

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

**CHAPTER 12
MEDICAL PRACTICES**

PART 1

SOURCE: This Chapter is taken from Title XXVIII of the Government Code of Guam, as amended.

- Article 1. Commission on the Healing Arts of Guam.
- Article 2. Physicians Practice Act.
- Article 2A. Adoption of Interstate Medical Licensure Compact.
- Article 3. Nurse Practice Act.
- Article 4. Dental Practice Act.
- Article 5. Optometry.
- Article 6. Guam Pharmacy Practice Act.
- Article 7. Occupational Therapists and Occupational Therapist Assistants.
- Article 8. Allied Health Practice Act.
- Article 9. Acupuncture.
- Article 10. Audiology.

**ARTICLE 1
COMMISSION ON THE HEALING ARTS OF GUAM**

- § 12101. Definitions.
- § 12102. Prohibition.
- § 12103. Commission.
- § 12104. Personnel.
- § 12105. Codification.
- § 12106. Severability.
- § 12107. Effective Date.

§ 12101. Definitions.

For the purpose of this Chapter the following words and phrases shall have the meanings assigned to them, respectively, except where the context otherwise requires:

- (a) Disease means any blemish, defect, deformity, infirmity, disorder or injury of the human body or mind, or of pregnancy and the effects of any of them.

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(b) The Healing Art means the art of prevention, detecting or attempting to detect the presence of any disease; of determining or attempting to determine the nature and state of any disease, if present; or preventing, relieving, correcting or curing of or attempting to prevent, relieve, correct or cure any disease; of safeguarding or attempting to safeguard the life of any woman or infant through pregnancy and parturition; and of doing or attempting to do any of the acts enumerated in this Subsection. The healing arts include, but are not limited to, optometry, nursing, chiropractic, dentistry, medicine and surgery, physician assistants, podiatry, psychology, osteopathic, pharmacy, physical therapy, acupuncture, speech language pathology, audiology, respiratory therapy, nutritionist/clinical dietician, cosmetology and veterinary medicine.

(c) To Practice means to do or attempt to do, or to hold oneself out or to allow oneself to be held out as ready to do, any act enumerated in Subsection (b) of this Section as constituting a part of the healing art for a fee, gift, reward or in anticipation of any fee, gift or reward whether tangible or intangible.

(d) Commission means the Commission of Healing Arts created by this Chapter.

(e) Practice of Optometry means engaging in that primary healthcare profession, of which the members examine, diagnose, manage, and treat certain conditions and diseases of the human eye, visual systems and associated structures. It includes, but is not limited to, the use of any means or methods for the purpose of determining the refractive condition of the human eye or any muscular or visual anomalies thereof, and employing, adapting or prescribing of lenses, prisms, contact lenses or other ophthalmic appliances. Optometrists certified pursuant to § 12508 of this Title are authorized to make use of diagnostic or selected therapeutic pharmaceutical agents, based on the following conditions and limitations.

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(1) Independent use of the following therapeutic pharmaceutical agents as topical preparations: non-steroidal anti-allergics, antibacterials and cycloplegics.

(2) Under a co-management arrangement with an ophthalmologist, the following additional agents may be utilized: oral anti-allergics, oral antibacterials, topical or oral anti-glaucoma agents, topical anti-inflammatories, topical anti-virals and oral analgesics.

(3) Co-management is an agreement by which an optometrist and an ophthalmologist share responsibility for patient care.

(4) Optometrists are prohibited from performing surgery. Surgery, as used in reference to the human eye and its appendages, means any procedure in which human tissue is cut or burned. Surgical procedures include the use of sharp-edged instruments or lasers to cut or burn tissue for therapeutic or photorefractive purposes, but do not include the removal of superficial foreign bodies. A superficial foreign body is defined as one that has not penetrated deeper than the epithelium.

(5) Optometrists utilizing pharmaceutical agents shall be held to the same standard of care as would a physician using the same agents.

