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SOURCE: GC § 27129, as amended by P.L. 16-123.

§ 12231. Good Faith Immunity.

No member of the Commission on Licensure to practice the healing arts, the Guam Board of Medical Examiners, the Guam Board of Dental Examiners, the Guam Board of Allied Health Examiners, the Guam Board of Nurse Examiners, the Guam Board of Examiners for Optometry or the Guam Board of Examiners for Pharmacy shall be liable in any civil action for damages for any act done or omitted in good faith in performing the functions of his office.

SOURCE: GC § 27130. Repealed by P.L. 16-123:25. Added by P.L. 18-48:19. Repealed and reenacted by P.L. 20-26:1. Amended by P.L. 20-177:3.

ARTICLE 3

NURSE PRACTICE ACT

SOURCE: Title XXVIII, Ch. III of the Government Code, codified as 10 GCA Ch. 12, Art. 13 is repealed and added pursuant to P.L 16-123:21 (Dec. 28, 1982).

- § 12300. Short Title.
- § 12301. Board of Nurse Examiners; Establishment.
- § 12302. Board Composition.
- § 12303. Qualification of Members.
- § 12304. Removal of a Board Member.
- § 12305. Board Compensation.
- § 12306. Additional Qualifications of Board Members.
- § 12307. Powers and Duties of the Board.
- § 12308. Fees for Licensing, Etc.
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- § 12310. **Qualifications of a Registered Nurse.**
- § 12311. Licensure of Registered Nurses.
- § 12312. Nurses Titles and Abbreviations.
- § 12313. Nurse Practitioners and Nurse Midwives.
- § 12314. **Qualifications for Practical Nurses.**
- § 12315. Licensure of Practical Nurses.
- § 12316. Titles and Abbreviations.
- § 12316.1. **Minimum Qualifications for and Certification of Nurse**

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Assistants and Education Programs.

- § 12317. Renewal of License.
- § 12318. Inactive Status.
- § 12319. Disposition of Fees.
- § 12320. Appropriations.
- § 12321. Schools of Nursing.
- § 12322. **Temporary Licenses.**
- § 12323. Investigatory Powers of the Board.
- § 12324. Discipline.
- § 12325. Disciplinary Procedure.
- § 12326. Immunity of Persons Making Reports.
- § 12327. Unlawful Acts.
- § 12328. Penalties.
- § 12329. Exceptions.
- § 12330. Injunctive Relief.
- § 12331. Prescriptive Authority Advisory Committee.
- § 12332. Pronouncement of Death by a Registered Nurse.

§ 12300. Short Title.

This Article may be cited as the Nurse Practice Act.

§ 12301. Board of Nurse Examiners; Establishment.

There is within the government of Guam and within the Department of Public Health and Social Services the Board of Nurse Examiners.

SOURCE: Further R/R by P.L. 17-70.

§ 12302. Board Composition.

(a) The Board shall be composed of seven (7) members appointed by the Governor. The term of office of members of the Board shall be three (3) years. No member shall serve more than two (2) consecutive terms. All members shall serve, in addition to their regular term, until their successors are appointed and qualified.

(b) The term of each member shall commence on July 1 following his appointment and the terms of the members shall be rotated so that no more than three (3) members' terms shall expire each year. The present members of the Board shall serve as members of this Board until the expiration of their respective terms or until their successors are appointed and qualified.

(c) Any vacancy in the membership of the Board shall be filled for the period of the unexpired term in the same manner as was the original appointment.

§ 12303. Qualification of Members.

(a) The members of the Board shall include: five (5) registered nurses, one (1) practical nurse and one (1) public member. Of the five (5) registered nurses, representation shall be balanced so that there will always be one (1) member from a school of nursing, one (1) member from public health nursing, one (1) member from hospital nursing and one (1) member from the APRNs. Any vacancy in the membership of the Board shall be filled for the period of the unexpired term in the same manner as was the original appointment.

(b) The Board shall solicit a list of qualified candidates from the local health agencies and nursing organizations and submit to the Governor the list obtained. Appointments of nursing members shall be made from this list.

SOURCE: Subsection (a) amended by P.L. 24-206:4.

§ 12304. Removal of a Board Member.

The Governor may remove any member from the Board for cause including, but not limited to, neglect of any duty required by law, incompetence, unprofessional conduct or willful misconduct. A member subject to disciplinary proceedings shall disqualify himself from Board business until the charge(s) are adjudicated.

§ 12305. Board Compensation.

Each member of the Board shall be compensated in the same manner as are other members of boards and commissions of the government of Guam.

§ 12306. Additional Qualifications of Board Members.

(a) Each member of the Board shall be a citizen or permanent resident of the United States and be a resident of the territory of Guam for at least two (2) years immediately preceding appointment.

