

MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN

2022 (SECOND) Regular Session

Bill No. ____-36

Introduced by: _____

AN ACT TO RELATIVE TO THE GUAM BOARD OF ALLIED HEALTH EXAMINERS: TO AMEND SUBSECTION 12801(b) OF ARTICLE 1 CHAPTER 12 TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE DEFINITION OF HEALING ART; TO REPEAL AND REENACT SUBSECTION 12101(g) OF ARTICLE 1 CHAPTER 12 TITLE 10 GUAM CODE ANNOTATED RELATIVE TO THE DEFINITION OF CHIROPRACTIC; TO REPEAL AND REENACT SUBSECTION 12101(p) OF ARTICLE 1 CHAPTER 12 TITLE 10 GUAM CODE ANNOTATED AND TO REPEAL AND REENACT SUBSECTION 12802(a)(1) OF ARTICLE 8 CHAPTER 12 TITLE 10, GUAM CODE ANNOTATED RELATIVE TO THE DEFINITION OF ACUPUNCTURE AND ORIENTAL MEDICINE; TO REPEAL AND REENACT SUBSECTION 12802(a)(3) OF ARTICLE 8 CHAPTER 12 TITLE 10, GUAM CODE ANNOTATED RELATIVE TO THE DEFINITION OF CHIROPRACTIC; TO REPEAL AND REENACT SUBSECTION 12802(a)(13) OF ARTICLE 8 CHAPTER 12 TITLE 10, GUAM CODE ANNOTATED RELATIVE TO THE DEFINITION OF DIETETICS AND NUTRITION; TO REPEAL SUBSECTION 12802(b)(3) OF ARTICLE 8 CHAPTER 12 TITLE 10, GUAM CODE ANNOTATED RELATIVE TO COLLABORATIVE PRACTICE AGREEMENTS; TO AMEND SUBSECTION 12805(a)(2) AND (3) OF ARTICLE 8 CHAPTER 12 TITLE 10 GUAM CODE ANNOTATED RELATIVE TO REQUIREMENTS FOR LICENSURE FOR ALLIED HEALTH PROFESSIONALS; TO REPEAL AND REENACT § 12809 OF ARTICLE 8 CHAPTER 12 TITLE 10, GUAM CODE ANNOTATED RELATIVE TO CONTINUING EDUCATION REQUIREMENTS FOR ALLIED HEALTH PROFESSIONALS; TO REPEAL AND REENACT § 12819 OF ARTICLE 8 CHAPTER 12 TITLE 10, GUAM CODE ANNOTATED RELATIVE TO THE GUAM BOARD OF ALLIED HEALTH EXAMINERS' FEE SCHEDULE AND BUDGET AUTHORITY; TO REPEAL AND REPLACE SUBSECTIONS 12820(a)(11) AND (12) OF ARTICLE 8, CHAPTER 12 TITLE 10, GUAM CODE ANNOTATED RELATIVE TO FINES AND PENALTIES; TO AMEND § 12826 OF ARTICLE 8 CHAPTER 12 TITLE 10, GUAM CODE ANNOTATED RELATIVE TO THE GUAM BOARD OF ALLIED HEALTH EXAMINERS' REVOLVING FUND; TO REPEAL AND REENACT SECTION 12827 OF ARTICLE 8 CHAPTER 12 TITLE 10, GUAM CODE ANNOTATED RELATIVE TO CLINICAL PSYCHOLOGISTS' PRESCRIPTIVE AUTHORITY; TO REPEAL AND REENACT §§ 128901 AND 128902 OF ARTICLE 8 CHAPTER 12 TITLE 10, GUAM CODE