(f) Practice of Nursing means:

(1) The Practice of Professional Nursing means the performance for compensation of any act in helping people cope with difficulties in daily living which are associated with their actual or potential health problems or illness problems, or the treatment thereof, which require a substantial amount of scientific knowledge in the biological, physical and social sciences and technical skills, and includes all of the following:

(A) direct and indirect patient care services that insure the safety, comfort, personal hygiene

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and protection of patients, and the performance of disease prevention and restorative measures;

(B) direct and indirect patient care services including, but not limited to, the administration of medications and therapeutic agents necessary to implement a treatment, disease prevention or rehabilitative regime prescribed by a licensed physician or dentist;

(C) the performance, according to standardized procedures, of basic health care, testing and preventative procedures, including, but not limited to, skin tests, immunization techniques and the withdrawal of human blood from veins and arteries; or

(D) observation of signs and symptoms of illness, reactions to treatment, general behavior or general physical conditions; and:

(i) determination of whether such signs, symptoms, reactions, behavior or general appearance exhibit abnormal characteristics; and

(ii) implementation, based on observed abnormalities, appropriate reporting, referral, standardized procedures, changes in treatment regime in accordance with standardized procedures or the initiation of emergency procedures. Standardized procedures as used in this Section means policies and protocols developed through collaboration among administrators, physicians, nurses and other health professionals of an organized health care system.

(2) Practice of Practical Nursing means the performance for compensation of technical services requiring basic knowledge of the biological, physical, behavioral, psychological and sociological sciences of

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nursing procedures. These standardized procedures leading to predictable outcomes in the observation and care of the ill, injured and infirm, and in the administration of medication and treatments prescribed by any authorized person.

(g) Chiropractic means the science, art and philosophy of things natural, the science of locating and removing interference with the transmissions or expression of nerve forces in the human body, by the correction of misalignments or subluxation of the articulations and adjacent structures, more especially those of the vertebral column and pelvis, for the purpose of restoring and maintaining health. It shall include the use of all natural agencies to assist in the healing art, such as food, water, heat, cold, electricity and mechanical appliances. The use of X-ray procedures shall be limited to skeletal X-rays, and shall exclude the therapeutic use of X-radiation, the use of contrast studies that introduce dyes, isotopes or similar contrast media through the skin, orally, via catheterization or retrograde into any body cavity. It shall exclude operative surgery, prescription or use of drugs or medicine, and laboratory procedures involved in the penetration of human tissues.

(h) Practice of Dentistry means:

(1) the diagnosis, treatment, correction, change, relief, prevention, prescription of remedy or surgical operation for any disease, pain, deformity, deficiency, injury, lesion or other physical condition of human teeth, gums, jaws, oral cavity or adjacent tissues by an individual or his agent or employee, including the prescription or administration of any drug, medicine, biological, prosthetic apparatus, brace, device, anesthetic or other therapeutic or diagnostic substance or technique;

(2) the representation, directly or indirectly, publicly or privately, of an ability or willingness to do any act mentioned in Paragraph (1) of this Subsection; or

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(3) with specific reference to the teeth, gums, jaws, oral cavity or adjacent tissues in living persons, for an individual, his agent or employee to do, propose, agree or attempt to do or make an examination, or give an estimate of cost with intent to:

(A) perform surgery, an extraction or any other operation, or to administer an anesthetic in connection therewith;

(B) diagnose or treat any condition, disease, pain, deformity, deficiency, injury, lesion or other physical condition;

(C) correct a malposition;

(D) treat a fracture;

(E) remove calcareous deposits;

(F) replace missing anatomy with an artificial substitute;

(G) construct, make, furnish, supply, reproduce, alter or repair an artificial substitute, or restorative or corrective appliance, or take orders for such work from either a regularly licensed dentist, or place an artificial substitute or restorative or corrective appliance in the mouth or attempt to adjust it;

(H) give interpretations or readings of dental roentgenogram; or

(I) do any other remedial, corrective or restorative work.

(i) Practice of Medicine means the diagnosis, correction and treatment in any manner or by any means, methods, devices or instrumentalities of any disease, illness, pain, wound, fracture, infirmity, deformity, defect or abnormal, physical and mental condition, including physician assistants under the supervision of a licensed physician of medicine, but does not include the practice of dentistry, podiatry, nursing, optometry, psychology,

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chiropractic or pharmacy by a person licensed under the provisions of this Chapter.