(b) Each nurse member of the Board shall be a current holder of a valid Guam license to practice as a registered nurse or a licensed practical nurse and have been actively engaged in the practice of nursing for five (5) years immediately preceding appointment. Four (4) members shall be required to have a minimum of a baccalaureate degree in nursing.

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(c) The public member of the Board shall be a person who is not licensed as a health care provider; is not a parent, spouse, sibling or child of any living person licensed as a health care provider, and is not a student in a health educational program; does not have a direct or indirect financial interest in health care services; is not a member or employee of any board of control of any public or private health care organization; and has at least a high school diploma or its equivalent.

§ 12307. Powers and Duties of the Board.

(a) The Board shall meet annually in the month of January and shall elect a chairperson, a vice-chairperson and other officers as determined in its rules. The Board may hold such other meetings during the year as may be necessary or desirable to conduct its business. Four (4) members of the Board, including one (1) officer, shall constitute a quorum.

(b) The Board may:

(1) adopt and, from time to time revise such rules and regulations as may be necessary to carry out the provisions of this Article, in compliance with the Administrative Adjudication Law and with the approval of the Commission;

(2) prescribe standards for and periodically evaluate basic nursing education programs for entry into practice and approve such programs that meet the requirements of this Chapter and the Board's rules and regulations;

(3) deny or withdraw approval of basic nursing education programs for entry into practice that do not meet the prescribed standards, provided that recommendation of withdrawal of approval shall be effected only after a hearing in accordance with Chapter II of the Administrative Adjudication Law;

(4) act as an evaluating and approving (or disapproving) body for nursing education programs located in the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any jurisdiction arising from the Trust Territory of the Pacific Islands, upon request of the appropriate governing body; provided, that all expenses of the evaluation and approval or disapproval, shall be paid by the requesting jurisdiction;

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(5) give the National State Board Test Pool Examination according to the rules formulated by the National Council of State Boards of Nursing or its designated testing service and the Guam Board of Nursing;

(6) accept in payment of any fee required by this Chapter, cash or any customary or generally accepted equivalent medium of exchange including check, cashier's check, certified check or money order; provided, that no fee shall be deemed paid unless cash has been received or the other medium of exchange converted to cash;

(7) deny a license to unqualified applicants;

(8) license and renew licenses of duly qualified applicants;

(9) prescribe the manner in which specialists and other nurses desiring to restrict their practice to a particular area of nursing announce their practices to the public and shall issue certificates identifying the nurse and his specialty;

(10) enforce established criteria to validate competence to continue or re-enter practice;

(11) use Continuing Education Units (CEU) to validate re-licensure to continue or re-enter nursing practice.

(12) conduct hearings upon charges calling for discipline of a licensee as provided in § 12324 of this Chapter;

(13) have the power to issue subpoenas, and compel the attendance of witnesses, and administer oaths to persons giving testimony, and may enforce compliance upon application to the Superior Court;

(14) have a seal and modify it;

(15) in January of each year, submit an annual report to the Commission, the Governor and the Legislature on the activities of the Board over the past fiscal year;

(16) maintain records as required by Guam law;

(17) appoint advisory committees to assist the Board in the implementation of this Article. Members of the advisory committees shall not be compensated;

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(18) conduct public hearings, investigations and studies of nursing practice, nursing education and related matters and prepare and issue such publications as in the judgment of the Board will allow the nursing profession to provide safe and effective nursing services to the public; and

(19) through the Commission, establish by regulation the qualifications for licensure without examination (by endorsement) of such persons who are licensed in other states or jurisdictions and who meet the provisions of §§ 12311 and 12315 of this Chapter.

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

SOURCE: Existing subsection (b)(11) to (18) renumbered (12) to (19) by P.L. 23-75:2. New subsection (b)(11) added by P.L. 23-75:3.

§ 12308. Fees for Licensing, etc.

The Board shall establish and collect fees from every applicant for the services it performs. The fees shall be established through rules and regulations of the Board.

§ 12309. 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 the proper functioning of the Board and administration of this Article.

§ 12310. Qualifications of a Registered Nurse.

(a) An applicant for a license as a registered nurse shall submit to the Board written, verified, evidence that the applicant is a graduate of an approved nursing education program that is authorized to prepare a person for licensure as a registered nurse.

(b) No handicapped candidate, as defined in federal or Guam law, otherwise qualified shall be deprived of the opportunity to take the State Board Test Pool Examination solely by reason of that handicap. Such a candidate is requested to submit a completed application at least one hundred twenty-five (125) days in advance of the scheduled examination date to facilitate the necessary modification of the testing service; provided, however, that if such candidate does not complete the application by the prescribed time, the Board shall be required to make only those modifications to the testing service as time permits.

§ 12311. Licensure of Registered Nurses.

