

**10 GCA HEALTH AND SAFETY
CH. 12 MEDICAL PRACTICES**

state's licensing board to report adverse actions and significant investigations occurring prior to the effective date of such withdrawal or termination.

(e) Nothing contained in this Compact shall be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a non-party state that is made in accordance with the other provisions of this Compact.

(f) This Compact may be amended by the party states. No amendment to this Compact shall become effective and binding upon the party states unless and until it is enacted into the laws of all party states.

(g) Representatives of non-party states to this Compact shall be invited to participate in the activities of the Commission, on a nonvoting basis, prior to the adoption of this Compact by all states.

§ 123A11. Construction and Severability.

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable, and if any phrase, clause, sentence, or provision of this Compact is declared to be contrary to the constitution of any party state or of the United States, or if the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this Compact shall be held to be contrary to the constitution of any party state, this Compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

**ARTICLE 4
DENTAL PRACTICE ACT**

- Subarticle 1. General Provisions.
- Subarticle 2. Licensing.

**10 GCA HEALTH AND SAFETY
CH. 12 MEDICAL PRACTICES**

- Subarticle 3. Dental Board.
- Subarticle 4. Dental Specialty Declaration.
- Subarticle 5. Regulation of Ancillary Dental Personnel.
- Subarticle 6. Continuing Dental Education as a Renewal for Licensure Renewal.
- Subarticle 7. Penalties.
- Subarticle 8. Injunctive Relief.

2023 NOTE: Subarticle designations added by the Compiler pursuant to 1 GCA § 1606.

**SUBARTICLE 1
GENERAL PROVISIONS**

SOURCE: GC Ch. IV §§ 27300 - 27307, entitled "*Midwives.*" Repealed by P.L. 16-123:22 (Dec. 28, 1982). New Article 4, entitled "*Dental Practice Act General Provisions,*" added by P.L. 16-123:22 (Dec. 28, 1982).

NOTE: Public Law 16-123 (Dec. 28, 1982) repealed Article 4, *Midwives*, and reenacted new Article 4 relative to Dental Practice.

- § 12400. Practice of Dentistry or Conducting Dental Office Without License Prohibited.
- § 12401. Designation as Dentist is Prima Facie Evidence.
- § 12402. Nonresident Dentists Giving or Receiving Instruction; Hospital Permits.

§ 12400. Practice of Dentistry or Conducting Dental Office Without License Prohibited.

(a) No person shall practice dentistry without a license.

(b) Every person shall, before engaging, conducting, operating or maintaining any dental office, in any way, obtain a license to practice dentistry in of Guam.

(c) Nothing in this Section shall apply to:

(1) Persons licensed to practice medicine in Guam in the regular discharge of their duties;

(2) Dentists of the Armed Forces, of the United States Public Health Service and of the Veterans' Administration of

**10 GCA HEALTH AND SAFETY
CH. 12 MEDICAL PRACTICES**

the United States, while engaged in the regular discharge of their duties under the jurisdiction of their respective departments;

(3) Any person performing services relating to anesthesia under the personal direction of a licensed dentist;

(4) Any person engaging in any of the acts enumerated in this Section to or upon themselves as the patient; and

(5) A dental assistant, auxiliary or hygienist performing services under the personal direction of a licensed dentist in accordance with the rules and regulations adopted by the Board.

2022 NOTE: References to “territory” omitted pursuant to 1 GCA § 420.

§ 12401. Designation as Dentist is Prima Facie Evidence.

If any person appends the letters ‘D.D.S.’ or ‘D.M.D.’ or word ‘Dentist’ to their name, in any way, for advertising, or upon any door or sign, or causes either of the same to be done, it is prima facie evidence that such person is engaged in the practice of dentistry and subject to the regulations and penalties of this Article.

§ 12402. Nonresident Dentists Giving or Receiving Instruction; Hospital Permits.