(j) Practice of Podiatry means engaging in that primary health care profession, of which the members examine, diagnose, treat and prevent by medical, surgical and mechanical means ailments affecting the human foot and ankle, and the structures governing their functions, but does not include amputation of the foot or the personal administration of a general anesthetic. A podiatrist, under the laws of Guam, is defined as a foot or podiatric physician.

(k) Practice of Clinical Psychology means the assessing and alleviating of emotional and mental disorder in a hospital or clinical setting.

(l) Practice of Osteopathy means subscribing to, as a complete school of medicine and surgery, use of all methods of diagnosis and treatment in health and disease, including, without limitation, the prescribing and administration of drugs and biological of all kinds, operative surgery, obstetrics, radiological and other electromagnetic emission, and placing special emphasis on the inter-relationship of musculoskeletal system to all of the body systems.

(m) Practice of Pharmacy means engaging in the preparation, compounding and dispensing of drugs and includes the identification, preservation, proper and safe storage, selection, combination, analysis, standardization, labeling and distribution of drugs, the proper maintenance of any records required by Federal or Guam law, and counseling with respect to pharmaceutical practices.

(n) Physical Therapy means treatment by the use of exercise, traction, massage, heat, cold, water, radiant energy, electricity or sound for the purpose of correcting or alleviating any physical or mental disability; or the performance of neuro-musculoskeletal, respiratory and circulatory tests and measurements to determine the existence of body malfunction; provided, however, that

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physical therapy shall not include radiology or electrosurgery.

(o) Practice of Veterinary Medicine means:

(1) the diagnosis, treatment, correction, in any manner or by any means change, relief or prevention of animal disease, deformity, defect, injury or other physical or mental condition, including the prescription or administration of any drug, medicine, biologic, apparatus, application, surgery, anesthetic or other therapeutic or diagnostic substance or technique, and the use of any procedure for artificial insemination, testing for pregnancy, diagnosing and treating sterility or infertility, or rendering advice with regard to any of these;

(2) the representation, directly or indirectly, publicly or privately, of an ability and willingness to do any act mentioned in Paragraph (1) of this Subsection; or

(3) the use of any title, words, abbreviation or letters in a manner, or under circumstances, which includes the belief that the person using them is qualified to do any act mentioned in Paragraph (1) of this Subsection.

(p) Acupuncture means a therapy developed by the ancient Chinese that consists of stimulation of designated points on the skin by insertion of needles, application of heat, massage or a combination of these.

(q) Speech-Language Pathology and Audiology means:

(1) Practice of Speech-Language Pathology means the rendering or offering to render to individuals, groups, organizations or the public any service in speech or language pathology involving the non-medical application of principles, methods and procedures for the measurement, testing, diagnosis, prediction, counseling and instruction related to the development and disorders of speech, voice or

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language for the purpose of non-medical diagnosing, preventing, treating and ameliorating such disorders and conditions in individuals and groups of individuals; and

(2) Practice of Audiology means the application of principles, methods and procedures of measurement, testing, appraisal, prediction, aural rehabilitation, aural habilitation, consultation, hearing-aid selection, counseling, instruction and research related to hearing, and disorders of hearing, for the purpose of non-medical diagnosis, prevention, identification, amelioration or the modification of communicative disorders, involving speech, language, auditory function or other aberrant behavior related to hearing disorders.

(r) Physician Assistants means a skilled individual nationally certified by examination, administered by the National Certifying Commission for Physician Assistants, as being qualified by practical and academic training to provide a specific medical service delegated to him by a licensed physician or group of physicians who is responsible for the performance of that physician assistant. Licensure requirements and scope and procedures of practice for such individuals are to be promulgated by the Board of Allied Health Professionals.

(s) Individual, Family and Marriage Therapist means a skilled individual qualified by practical and academic training to provide planned intervention to help the client(s) enlarge competencies, and increase problem solving skills and coping abilities. Licensure requirements and scope and procedures of practice for such individuals shall be promulgated by the Board of Allied Health Examiners.

