


**MINA' TRENTAI DOS NA LIHESLATURAN GUAHAN
2013 (FIRST) Regular Session**

Bill No. 189-32 (COR)

Introduced by:

D.G. RODRIGUEZ, JR. 

**AN ACT TO FACILITATE THE RECRUITMENT OF HARD-
TO-FILL ALLIED HEALTH PROFESSIONAL POSITIONS,
BY AMENDING §6229.14 OF CHAPTER 6, 4 GCA, AND
SUBSECTION (a) OF § 12805, ARTICLE 8, CHAPTER 12,
PART 1, 10 GCA.**

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

2 **Section 1. Legislative Findings and Intent:** *I Liheslaturan Guåhan* finds
3 that the Department of Public Health and Social Services, is having great difficulty
4 in recruiting qualified professional personnel in the allied health fields for hard-to-
5 fill positions due to conflicting statutory constraints which impede the hiring of
6 critically, needed personnel. Although the impeding statutes were actually
7 intended to facilitate the hiring process, it inadvertently does just the opposite.

8 *I Liheslaturan Guåhan* takes due note of the June 21, 2011, Information And
9 Guidance (Ref: DPHSS 11-0220) memorandum by the Office of the Attorney
10 General, to the Department of Public Health and Social Services, relative to
11 “Hiring Nutritionists from off-island.” It states, in part, “*GovGuam has always*
12 *encountered difficulty in hiring personnel from off-island, but government*
13 *licensing requirements render it even more difficult to hire professionals. . . . Title*
14 *10 G.C.A. § 12805(b)(5) purportedly requires an applicant for a dietitian’s license*
15 *to be either a Guam resident or a United States citizen, but Title 10 G.C.A. §*
16 *122103 states that the Board may license any Registered Dietitian, i.e., a dietitian*

1 registered with certain national credentialing bodies.” The memorandum also
2 notes that, “the Director of Administration has opined that § 6229.14 of Chapter 6,
3 Title 4, Guam Code Annotated, requires that all health professionals be licensed
4 before they apply for government of Guam employment [See HRD No. OG11-
5 0177].” “The net effect of these statutes is to restrict government hiring to
6 dietitians and nutritionists who are U.S. citizens and Guam residents and who are
7 already licensed on Guam, which renders it extremely difficult to hire from either
8 the Philippines or the U.S. mainland.” (Information And Guidance (Ref: DPHSS
9 11-0220)).

10 *I Liheslaturan Guåhan* further finds that the Bureau of Nutrition Services
11 and the Women Infant and Children Nutrition Office of the Department of Public
12 Health and Social Services, is having great difficulty in recruiting for the hard-to-
13 fill position of Registered Dietitian or a Certified Nutrition Specialist, and that two
14 nutritionist positions have remained vacant since 2005 and 2006, respectively, with
15 a recent vacancy in December, 2011.

16 It is the intent of *I Liheslaturan Guåhan* to facilitate recruitment for these
17 and other hard-to-fill allied health positions by the Department of Public Health
18 and Social Services, as well other agencies and public instrumentality’s providing
19 health care services.

20 **Section 2.** §6229.14 of Chapter 6, Title 4, Guam Code Annotated, is
21 amended to read:

22 **“§ 6229.14. Recruitment Process.**

23 All government of Guam agencies shall be exempted from the government
24 of Guam Department of Administration recruitment process for the hiring of nurses
25 and other healthcare professional positions. All nursing and other healthcare

1 professional applicants, who have a license to practice on Guam or who qualify for
2 a waiver of examination requirements and licensure by endorsement under 10
3 GCA Chapter 12 relative to the healthcare professional position for which they are
4 applying, and meet the minimum requirements of the class specifications, may be
5 scheduled for an interview and may be recruited, using the Director of
6 Administration education/experience pay adjustment schedule. Any action taken
7 to recruit an applicant who is *not* licensed or qualified to be licensed by
8 endorsement, does *not* meet the minimum requirements, and/or did *not* comply
9 with the Director of Administration education/experience pay adjustment schedule,
10 shall be declined and/or voided [~~null and void~~] by the Department of
11 Administration.”

12 **Section 3.** Items (8), (9) and (10) of subsection (a), and, items (3), (4), and
13 (5) of subsection (b), of § 12805, Article 8, Chapter 12, Part 1, Title 10, Guam
14 Code Annotated, are amended to read:

15 **“§ 12805. Requirements for Licensure.**

16 (a) Information Requirement. Any Board furnished applications, official
17 transcripts or other documentation, as required by the Board, shall be submitted in
18 English or accompanied by an English translation *and* is sent directly to the Board
19 from the appropriate institution or governing agency. The applicant shall provide
20 the Board and attest to the following information and documentation in a manner
21 required by the Board:

22 (1) his or her full name and all aliases or other names ever used,
23 current address, social security number, and date and place of birth;

24 (2) recent, less than ninety (90) days, signed photograph, a set of
25 fingerprints of the applicant, if requested, and a sample of handwriting;

1 (3) originals of all documents and credentials required by the Board,
2 or notarized photocopies or other verification acceptable to the Board of
3 such documents and credentials;

4 (4) list of all jurisdictions, United States or foreign, in which the
5 applicant is licensed or has applied for licensure to practice an allied health
6 profession or is authorized or has applied for authorization to practice an
7 allied health profession;

8 (5) list of all jurisdictions, United States or foreign, in which the
9 applicant has been denied licensure or authorization to practice an allied
10 health profession or has voluntarily surrendered a license or an authorization
11 to practice an allied health profession;

12 (6) list of all sanctions, judgments, awards, settlements or convictions
13 against the applicant in any jurisdiction, United States or foreign, that would
14 constitute grounds for disciplinary action under the Allied Health Practice
15 Act or the Board's rules and regulations;

16 (7) detailed educational history, including places, institutions, dates
17 and program descriptions, of all his or her education, beginning with
18 secondary schooling and including all college, pre-professional, professional
19 and professional postgraduate education;

20 (8) detailed chronological life history, including places and dates of
21 residence, employment and military service, United States or foreign; and

22 (9) any other information or documentation the Board determines
23 necessary, [~~and~~

24 ~~(10) proof of residency or citizenship document acceptable to the~~
25 ~~Board.]~~

26

1 (b) General Requirements. The applicant for licensure must present the
2 following to the Board:

3 (1) evidence of proficiency in the English language, as determined by
4 the Board;

5 (2) evidence of professional education, training and experience, as
6 required by the applicant's area of discipline;

7 (3) three (3) letters of recommendation, originals or notarized copies,
8 one (1) of which must be a letter provided by the applicant's immediate
9 supervisor of his or her most recent employer, or by a practice associate, if
10 the applicant is in private practice; and

11 (4) a police clearance from the Guam Police Department if the
12 applicant has resided on Guam for more than one (1) year; if the applicant
13 has resided on Guam for less than one (1) year, a police clearance from the
14 applicant's most recent place of residence. [~~;~~ ~~and~~

15 ~~(5) proof that the applicant is a resident of Guam or a citizen of the~~
16 ~~United States of America.]”~~

[Legislative Note: All other subsections and items of 10 GCA, § 12805, are not affected by this
Section 3, and remain unchanged and in full force and effect]

17 **Section 4. Severability.** *If* any provision of this Act or its application to
18 any person or circumstance is found to be invalid or contrary to law, such
19 invalidity shall *not* affect other provisions or applications of this Act which can be
20 given effect without the invalid provisions or application, and to this end the
21 provisions of this Act are severable.

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