If a reputable and duly licensed practitioner in dentistry of another U.S. jurisdiction is asked to appear and demonstrate, receive or give instruction in the practice of dentistry before any qualified dental college or dental organization or dental study group recognized by the Board, the secretary of the Board shall issue on written request of an authorized officer of such college or dental organization or dental study group, without fee, a permit for such purpose. A permit shall be issued upon such terms as the Board shall prescribe.

**SUBARTICLE 2
LICENSING**

**10 GCA HEALTH AND SAFETY
CH. 12 MEDICAL PRACTICES**

- § 12410. Application for License; Qualifications of Applicants; Examination Fees.
- § 12411. Scope and Conduct of Examination; National Board of Dental Examiners Certificate in Lieu of a Guam Written Examination.
- § 12412. Reexamination of Applicants; Fees.
- § 12413. Registration; Issuance of Certificates.
- § 12414. Replacement of Lost Certificates.
- § 12415. Annual License Fee.
- § 12416. Failure to Make Annual Renewal Payment.
- § 12417. Grounds for Suspension or Revocation of Licenses.
- § 12418. Hearing Procedure; Cancellation of License.
- § 12419. Prohibited Practices.
- § 12420. Military Limited Volunteer Dental License.

§ 12410. Application for License; Qualifications of Applicants; Examination Fees.

(a) Any person desiring to practice dentistry in Guam shall file his name, together with an application for examination, with the Board at least sixty (60) days before the date set for the beginning of the examination.

(b) At the time of making one's application, the applicant shall:

(1) pay to the Board the required examination fee;

(2) furnish the Board with evidence satisfactory to the Board of details of any felony convictions recorded in any police records or disciplinary proceedings by any government or dental organization; and

(3) (A) Present to the Board a diploma or evidence satisfactory to the Board of having graduated from a U.S. dental school or college which has been approved by the Board and accredited by the American Dental Association (ADA); or

(B) if a foreign dental graduate evidence of satisfactory completion of a two (2) year rotating dental internship through a U.S. accredited hospital or

**10 GCA HEALTH AND SAFETY
CH. 12 MEDICAL PRACTICES**

university or an American Dental Association (ADA) accredited dental specialty training program.

(c) If an applicant has been in practice in any U.S. jurisdiction, he shall furnish an affidavit from the secretary of the Board of Dental Examiners or similar body of such jurisdiction or jurisdictions that he has been engaged in the legal and reputable practice of dentistry in such jurisdiction or jurisdictions for the five (5) years immediately preceding, unless the applicant graduated from a dental college less than five (5) years previously, in which case the affidavit shall cover the period since graduation.

(d) The Board may refuse to issue a license to a person for any cause that would authorize suspension or revocation of a license under § 12417 of this Chapter.

(e) Examination fees shall be established by the Board. Examination fees paid shall not be refunded.

2022 NOTE: Reference to “Territory” replaced with “Guam” pursuant to 1 GCA § 420.

2013 NOTE: Pursuant to the authority granted by 1 GCA § 1606, numbers and/or letters in subsection (b)(3) were altered to adhere to the Compiler’s alpha-numeric scheme.

§ 12411. Scope and Conduct of Examination; National Board of Dental Examiners Certificate in Lieu of a Guam Written Examination.

(a) The examination shall be prepared and administered by the Board. The examination shall be elementary and practical in character but sufficiently thorough to test the fitness of the applicant to practice dentistry. It shall include, written in the English language, questions on subjects pertaining to dental science. The written examination shall be in addition to an oral examination and interview. Demonstrations of the applicant’s diagnostic and clinical skill may be required at the discretion of the Board. The examination shall be conducted under oath or affirmation before the Board, and any member of the Board may administer the necessary oath or affirmation.

(b) A certificate of the National Board of Dental Examiners may be accepted by the Board in lieu of the written portion of the examination.

10 GCA HEALTH AND SAFETY
CH. 12 MEDICAL PRACTICES

§ 12412. Reexamination of Applicants; Fees.