(a) By **examination**:

(1) The applicant shall be required to pass a written examination in such subjects as the Board may determine. Each written examination may be supplemented by an oral or a practical examination. The standards used by the Board in requiring an oral or practical examination shall be specified in its rules and regulations before such oral or practical examination may be required. The Board may use any part or all of the State Board Test Pool Examination for Registered Nurse Licensure, its successor examination or any other nationally standardized examination identified by the Board in its rules.

(2) The Board shall establish in its rules the requirements for rewriting the examination.

(b) By **endorsement**:

(1) Conditions. The Board shall issue a license to practice as a registered nurse without examination to an applicant who meets the following requirements by having:

(A) Graduated from a state board approved school of nursing which meets the nursing education standards of the Board; and

(B) **Obtained an original license to practice as a registered nurse by examination with a passing score** as set by the National Council of State Boards of Nursing, Inc.; and

(C) **Been duly licensed and holding an active license as a registered nurse in one or more states** or territories of the United States, or in the District of Columbia, and having no disciplinary

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action pending and no prior disciplinary proceedings which concluded by disciplining the applicant.

(2) Interim licenses. In the case of an applicant holding a license from another state or territory, based upon a rescore by such state or territory of the nursing examination taken by such applicant, whose original score would have not been passing under the standards of the National Council of State Boards of Nursing, Inc., the Board shall issue an interim license to such applicant to practice as a registered nurse on Guam for a period of one (1) year, subject to the conditions that such applicant must:

(A) Have five (5) years continuous nursing practice in one or more states or territories immediately preceding the application for endorsement to practice on Guam;

(B) Be duly licensed and hold an active license as a registered nurse in one or more states or territories of the United States, or in the District of Columbia, and have no disciplinary action pending and no prior disciplinary proceedings which concluded by disciplining the applicant; and

(C) Within one (1) year from the date of the issuance of the interim license, take and pass the approved examination for registered nurses with the passing score set by the National Council of State Boards of Nursing, Inc.; provided, however, that if the applicant takes the examination and the results thereof have not been received within the one (1) year period, then the interim license shall remain in effect until the Board reports whether the applicant has passed or failed the examination.

After passing the examination as required in paragraph (C) above, the Board shall grant the applicant a full license to practice as a registered nurse on Guam.

(c) Nurses Registered Under Prior Law. Any person holding a license to practice as a registered nurse on Guam that is valid on the effective date of this Article shall be deemed to be licensed as a registered nurse under the provisions of this Article and shall be eligible for renewal of such license under the conditions and standards prescribed in § 12317 of this Chapter.

SOURCE: Subparagraph (b) repealed and reenacted by P.L. 22-62:3; further repealed and reenacted by P.L. 22:105:3.

2013 NOTE: In maintaining the general codification scheme of the GCA the Compiler changed the hierarchy of subsection (b) beginning with “uppercase letters” to “numbers” and “numbers” to “uppercase letters”.

§ 12312. Nurses Titles and Abbreviations.

Any person who holds a license or temporary license as a registered nurse in Guam shall have the right to use the title ‘Registered Nurse’ and the abbreviation ‘R.N.’ Only such persons authorized a temporary work permit under Subsections (a) and (b) of § 12322 of this Chapter shall use the title, ‘Graduate Nurse’ and the abbreviation ‘G.N.’ No other person shall assume such titles, or use such abbreviations of any words, letters, signs or devices to indicate that the person using the name is a registered nurse. No other person shall use the titles and abbreviations ‘Graduate Nurse’ or ‘R.N.’, ‘Professional Nurse,’ ‘R.N.’, ‘Trained Nurse,’ ‘R.N.’, or such other titles or abbreviations that could represent to the public that the person is authorized to practice professional nursing in Guam.

§ 12313. Advanced Practice Registered Nurse.

(a) A registered nurse applying for certification as an Advanced Practice Registered Nurse (‘APRN’) under this Act shall submit documents to the Board that demonstrates:

(1) that there are no disciplinary actions or violations, which bear directly on the fitness of the individual to be licensed (The Board may deny APRN certification to an applicant whose RN license and/or APRN certification was revoked or suspended in another state, if the basis of the license/certification revocation or suspension would have caused a similar result in Guam, or if the applicant is the subject of pending disciplinary action regarding his or her right to practice in another state.);

(2) successful completion of an approved Board of Nursing professional nurse education program and advanced educational program designed to prepare nurse practitioners, nurse midwives, nurse anesthetists and/or clinical nurse specialists;

(3) successful passage of the national examination for professional nurses and a national or state board of nursing certification examination for APRN;

(4) submission of the required official transcript, notarized application and fee; and

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(5) meets any other requirements established by Board regulation to assure that the applicant has the proper education, expertise, experience and qualifications to practice as an APRN.

(b) A currently certified National or State Board of Nursing, Advanced Practice Registered Nurse, who has met the professional nurse temporary license requirements of the Board, may be issued by the Board a non-renewable, temporary APRN certification for three (3) months, which may be extended at the discretion of the Board, a maximum of three (3) months.