(t) Practice of Occupational Therapy means the treatment provided to people whose lives have been disrupted by physical injury or illness, developmental problems, the aging process or psychosocial difficulties in order to assist each individual to achieve and/or return to an independent and productive life by teaching the individual

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techniques to prevent disability, by assisting the individual in recovery from illness or accident, and by promoting the development of functions which have been impaired or delayed. The treatment provided may include, but shall not be limited to, the adaptation of the environment and selection, design and fabrication of assistive and orthotic devices, and other technology to facilitate development and promote the acquisition of functional skills.

(u) Practice of Respiratory Therapy means the treatment and the management of pulmonary diseases with medications and machines provided to patients whose condition or illness is that of breathing.

(v) Practice of Nutritionist/Clinical Dietary means the development and coordination of menu planning to combine foods for maximum nutritional value, taste and eye appeal to meet individual nutritional needs and preferences.

(w) Practice of Cosmetology means any and all, or any combination of the following practices: arranging, dressing, curling, waving, machineless permanent waving, permanent waving, cleansing, cutting, singeing, bleaching, tinting, coloring, straightening, dyeing, brushing, beautifying or otherwise treating by any means the hair of any person. The massaging, cleaning or stimulating the scalp, face, neck, arms, bust or upper part of the human body, by means of the hands, devices, apparatus or appliances, with or without the use of cosmetic preparations, antiseptics, tonics, lotions or creams. Beautifying the face, neck, arms, bust or upper part of the human body, by use of cosmetic preparations, antiseptics, tonics, lotions or creams. The removing of superfluous hair from the body of any person by the use of electrolysis, or by the use of depilatories or by the use of tweezers, chemicals, preparations or by the use of devices or appliances of any kind or description, except by the use of light waves, commonly known as rays. The cutting, trimming, polishing, tinting, coloring, cleansing or manicuring the nails of any person; and, the massaging, cleansing, treating or beautifying the hands of any person.

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(x) Other Healing Arts Profession as allowed by Guam Laws.

SOURCE: GC § 27000, as amended by P.L. 14-29 and 16-123, added by P.L. 18-42:11, amended by P.L. 18-49:13. Subsections (b) and (i) were amended by P.L. 18-42:9 and (r) was added by P.L. 18-42:11 and subsection (s) was added by P.L. 19-19; subsection (g) amended by P.L. 20-107:1; subsection (i) R/R by P.L. 21-33:7; subsection (t) added by 22-140:IV:6(b). Subsection (e) repealed/reenacted by P.L. 23-9:1. Repealed and reenacted by P.L. 24-321:1 (Dec. 28, 1998).

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.

§ 12102. Prohibition.

(a) No person shall practice the healing art on Guam who is not:

(1) licensed so to do under the provisions of this Article; or

(2) exempted under the provisions of this Chapter.

(b) No person shall practice the healing art on Guam otherwise than in accordance with the terms of his license, or of his registration as the case may be.

SOURCE: GC § 27100, as amended by P.L. 16-123. Transferred from Article 2 and renumbered from § 12201 to § 12102 by P.L. 24-208:2. Repealed and reenacted by P.L. 24-321:1 (Dec. 28, 1998).

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

§ 12103. Commission.

(a) There is within the government of Guam a 'Commission on the Healing Arts of Guam,' ('Commission') consisting of eleven (11) members appointed by *I Maga'lahaen Guåhan* as follows:

(1) the Director of Public Health and Social Services, or a designee from the Department;

(2) the Chairperson of the Board of Nurse Examiners;

(3) the Chairperson of the Board of Medical Examiners;

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(4) the Chairperson of the Board of Examiners for Dentistry;

(5) the Chairperson of the Board of Examiners for Pharmacy;

(6) the Chairperson of the Board of Allied Health Examiners;

(7) the Chairperson of the Board of Examiners for Optometry;

(8) the Chairperson of Board of Cosmetology;

(9) the Chief Medical Officer of the Guam Memorial Hospital Authority;

(10) the Director of the Guam Behavioral Health and Wellness Center, or a designee from the Department; and

(11) one (1) member from the Mayors Council. The Commission shall elect a president and vice-president.