(a) Any person failing to pass his first examination may apply for a second or third examination at a subsequent time. A reexamination fee shall be submitted to the Board at least forty-five (45) days before each such examination. If the applicant fails to pass the third examination for the practice of general dentistry, he will not be permitted to take any further examination until he has attended and successfully passed the examinations of the senior year of a dental college approved by the Board.

(b) Reexamination fees shall be set by the Board and are not refundable.

§ 12413. Registration; Issuance of Certificates.

(a) A person successfully passing the examination and who otherwise qualifies under the provisions of this Article and rules and regulations promulgated by the Board shall be registered as a licensed dentist in the Board register and shall also receive a certificate signed by the president and secretary of the Board, in substantially the following form:

‘This is to certify that _____ is hereby licensed to practice dentistry in Guam. Dated at _____, this ____ day of _____, 19 ____.

Expiration Date: _____.’

(b) The certificate entitles the holder thereof to practice dentistry in Guam in accordance with the rules of the Board if the annual license fee has been paid.

2022 NOTE: References to “territory” omitted pursuant to 1 GCA § 420.

§ 12414. Replacement of Lost Certificates.

The Board shall upon satisfactory proof of the loss of any certificate issued under this Article, issue a new certificate in place thereof.

§ 12415. Annual License Fee.

(a) Every licensed dentist shall pay by September 30 of each year, an annual license fee to the Board. The license fee shall be established by the Board.

**10 GCA HEALTH AND SAFETY
CH. 12 MEDICAL PRACTICES**

(b) Every dentist shall keep the Board advised within thirty (30) days of any change of address or status.

§ 12416. Failure to Make Annual Renewal Payment.

If a licensee defaults in payment of the annual fee, his license shall be revoked by the Board upon twenty (20) days notice given to the licensee at the time and place of considering such revocation. A certified letter addressed to the last-known address of the licensee failing to comply with the requirements shall be sufficient notice. Any license so revoked may be reinstated within five (5) years after the date of revocation upon payment to the Board of all unpaid fees plus penalties and upon furnishing satisfactory evidence to the Board of operative competence, continued good character and good standing with the applicable regulatory agency of any jurisdiction in which the applicant has engaged in the active practice of dentistry since the last payment of the annual fee to Guam. But no license shall be revoked for nonpayment if the licensee so notified pays, before or at the time of such consideration, the fee required and a delinquency fee.

§ 12417. Grounds for Suspension or Revocation of Licenses.

(a) The Board may discipline any person licensed to practice dentistry in Guam for any of the following causes:

(1) Conviction of any felony for which the court could impose a sentence of imprisonment in a penal institution. The record of conviction or a certified copy thereof, certified by the clerk of the court or by the judge in whose court the conviction was entered, is conclusive evidence of the conviction;

(2) Renting or loaning to any person his license or diploma to be used as a license or diploma of such person; and

(3) Unprofessional conduct, or for gross ignorance, incompetence or inefficiency in the practice of dentistry.

(b) Unprofessional conduct as used in this Article includes but is not limited to the following:

(1) Obtaining any fee by fraud or misrepresentation;

**10 GCA HEALTH AND SAFETY
CH. 12 MEDICAL PRACTICES**

(2) Wilfully betraying confidences involved in the patient-dentist relationship;

(3) Employing, aiding, abetting or permitting any unlicensed person to practice dentistry;

(4) Making use of any statements of a character tending to deceive or mislead the public, or which are untruthful;

(5) Statements claiming professional superiority or the performance of professional services in a superior manner;

(6) Advertising to guarantee any dental service, or to perform any dental operation painlessly;

(7) Mental incompetence;

(8) Advanced physical disability impairing the licensee's ability to carry out his functions;

(9) Personal habitual or excessive use of intoxicants or controlled substances; and

(10) Prescribing or dispensing drugs not in the scope of dentistry.

(c) The proceedings under this Section may be taken by the Board from the matters within its knowledge, or may be taken upon the information of another, but if the informant is a member of the Board, the other members of the Board shall constitute the Board for the purpose of hearing the charges.