(c) A professional nurse, who meets the requirements as set forth in this Act, shall be issued a certificate to practice as an APRN. The APRN shall use the title designated by the Board pursuant to the promulgation of rules and regulations through the Administrative Adjudication Law.

(d) The APRN shall submit evidence of a practice agreement to be used in the management of patients and referral of cases.

(e) The Board shall establish categories of APRN and standards that are consistent with the National certifying bodies for the particular advanced practice.

(f) The scope of practice for certified APRN shall be in accordance with the functions and standards of the respective national certifying body for each category.

(g) The APRN shall hold a current Guam license to practice as a registered nurse, a current national or state board certification in nurse practitioner, nurse midwife, nurse anesthetist or clinical nurse specialist, and a Board certification to practice as an APRN on Guam.

(h) The APRN shall be authorized to prescribe and dispense drugs for administration to, and use by, other persons within the national scope of practice, and the rules and regulations adopted by the Board. The Prescriptive Authority Advisory Committee shall establish the rules for the ordering and prescribing of schedule drugs.

(i) The APRN shall complete a Board-approved course of study on pharmacology and obtain a minimum of ten (10) nursing continuing education hours in pharmacology during each license renewal period, which may include other requirements as established by the Prescriptive Authority Advisory Committee.

(j) The APRN shall secure and maintain a Federal Drug Enforcement Agency ('DEA') registration number, and comply with all state and Federal laws and regulations APRN prior to prescribing 'Schedule Drugs II-V.'

(k) The shall have collaborative agreement(s) with physician(s) or agencies as required by Board rules and regulations. The rules for the collaborative practice agreements shall be established by the Prescriptive Authority Advisory Committee.

(l) The APRN, consistent with the respective National certifying body for the specific category:

(1) performs acts utilizing specialized knowledge, skills, and abilities for people in a variety of settings to include nursing and medical diagnosis and treatment, as defined by the respective National certifying body;

(2) assesses the need for drugs, immunizing agents, or devices and writes prescriptions to be filled by a licensed pharmacist;

(3) prescribes drugs, and nursing and medical therapeutic, corrective measures and devices not prohibited by Board rules and regulations;

(4) is authorized to receive direct, third-party reimbursement from Medicare, Medicaid and other health insurance carriers; and

(5) performs other acts consistent with the education and expertise recognized by the respective national certifying body.

SOURCE: Repealed and reenacted by P.L. 24-206:3.

§ 12314. Qualifications for Practical Nurses.

(a) An applicant for a license to practice as a licensed practical nurse shall submit to the Board a written, verified, evidence that the applicant:

(1) Is a graduate of an approved practical nursing program;

(2) Has successfully completed courses of study in an approved professional nursing education program, including experience in medical, surgical, obstetrics and pediatric nursing; or

(3) Has served on active duty in the military corps of any of the armed forces, in which no less than an aggregate of twelve (12) months was spent in rendering patient care, and who has completed the basic

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course of instruction in the hospital corps school required by his particular branch of the armed forces, and whose service in the armed forces has been under honorable conditions. This person may submit the record of such training to the Board for evaluation.

(b) If a person meets the necessary qualifications of this Section, he shall be granted a license upon passing the standardized examination for such a licensure. The qualifications are:

(1) That he has completed such general preliminary education requirements as shall be determined by the Board;

(2) That he has committed no act, which, if committed by a licensee, would be grounds for disciplinary action; and

(3) That his education and experience would give reasonable assurance of competence to practice as a licensed practical nurse in Guam.

(c) The Board shall, by regulation, establish criteria for evaluating the education and experience for applicants under this Section.

(d) No handicapped candidate, as defined in the federal or Guam laws, otherwise qualified shall be deprived of the opportunity to take the State Board Test Pool Examination solely by reason of that handicap. Such a candidate is requested to submit a completed application at least one hundred twenty-five (125) days in advance of the scheduled examination date to facilitate the necessary modification of the testing service; provided, however, that if such candidate does not complete the application by the prescribed time, the Board shall be required to make only those modifications to the testing service as time permits.

(e) The Board shall maintain records of the following categories of applicants under this Section:

(1) Applicants who are rejected for examination, and the areas of such applicants' preparation which are causes of rejection.

(2) Applicants who are qualified to take the examination by their military education and experience alone, and the results of their examinations.

(3) Applicants who are qualified to take the examination by their military education and experience plus supplementary education, and the results of their examinations.

§ 12315. Licensure of Practical Nurses.

(a) By **Examination**:

(1) The applicant shall be required to pass a written examination in such subjects as the Board may determine. Each written examination may be supplemented by an oral or a practical examination or both. The Board may use any part or all of the State Board Test Pool Examination for Practical Nurse Licensure, its successor examination, or any other nationally standardized examination identified by the Board in its rules. The passing score shall be established by the Board in its rules.

