4) **CHIROPRACTIC MEDICINE.** The Code of Professional Conduct for Chiropractors licensed by the Board shall be the American Chiropractic Association Code

of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Chiropractors and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Chiropractors and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(5) **CLINICAL PSYCHOLOGY.** The Code of Professional Conduct for Clinical Psychologists licensed by the Board shall be the Association of State and Provincial Psychology Boards Code of Conduct, as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Clinical Psychologists and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Clinical Psychologist and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(6) **LICENSED PROFESSIONAL COUNSELING.** The Code of Professional Conduct for Licensed Professional Counselors licensed by the Board shall be the American Counseling Association Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Licensed Professional Counselors and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Licensed Professional Counselors and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(7) **LICENSED MENTAL HEALTH COUNSELING.** The Code of Professional Conduct for Licensed Mental Health Counselors licensed by the Board shall be the American Mental Health Counselors Association (AMHCA) Code of Ethics (Oct. 2015), as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Licensed Mental Health Counselors and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Licensed Mental Health Counselors and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(8) **MARRIAGE AND FAMILY THERAPY.** The Code of Professional Conduct for Marriage and Family Therapists licensed by the Board shall be the American Association of Marriage and Family Therapy (AAMFT) Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Marriage and Family Therapists and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Marriage and Family Therapists and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(9) **PHYSICAL THERAPY.** The Code of Professional Conduct for Physical Therapists licensed by the Board shall be the American Physical Therapy Association (APTA) Code of Ethics for the Physical Therapist; and the APTA Guide for Professional Conduct, as adopted as of the effective dates of these rules, and any revisions made

hereafter thereto. The Code of Professional Conduct for Physical Therapist Assistants licensed by the Board shall be the APTA Guide for Conduct of the Physical Therapist Assistant (PTA); and the APTA Standards of Ethical Conduct for the Physical Therapist Assistant, as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Physical Therapists and Physical Therapist Assistant, and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Physical Therapists and Physical Therapist Assistant, and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(10) **PHYSICIAN ASSISTANTS.** The Code of Professional Conduct for Physician Assistants licensed by the Board shall be the Guidelines for Ethical Conduct for the Physician Assistant Profession (2013) as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Physician Assistants and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Physician Assistants and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(11) **PODIATRY.** The Code of Professional Conduct for Podiatrists licensed by the Board shall be the American Podiatric Medical Association – Code of Ethics (2013) as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Podiatrist and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Podiatrist and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(12) **SPEECH-LANGUAGE PATHOLOGY.** The Code of Professional Conduct for Speech-Language Pathologists and Speech-Language Pathology Assistants licensed by the Board shall be the American Speech-Language-Hearing Association (ASHA) Code of Ethics (2016) as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Speech-Language Pathologists and Speech-Language Pathology Assistants and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(13) **VETERINARY MEDICINE.** The Code of Professional Conduct for Veterinarians licensed by the Board shall be the American Veterinary Medical Association Principles of Veterinary Medical Ethics (PVME) as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Veterinarians and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Veterinarians and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(14) **RESPIRATORY THERAPY.** The Code of Professional Conduct for Respiratory Therapists licensed by the Board shall be the American Association for Respiratory Care (AARC) Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Respiratory Therapy and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the American Association for Respiratory Care Code of Ethics and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(15) **NUTRITION AND DIETETICS.** The Code of Professional Conduct for Nutritionists and Clinical Dieticians licensed by the Board shall be the Academy of Nutrition and Dietetics Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Nutritionists and Clinical Dieticians and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Nutritionists and Clinical Dieticians and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(16) **NURSING HOME ADMINISTRATORS.** The Code of Professional Conduct for Nursing Home Administrators licensed by the Board shall be the American College of Health Care Administrators (ACHCA) Code of Ethics and the National Association for Home Care & Hospice (NAHC) Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Nursing Home Administrators and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Nursing Home Administrators and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(b) Each applicant or licensee, registrant, or certificate holder is responsible for being familiar with and following the Code of Ethics of that individual's profession.

(c) Unethical conduct includes, but is not limited to, the following:

- (1) Knowingly circulating untrue, fraudulent, misleading or deceptive advertising.
- (2) Engaging in sexual activities with clients.
- (3) Addiction to the habitual use of intoxicating liquors, narcotics, or other stimulants to such an extent as to incapacitate him from the performance of his professional obligations and duties.
- (4) Failure of a licensee to inform clients fully about the limits of confidentiality in a given situation, the purposes— for which information is obtained, and how it may be used.
- (5) Denial of a client's reasonable request for access to any records concerning the client. When providing clients with access to records, the licensee shall take due care to protect the confidences of others contained in those records.
- (6) Failure to obtain informed consent of clients before taping, recording, or permitting third party observation of their activities.

(7) Failure to clarify the nature and directions of a licensee's loyalties and responsibilities and keep all parties informed of their commitments when a conflict of interest exists between a client and the licensee's employing institution.

(8) Failure to fully inform consumers as to the purpose and nature of an evaluation, research, treatment, educational or training procedure, and freely acknowledging that clients', students, or participants in research have freedom of choice with regard to participation.

(9) Failure to attempt to terminate a clinical or consulting relationship when it is reasonably clear that the relationship is not benefiting the consumer, patient, or client. Licensees who find that their services are being used by employers in a way that is not beneficial to the participants or to employees who may be affected, or to significant others, have the responsibility to make their observations known to the responsible persons and to propose modification or termination of the engagement.

(10) Failure to make every effort to avoid dual relationships with clients and/or relationships which might impair independent professional judgment or increase the risk of client exploitation.

(11) Failure to assist clients in finding needed services by making appropriate referrals in those instances where payment of the usual fee would be a hardship.

(12) Failure to terminate service to clients and professional relationships with them, when such service and relationships are no longer required. The licensee who anticipates the termination or interruption of service to clients shall notify clients promptly and seek the transfer, referral, or continuation of service in relation to the clients' needs and preferences.

(13) Setting fees that are unreasonable and not commensurate with the service performed.

(14) Engaging in the division of fees or agreeing to split or divide the fee received for professional services with any person for bringing or referring a patient.



Guam Board of Allied Health Examiners

Mailing Address: 123 Chalan Kareta • Mangilao, Guam 96913

Physical Location: Rm 209 Terlaje Professional Bldg.

194 Hernan Cortez Avenue, Hagåtña

• Telephone: (671) 735-7405•

MEMORANDUM

DATE: September 12, 2019

TO: Honorable Tina Muña Barnes
Speaker, *Mina'trentai Singko Na Liheslaturan Guåhan*
35th Guam Legislature

Honorable Therese M. Terlaje
Chair, Committee on Health, Tourism,
Historic Preservation, Land and Justice
35th Guam Legislature

FROM: Chair, Guam Board of Allied Health Examiners

RE: Correction to Proposed Rules and Regulations by the Guam Board of Allied Health Examiners Governing the Adoption of Codes of Professional Conduct / Ethics
Bill No. 187-35 (COR)

Dear Madam Speaker and Senator Terlaje:

Subsequent to the public hearing held by the Guam Board of Allied Health Examiners held on October 5, 2018, followed by the Board's approval of the proposed rules and regulations governing the adoption of codes of professional conduct/ethics; approval by the Attorney General as to form and legality; approval by the Governor as to policy; and submission to the Legislature, it came to the Board's attention that there were two changes that ought to be made. At its regular board meeting held on September 6, 2019, the Board voted to ask the Legislature to consider amendments to its proposed rules adopting Codes of Professional/Ethics currently under submission before you.

First, in lieu of the Code of Ethics published by the American Academy of Audiology and the American Academy of Audiology Standards of Practice (2012), the Board wishes to adopt the Code of Ethics published by the American Speech-Language-Hearing Association (ASHA) (2016). The adoption of the Code of Ethics published by the American Speech-Language-Hearing Association (2016) is consistent with the Legislature's intent expressed at 10 GCA § 121002, which provides that ASHA is the certifying body for audiologists. Accordingly, it is ASHA's Code of Professional Conduct which should be adopted.

The Board proposes that 25 GAR § 101301(a)(3) should read as follows:

(3) **AUDIOLOGY.** The Code of Professional Conduct for Audiologists licensed by the Board shall be the Code of Ethics published by the American Speech-Language-Hearing Association (2016), as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known

<http://dphss.guam.gov/guam-board-of-allied-health-examiners/>

• Telephone: (671) 735-7404~10 • Fax: (671) 735-7413

RE: Transmittal to I *Liheslaturan Guåhan* of Proposed Rules and Regulations Governing
the Adoption of Codes of Professional Conduct / Ethics for Professions Licensed by
The Guam Board of Allied Health Examiners
Bill No. 187-35 (COR)

September 12, 2019

~Page 2

as the Code of Professional Conduct for Audiologist and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for the Practice of Audiology and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

Second, the Board wishes to add the American Psychological Association (APA) Ethical Principles of Psychologists and Code of Conduct (2017) in addition to the Association of State and Provincial Psychology Boards (ASPPB) Code of Conduct. The Board proposes that what will become 25 GAR § 101301(a)(5) should read as follows:

(5) **CLINICAL PSYCHOLOGY.** The Code of Professional Conduct for Clinical Psychologists licensed by the Board shall be the Association of State and Provincial Psychology Boards (ASPPB) Code of Conduct (2018), *and* the American Psychological Association (APA) Ethical Principles of Psychologists and Code of Conduct (2017) as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Clinical Psychologists and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Clinical Psychologist and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

Electronic versions of the Amended Final Rules in Word and .pdf format are enclosed.