(d) In determining what constitutes 'gross ignorance, incompetence or inefficiency in his profession' within the meaning of Paragraph (3) of Subsection (a) of this Section, the Board may take into account all relevant factors and practices, including but not limited to the practices generally and currently followed and accepted by persons licensed to practice dentistry in Guam, the current teachings at accredited dental schools, relevant technical reports published in recognized dental journals and the desirability of reasonable experimentation in the furtherance of the dental arts.

(e) In disciplining a person as authorized by Subsection (a) of this Section, the Board may:

**10 GCA HEALTH AND SAFETY
CH. 12 MEDICAL PRACTICES**

- (1) place him on probation;
- (2) suspend his license to practice dentistry in Guam;
- (3) revoke his license to practice dentistry in Guam;
- (4) place limitations on his license to practice dentistry in Guam; or
- (5) refuse to renew his license to practice dentistry in Guam; or
- (6) take such other disciplinary action as the Board in its discretion finds proper, including assessment of the costs of the disciplinary proceedings.

(f) If the Board places any person upon probation as set forth in Paragraph (1) of Subsection (e) of this Section, the Board may determine and may at any time modify the conditions of the probation and may include among them any reasonable condition for the purpose of protection of the public and for the purpose of the rehabilitation of the probationer or both. Upon expiration of the term of probation, further proceedings shall be abated by the Board if the holder of the license furnishes the Board with evidence that he is competent to practice dentistry, and has complied with the terms of probation. If such evidence fails to establish to the satisfaction of the Board that the person is competent, or if such evidence shows that he has not complied with the terms of the probation, the Board may revoke or suspend the license.

(g) If a license to practice dentistry in Guam is suspended, the holder of the license may not practice during the term of suspension. Upon the expiration of the term of suspension, the license shall be reinstated by the Board if the licensee furnishes the Board evidence on the basis of which the Board finds that he is competent to practice dentistry, and that he has not practiced dentistry in Guam during the term of suspension. If such evidence fails to establish to the satisfaction of the Board that the holder is competent, or if any evidence shows he has practiced dentistry in Guam during the term of suspension, the Board may revoke the license after notice and hearing.

**10 GCA HEALTH AND SAFETY
CH. 12 MEDICAL PRACTICES**

2022 NOTE: References to “Territory” replaced with “Guam” pursuant to 1 GCA § 420.

§ 12418. Hearing Procedure; Cancellation of License.

(a) All proceedings relating to the discipline of a licensee shall be in accordance with the Administrative Adjudication Law.

(b) Upon the revocation or suspension of or refusal to renew any license, the fact shall be noted upon the records of the Board and any license revoked shall be marked as cancelled upon the date of its revocations.

If the licensee seeks judicial review, then during the time of judicial review the licensee shall not be permitted to practice dentistry if the grounds for action by the Board were:

- (1) Mental incompetence;
- (2) Advanced physical disability impairing the licensee’s ability to carry out his functions;
- (3) Habitual and excessive use of intoxicants; or
- (4) Habitual and excessive use of controlled substances.

§ 12419. Prohibited Practices.

No person shall:

(a) Use or attempt to use any diploma, certificate or transcript, which has been purchased, fraudulently issued, counterfeited or materially altered, either as a license or color of license to practice dentistry, or in order to procure registration as a dentist;

(b) Practice dentistry under a false or assumed name;

(c) In an affidavit, required of an applicant for examination, license or registration, under this Article, wilfully make a false statement in a material regard;

(d) Within ten (10) days after demand made by the secretary of the Board, fail to furnish to the Board the name and address of all persons practicing or assisting in the practice of dentistry in the office of such person at any time within sixty (60) days prior to the notice, together with a

**10 GCA HEALTH AND SAFETY
CH. 12 MEDICAL PRACTICES**

sworn statement showing under and by what license or authority such person and employee are and have been practicing dentistry; or

(e) Knowingly display in or about the office or building a sign or signs of a former dentist, owner or occupant, or use the name of a former dentist in any form of advertising or listing for a period longer than twelve (12) months after such person ceases to be connected with such office.

