

I Mina'trentai Sais 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
43-36 (COR)	Therese M. Terlaje Telo T. Taitague Christopher M. Dueñas	AN ACT TO ADD A NEW § 12104 (D) TO CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE TIMELY REVIEW BY HEALTH PROFESSIONS LICENSING BOARDS OF APPLICATIONS FOR LICENSURE, INVESTIGATIONS AND PROSECUTIONS OF DISCIPLINARY COMPLAINTS BY EXPEDITING THE PROCUREMENT OF CONSULTANTS, EXPERTS, AND EXPERT WITNESSES.	1/27/21 3:31 p.m.						

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 43-36 (COR)

Introduced by:

Therese M. Terlaje *Terl*
Telo T. Taitague *Telo*
Christopher M. Duenas *CMD*

AN ACT TO ADD A NEW § 12104 (D) TO CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE TIMELY REVIEW BY HEALTH PROFESSIONS LICENSING BOARDS OF APPLICATIONS FOR LICENSURE, INVESTIGATIONS AND PROSECUTIONS OF DISCIPLINARY COMPLAINTS BY EXPEDITING THE PROCUREMENT OF CONSULTANTS, EXPERTS, AND EXPERT WITNESSES.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that because of Guam's small population and the familiarity between health
4 professionals practicing within the same or related professions, it can be exceedingly
5 difficult for health professions licensing boards established pursuant to Chapter 12
6 of Title 10, Guam Code Annotated, to objectively review some applications for
7 licensure, or investigate complaints against certain licensees, and when necessary
8 prosecute and defend administrative and judicial proceedings that involve applicants
9 and licensees in the health professions. Sometimes it is due to lack of specialists in
10 a particular health profession available on island who is willing and able to review,
11 consult, and when necessary testify as experts. Sometimes it is due to conflicts of
12 interest or concern for the appearance of conflicts, whether or not an actual conflict
13 exists.

1 *I Liheslaturan Guåhan* further finds that compliance by the examining and
2 licensing boards with Guam’s procurement law typically results in unnecessarily
3 long delays in the health professions licensing board’s ability to review applications
4 for licensure, including renewals of licensure, and to investigate and prosecute
5 disciplinary complaints. *I Liheslaturan Guåhan* further finds that compliance with
6 the government of Guam Procurement Law unnecessarily complicates and delays
7 the boards’ access to specialized health professionals who are able to objectively
8 review medical records, interview patients or clients, consult with, advise, and offer
9 the boards their unbiased expert opinion, and when necessary, to provide expert
10 testimony in administrative or judicial proceedings.

11 **Section 2.** A new subsection (d) is hereby *added* to §12104 of Chapter 12,
12 Title 10, Guam Code Annotated, to read:

13 “(d) Notwithstanding any other provision of law, the health professions
14 licensing boards now or hereafter established in Chapter 12 of Title 10, Guam Code
15 Annotated, are exempt from the government of Guam Procurement Law when
16 contracting for the professional services of consultants, experts, and expert witnesses
17 to review medical records, conduct interviews, consult with, advise, and present their
18 expert opinion to the boards, and to provide expert testimony in administrative or
19 judicial proceedings.”

20 **Section 3. Severability.** If any provision of this Act or its application to any
21 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
22 *not* affect other provisions or applications of this Act that can be given effect without
23 the invalid provision or application, and to this end the provisions of this Act are
24 severable.

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