We look forward to appearing before the Committee on Health, Tourism, Historic Preservation, Land and Justice as soon as the public hearing has been rescheduled.

Sincerely,



Mamie Balajadia, Ed.D.

Chair, Guam Board of Allied Health Examiners

Attachment: Exhibit "A" – Amended Final Rules Governing the Adoption of Codes of Professional Conduct / Ethics in Word and .pdf format

cc: Governor of Guam
Attorney General of Guam
Compiler of Laws

EXHIBIT "A"

GUAM BOARD OF ALLIED HEALTH EXAMINERS

ADOPTION OF AMENDED FINAL RULES

Having complied with the Administrative Adjudication Law in all respects, the GUAM BOARD OF ALLIED HEALTH EXAMINERS has adopted the following Codes of Professional Conduct / Ethics:

* * *

25 GAR § 101301. CODES OF PROFESSIONAL CONDUCT / ETHICS

(a) All licensees, registrants, and certificate holders shall comply with the following Codes of Professional Conduct:

(1) **OCCUPATIONAL THERAPY.** In the case of Occupational Therapists and Occupational Therapist Assistants licensed by the Board as provided in Articles 7 and 14 of Chapter 12, Title 10, the Code of Professional Conduct shall be the American Occupational Therapy Association (AOTA) Occupational Therapy Code of Ethics (2015), as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Occupational Therapists and Occupational Therapist Assistants and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the AOTA Occupational Therapy Code of Ethics (2015) and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(2) **ACUPUNCTURE.** The Code of Professional Conduct for persons licensed to practice acupuncture shall be the National Certification Commission for Acupuncture and Oriental Medicine Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for the Practice of Acupuncture and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the National Certification Commission for Acupuncture and Oriental Medicine Code of Ethics and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(3) **AUDIOLOGY.** The Code of Professional Conduct for Audiologists licensed by the Board shall be the Code of Ethics published by the American Speech-Language-Hearing Association (2016), as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Audiologist and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for the Practice of Audiology and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(4) **CHIROPRACTIC MEDICINE.** The Code of Professional Conduct for Chiropractors licensed by the Board shall be the American Chiropractic Association Code of Ethics as adopted as of the effective dates of these rules, and any revisions made

hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Chiropractors and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Chiropractors and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(5) **CLINICAL PSYCHOLOGY.** The Code of Professional Conduct for Clinical Psychologists licensed by the Board shall be the Association of State and Provincial Psychology Boards (ASPPB) Code of Conduct (2018), *and* the American Psychological Association (APA) Ethical Principles of Psychologists and Code of Conduct (2017) as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Clinical Psychologists and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Clinical Psychologist and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(6) **LICENSED PROFESSIONAL COUNSELING.** The Code of Professional Conduct for Licensed Professional Counselors licensed by the Board shall be the American Counseling Association Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Licensed Professional Counselors and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Licensed Professional Counselors and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(7) **LICENSED MENTAL HEALTH COUNSELING.** The Code of Professional Conduct for Licensed Mental Health Counselors licensed by the Board shall be the American Mental Health Counselors Association (AMHCA) Code of Ethics (Oct. 2015), as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Licensed Mental Health Counselors and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Licensed Mental Health Counselors and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(8) **MARRIAGE AND FAMILY THERAPY.** The Code of Professional Conduct for Marriage and Family Therapists licensed by the Board shall be the American Association of Marriage and Family Therapy (AAMFT) Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Marriage and Family Therapists and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Marriage and Family Therapists and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(9) **PHYSICAL THERAPY.** The Code of Professional Conduct for Physical Therapists licensed by the Board shall be the American Physical Therapy Association (APTA) Code of Ethics for the Physical Therapist; and the APTA Guide for Professional Conduct, as adopted as of the effective dates of these rules, and any revisions made

hereafter thereto. The Code of Professional Conduct for Physical Therapist Assistants licensed by the Board shall be the APTA Guide for Conduct of the Physical Therapist Assistant (PTA); and the APTA Standards of Ethical Conduct for the Physical Therapist Assistant, as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Physical Therapists and Physical Therapist Assistant, and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Physical Therapists and Physical Therapist Assistant, and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(10) **PHYSICIAN ASSISTANTS.** The Code of Professional Conduct for Physician Assistants licensed by the Board shall be the Guidelines for Ethical Conduct for the Physician Assistant Profession (2013) as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Physician Assistants and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Physician Assistants and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(11) **PODIATRY.** The Code of Professional Conduct for Podiatrists licensed by the Board shall be the American Podiatric Medical Association – Code of Ethics (2013) as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Podiatrist and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Podiatrist and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(12) **SPEECH-LANGUAGE PATHOLOGY.** The Code of Professional Conduct for Speech-Language Pathologists and Speech-Language Pathology Assistants licensed by the Board shall be the American Speech-Language-Hearing Association (ASHA) Code of Ethics (2016) as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Speech-Language Pathologists and Speech-Language Pathology Assistants and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(13) **VETERINARY MEDICINE.** The Code of Professional Conduct for Veterinarians licensed by the Board shall be the American Veterinary Medical Association Principles of Veterinary Medical Ethics (PVME) as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Veterinarians and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Veterinarians and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(14) **RESPIRATORY THERAPY.** The Code of Professional Conduct for Respiratory Therapists licensed by the Board shall be the American Association for Respiratory Care (AARC) Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Respiratory Therapy and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the American Association for Respiratory Care Code of Ethics and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(15) **NUTRITION AND DIETETICS.** The Code of Professional Conduct for Nutritionists and Clinical Dietitians licensed by the Board shall be the Academy of Nutrition and Dietetics Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Nutritionists and Clinical Dietitians and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Nutritionists and Clinical Dietitians and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(16) **NURSING HOME ADMINISTRATORS.** The Code of Professional Conduct for Nursing Home Administrators licensed by the Board shall be the American College of Health Care Administrators (ACHCA) Code of Ethics and the National Association for Home Care & Hospice (NAHC) Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Nursing Home Administrators and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Nursing Home Administrators and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(b) Each applicant or licensee, registrant, or certificate holder is responsible for being familiar with and following the Code of Ethics of that individual's profession.

(c) Unethical conduct includes, but is not limited to, the following:

- (1) Knowingly circulating untrue, fraudulent, misleading or deceptive advertising.
- (2) Engaging in sexual activities with clients.
- (3) Addiction to the habitual use of intoxicating liquors, narcotics, or other stimulants to such an extent as to incapacitate him from the performance of his professional obligations and duties.
- (4) Failure of a licensee to inform clients fully about the limits of confidentiality in a given situation, the purposes— for which information is obtained, and how it may be used.
- (5) Denial of a client's reasonable request for access to any records concerning the client. When providing clients with access to records, the licensee shall take due care to protect the confidences of others contained in those records.
- (6) Failure to obtain informed consent of clients before taping, recording, or permitting third party observation of their activities.

(7) Failure to clarify the nature and directions of a licensee's loyalties and responsibilities and keep all parties informed of their commitments when a conflict of interest exists between a client and the licensee's employing institution.

(8) Failure to fully inform consumers as to the purpose and nature of an evaluation, research, treatment, educational or training procedure, and freely acknowledging that clients', students, or participants in research have freedom of choice with regard to participation.

(9) Failure to attempt to terminate a clinical or consulting relationship when it is reasonably clear that the relationship is not benefiting the consumer, patient, or client. Licensees who find that their services are being used by employers in a way that is not beneficial to the participants or to employees who may be affected, or to significant others, have the responsibility to make their observations known to the responsible persons and to propose modification or termination of the engagement.

(10) Failure to make every effort to avoid dual relationships with clients and/or relationships which might impair independent professional judgment or increase the risk of client exploitation.

(11) Failure to assist clients in finding needed services by making appropriate referrals in those instances where payment of the usual fee would be a hardship.

(12) Failure to terminate service to clients and professional relationships with them, when such service and relationships are no longer required. The licensee who anticipates the termination or interruption of service to clients shall notify clients promptly and seek the transfer, referral, or continuation of service in relation to the clients' needs and preferences.

(13) Setting fees that are unreasonable and not commensurate with the service performed.

(14) Engaging in the division of fees or agreeing to split or divide the fee received for professional services with any person for bringing or referring a patient.



Senator
THERESE M. TERLAJE

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 187-35 (COR) was introduced on July 30, 2019 by Senator Therese M. Terlaje, and was subsequently referred by the Committee on Rules to the Committee on Health, Tourism, Historic Preservation, Land and Justice on August 29, 2019.

The Committee on Health, Tourism, Historic Preservation, Land and Justice convened a public hearing on Bill No. 187-35 (COR) on Thursday, September 19, 2019 in *I Liheslatura's* Public Hearing Room.

Public Notice Requirements

Notices for this Public Hearing were disseminated via email to all senators and all main media broadcasting outlets on Thursday, September 12, 2019 and again on Monday, September 16, 2019. The notice was also published on the Guam Daily Post on September 12, 2019 and September 17, 2019.