§ 12420. Military Limited Volunteer Dental License.

(a) (1) A dentist who practices dentistry on Guam under a license issued pursuant to this § 12420 may only practice at a clinic or outreach event that primarily provides services for indigent populations, and

(2) the dentist shall not receive direct or indirect compensation or payment of anything of monetary value in exchange for the dental services rendered by the dentist to the indigent patients at the clinic or outreach event.

(b) The Board is authorized to issue a Military Limited Volunteer Dental License to an applicant who:

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

(2) maintains credentials within the military credentialing system and authorizes the Guam-based Military Credentialing Office to provide to the Guam Board of Examiners for Dentistry the required verification documents and military commander's approval; and

(3) agrees to be subject to Board rules and regulations, including those regarding disciplinary action, license registration and renewal, and continuing medical education, throughout the duration of the Military Limited Volunteer Dental Licensure.

(c) (1) A Military Limited Volunteer Dental License shall be issued

(A) at no charge to the applicant,

**10 GCA HEALTH AND SAFETY
CH. 12 MEDICAL PRACTICES**

(B) be valid for a period of two (2) years, and

(C) may be renewed and maintained according to registration requirements as prescribed by the Board.

(2) The license shall be in effect upon receipt of the application packet by the Guam Board of Examiners for Dentistry, subject to final review.

(3) This presumptive eligibility for licensure is contingent upon the appropriate military commander's authorization allowing the dentist to practice in the community, and the appropriate collaborative sharing of information between the Military Credentialing Office and the Guam Board of Examiners for Dentistry.

SOURCE: Added by P.L. 34-127:2 (Oct. 17, 2018).

2018 NOTE: Subsection/subitem designations altered/added pursuant to the authority granted by 1 GCA § 1606.

**SUBARTICLE 3
DENTAL BOARD**

- § 12430. Board of Examiners for Dentistry.
- § 12431. Removal from Office.
- § 12432. Attorney General as Representative.
- § 12433. Oath of Office.
- § 12434. Quorum.
- § 12435. Powers.
- § 12436. Fees; Meetings.
- § 12437. Personnel.

§ 12430. Board of Examiners for Dentistry.

There is created the 'Board of Examiners for Dentistry' (referred to as the 'Board' in this Article). The Board shall consist of five (5) members to be appointed by the Governor. At least four (4) members shall be licensed dentists. All members shall be citizens or permanent residents of the United States who have resided on Guam for at least two (2) years. Each Board member shall hold office for three (3) years until his successor is appointed

**10 GCA HEALTH AND SAFETY
CH. 12 MEDICAL PRACTICES**

and qualified. Of the first five (5) members appointed to the Board, two (2) shall be designated to serve for a term of three (3) years, two (2) shall be designated to serve for a term of two (2) years and the other member shall be designated for a one (1) year term. At the first meeting of the newly appointed Board, the member shall determine by lot the length of term of his office. A vacancy in the Board shall be filled by appointment of the Governor for the remainder of the term of his predecessor. Terms of office shall begin on the first Monday on October. Members may receive expenses necessary to the performance of their duties.

§ 12431. Removal from Office.

If the Governor finds that a member has not performed his duties then he may remove him from office.

§ 12432. Attorney General as Representative.

The Attorney General shall represent without fee the Board of Examiners for Dentistry.

§ 12433. Oath of Office.

Each member of the Board shall, before entering upon the duties of office, take and subscribe the oath set forth in the Organic Act.

§ 12434. Quorum.

Three (3) members of the Board shall constitute a quorum of the Board for the purpose of conducting its business and exercising its powers and for all other purposes. A majority of the members present in any meeting of the Board shall prevail.

§ 12435. Powers.