(2) The Board shall establish in its rules the requirements for rewriting the examination.

(b) By **Endorsement**. The Board may issue a license to practice as a licensed practical nurse without examination to any applicant who has been duly licensed as a licensed practical/ vocational nurse under the laws of another state, territory or jurisdiction controlled or administered by the United States, or the District of Columbia, if in the opinion of the Board, the applicant meets the requirements for licensed practical nurses in Guam.

(c) Practical Nurses Licensed Under Prior Law. Any person holding a license or certificate of registration to practice as a licensed practical nurse, previously issued under Guam law, which is valid on the effective date of this Article, shall be deemed to be licensed as a practical nurse under the provisions of this Article.

§ 12316. Titles and Abbreviations.

Any person who holds a license or temporary license to practice as a licensed practical nurse in Guam shall have the right to use the title 'Licensed Practical Nurse' and the abbreviation 'L.P.N.' Unless authorized a temporary work permit under Subsections (a) and (b) of § 12322 of this Chapter, no person shall assume such title or use such abbreviation or any other words, letters, signs or devices to indicate that the person using the same is authorized to practice as a practical nurse in Guam.

§ 12316.1. Minimum Qualifications for and Certification of Nurse Assistants and Education Programs.

The Board shall establish by regulation minimum qualifications for nurse assistants and criteria for evaluating such qualifications. The Board may also establish and administer such procedures as may be necessary to certify that an applicant meets duly established minimum qualifications. Such procedures shall include a provisional period for remedial training of nurse aides who are employed as of the effective date of such regulations and do not meet minimum qualifications. Disciplinary procedures for decertification of incompetent nurse assistants may be established by the Board. The Board shall maintain a registry of certified nurse assistants.

The Board may approve and re-approve nurse assistant education programs and competency evaluation programs.

SOURCE: Added by P.L. 20-195:2.

§ 12317. Renewal of License.

(a) The licenses issued under the provisions of this Article shall be renewed biennially. The Board shall mail an application for renewal of license to every current licensee. The mailing address shall be the address indicated in the application, or his previous renewal application, unless the Board is notified otherwise. Such application shall be returned to the Board accompanied by the required fee.

(b) Any licensee who allows his license to lapse may be reinstated by meeting such requirements as the Board may prescribe in its rules.

(c) Any person practicing nursing during the time that his license has lapsed shall be considered as an illegal practitioner and shall be subjected to the penalties provided for violations as the Board may prescribe in its rules.

§ 12318. Inactive Status.

A nurse who does not engage in nursing in Guam during the succeeding year shall not be required to pay the renewal fee as long as he remains inactive. Should he wish to resume nursing at some future time, he shall so notify the Board and become reinstated by meeting such requirements as the Board may prescribe in its rules. The Board shall establish criteria for the resumption of practice after five (5) years of inactivity.

§ 12319. Disposition of Fees.

(a) All fees received by the Board under this Article, except such amounts as are paid through the Board for examinations taken by applications and which must be transmitted to a testing service, shall be deposited in the General Fund.

(b) All funds that have accumulated to the credit of the Board under the provisions of Chapter III of Title XXVIII of the Government Code, which law is repealed by this Act, shall be turned over to the General Fund.

§ 12320. Appropriations.

Operations of the Board and the implementation of this Article shall be funded by annual appropriation to the Commission.

§ 12321. Schools of Nursing.

(a) The Board shall prepare and maintain a list of approved schools for both professional and practical nurses whose graduates shall be eligible for licensing under this Article as registered nurses or licensed practical nurses if they meet the other qualifications set forth in this Article.

(b) An approved school of nursing is one which has been approved by the Board as meeting minimum standards and criteria defined by regulation. 'Defined regulations' shall include minimum length of academic program, required subjects of instruction, basic requirements for clinical practice, minimum preparation of faculty and faculty-student ratio, and such other criteria as are recognized as standard for basic preparatory programs for both licensed practical nurses and registered nurses.

(c) An institution desiring to conduct a basic program for the preparation of registered nurses or practical nurses or an educational and training program for advanced registered nursing on Guam, shall apply to the Board for accreditation and submit satisfactory proof that:

(1) it is prepared to carry out the curriculum presented by the Board through its rules and regulations; and

(2) it is prepared to meet such other standards as shall be established by law and by the Board.

(d) It shall be the duty of the Board, through the use of qualified consultants not associated with the Board or local nursing programs, to periodically survey approved programs in Guam. Written reports of such

survey shall be submitted to the Board and if, in the opinion of the Board, the requirements for an approved program are met, the program shall be given continued approval. If the Board shall determine that an approved program no longer meets minimum standards as required by regulation, notice shall be submitted to the program specifying the areas of non-compliance. A program that fails to correct areas of non-compliance within the time designated by the Board in its rules and regulations shall be discontinued as an approved program; provided, that such action shall be taken only after a hearing before the Board in accordance with the provisions of Chapter II of the Administrative Adjudication Law.