Senators Present

Senator Therese M. Terlaje, Chairperson
Senator Kelly Marsh (Taitano), Committee Member
Speaker Telo Taitague

Appearing Before the Committee

Dr. Mamie Balajadia, Chairperson, Guam Board of Allied Health Examiners
Sibyl Crisostomo, Speech-Language Pathologist Member, Guam Board of Allied Health Examiners
Robert Weinberg, Legal Counsel, Guam Board of Allied Health Examiners
Vincent P. Pereda, Licensed Professional Counseling Member, Guam Board of Allied Health Examiners
Catherine San Nicolas, Member, Guam Board of Allied Health Examiners
(Appeared before Committee but did not testify)
Dr. Greg Miller, Chiropractic Medicine Member and Vice Chair of the Guam Board of Allied Health Examiners
Dr. Robert Hildreth, Veterinarian
Dr. Paul Pomes, Food Service Veterinarian, USDA



Senator
THERESE M. TERLAJE

I Mina'trentai Singko na Libeslaturan Guåhan

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

Submitted Written Testimony

Dr. Mamie Balajadia, Chairperson, Guam Board of Allied Health

Robert Weinberg, Legal Counsel, Guam Board of Allied Health Examiners

II. SUMMARY OF TESTIMONY & DISCUSSION

The public hearing was Called-to-Order at 1:03 PM.

Senator Therese M. Terlaje, Chairperson of the Committee on Health, Tourism, Historic Preservation, Land and Justice called the public hearing to order at 1:03 PM. The Chairperson presented the agenda item that would be heard during the hearing. Bill 187-35 (COR)- **As Amended by the Committee on Health, Tourism, Historic Preservation, Land and Justice- As introduced by Senator Therese M. Terlaje-** An Act to Add a New § 101301 to Chapter 10 of Title 25, Guam Administrative Rules and Regulations, Relative to Adopting the Rules and Regulations Entitled, "Guam Board of Allied Health Examiners Adoption of Final Rules" Regarding Codes of Professional Conduct/Ethics, Attached Hereto as Exhibit A, was the item on the agenda.

Chairperson Therese M. Terlaje:

Håfa Adai. I'd like to thank all of you for being here today and for those who have signed up to testify so we will begin. We'll hear first from the panel regarding this, I would like to say that this bill was introduced by myself at the request of the Board. The Board, according to Guam's law, is authorized to promulgate these rules and regulations by Title 10 Guam Code Annotated Section 12803 (c) (1).

Part of their responsibilities include but is not limited to acts of unprofessional conduct which shall result in disciplinary action, any other acts as determined by the Board to be unprofessional conduct. And pursuant to Section 12825 (a), the Board shall be authorized to adopt and enforce rules and regulations to carry into effect the provisions of the Allied Health Practice Act and to fulfill its duties under this Act.

So, we will now begin with testimony from Dr. Balajadia, Chairperson of the Guam Board of Allied Health. Please proceed.



Senator
THERESE M. TERLAJE

I Mina'trentai Singko na Libeslaturan Guåhan

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

Oh, please press the button for your microphone. Thank you. And introduce yourselves before you speak. Thank you.

Dr. Mamie Balajadia:

Thank you, Senator. I'm Mamie Balajadia, the current Chair of the Guam Board of Allied Health Examiners. It is a privilege to be here before you and this distinguished Committee to testify in favor of Bill 187-35.

To start off with, please let me introduce the Board members, who are sitting on my right. It's Dr. Miller and legal counsel, Robert Weinberg, Assistant Attorney General. To my left is Mr. Pereda, Sibyl Crisostomo, as well as Catherine San Nicolas.

(Please see attached testimony.)

Thank you.

Chairperson Therese M. Terlaje:

Thank you, Dr. Balajadia. So, is there any order that you would wish them to testify or shall I just call them in the order?

Dr. Mamie Balajadia:

We have our Board members here and if any of them wishes to address you, they may do so at this point.

Sibyl Crisostomo:

I'm Sibyl Crisostomo. I just wanted to add that the Board also has veterinary, which is not filled. And I'm the speech-language pathologist representing speech-language pathology on the Board, Sibyl Crisostomo.

Chairperson Therese M. Terlaje:

So, should those be listed in the members that you've stated? Two more? Okay. So...I'm sorry, state your name one more time.



Senator
THERESE M. TERLAJE

I Mina'trentai Singko na Libeslaturan Guåhan

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

Sibyl Crisostomo:

Sibyl Crisostomo.

Chairperson Therese M. Terlaje:

And you're representing?

Sibyl Crisostomo:

Speech-language pathology.

Chairperson Therese M. Terlaje:

Okay. Thank you. All right. So, as to the bill, is there anyone who would like to present testimony from the Board? Any of the Board members? Counsel?

Robert Weinberg:

Here to answer any questions.

Chairperson Therese M. Terlaje:

All right. I do have some questions. What would be the effect in layman's terms of adopting these rules? Is this the first time that rules like this would be adopted for allied professionals?

Robert Weinberg:

I think that prior to this what we had, we didn't have standards of conduct or the Board didn't have standards of conduct of specific codes like the American Bar Association like the lawyers have that you could look at and say, 'well, this is a violation or not'.

We had what the legislature had already put generally but there are certain standards of conduct to which the different professions aspire, and I think it was before this, it was aspirational only. I don't think...you couldn't look at a particular provision and say well this is a violation of whatever so this has a little bit more teeth, I would say.

Chairperson Therese M. Terlaje:



Senator
THERESE M. TERLAJE

I Mina'trentai Singko na Libeslaturan Guåhan

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

All right. When I was looking through the rules and regulations...So, these rules specifically point to a set of standards elsewhere. For example, for audiology or for acupuncture, it points to...persons shall be licenses to practice...

Sorry, the Code of Professional Conduct for persons license to practice acupuncture shall be the...and then they state the National Certification Commission for Acupuncture and Oriental Medicine Code of Ethics.

And so, for each discipline, they do this. They cite a governing board, and so can we take it then, because the Board has approved this, that all the disciplines approved of the authority that's been cited here as the standard of care that people of Guam should expect?

Robert Weinberg:

Yes, I think that's correct.

Chairperson Therese M. Terlaje:

Thank you. And so, since the bill was introduced, we also received a letter from Dr. Balajadia outlining that there were two provisions in the original bill that we will— that we should amend and those were citations to...Audiology was one and the second one was Clinical Psychology.

So, the changes would be to change, to adopt the Code of Ethics by the American Speech-Language-Hearing Association for Audiology and for Clinical Psychology, we would like to amend this to now cite the Association of State and American Psychological Association (APA) Ethical Principles of Psychologist and Code of Conduct (2017) as the rules.

All right. And so, the adoption of these rules would allow for those cited standards are updated, would our Guam Law then be automatically updated?

Robert Weinberg:

Yes.

Chairperson Therese M. Terlaje:



Senator
THERESE M. TERLAJE

I Mina'trentai Singko na Libeslaturan Guåhan

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

All right. And I know that this is done in other areas of law. For example, the Building Code, we've adopted a standard so that when they update, we also update...well, certain provisions so...

So, the Board has approved this? All right. Is there any controversy regarding the adoption of this that the Committee should be aware of? All right.

I'd like to recognize my colleague, Senator Telo Taitague, for being present today and I'd like to invite her to ask any questions of the panel. So, these are the Board members of the Allied Health.

Senator Telo Taitague:

Thank you, Madam Chair. Good afternoon, I apologize for being late. I was doing some reading. When you get caught up sometimes, you forget time...and I did look at this particular legislation that's introduced.

I spoke with the Chairman on a couple of things that I saw with regarding the numbering and also, you know, realizing that I think this legislation is creating the Rules and Regs, particularly from other jurisdictions, if I'm not mistaken.

The way it's looking like it's cut and paste from other areas and...that you're incorporating on here. My concern is...maybe, Amy, if you could answer the question, I'm looking for teeth here because I know a lot of times you have these rules and regs but if they fail to follow these, other than pulling license or things like that, are there any findings in your research of this that provide that teeth that you need to follow through with these regulations?

Dr. Mamie Balajadia:

I'm sorry, Senator. Could you repeat that question again?

Senator Telo Taitague:

Well, these rules and regulations that are proffered here, I'm sure you've been working with the good Chair on these...And I was looking through the law and I'm trying to find some kind of teeth to this.



Senator
THERESE M. TERLAJE

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

You know, if you fail to comply, what repercussions do you have for that? Other than pulling license or some other way because I'm noticing that these rules and regulations were basically from other jurisdictions that you've cut and paste and put on here. So, that's my question with regards to the "teeth" of it.

Dr. Mamie Balajadia:

Yes, Senator. All the professions under the Guam Allied Health Board Examiners, they are also related to the associations—the national associations that set up the ethics and standards. So, we're following that.

It is not that we created. Every—like I'm a member of the American Psychological Association. So, I as a member, would follow that standards and the code status being set up. The APA, the American Psychological Association, they've spent many hours and throughout time, has set of codes that every psychologist ought to follow.