The Board shall have all the powers necessary and convenient to carry out and perform the purposes and provisions of this Article including the following, in addition to other powers and duties granted in this Article, and may:

(a) Have a seal and modify it;

(b) Enter into and execute contracts and instruments of every kind of nature, necessary and convenient to the exercise of its powers and function;

**10 GCA HEALTH AND SAFETY
CH. 12 MEDICAL PRACTICES**

(c) Make and from time to time modify and repeal rules and regulations, not inconsistent with this Article and approved by the Commission, providing for the administration of its affairs and operations, and for carrying into effect its powers and purposes;

(d) Maintain records;

(e) Acquire any personal property by lease, purchase gift or grant necessary to the administration of the affairs of the society; and

(f) Hold hearings as required to fulfill its duties.

2013 NOTE: Pursuant to the authority granted by 1 GCA § 1606, numbers and/or letters were altered to adhere to the Compiler's alpha-numeric scheme.

§ 12436. Fees; Meetings.

(a) The Board shall establish fees as required in this Article. Resolutions of the Board setting fees need not be adopted in accordance with the Administrative Adjudication Law. All fees, except those transmitted for national examinations, shall be deposited in the General Fund.

(b) The Board shall comply with the requirements of the Open Government Law (P.L. 13-35) but when the Board is preparing examinations, grading examinations, discussing the eligibility of a person to be licensed to practice dentistry or reviewing evidence obtained at a hearing for disciplinary action the Board shall be in executive session and may exclude the press and members of the public.

(c) The Board may meet as often as necessary to conduct its business but not less than four (4) times per year.

§ 12437. Personnel.

The Commission, with the advice and consent of the Board, may employ and assign to the Board such consultive and technical personnel as may be necessary or desirable for the proper functioning of the Board and the administration of this Article. The Commission may assign to the Board such administrative, clerical and other employees as may be necessary or desirable for

**10 GCA HEALTH AND SAFETY
CH. 12 MEDICAL PRACTICES**

the proper functioning of the Board and administration of this Article.

**SUBARTICLE 4
DENTAL SPECIALTY DECLARATION**

§ 12440. Dental Specialty Declaration.

§ 12440. Dental Specialty Declaration.

No dentist in Guam shall hold himself out to the public, advertise, declare or in any way proclaim to be a specialist in any of the recognized dental specialties unless he has completed an American Dental Association certified training program and is Board eligible. The recognized dental specialties and the requirements for each specialty shall be established annually by the Board.

2022 NOTE: Reference to “Territory” replaced with “Guam” pursuant to 1 GCA § 420.

**SUBARTICLE 5
REGULATION OF ANCILLARY DENTAL PERSONNEL**

§ 12450. Dental Hygienists, Dental Auxiliaries and Dental Assistants.

§ 12451. Application for Licensure.

§ 12452. Examination by Board.

§ 12453. Person Certified Elsewhere.

§ 12454. Issuance and Renewal of Licenses.

§ 12455. Responsibilities and Duties

§ 12450. Dental Hygienists, Dental Auxiliaries and Dental Assistants.

The intent of regulating the functions of auxiliary dental personnel is not to remove the responsibility of the licensed dentist, but to define the various levels of training and competence

**10 GCA HEALTH AND SAFETY
CH. 12 MEDICAL PRACTICES**

of these personnel. Licensure or certification shall not imply authorization to perform delineated duties without the supervision of a licensed dentist.

§ 12451. Application for Licensure.

(a) Each application for a license as a dental hygienist shall be in writing and signed by the applicant.

(b) Each application for certification as a dental technician or auxiliary shall be in writing and signed by the applicant.

(c) Certification without examination shall be made in accordance with the provisions of § 12453 or § 12454 of this Chapter.

(d) Any graduate from a dental or dental hygiene school accredited by the Commission on Accreditation of the American Dental Association, or its successor agency, if any, or any other nationally recognized accrediting agency may apply for and shall be examined for a license to practice a dental hygiene occupation.

(e) Foreign trained and other graduates from non-accredited dental hygiene programs may apply for a dental hygiene license. The Board, by regulation shall establish such requirements as will reasonably assure that an applicant's training and education are sufficient for licensure.