(e) Any nursing education program in Guam that is recognized as an approved program by the Board on the effective date of this Article shall be deemed to be an approved educational program for the purposes of this Article.

(f) Any nursing education program outside of Guam shall, for the purpose of this Section, be deemed to be an approved nursing education program if that program meets the requirements for approval established pursuant to this Section and if such is recognized as a state-approved program by the appropriate state or national licensing authority in the state or jurisdiction in which the nursing education program is located.

§ 12322. Temporary Licenses/Certifications.

The Guam Board of Nurse Examiners:

(a) may issue a temporary permit to a graduate of an accredited U.S., foreign or Guam professional nursing education program, upon application, payment of the required fee, and after verifying the applicant's official transcript and certificate of education; provided, however, that such applicant has received the Board's authorization to sit for the first licensing examination immediately following such applicant's graduation. Such a permittee shall be identified as a 'graduate nurse' ('G.N.') and may practice nursing only under the direct supervision of a registered nurse. Only such a permittee shall be authorized to use the title 'graduate nurse.' All temporary permits issued pursuant to this Subparagraph shall terminate when the Board has received the permittee's scores from the licensing examination immediately succeeding such permittee's graduation from nursing school; and

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(b) shall adopt such regulations as are necessary to protect the public and limit the practice of persons issued temporary licenses/certification.

(c) May issue a nurse (RN, APRN, LPN) or nursing assistant applicant a three (3) month temporary license/certification upon submission of a notarized application, payment of the required fee and evidence of:

(1) a current U.S. license as a registered nurse or practical nurse; or

(2) a current National or State Board Certification as an advanced practice registered nurse; or

(3) a current State Board Certification as a nursing assistant

(d) May use their discretion to extend the temporary license/certification, but the extension shall not exceed six (6) months.

SOURCE: Amended by P.L. 20-17:3. Repealed and reenacted by P.L. 24-325:19. Subsection (c) added by P.L. 24-325:20. Subsection (d) added by P.L. 24-325:21.

§ 12323. Investigatory Powers of the Board.

The Board or its authorized representatives shall have the power to investigate and gather evidence concerning alleged violations of the provisions of this Article or of the rules and regulations of the Board.

§ 12324. Discipline.

(a) The Board has the power to revoke, suspend or refuse to renew any license, or to place on probation or discipline in any manner specified in this Section a licensee, or to deny the application for a license upon proof to the Board that such a person:

(1) Has committed fraud or deceit in securing or attempting to secure such license;

(2) Has been convicted of a felony or a crime involving moral turpitude or has had accepted by a court a plea of nolo contendere to a felony or a crime involving moral turpitude. A true copy of the judgment of the court of competent jurisdiction (in whatever form is usual for such copies in the jurisdiction from which the record comes) shall be prima facie evidence of such conviction. In considering the

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possible disciplinary action, the Board shall be governed by determination that such licensee is incompetent or unsafe to continue the practice of nursing or the practice of practical nursing;

(3) Has negligently or willfully acted in a manner inconsistent with the health or safety of the person under his care;

(4) Has had a license to practice as a registered nurse or licensed practical nurse suspended or revoked in any jurisdiction where licensed;

(5) Has violated any provision of this Article;

(6) Has negligently or willfully practiced nursing in a manner that fails to meet generally accepted standards of such nursing practice;

(7) Has negligently or willfully violated any order, rule or regulation of the Board pertaining to nursing practice or licensure;

(8) Has falsified or, in a repeatedly negligent manner, made incorrect entries or failed to make essential entries on essential patient records;

(9) Is addicted or dependent on alcohol or other habit-forming drugs or is a habitual user of narcotics, barbiturates, amphetamines, hallucinogens or other drugs having similar effects;

(10) Has a physical or mental disability that renders him unable to perform nursing service or duties with reasonable skill or safety to the patient;

(11) Has engaged in other conduct, whether of the same or of a different character from that specified in this Section, that would constitute a crime under the laws of Guam and that related to such person's employment as a registered nurse or licensed practical nurse;

(12) Engages in unprofessional conduct of a character likely to deceive, defraud or harm the public; or

(13) Engages in any other unprofessional conduct as identified by the Board in its rules.

(b) When the Board finds any person unqualified because of any grounds set forth in this Section, it may enter an order imposing one or more of the penalties that follow. It may:

(1) Deny his application for a license or other authorization to practice professional nursing or practical nursing;

(2) Administer a public or private reprimand;

(3) Suspend, limit or restrict his license or other authorization to practice professional nursing or practical nursing for up to five (5) years, including limiting the practice of such person to, by exclusion of, one or more specified branches of nursing including limitation of practice privileges;

(4) Revoke his license or other authorization to practice professional or practical nursing;

(5) Require him to submit to care, counseling or treatment by persons approved or designated by the Board, as a condition for initial, continued or renewed licensure or other authorization to practice professional nursing or practical nursing;

(6) Require him to participate in a program of education prescribed by the Board; or

(7) Require him to practice under the supervision of a registered nurse designated by the Board for a specified period of time.