So, in this community, if there's a license person who—there's a complaint against them and some ethical—like say, complaint or a situation that warrants merit of the sport looking into, then we might look at the ethical codes and code of conduct at just one aspect. It is not the total in—looking at the licensees' situation. That is just one aspect of looking at if there's a violation. And as you know, like any board, we go through a process. The person is given due process of various situations under the guidance of our legal counsel. Is that...?

Senator Telo Taitague:

Pretty much.

Sibyl Crisostomo:

We have our Article 8 too, which designates how we do the process of the...what's that word?

Chairperson Therese M. Terlaje:

Discipline?

Sibyl Crisostomo:



Senator
THERESE M. TERLAJE

I Mina'trentai Singko na Libeslaturan Guåban

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

Discipline. It's very well laid out in our Article 8. And these ethical statements are from each licensee's certification, not a state but the certification agency and that supports our Article 8.

Senator Telo Taitague:

Well, that's good to know and if there's any...oh, go ahead Dr. Miller.

Dr. Greg Miller:

Hi, Dr. Miller from Chiropractic, Vice Chair of the Board. Several years ago—you were using the analogy, Senator, of "teeth"—I see this bill as actually regaining like baby teeth. It's a start in the right direction.

But several years ago, the Attorney General, at the time, took away our Attorney General to prosecute our claims against our licensees. So, basically, now we're having to hire private counsel for, I think it's for all of Department of Health.

So, there's a very limited budget spread over all the boards for one attorney to prosecute these cases. So, we don't really have very sharp teeth right now. That's what we need...either, hopefully maybe the Attorney General will reconsider—the new Attorney General, giving us attorneys to prosecute or a quite a bit larger budget to go after some of these cases that need more time and more legal expertise to prosecute.

Otherwise, there's a very limited budget. So, it kind of gets stalled to tell you the truth.

Senator Telo Taitague:

Oh, and thank you for that. That's good information. I didn't realize that now you are required to get your own attorney. So, this can roll into a lot of issues, not having the funding needed. But, once upon a time, did the Attorney General's Office assist the Board?

Dr. Greg Miller:

Yes, they did.



Senator
THERESE M. TERLAJE

I Mina'trentai Singko na Libeslaturan Guåban

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

Senator Telo Taitague:

And then, what was the reason for them to pull back?

Dr. Greg Miller:

I was called, along with Director Jim Gillan, into the Attorney General's Barrett-Anderson's Office. I think it was...she didn't give a specific reason why she wanted to do it...just that, probably manpower. You know, they just did not have enough people because some of these cases go on and on and on.

So, what we find...on the person that's being disciplined often can have very good counsel, where with us, it was kind of at the pleasure of the Attorney General, at the time, to give us what they had available.

And that made it more difficult. So, as far as the reason, I'm not quite sure why...I imagine it was budget hearing. It takes a lot of time to do this.

Senator Telo Taitague:

Well, thank you so much for that, Dr. Miller.

Dr. Mamie Balajadia:

To add on to that, Senator Taitague, we're working on the other rules and regulations. This is just one part of it. The Board has been working on the other rules and regulations. So, we've been diligently working on—to cover all aspects of the articles governing the Board, the regulatory functions.

Senator Telo Taitague:

And Mamie, what is some of the stuff that you're currently working on with the Chair?

Dr. Mamie Balajadia:

It's a long process. As mentioned by Ms. Crisostomo, on Article 8, which is governing the establishment, the rules on how Boards functions, we're working on the rules and regulations of that, because it hasn't been done.



Senator
THERESE M. TERLAJE

I Mina'trentai Singko na Liheslaturan Guåban

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

And so, we're pleased with our legal counsel who is helping us tremendously and has been instrumental in to pushing this forward. This is something that is really necessary to give guidance to current and future of how regulatory function is supposed to be.

Senator Telo Taitague:

Thank you so much. And thank you, Madame Chair, for the opportunity.

Chairperson Therese M. Terlaje:

I'd also like to introduce Senator Kelly Marsh Taitano and ask her if she has any questions for the panel but I'd also like to commend the panel or the Board because I know that for a while you were pretty much unable to prosecute but that you, now, have a counsel and are pursuing that.

So, that is a...it's an upshift. It could be better, of course, but it is a...it is progress and the progress on the rules and regulations and all aspects of these regulations. Thank you for that. And we are open to your swift progress.

Senator Marsh Taitano.

Senator Kelly Marsh Taitano:

Håfa Adai. Saina Må'åse' for coming down here. This is important, of course, for the community and I apologize for coming late. So, I'm still catching up with the reading and the information that you've been sharing but I really wanted to be here to hear some of what you're sharing.

And I agree with the Chair that it's important to be adopting these rules and regulations and to be getting some of the feedback such as some of the suggestions of additional codes of ethics and conduct to be adding in.

So, just thank you for your time and I really want to support moving this all forward so that we're better getting these safeguards and other aspects of this in place for our community.

Chairperson Therese M. Terlaje:

Okay. Dr. Balajadia or Attorney Weinberg, could you just explain—so the numbering of the rules, there's a gap and it was my understanding that we are



Senator
THERESE M. TERLAJE

I Mina'trentai Singko na Libeslaturan Guåban

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

expecting more rules to fill those gaps if you could just put that on the record that would be great.

Robert Weinberg:

We have a large collection of rules in mind. If you look in the GARs, there in the Guam Administrative Rules and Regulations on the Compilers website, you'll see a section devoted to physician assistants. You'll see another section devoted to the Acupuncture when there was a separate Acupuncture Board.

And I think that's it for Allied Health Board rules that are on the Compilers website. Separate from that I've located rules that were, I believe properly promulgated under the AAL in 1989 that have never made it onto the rules and regulations on the Compilers website.

What I'm hoping to do is take pre-existing rules, update them and include other rules and regulations that you would expect to find in any administrative board regulatory licensing agency.

For example, the opening parts of the rules would be definitions, followed by how meetings are conducted, followed by a section reserved for defining the scope of practice for each profession or discipline, to the extent it's not already just defined in the law, followed by parts that are required by the administrative adjudication law. But only in very broad strokes like you can look at the Administrative Adjudication Law having to do with disciplinary hearings or contested cases and it's not always clear, even to lawyers, how it's supposed to be conducted.

I have proposed rules that we're looking at that would better explain for the layman's purposes, you know. So that a lay person could pick up the rules and go, 'oh, okay, that's how a complaint is processed, and this is how it's handled'.

In there, toward the middle and toward the end, is where this session would be, in the anticipated rules that the Board is working on in the days and months, weeks to come. So, that's why it doesn't follow anything that's currently up there.



Senator
THERESE M. TERLAJE

I Mina'trentai Singko na Libeslaturan Guåban

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

I've sent to Senator Terlaje kind of the first few pages, just the table of contents. None of this has been adopted yet it's just working its way through the Board's subcommittee on rules and we're just going through it, page by page.

Chairperson Therese M. Terlaje:

Thank you again. All right. Is there any other member of this panel that would like to speak on the bill? Otherwise, I'll invite the other members and other people who have signed up.

All right. So, the panel is then dismissed.

Maybe, Dr. Balajadia, if you could stay in case...and maybe Mr. Weinberg, Attorney Weinberg? But if there's anyone else signed up for this bill to testify Paul Pomes, Bob Hildreth. You're welcome to...please join us.

Dr. Robert Hildreth:

Hildreth. Most people know me on island. I am Dr. Bob...

Chairperson Therese M. Terlaje:

I'm sorry. Could you just restart again? Thanks.

Dr. Robert Hildreth:

Sorry. My name is Dr. Robert Hildreth. I'm a veterinarian here on island. Most people know me as Dr. Bob. So, I welcome this. These new regulations, the adoption of the ethics clause as I think was spoken before that this is the first step and your talk about putting "teeth" into things? Definitely needs to be done.

I'm originally from California where there is a lot of "teeth" in the law and it helps keep the professionals very honest; and basically, raises the care of medicine and the services being delivered to the people of Guam.

And I wholeheartedly encourage that this is a first step on a road to really holding the professions accountable and again anything that I can do to help, please let me know.

Chairperson Therese M. Terlaje:

Thank you very much



Senator
THERESE M. TERLAJE

I Mina'trentai Singko na Liheslaturan Guåban

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

Dr. Paul Pomes:

Hello, I'm Dr. Paul Pomes. I'm currently working with the USDA food safety inspection service as a food safety veterinarian. I'm licensed to practice in five states as well as the territory of Guam.

I've seen a lot of practices varieties and overall, the ethics step here is a huge step forward it does need teeth. The previous AG cut the funding for enforcement. And so, it's been very difficult for the Board to prosecute some cases that do need to be addressed.

So, I would also urge legislature to look into proper funding of the enforcement arm for the Board, so they don't have to come out of their own pockets or on a very limited budget.

Chairperson Therese M. Terlaje:

Are either of you members of the Board?

Dr. Robert Hildreth:

No, we are not. I...

Dr. Paul Pomes:

I am in process of applying to become the veterinary member of the Board but that's by no means a guarantee

Chairperson Therese M. Terlaje:

Which member?

Dr. Paul Pomes:

Veterinary medicine.

Chairperson Therese M. Terlaje:

Oh, I see. Okay. All right. Well, I thank you for your testimony and invite any of my colleagues if any other questions? All right. Well, thank you very much.