The Director of the Department of Public Health and Social Services, or the designee of the Director, shall be the secretary and treasurer of the Commission.

(b) The Commission shall make, and from time to time may alter, such rules as it deems necessary for the conduct of its business and for the execution and enforcement of the provisions of this Chapter.

(c) The Commission shall review rules and regulations promulgated by the

(1) Board of Medical Examiners,

(2) Board of Nurse Examiners,

(3) Board of Examiners for Dentistry,

(4) Board of Examiners for Optometry,

(5) Board of Examiners for Pharmacy,

(6) Board of Allied Health Examiners, and

(7) Board of Cosmetology

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for the purpose of standardizing, as much as possible, requirements for licensure for all professions in the practice of healing arts.

(d) The Commission shall maintain a register of all persons licensed to practice the healing art on Guam, and each Board shall notify the Commission not less than annually of persons licensed under its supervision.

(e) The Commission shall meet at least annually to review and make recommendations to the Division of Health Planning within DISID any plans relative to the community needs assessment and recommendation in areas of health manpower resources for licensed professionals in the healing arts, and other related health services.

SOURCE: GC § 27101, as amended by P.L. 16-123 and 16-125; Subsection (a) amended by P.L. 17-21; subsection (e) added by P.L. 20-107:4 Transferred from Article 2 and renumbered from § 12202 to § 12103 by P.L. 24-208:2. Repealed and reenacted by P.L. 24-321:1 (Dec. 28, 1998).

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

P.L. 26-76:55 (Mar. 12, 2002) abolished the Guam Health Planning and Development Agency as a division of Department of Integrated Services for Individuals with Disabilities (DISID). Despite the abolishment of this entity, the reference in subsection (e) has not been repealed or amended.

2013 NOTE: P.L. 32-024:2 (May 6, 2013) renamed the Department of Mental Health & Substance Abuse to the Guam Behavioral Health and Wellness Center. Reference to the Department of Mental Health & Substance Abuse was changed to Guam Behavioral Health and Wellness Center pursuant to P.L. 32-024:4.

§ 12104. Personnel.

(a) The Department of Public Health and Social Services shall be the Department responsible for the implementation of this Act and may establish the Division of Commission of the Healing Arts and Licensure for the purpose of this Act.

(b) The Director of the Department of Public Health and Social Services shall provide such office space, staff, supplies, equipment, vehicle and assistants as may be necessary for the work of the Commission for each of the examining boards,

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including statutorily created boards and the execution and enforcement of this Chapter.

(c) The Attorney General shall provide legal services to the Commission and the Boards of Examiners without a fee.

SOURCE: GC § 27102, as amended by P.L. 16-123. Transferred from Article 2 and renumbered from § 12203 to § 12104 by P.L. 24-208:2. Repealed and reenacted by P.L. 24-321:1 (Dec.28, 1998).

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

§ 12105. Codification.

If need be, the Compiler of Laws is hereby authorized to appropriately codify this Act.

SOURCE: GC § 27103, as amended by P.L. 16-123. Transferred from Article 2 and renumbered from § 12204 to § 12105 by P.L. 24-208:2. Repealed and reenacted by P.L. 24-321:1 (Dec. 28, 1998).

§ 12106. Severability.

If any of the provisions of this Act, or the application thereof to any person or circumstance are held invalid, such invalidity shall not affect any other provision or application of this Act, which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SOURCE: GC § 27104, as amended by P.L. 15-148 & 16-123; amended by P.L. 20-107:2; amended by P.L. 21-33:6. Transferred from Article 2 and renumbered from § 12205 to § 12106 by P.L. 24-208:2. Repealed and reenacted by P.L. 24-321:1 (Dec. 28, 1998).

§ 12107. Effective Date.

The provisions contained in this Act shall take effect upon enactment.

**ARTICLE 2
PHYSICIANS PRACTICE ACT**

SOURCE: Sections 12206-12228 were repealed by P.L. 24-208:1 (May 13, 2008) and new §§ 12201-12217 were added by P.L. 24-