§ 12325. Disciplinary Procedure.

The Board cannot revoke, suspend or refuse to renew any license, or place on probation or discipline a licensee in any manner specified in § 12324 of this Chapter, or deny an applicant a license on the basis that the applicant does not possess the qualifications required by this Article or that probable cause exists to believe that an applicant has done any of the acts set forth in § 12324 of this Chapter without first holding a hearing pursuant to the provisions and procedures set forth in Chapter II of the Administrative Adjudication Law.

§ 12326. Immunity of Persons Making Reports.

Any member of the Board or professional review committee authorized by the Board and any witness appearing before the Board, a hearing officer, or such a professional review committee shall be immune from suit in any civil action taken by a licensee who is a subject of a professional review proceeding.

§ 12327. Unlawful Acts.

It is unlawful for any person, including a corporation, association or individual, to:

(a) Sell or fraudulently obtain or furnish any nursing diploma, license or renewal of license or record, or aid or abet therein;

(b) Practice nursing as defined by this Chapter under cover of any diploma, license or renewal of license or record obtained illegally or fraudulently or signed or issued unlawfully or under fraudulent representation;

(c) Practice or offer to practice nursing as defined by this Chapter unless duly licensed under the provisions of this Article;

(d) Use any designation by which a person represents to the public that he is a registered nurse or licensed practical nurse unless duly licensed under the provisions of this Article;

(e) Practice nursing during the time the license issued under the provisions of this Article is under suspension or revocation;

(f) Conduct a nursing education program unless the program has been approved by the Board;

(g) Knowingly employ unlicensed persons to practice nursing or practical nursing; or

(h) Aid or abet any person in violating any provision of this Article.

§ 12328. Penalties.

(a) Any person who violates the provisions of § 12327 of this Chapter is guilty of a misdemeanor upon conviction of the first such offense. Unless otherwise provided in this or any other law, any person who violates the provisions of § 12327 of this Chapter, except Subsection (g) of § 12327, shall be guilty of a felony upon conviction of the second or subsequent offense.

(b) Any person who violates the provisions of Subsection (g) of § 12327 of this Chapter shall be guilty of a second degree felony.

§ 12329. Exceptions.

This Article does not prohibit:

(a) The practice of professional nursing or the practice of practical nursing in an emergency;

(b) The practice of professional nursing or the practice of practical nursing that is incidental to the program of study by students enrolled in nursing education programs leading to initial licensure, provided such programs are approved by the Board;

(c) The practice of professional nursing or the practice of practical nursing by a licensed nurse who is currently licensed in another jurisdiction while assisting in a state of emergency as a volunteer of any recognized organization;

(d) The practice of professional nursing by a registered nurse or the practice of practical nursing by a licensed practical nurse who is currently licensed in another jurisdiction while in the discharge of his official duties as an employee of any bureau, agency or division of the U.S. Government;

(e) The practice of professional nursing by a registered nurse or the practice of practical nursing by a licensed practical nurse who is currently licensed in another jurisdiction and employed by an individual, agency or corporation located in such other jurisdiction and whose employment responsibilities include the transporting of patients to health care facilities within Guam. Such exemption shall be limited to a period no longer than that necessary to transfer the care of persons qualified under the provisions of this Chapter and in no instance shall exceed five (5) days;

(f) The practice of professional nursing for a short term only in the role of a visiting consultant as long as it does not exceed ninety (90) working days, and such consultant is licensed as either a registered nurse or as a licensed practical nurse, or otherwise authorized to practice in the jurisdiction in which he is based; and

(g) Any person permitted by this exception to practice professional nursing or practical nursing without a license issued by Guam shall be held to the same standard of care as any practitioner licensed by Guam. A person permitted by this exception to practice without a license shall

register his name and practice location with the Board before commencing practice, unless such registration is not possible because of the time or emergency involved.

§ 12330. Injunctive Relief.

The practice of professional nursing or practical nursing by any person who has not been issued a license under the provisions of this Article (unless covered by an exception herein given), 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 professional nursing or practical nursing, 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 professional nursing or practical nursing, as the case may be, until a final hearing of the matter or under a valid license is secured.

§ 12331. Prescriptive Authority Advisory Committee.