Thank all of you again for your testimony and the work you've put into promulgating these rules and regulations to safeguard ethical and competent



Senator
THERESE M. TERLAJE

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

healthcare on Guam. We will try to move this bill into the September session, which we're expecting next week but we're definitely are trying to put it on as soon as possible.

And so, we would only accept written testimony until close of business on—tomorrow at 5:00 p.m. *Si Yu'os Ma'åse'* to all of you. Good luck to the Board.

The hearing was adjourned at 1:27 PM

III. FINDINGS & RECOMMENDATIONS

The Committee finds that the Guam Board of Allied Health Examiners submitted its Proposed Rules and Regulations governing adoption of Codes of Professional Conduct and Ethics, specifically adding a new § 101301 to Title 25 of the Guam Administrative Rules and Regulations to *I Liheslatuan Guåhan* on July 9, 2019.

Bill 187-35 (COR) was introduced on July 30, 2019 by the Committee on Health and was referred to the Committee on Health by the Legislatures Committee on Rules on August 29, 2019.

The Committee finds that Title 25, Chapter 10, GAR ends at Section 10110. The proposed rules and regulations begin at Section 101301. Per the Guam Board of Allied Health Examiners legal counsel, the board is cognizant of the fact that the Compiler is authorized by law to number and re-number code provisions and administrative rules as is deemed appropriate. The numbering is based on where the GBAHE has determined the order of rules will be. The GBAHE is hopeful that the Compiler will use the numbering proposed in anticipation of rules to come.

Further suggestion by GBAHE for the Proposed Rules and Regulations was received on September 12th. These amendments include the adoption of the Code of Ethics published by the American Speech-Language-Hearing Association (ASHA) (2016) in subsection (3) and the adoption of the American Psychological Association (APA) Ethical Principles of Psychologists and Code of Conduct (2017), in addition to the Association of State and Provincial Psychological Boards (ASPPB) Code of Conduct, in subsection (5).



Senator

THERESE M. TERLAJE

I Mina'trentai Singko na Libeslaturan Guåban

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

Bill 187-35 (COR) has been amended by the Committee to incorporate the further changes suggested by GBAHE.

Adoption of these codes of conduct make Guam consistent with national standards and allow automatic updates to Guam's standards when the national standard is updated.

The Committee on Health, Tourism, Historic Preservation, Land and Justice hereby reports out Bill No. 187-35 (COR), *As Amended by the Committee on Health, Tourism, Historic Preservation, and Justice- "AN ACT TO ADD A NEW § 101301 TO CHAPTER 10 OF TITLE 25, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ADOPTING THE RULES AND REGULATIONS ENTITLED, "GUAM BOARD OF ALLIED HEALTH EXAMINERS ADOPTION OF FINAL RULES" REGARDING CODES OF CONDUCT/ETHICS, ATTACHED HERETO AS EXHIBIT A,"* with the recommendation
To report out only.

IMINA'TRENTAI SINGKO NA LIHESLATURAN GUAHAN
2019 (FIRST) Regular Session

Bill No. 187-35 (COR)

Introduced by:

Therese M. Terlaje 

AN ACT TO ADOPT THE RULES AND REGULATIONS ATTACHED HERETO AS EXHIBIT A, ENTITLED: "RULES AND REGULATIONS GOVERNING ADOPTION OF CODES OF PROFESSIONAL CONDUCT AND ETHICS BY THE GUAM BOARD OF ALLIED HEALTH EXAMINERS", SPECIFICALLY ADDING A NEW §101301 TO TITLE 25 OF THE GUAM ADMINISTRATIVE RULES AND REGULATIONS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. *I Liheslaturan Guåhan* does hereby adopt the Rules and
3 Regulations attached hereto as Exhibit A, entitled: "Rules and Regulations
4 Governing Adoption of Codes of Professional Conduct and Ethics by the Guam
5 Board of Allied Health Examiners", which adds a new §101301 to Title 25 of the
6 Guam Administrative Rules and Regulations, relative to the adoption of nationally
7 recognized Codes of Professional Conduct for Occupational Therapy,
8 Acupuncture, Audiology, Chiropractic Medicine, Clinical Psychology, Licensed
9 Professional Counseling, Licensed Mental Health Counseling, Marriage and
10 Family Therapy, Physical Therapy, Physician Assistants, Podiatry, Speech-
11 Language Pathology, Veterinary Medicine, Respiratory Therapy, Nutrition and
12 Dietetics, and Nursing Home Administrators. These rules may be amended
13 hereafter pursuant to the Administrative Adjudication Law.

14 Section 2. Effective Date. This Act shall be effective upon enactment.

FEB 27 2019 02 

GUAM BOARD OF ALLIED HEALTH EXAMINERS

ADOPTION OF

FINAL RULES

Having complied with the Administrative Adjudication Law in all respects, the GUAM BOARD OF ALLIED HEALTH EXAMINERS has adopted the following Codes of Professional Conduct / Ethics:

•••

25 GAR§ 101301.CODES OF PROFESSIONAL CONDUCT/ ETHICS

(a) All licensees, registrants, and certificate holders shall comply with the following Codes of Professional Conduct:

(1) OCCUPATIONAL THERAPY. In the case of Occupational Therapists and Occupational Therapist Assistants licensed by the Board as provided in Articles 7 and 14 of Chapter 12, Title 10, the Code of Professional Conduct shall be the American Occupational Therapy Association (AOTA) Occupational Therapy Code of Ethics (2015), as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Occupational Therapists and Occupational Therapist Assistants and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the AOTA Occupational Therapy Code of Ethics (2015) and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(2) ACUPUNCTURE. The Code of Professional Conduct for persons licensed to practice acupuncture shall be the National Certification Commission for Acupuncture and Oriental Medicine Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for the Practice of Acupuncture and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the National Certification Commission for Acupuncture and Oriental Medicine Code of Ethics and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(3) AUDIOLOGY. The Code of Professional Conduct for Audiologists licensed by the Board shall be the Code of Ethics published by the American Academy of Audiology, and the American Academy of Audiology Standards of Practice (2012), as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Audiologist and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for the Practice of Audiology and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(4) CHIROPRACTIC MEDICINE. The Code of Professional Conduct for Chiropractors licensed by the Board shall be the American Chiropractic Association Code

of Ethics as adopted as of the effective dates of these rules and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Chiropractors and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Chiropractors and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(5) **CLINICAL PSYCHOLOGY.** The Code of Professional Conduct for Clinical Psychologists licensed by the Board shall be the Association of State and Provincial Psychology Boards Code of Conduct, as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Clinical Psychologists and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Clinical Psychologist and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(6) **LICENSED PROFESSIONAL COUNSELING.** The Code of Professional Conduct for Licensed Professional Counselors licensed by the Board shall be the American Counseling Association Code of Ethics as adopted as of the effective dates of these rule and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Licensed Professional Counselors and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Licensed Professional Counselors and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(7) **LICENSED MENTAL HEALTH COUNSELING.** The Code of Professional Conduct for Licensed Mental Health Counselors licensed by the Board shall be the American Mental Health Counselors Association (AMHCA) Code of Ethics (Oct. 2015), as adopted as of the effective dates of these rules and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Licensed Mental Health Counselors and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Licensed Mental Health Counselors and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(8) **MARRIAGE AND FAMILY THERAPY.** The Code of Professional Conduct for Marriage and Family Therapists licensed by the Board shall be the American Association of Marriage and Family Therapy (AAMFT) Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Marriage and Family Therapists and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Marriage and Family Therapists and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(9) **PHYSICAL THERAPY.** The Code of Professional Conduct for Physical Therapists licensed by the Board shall be the American Physical Therapy Association (APTA) Code of Ethics for the Physical Therapist; and the APTA Guide for Professional Conduct, as adopted as of the effective dates of these rules, and any revisions made

hereafter thereto. The Code of Professional Conduct for Physical Therapist Assistants licensed by the Board shall be the APTA Guide for Conduct of the Physical Therapist Assistant (PTA); and the APTA Standards of Ethical Conduct for the Physical Therapist Assistant, as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Physical Therapists and Physical Therapist Assistant, and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Physical Therapists and Physical Therapist Assistant, and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(10) **PHYSICIAN ASSISTANTS.** The Code of Professional Conduct for Physician Assistants licensed by the Board shall be the Guidelines for Ethical Conduct for the Physician Assistant Profession (2013) as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Physician Assistants and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Physician Assistants and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(11) **PODIATRY.** The Code of Professional Conduct for Podiatrists licensed by the Board shall be the American Podiatric Medical Association-Code of Ethics (2013) as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Podiatrist and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Podiatrist and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(12) **SPEECH-LANGUAGE PATHOLOGY.** The Code of Professional Conduct for Speech-Language Pathologists and Speech-Language Pathology Assistants licensed by the Board shall be the American Speech-Language-Hearing Association (ASHA) Code of Ethics (2016) as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Speech-Language Pathologists and Speech-Language Pathology Assistants and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(13) **VETERINARY MEDICINE.** The Code of Professional Conduct for Veterinarians licensed by the Board shall be the American Veterinary Medical Association Principles of Veterinary Medical Ethics (PVME) as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Veterinarians and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Veterinarians and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(14) RESPIRATORY THERAPY. The Code of Professional Conduct for Respiratory Therapists licensed by the Board shall be the American Association for Respiratory Care (AARC) Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Respiratory Therapy and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the American Association for Respiratory Care Code of Ethics and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(15) NUTRITION AND DIETETICS. The Code of Professional Conduct for Nutritionists and Clinical Dietitians licensed by the Board shall be the Academy of Nutrition and Dietetics Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Nutritionists and Clinical Dietitians and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Nutritionists and Clinical Dietitians and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(16) NURSING HOME ADMINISTRATORS. The Code of Professional Conduct for Nursing Home Administrators licensed by the Board shall be the American College of Health Care Administrators (ACHCA) Code of Ethics and the National Association for Home Care & Hospice (NAHC) Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Nursing Home Administrators and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Nursing Home Administrators and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(b) Each applicant or licensee, registrant, or certificate holder is responsible for being familiar with and following the Code of Ethics of that individual's profession.