§ 12452. Examination by Board.

(a) Every applicant for dental hygiene licensure who does not qualify for exception to licensure or exemption from examination under §§ 12453 and 12454 of this Article shall be subject to examination by the Board. The Board may administer written, laboratory and clinical examinations to test professional knowledge and skills. The Board may accept the results of national standardized examination in satisfaction of the written examination authorized by this Section and may accept the results of regional testing agencies in satisfaction of the laboratory clinical examination authorized by this Section.

(b) The Board may waive the formal educational requirements for dental auxiliary examination where it appears

**10 GCA HEALTH AND SAFETY
CH. 12 MEDICAL PRACTICES**

that the applicant has acquired significant experience in the dental auxiliary occupation.

§ 12453. Person Certified Elsewhere.

If an applicant for certification is already certified in a jurisdiction of the United States to practice a certified auxiliary occupation, the Board shall issue the appropriate auxiliary occupation certification to the applicant upon evidence that:

(a) the applicant is currently an active, competent practitioner;

(b) the applicant has practiced at least three (3) years out of the five (5) years immediately proceeding his application;

(c) the applicant currently holds a valid certificate in a state of the United States;

(d) no disciplinary proceeding or unresolved complaint is pending at the time a certificate is to be issued by Guam; and

(e) the certificate requirements in the jurisdiction are substantially similar to or higher than those required by Guam.

2022 NOTE: References to “Territory” replaced with “Guam” pursuant to 1 GCA § 420.

2013 NOTE: Pursuant to the authority granted by 1 GCA § 1606, numbers and/or letters were altered to adhere to the Compiler’s alpha-numeric scheme.

§ 12454. Issuance and Renewal of Licenses.

(a) The Board shall, upon the applicant’s satisfactory completion of the educational requirements and written, laboratory and clinical examinations authorized under this Article, and upon receipt of the requisite fees, issue or renew the appropriate license.

(b) In cases of unusual hardship, as determined by the Board, the Board may grant a temporary license to an applicant who has completed all requirements established by this Article for licensure except for examination or other required evaluation procedure. A temporary license issued pursuant to this Section

**10 GCA HEALTH AND SAFETY
CH. 12 MEDICAL PRACTICES**

may be granted for not to exceed one (1) year. The Board may place restrictions on practitioners so licensed including, but not limited to practice locations, authorized procedures and supervisory arrangements.

(c) Each holder of a dental auxiliary license may apply for renewal of their license upon payment of periodic fees, as determined by the Board. Each license shall expire on September 30 of each year. Failure to renew within sixty (60) days of the due date shall void the license. A valid license may not be reinstated until a written application is filed and payment is received for the renewal fee and a delinquency fee.

(d) The Board shall establish fees to be paid in connection with the licensure and testing process, licensure renewal and delinquency. The Board shall establish procedures or functions which dentists may lawfully delegate to dental auxiliaries. The Board may authorize delegation of any function except those responsibilities reserved to dentists. Each order of the Board promulgated by this Section shall describe the function, the level of education or training which an auxiliary must have in order to permit delegation and the degree of supervision which the functions require.

§ 12455. Responsibilities and Duties.

The following responsibilities shall not be assigned by the dentist or the Board as duties to be performed by the ancillary personnel:

- (a) Administration of pharmaceutical without the direct supervision of a dentist;
- (b) Cutting hard or soft tissues;
- (c) Diagnosis of dental disease;
- (d) Prescribing a course of treatment;
- (e) Removal of teeth; and
- (f) Routine administration of injectable medications.

2013 NOTE: Pursuant to the authority granted by 1 GCA § 1606, numbers and/or letters were altered to adhere to the Compiler's alpha-numeric scheme.

SUBARTICLE 6
CONTINUING DENTAL EDUCATION AS A
REQUIREMENT FOR LICENSURE RENEWAL

- § 12460. Continuing Dental Education: Definitions.
§ 12461. Continuing Dental Education and Licensure Renewal.
§ 12462. Renewal of License.