(a) Committee Creation. There is created within the Department of Public Health and Social Services, the Prescriptive Authority Advisory Committee ('Committee') of the Guam Board of Nurse Examiners. The Committee shall be composed of seven (7) members of whom three (3) members, appointed by the Board, shall be APRNs; one (1) member shall be a physician licensed to practice medicine under Chapter 12 of this Title and who has been involved in a collaborative practice with an APRN for at least three (3) years appointed by the Board of Medical Examiners; one (1) member shall be a nurse member of the Board of Nurse Examiners appointed by the Board; one (1) member shall be a physician member of the Board of Medical Examiners appointed by the Board of Medical Examiners; and one (1) member shall be a pharmacist member of the Board of Pharmacy appointed by the Board of Pharmacy.

(b) Appointment and Staggered Terms. Three (3) members of the Committee shall be appointed for an initial term of office of one (1) year, and four (4) members of the Committee shall be appointed for an initial term of office of two (2) years. After the expiration of the initial term of office, members shall be appointed for terms of office of three (3) years. Members

shall serve for the term of office specified and until their respective successors are appointed and qualified. A vacancy on the Committee, which occurs for any reason other than by expiration of a term, shall be filled by Board appointment for the unexpired term.

(c) Quorum. Four (4) members of the Committee shall constitute a quorum for the transaction of business, provided at least one (1) member must be a physician or pharmacist. No action of the Committee may be taken except by a majority of the members.

(d) Rules and Regulations. The Committee shall promulgate rules for the requirements, content and use of collaborative practice agreements and prescriptive authority. The rules and regulations must get concurrence by the Nursing Board, Medical Examiner Board, Pharmacy Board and Allied Health Board before submitting it through the Administrative Adjudication Law.

SOURCE: Added by P.L. 24-206:9.

§ 12332. Pronouncement of Death by a Registered Nurse.

(a) A pronouncement of death may be made by a registered nurse on a person with an 'anticipated death' who is in a healthcare facility, or a private home served by a licensed home healthcare provider or government/ private healthcare agency.

(b) Prior to any pronouncement of death pursuant to this Section, there shall be certification of an anticipated death by an attending physician. The certification shall be documented in the person's medical or clinical record, and shall be valid for purposes of this Section for no more than one hundred eighty (180) days from the date of the documentation and must be recertified every one hundred eighty (180) days to remain valid.

(c) A registered nurse who has determined and pronounced death, under this Section, after diagnosing the absence of human responses, shall document the clinical criteria for the determination and pronouncement in the person's medical or clinical record and notify the certifying physician. The registered nurse shall communicate pertinent information to appropriate persons, sign the death certificate, and record the:

- (1) Name of the deceased;
- (2) Presence of a contagious disease, if known; and

(3) Date and time of death.

(d) The registered nurse, upon completion of the death certificate, shall contact the funeral home identified by the family. The funeral home shall be responsible for transporting the deceased person to the funeral home.

(e) The healthcare facility or licensed home healthcare provider shall have adopted written policies and procedures that provide for the determination and pronouncement of death by a registered nurse under this Section. A registered nurse employed by any healthcare facility may not make a determination or pronouncement of death under this Section unless the facility has written policies and procedures implementing and ensuring compliance with this Section.

The Police Department and the Chief Examiner shall immediately be notified of any deaths which are of a different nature than anticipated or are suspicious in nature.

(f) In this Section,

(1) Determination of Death means diagnosis of death based on observation and assessment of absence of human response.

(2) Healthcare Facility means a private, municipal, state, federal or military hospital, mental health and substance abuse hospital, public health, skilled nursing facility, kidney disease and cancer treatment center (excluding freestanding units), intermediate care facility, long-term care facility, nursing home, hospice facility or home health agency.

(3) Anticipated Death means a death caused by life-limiting illness, infirmity, or disease, as certified by the attending physician that he discussed a prognosis of terminal condition with the patient and the patient's family, and that the patient consented to a "No Resuscitation" order or has executed a Declaration or an Advanced Directive to that effect.

(g) Limitation of Liability. A registered nurse who determines death in accordance with this Act is not liable for civil damages or subject to criminal prosecution for the registered nurse's actions based on the determination of death. A person who acts in good faith in reliance on a registered nurse's determination of death is not liable for civil damages or subject to criminal prosecution for the person's actions.

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

SOURCE: Added by P.L. 27-15:2. Subsection (f) amended by P.L. 29-008:5 (Sept. 7, 2007).

2012 NOTE: Subsections (c)(1) through (c)(3) and (f)(1) through (f)(3) numbered by Compiler to harmoniously fit this section.

**ARTICLE 4
DENTAL PRACTICE ACT
GENERAL PROVISIONS**

NOTE: Public Law 16-123 repealed Article 4, Midwives, and reenacted new Article 4 relative to Dental Practice.

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).

- § 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 the territory of Guam.

(c) Nothing in this Section shall apply to:

(1) Persons licensed to practice medicine in the territory of 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 the United States, while engaged in the regular discharge of their duties under the jurisdiction of their respective departments;