(c) Unethical conduct includes, but is not limited to, the following:

(1) Knowingly circulating untrue, fraudulent, misleading or deceptive advertising.
(2) Engaging in sexual activities with clients.
(3) Addiction to the habitual use of intoxicating liquors, narcotics, or other stimulants to such an extent as to incapacitate him from the performance of his professional obligations and duties.

(4) Failure of a licensee to inform clients fully about the limits of confidentiality in a given situation, the purposes-for which information is obtained, and how it may be used.

(5) Denial of a client's reasonable request for access to any records concerning the client. When providing clients with access to records. The licensee shall take due care to

protect the confidences of others contained in those records.

(6) Failure to obtain informed consent of clients before taping, recording, or permitting third party observation of their activities.

(7) Failure to clarify the nature and directions of a licensee's loyalties and responsibilities and keep all parties informed of their commitments when a conflict of interest exists between a client and the licensee's employing institution.

(8) Failure to fully inform consumers as to the purpose and nature of an evaluation, research, treatment, educational or training procedure, and freely acknowledging that clients', students, or participants in research have freedom of choice with regard to participation.

(9) Failure to attempt to terminate a clinical or consulting relationship when it is reasonably clear that the relationship is not benefiting the consumer, patient, or client. Licensees who find that their services are being used by employers in a way that is not beneficial to the participants or to employees who may be affected, or to significant others, have the responsibility to make their observations known to the responsible persons and to propose modification or termination of the engagement.

(10) Failure to make every effort to avoid dual relationships with clients and/or relationships which might impair independent professional judgment or increase the risk of client exploitation.

(11) Failure to assist clients in finding needed services by making appropriate referrals in those instances where payment of the usual fee would be a hardship.

(12) Failure to terminate service to clients and professional relationships with them, when such service and relationships are no longer required. The licensee who anticipates the termination or interruption of service to clients shall notify clients promptly and seek the transfer, referral, or continuation of service in relation to the clients' needs and preferences.

(13) Setting fees that are unreasonable and not commensurate with the service performed.

(14) Engaging in the division of fees or agreeing to split or divide the fee received for professional services with any person for bringing or referring a patient.

I MINA TRENDAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 187-35 (COR)

**As amended by the Committee on Health,
Tourism, Historic Preservation, Land and Justice**

Introduced by:

Therese M. Terlaje *TM*

**AN ACT TO ADD A NEW § 101301 TO CHAPTER 10 OF TITLE 25,
GUAM ADMINISTRATIVE RULES AND REGULATIONS,
RELATIVE TO ADOPTING THE RULES AND REGULATIONS
ENTITLED, “GUAM BOARD OF ALLIED HEALTH EXAMINERS
ADOPTION OF FINAL RULES” REGARDING CODES OF
PROFESSIONAL CONDUCT/ETHICS, ATTACHED HERETO AS
EXHIBIT A.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

that the Guam Board of Allied Health Examiners submitted the original Proposed Rules and Regulations on July 9, 2019 in accordance with the Administrative Adjudication Law. Prior to the public hearing for the Guam Board of Allied Health Examiners adoption of the Codes of Professional Conduct/Ethics, the Guam Board of Allied Health Examiners submitted an amended Proposed Rules and Regulations on September 12, 2019. These amendments include the adoption of the Code of Ethics published by the American Speech-Language-Hearing Association (ASHA) (2016) in subsection (3) and the adoption of the American Psychological Association (APA) Ethical Principles of Psychologists and Code of Conduct (2017), in addition to the Association of State and Provincial Psychological Boards (ASPPB) Code of Conduct, in subsection (5). It is the intent

1 of I Liheslaturan Guåhan to adopt the Rules and Regulations together with the
2 Guam Board of Allied Health Examiners recommendations as shown in Exhibit A.

3 **Section 2.** *I Liheslaturan Guåhan* does hereby adopt the Rules and
4 Regulations ~~attached hereto as Exhibit A, entitled: “Rules and Regulations~~
5 ~~Governing Adoption of Codes of Professional Conduct and Ethics by the Guam~~
6 ~~Board of Allied Health Examiners”,~~ entitled, “Guam Board of Allied Health
7 Examiners Adoption of Final Rules” regarding Codes of Professional
8 Conduct/Ethics, attached hereto as EXHIBIT A, which adds a new § 101301 to
9 Chapter 10 of Title 25, Guam Administrative Rules and Regulations, relative to the
10 adoption of nationally recognized Codes of Professional Conduct for Occupational
11 Therapy, Acupuncture, Audiology, Chiropractic Medicine, Clinical Psychology,
12 Licensed Professional Counseling, Licensed Mental Health Counseling, Marriage
13 and Family Therapy, Physical Therapy, Physician Assistants, Podiatry, Speech-
14 Language Pathology, Veterinary Medicine, Respiratory Therapy, Nutrition and
15 Dietetics, and Nursing Home Administrators. These rules may be amended
16 hereafter pursuant to the Administrative Adjudication Law.

17 **Section 3. Effective Date.** This Act *shall* be effective upon enactment.

18

COMMITTEE MARK-UP

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÁHAN
2019 (FIRST) Regular Session

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Bill No. -35 (COR)

As amended by the Committee on Health,
Tourism, Historic Preservation, Land and Justice

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Introduced by:

Therese M. Terlaje

AN ACT TO *ADD A NEW § 101301 TO CHAPTER 10 OF TITLE 25, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ADOPTING THE RULES AND REGULATIONS, ENTITLED, "GUAM BOARD OF ALLIED HEALTH EXAMINERS ADOPTION OF FINAL RULES" REGARDING CODES OF PROFESSIONAL CONDUCT/ETHICS, ATTACHED HERETO AS EXHIBIT A.*

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Deleted: BY THE GUAM BOARD OF ALLIED HEALTH EXAMINERS", ATTACHED HERETO AS

Deleted: SPECIFICALLY ADDING A NEW §101301 TO TITLE 25 OF THE GUAM ADMINISTRATIVE RULES AND REGULATIONS....

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guáhan finds*

that the Guam Board of Allied Health Examiners submitted the original Proposed Rules and Regulations on July 9, 2019 in accordance with the Administrative Adjudication Law. Prior to the public hearing for the Guam Board of Allied Health Examiners adoption of the Codes of Professional Conduct/Ethics, the Guam Board of Allied Health Examiners submitted an amended Proposed Rules and Regulations on September 12, 2019. These amendments include the adoption of the Code of Ethics published by the American Speech-Language-Hearing Association (ASHA) (2016) in subsection (3) and the adoption of the American Psychological Association (APA) Ethical Principles of Psychologists and Code of Conduct (2017), in addition to the Association of State and Provincial

1 Psychological Boards (ASPPB) Code of Conduct, in subsection (5). It is the intent
2 of I Liheslaturan Guåhan to adopt the Rules and Regulations together with the
3 Guam Board of Allied Health Examiners recommendations as shown in Exhibit A.

4 **Section 2.** I Liheslaturan Guåhan does hereby adopt the Rules and
5 Regulations, entitled, “Guam Board of Allied Health Examiners Adoption of Final
6 Rules” regarding Codes of Professional Conduct/Ethics, attached hereto as
7 EXHIBIT A. which adds a new §_101301 to Chapter 10 of Title 25, Guam
8 Administrative Rules and Regulations, relative to the adoption of nationally
9 recognized Codes of Professional Conduct for Occupational Therapy,
10 Acupuncture, Audiology, Chiropractic Medicine, Clinical Psychology, Licensed
11 Professional Counseling, Licensed Mental Health Counseling, Marriage and
12 Family Therapy, Physical Therapy, Physician Assistants, Podiatry, Speech-
13 Language Pathology, Veterinary Medicine, Respiratory Therapy, Nutrition and
14 Dietetics, and Nursing Home Administrators. These rules may be amended
15 hereafter pursuant to the Administrative Adjudication Law.

16 **Section 3.** Effective Date. This Act *shall* be effective upon enactment.