§ 12460. Continuing Dental Education: Definitions.

As used in this Article:

(a) Continuing Dental Education means the dental learning experiences attended by dentists or dental auxiliaries during the course of their professional life, such as formal lectures in classrooms, dental scientific seminars, table clinics presented by dental schools and dental conventions and meetings, scientific lectures presented through dental societies and subscription to dental journals or audiovisual materials, or both.

(b) Category I Courses means those courses, seminars or table clinics which are endorsed or certified by the Dental Examination and Review Board of Guam, the American Dental Association or Federation Dentaire Internationale. These are usually offered by Continuing Education Departments of accredited dental schools.

(c) Category II Courses means those courses attended through various dental society programs and seminars, lectures presented at dental study clubs, scientific papers delivered before dental society meetings and conventions and subscription and reading, watching/listening to journals and audiovisual materials.

§ 12461. Continuing Dental Education and Licensure Renewal.

Prior to renewal of a license, a dentist must submit evidence of having completed or attended a total of sixty-five (65) credit

**10 GCA HEALTH AND SAFETY
CH. 12 MEDICAL PRACTICES**

hours of Continuing Dental Education in both Category I and Category II, of which not less than twenty (20) hours shall be from Category II, at the end of every two (2) years before being allowed to pay his annual renewal fee.

(a) One Credit Unit is equivalent of one (1) hour attendance of Category I courses.

(b) Credit Unit equivalency of Category II courses, lectures, seminars, scientific papers, journals or audiovisual materials shall be evaluated by the Board.

(c) A dentist licensed by Guam who is also a licensed dentist in another jurisdiction and who has completed Continuing Dental Education credit unit hours under the category in the jurisdiction in which he is licensed may apply those Continuing Dental Education units towards his licensure renewal in Guam.

(d) Under certain unusual circumstances, such as illness or temporary disability of a licensed dentist, which makes it impossible for him or her to complete the Continuing Dental Education requirements, the Board may waive the Continuing Dental Education requirement for the dentist for that particular year.

SOURCE: Amended by P.L. 21-033:8 (May 17, 1991).

2022 NOTE: References to "territory" omitted pursuant to 1 GCA § 420.

§ 12462. Renewal of License.

The Continuing Dental Education requirements shall be met in order for issuance of a renewal license in 1985 and continue for each succeeding biennial period.

**SUBARTICLE 7
PENALTIES**

§ 12470. Penalties.

§ 12471. Persons Already Licensed.

**10 GCA HEALTH AND SAFETY
CH. 12 MEDICAL PRACTICES**

§ 12470. Penalties.

Penalties for violations of the Guam Dental Practice Act pertain to licensed and non-licensed persons.

(a) A person who practices dentistry or who attempts to practice dentistry without a license shall be guilty of a third degree felony.

(b) A person who practices as a dental hygienist, or who attempts to practice as a dental hygienist, without a license shall be guilty of a misdemeanor.

§ 12471. Persons Already Licensed.

All persons licensed to practice dentistry in Guam on the effective date of this Article shall be licensed to practice dentistry without being required to qualify therefor under the provisions of this Article.

**SUBARTICLE 8
INJUNCTIVE RELIEF**

§ 12480. Injunctive Relief.

§ 12480. Injunctive Relief.

The practice of dentistry by any person who has not been issued a license under the provisions of this Article (unless covered by an exception), or whose license has been suspended or revoked or has expired is hereby declared to be contrary to the law, public policy and to be a danger to the health and welfare of the public. In such a case, the Board can request the Attorney General to enjoin the individual from practicing dentistry, as the case may be. Upon the filing of a complaint for injunction against a person violating the provisions of this Article, the court or any judge thereof may issue a temporary injunction against the person or persons charged in the action without notice or bond, enjoining such person or persons from further practicing dentistry, as the case may be, until a final hearing of the matter or under a valid license is secured.