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EXHIBIT "A"

GUAM BOARD OF ALLIED HEALTH EXAMINERS

ADOPTION OF AMENDED FINAL RULES

Having complied with the Administrative Adjudication Law in all respects, the GUAM BOARD OF ALLIED HEALTH EXAMINERS has adopted the following Codes of Professional Conduct / Ethics:

*** * ***

25 GAR § 101301. CODES OF PROFESSIONAL CONDUCT / ETHICS

(a) All licensees, registrants, and certificate holders shall comply with the following Codes of Professional Conduct:

(1) **OCCUPATIONAL THERAPY.** In the case of Occupational Therapists and Occupational Therapist Assistants licensed by the Board as provided in Articles 7 and 14 of Chapter 12, Title 10, the Code of Professional Conduct shall be the American Occupational Therapy Association (AOTA) Occupational Therapy Code of Ethics (2015), as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Occupational Therapists and Occupational Therapist Assistants and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the AOTA Occupational Therapy Code of Ethics (2015) and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(2) **ACUPUNCTURE.** The Code of Professional Conduct for persons licensed to practice acupuncture shall be the National Certification Commission for Acupuncture and Oriental Medicine Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for the Practice of Acupuncture and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the National Certification Commission for Acupuncture and Oriental Medicine Code of Ethics and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(3) **AUDIOLOGY.** The Code of Professional Conduct for Audiologists licensed by the Board shall be the Code of Ethics published by the American Speech-Language-Hearing Association (2016), as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Audiologist and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for the Practice of Audiology and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(4) **CHIROPRACTIC MEDICINE.** The Code of Professional Conduct for Chiropractors licensed by the Board shall be the American Chiropractic Association

Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Chiropractors and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Chiropractors and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(5) **CLINICAL PSYCHOLOGY.** The Code of Professional Conduct for Clinical Psychologists licensed by the Board shall be the Association of State and Provincial Psychology Boards (ASPPB) Code of Conduct (2018), *and* the American Psychological Association (APA) Ethical Principles of Psychologists and Code of Conduct (2017) as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Clinical Psychologists and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Clinical Psychologist and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(6) **LICENSED PROFESSIONAL COUNSELING.** The Code of Professional Conduct for Licensed Professional Counselors licensed by the Board shall be the American Counseling Association Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Licensed Professional Counselors and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Licensed Professional Counselors and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(7) **LICENSED MENTAL HEALTH COUNSELING.** The Code of Professional Conduct for Licensed Mental Health Counselors licensed by the Board shall be the American Mental Health Counselors Association (AMHCA) Code of Ethics (Oct. 2015), as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Licensed Mental Health Counselors and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Licensed Mental Health Counselors and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(8) **MARRIAGE AND FAMILY THERAPY.** The Code of Professional Conduct for Marriage and Family Therapists licensed by the Board shall be the American Association of Marriage and Family Therapy (AAMFT) Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Marriage and Family Therapists and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Marriage and Family Therapists and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(9) **PHYSICAL THERAPY.** The Code of Professional Conduct for Physical Therapists licensed by the Board shall be the American Physical Therapy Association

(APTA) Code of Ethics for the Physical Therapist; and the APTA Guide for Professional Conduct, as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. The Code of Professional Conduct for Physical Therapist Assistants licensed by the Board shall be the APTA Guide for Conduct of the Physical Therapist Assistant (PTA); and the APTA Standards of Ethical Conduct for the Physical Therapist Assistant, as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Physical Therapists and Physical Therapist Assistant, and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Physical Therapists and Physical Therapist Assistant, and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(10) **PHYSICIAN ASSISTANTS.** The Code of Professional Conduct for Physician Assistants licensed by the Board shall be the Guidelines for Ethical Conduct for the Physician Assistant Profession (2013) as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Physician Assistants and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Physician Assistants and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(11) **PODIATRY.** The Code of Professional Conduct for Podiatrists licensed by the Board shall be the American Podiatric Medical Association – Code of Ethics (2013) as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Podiatrist and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Podiatrist and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(12) **SPEECH-LANGUAGE PATHOLOGY.** The Code of Professional Conduct for Speech-Language Pathologists and Speech-Language Pathology Assistants licensed by the Board shall be the American Speech-Language-Hearing Association (ASHA) Code of Ethics (2016) as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Speech-Language Pathologists and Speech-Language Pathology Assistants and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(13) **VETERINARY MEDICINE.** The Code of Professional Conduct for Veterinarians licensed by the Board shall be the American Veterinary Medical Association Principles of Veterinary Medical Ethics (PVME) as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Veterinarians and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Veterinarians and any statute enacted by

the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(14) **RESPIRATORY THERAPY.** The Code of Professional Conduct for Respiratory Therapists licensed by the Board shall be the American Association for Respiratory Care (AARC) Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Respiratory Therapy and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the American Association for Respiratory Care Code of Ethics and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(15) **NUTRITION AND DIETETICS.** The Code of Professional Conduct for Nutritionists and Clinical Dieticians licensed by the Board shall be the Academy of Nutrition and Dietetics Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Nutritionists and Clinical Dieticians and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Nutritionists and Clinical Dieticians and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(16) **NURSING HOME ADMINISTRATORS.** The Code of Professional Conduct for Nursing Home Administrators licensed by the Board shall be the American College of Health Care Administrators (ACHCA) Code of Ethics and the National Association for Home Care & Hospice (NAHC) Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Nursing Home Administrators and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Nursing Home Administrators and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(b) Each applicant or licensee, registrant, or certificate holder is responsible for being familiar with and following the Code of Ethics of that individual's profession.

(c) Unethical conduct includes, but is not limited to, the following:

(1) Knowingly circulating untrue, fraudulent, misleading or deceptive advertising.

(2) Engaging in sexual activities with clients.

(3) Addiction to the habitual use of intoxicating liquors, narcotics, or other stimulants to such an extent as to incapacitate him from the performance of his professional obligations and duties.

(4) Failure of a licensee to inform clients fully about the limits of confidentiality in a given situation, the purposes— for which information is obtained, and how it may be used.

(5) Denial of a client's reasonable request for access to any records concerning the client. When providing clients with access to records, the licensee shall take due care to protect the confidences of others contained in those records.

(6) Failure to obtain informed consent of clients before taping, recording, or permitting third party observation of their activities.

(7) Failure to clarify the nature and directions of a licensee's loyalties and responsibilities and keep all parties informed of their commitments when a conflict of interest exists between a client and the licensee's employing institution.

(8) Failure to fully inform consumers as to the purpose and nature of an evaluation, research, treatment, educational or training procedure, and freely acknowledging that clients', students, or participants in research have freedom of choice with regard to participation.

(9) Failure to attempt to terminate a clinical or consulting relationship when it is reasonably clear that the relationship is not benefiting the consumer, patient, or client. Licensees who find that their services are being used by employers in a way that is not beneficial to the participants or to employees who may be affected, or to significant others, have the responsibility to make their observations known to the responsible persons and to propose modification or termination of the engagement.

(10) Failure to make every effort to avoid dual relationships with clients and/or relationships which might impair independent professional judgment or increase the risk of client exploitation.

(11) Failure to assist clients in finding needed services by making appropriate referrals in those instances where payment of the usual fee would be a hardship.

(12) Failure to terminate service to clients and professional relationships with them, when such service and relationships are no longer required. The licensee who anticipates the termination or interruption of service to clients shall notify clients promptly and seek the transfer, referral, or continuation of service in relation to the clients' needs and preferences.

(13) Setting fees that are unreasonable and not commensurate with the service performed.

(14) Engaging in the division of fees or agreeing to split or divide the fee received for professional services with any person for bringing or referring a patient.

EXHIBIT "A"

GUAM BOARD OF ALLIED HEALTH EXAMINERS

ADOPTION OF AMENDED FINAL RULES

Having complied with the Administrative Adjudication Law in all respects, the GUAM BOARD OF ALLIED HEALTH EXAMINERS has adopted the following Codes of Professional Conduct / Ethics:

* * *

25 GAR § 101301. CODES OF PROFESSIONAL CONDUCT / ETHICS

(a) All licensees, registrants, and certificate holders shall comply with the following Codes of Professional Conduct:

(1) **OCCUPATIONAL THERAPY.** In the case of Occupational Therapists and Occupational Therapist Assistants licensed by the Board as provided in Articles 7 and 14 of Chapter 12, Title 10, the Code of Professional Conduct shall be the American Occupational Therapy Association (AOTA) Occupational Therapy Code of Ethics (2015), as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Occupational Therapists and Occupational Therapist Assistants and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the AOTA Occupational Therapy Code of Ethics (2015) and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(2) **ACUPUNCTURE.** The Code of Professional Conduct for persons licensed to practice acupuncture shall be the National Certification Commission for Acupuncture and Oriental Medicine Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for the Practice of Acupuncture and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the National Certification Commission for Acupuncture and Oriental Medicine Code of Ethics and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(3) **AUDIOLOGY.** The Code of Professional Conduct for Audiologists licensed by the Board shall be the Code of Ethics published by ~~the American Academy of Audiology, and the American Academy of Audiology Standards of Practice (2012)~~ the American Speech-Language-Hearing Association (2016)~~the American Speech Language-Hearing Association (2016)~~, as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Audiologist and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for the Practice of Audiology and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(4) **CHIROPRACTIC MEDICINE.** The Code of Professional Conduct for Chiropractors licensed by the Board shall be the American Chiropractic Association Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Chiropractors and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Chiropractors and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(5) **CLINICAL PSYCHOLOGY.** The Code of Professional Conduct for Clinical Psychologists licensed by the Board shall be the Association of State and Provincial Psychology Boards ([ASPPB](#)) Code of Conduct ([2018](#)), and [the American Psychological Association \(APA\) Ethical Principles of Psychologists and Code of Conduct \(2017\)](#) as adopted as of the effective dates of these rules and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Clinical Psychologists and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Clinical Psychologist and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(6) **LICENSED PROFESSIONAL COUNSELING.** The Code of Professional Conduct for Licensed Professional Counselors licensed by the Board shall be the American Counseling Association Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Licensed Professional Counselors and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Licensed Professional Counselors and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(7) **LICENSED MENTAL HEALTH COUNSELING.** The Code of Professional Conduct for Licensed Mental Health Counselors licensed by the Board shall be the American Mental Health Counselors Association (AMHCA) Code of Ethics (Oct. 2015), as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Licensed Mental Health Counselors and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Licensed Mental Health Counselors and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(8) **MARRIAGE AND FAMILY THERAPY.** The Code of Professional Conduct for Marriage and Family Therapists licensed by the Board shall be the American Association of Marriage and Family Therapy (AAMFT) Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Marriage and Family Therapists and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Marriage and Family Therapists and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(9) **PHYSICAL THERAPY.** The Code of Professional Conduct for Physical Therapists licensed by the Board shall be the American Physical Therapy Association (APTA) Code of Ethics for the Physical Therapist; and the APTA Guide for Professional Conduct, as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. The Code of Professional Conduct for Physical Therapist Assistants licensed by the Board shall be the APTA Guide for Conduct of the Physical Therapist Assistant (PTA); and the APTA Standards of Ethical Conduct for the Physical Therapist Assistant, as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Physical Therapists and Physical Therapist Assistant, and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Physical Therapists and Physical Therapist Assistant, and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(10) **PHYSICIAN ASSISTANTS.** The Code of Professional Conduct for Physician Assistants licensed by the Board shall be the Guidelines for Ethical Conduct for the Physician Assistant Profession (2013) as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Physician Assistants and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Physician Assistants and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(11) **PODIATRY.** The Code of Professional Conduct for Podiatrists licensed by the Board shall be the American Podiatric Medical Association – Code of Ethics (2013) as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Podiatrist and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Podiatrist and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(12) **SPEECH-LANGUAGE PATHOLOGY.** The Code of Professional Conduct for Speech-Language Pathologists and Speech-Language Pathology Assistants licensed by the Board shall be the American Speech-Language-Hearing Association (ASHA) Code of Ethics (2016) as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Speech-Language Pathologists and Speech-Language Pathology Assistants and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(13) **VETERINARY MEDICINE.** The Code of Professional Conduct for Veterinarians licensed by the Board shall be the American Veterinary Medical Association Principles of Veterinary Medical Ethics (PVME) as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Veterinarians and by reference thereto

shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Veterinarians and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(14) **RESPIRATORY THERAPY.** The Code of Professional Conduct for Respiratory Therapists licensed by the Board shall be the American Association for Respiratory Care (AARC) Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Respiratory Therapy and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the American Association for Respiratory Care Code of Ethics and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(15) **NUTRITION AND DIETETICS.** The Code of Professional Conduct for Nutritionists and Clinical Dieticians licensed by the Board shall be the Academy of Nutrition and Dietetics Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Nutritionists and Clinical Dieticians and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Nutritionists and Clinical Dieticians and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(16) **NURSING HOME ADMINISTRATORS.** The Code of Professional Conduct for Nursing Home Administrators licensed by the Board shall be the American College of Health Care Administrators (ACHCA) Code of Ethics and the National Association for Home Care & Hospice (NAHC) Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Nursing Home Administrators and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Nursing Home Administrators and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(b) Each applicant or licensee, registrant, or certificate holder is responsible for being familiar with and following the Code of Ethics of that individual's profession.

(c) Unethical conduct includes, but is not limited to, the following:

(1) Knowingly circulating untrue, fraudulent, misleading or deceptive advertising.

(2) Engaging in sexual activities with clients.

(3) Addiction to the habitual use of intoxicating liquors, narcotics, or other stimulants to such an extent as to incapacitate him from the performance of his professional obligations and duties.

(4) Failure of a licensee to inform clients fully about the limits of confidentiality in a given situation, the purposes— for which information is obtained, and how it may be used.

(5) Denial of a client's reasonable request for access to any records concerning the client. When providing clients with access to records, the licensee shall take due care to protect the confidences of others contained in those records.

(6) Failure to obtain informed consent of clients before taping, recording, or permitting third party observation of their activities.

(7) Failure to clarify the nature and directions of a licensee's loyalties and responsibilities and keep all parties informed of their commitments when a conflict of interest exists between a client and the licensee's employing institution.

(8) Failure to fully inform consumers as to the purpose and nature of an evaluation, research, treatment, educational or training procedure, and freely acknowledging that clients', students, or participants in research have freedom of choice with regard to participation.

(9) Failure to attempt to terminate a clinical or consulting relationship when it is reasonably clear that the relationship is not benefiting the consumer, patient, or client. Licensees who find that their services are being used by employers in a way that is not beneficial to the participants or to employees who may be affected, or to significant others, have the responsibility to make their observations known to the responsible persons and to propose modification or termination of the engagement.

(10) Failure to make every effort to avoid dual relationships with clients and/or relationships which might impair independent professional judgment or increase the risk of client exploitation.

(11) Failure to assist clients in finding needed services by making appropriate referrals in those instances where payment of the usual fee would be a hardship.

(12) Failure to terminate service to clients and professional relationships with them, when such service and relationships are no longer required. The licensee who anticipates the termination or interruption of service to clients shall notify clients promptly and seek the transfer, referral, or continuation of service in relation to the clients' needs and preferences.

(13) Setting fees that are unreasonable and not commensurate with the service performed.

(14) Engaging in the division of fees or agreeing to split or divide the fee received for professional services with any person for bringing or referring a patient.

Senator Régine Biscoe Lee
Chairperson

Senator Amanda L. Shelton,
Vice Chairperson

Speaker Tina Muña Barnes,
Member

Vice Speaker Telena Cruz Nelson,
Member

Senator Kelly Marsh (Taitano), PhD,
Member

Senator Sabina Flores Perez
Member



COMMITTEE ON RULES
I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÁHAN
35TH GUAM LEGISLATURE

Senator Clynton E. Rie
Member

Senator Joe S. San Agustin,
Member

Senator Jose "Pedro" Tejedor,
Member

Senator Therese M. Tejedor,
Member

Senator James C. Moore,
Member

Senator Mary Camacho Torres,
Member and Chair, Subcommittee on Procedure

August 7, 2019

MEMO

To: Rennae Meno
Clerk of the Legislature

From: Senator Kelly Marsh (Taitano), PhD
Acting Chair, Committee on Rules

Re: Fiscal Note Waivers

Buenas yan Háfa adai.

Attached, please find the fiscal note waivers for the following bills:

Bill No. 185-35 (COR)

Bill No. 187-35 (COR)

Please forward the same to Management Information Services (MIS) for posting on our website.

For any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.

Respectfully,

A handwritten signature in blue ink, appearing to read "K. Marsh".

Senator Kelly Marsh (Taitano), PhD
Acting Chair, Committee on Rules





BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932



LOURDES A. LEON GUERRERO
GOVERNOR

LESTER L. CARLSON, JR.
DIRECTOR

JOSHUA F. TENORIO
LIEUTENANT GOVERNOR

AUG 06 2019

Senator Régine Biscoe Lee
Chairperson, Committee on Rules
I Mina'trentai Singko Na Liheslaturan Guåhan
35th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Hafa Adai! Senator Biscoe Lee:

The Bureau requests that Bill No. 187-35 (COR) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

Legislative Bill No. 187-35 (COR) seeks to adopt the Rules and Regulations governing adoption of Codes of Professional Conduct and Ethics by the Guam Board of Allied Health Examiners specifically adding §101301 to Title 25 of the Guam Administrative Rules and Regulations.

The provision in the proposed legislation is administrative in nature and poses no fiscal impact upon any funds of the Government of Guam.

Senseramente,

LESTER L. CARLSON, JR.





Senator
THERESE M. TERLAJE

I Mina'trentai Singko na Libeslaturan Guåhan

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

COMMITTEE VOTE SHEET

BILL 187-35 (COR) As Amended by the Committee- "AN ACT TO ADD A NEW § 101301 TO CHAPTER 10 OF TITLE 25, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ADOPTING THE RULES AND REGULATIONS ENTITLED, "GUAM BOARD OF ALLIED HEALTH EXAMINERS ADOPTION OF FINAL RULES" REGARDING CODES OF CONDUCT/ETHICS, ATTACHED HERETO AS EXHIBIT A".

	SIGNATURE	TO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Therese M. Terlaje Chairperson		✓ 9-23-19				
Senator Sabina Flores Perez Vice Chairperson		✓ 9-23-19				
Senator Kelly G. Marsh (Taitano), Ph.D. Member		✓ 9-23-19				
Senator James C. Moylan Member				✓ 09/23/19		
Senator Louise B. Muña Member						
Vice Speaker Telena C. Nelson Member		✓ 9-23-19				
Senator Joe S. San Agustin Member		9-23-19		✓ 9/24/19		
Senator Amanda L. Shelton Member						
Senator Mary Camacho Torres Member						