1 ANNOTATED RELATIVE TO THE DEFINITIONS AND QUALIFICATIONS FOR
2 LICENSURE FOR ACUPUNCTURE AND ORIENTAL MEDICINE; TO ADD A
3 NEW SECTION 12901.1 OF ARTICLE 9 CHAPTER 12 TITLE 10 GUAM CODE
4 ANNOTATED RELATIVE TO EXAMINATIONS FOR LICENSURE FOR
5 ACUPUNCTURE AND ORIENTAL MEDICINE; TO AMEND § 12903 OF
6 ARTICLE 9 CHAPTER 12 TITLE 10 GUAM CODE ANNOTATED RELATIVE TO
7 EXCEPTIONS TO LICENSURE FOR ACUPUNCTURE AND ORIENTAL
8 MEDICINE; TO AMEND § 12905 OF ARTICLE 9 CHAPTER 12 TITLE 10 GUAM
9 CODE ANNOTATED RELATIVE TO HEALTH CONTROL MEASURES AND
10 INSPECTION OF ACUPUNCTURE AND ORIENTAL MEDICINE CLINICS; TO
11 ADD A NEW § 12906 WITHIN ARTICLE 9 CHAPTER 12 TITLE 10 GUAM CODE
12 ANNOTATED RELATIVE TO CRIMINAL PENALTIES, RECOVERY OF COSTS,
13 AND FINES FOR VIOLATIONS OF THE LAW PERTAINING TO
14 ACUPUNCTURE AND ORIENTAL MEDICINE; TO AMEND SUBSECTIONS
15 121101(b), 121102(e), AND § 121103 OF ARTICLE 11 CHAPTER 12 TITLE 10
16 GUAM CODE ANNOTATED RELATIVE TO THE DEFINITION AND
17 QUALIFICATIONS FOR LICENSURE TO PRACTICE CHIROPRACTIC; TO
18 AMEND § 121903 OF ARTICLE 8, CHAPTER 12 TITLE 10, GUAM CODE
19 ANNOTATED RELATIVE TO EXCEPTIONS TO LICENSURE REQUIREMENTS
20 FOR VETERINARIANS WITH RESPECT TO ANIMAL CONTROL SERVICES
21 ALSO KNOWN AS SPAY/NEUTER CLINICS; TO AMEND § 121904 OF ARTICLE
22 8, CHAPTER 12 TITLE 10, GUAM CODE ANNOTATED RELATIVE TO
23 PROFESSIONAL CONDUCT AND GROUNDS FOR DISCIPLINE; TO AMEND
24 § 121906 OF ARTICLE 8, CHAPTER 12 TITLE 10, GUAM CODE ANNOTATED
25 RELATIVE TO TRAINED PERSONS PERFORMING ANIMAL EUTHANASIA;
TO REPEAL AND REENACT § 122104 RELATIVE TO THE SCOPE OF
PRACTICE OF LICENSED DIETITIANS AND LICENSED NUTRITIONISTS; TO
REPEAL ALLIED HEALTH EXAMINERS RULES AND REGULATIONS
PERTAINING TO THE PRACTICE OF ACUPUNCTURE THAT ARE
SUPERSEDED BY NEW RULES; AND TO APPROVE THE ADOPTION OF
COMPREHENSIVE NEW RULES AND REGULATIONS FOR THE GUAM
BOARD OF ALLIED HEALTH EXAMINERS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent: *I Liheslaturan Guåhan* finds that the practice of Acupuncture and Oriental Medicine any branch thereof is declared to be a learned profession, affecting public safety and welfare. Accordingly, it is the intent of *I Liheslaturan Guåhan* to protect the public against unlawful practices by unlicensed persons holding

1 themselves out as qualified and authorized to practice the Healing Art of Acupuncture and
2 Oriental Medicine.

3 *I Liheslaturan Guåhan* further finds that the practice of Clinical Psychology has
4 evolved to the point that some practitioners of clinical psychology are now educated and
5 trained in the use of pharmaceuticals to the degree that a collaborative practice agreement
6 may no longer be required for the prescription and dispensing of controlled substances for
7 therapeutic use. Accordingly, it is the intent of *I Liheslaturan Guåhan* to remove requirement
8 licensed clinical psychologists have a collaborative practice agreement with a local licensed
9 physician before being authorized by the Board of Allied Health Examiners to prescribe
10 medications to their patients.

11 *I Liheslaturan Guåhan* further finds that the profession of Chiropractic has evolved
12 to the point that practitioners of chiropractic are now educated and trained in the diagnostic
13 laboratory procedures. Accordingly, it is the intent of *I Liheslaturan Guåhan* to remove prior
14 restrictions on the ordering of diagnostic laboratory procedures for purposes of collection of
15 diagnostic samples by licensed practitioners of chiropractic.

16 *I Liheslaturan Guåhan* further finds that the law pertaining to the practice of
17 veterinary medicine, to include animal control programs, also known as spay and neuter
18 clinics, and further to include the practice of animal euthanasia by persons who are not
19 licensed veterinarians, and the licensure of other veterinary practices, is due to be amended
20 and updated consistent the majority of jurisdictions within the United States.

21 *I Liheslaturan Guåhan* further finds that the science of Dietetics and Nutrition has
22 also evolved and that the time has come to amend the definition and scope of practice for
23 clinical dietitian and nutritionist.
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1 *I Liheslaturan Guåhan* further finds that it is in the interest of the public to allow the
2 Board of Allied Health Professionals flexibility to determine what constitutes appropriate
3 continuing education in order for allied health professionals to renew their licenses.

4 *I Liheslaturan Guåhan* further finds Guam Board of Allied Health Examiners Draft
5 Rules and Regulations, including the fee schedule provided for therein, and other matters
6 related to the licensure of the Allied Health professions attached hereto as Appendix A, are
7 due to be approved.

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9 **Section 2. Subsection (b) of § 12101 of Article 1 Chapter 12 Title 10, Guam**
10 **Code Annotated, is amended to read:**

11 “(b) The Healing Art means the art of prevention, detecting or attempting to detect
12 the presence of any disease; of determining or attempting to determine the nature and state
13 of any disease, if present; or preventing, relieving, correcting or curing of or attempting to
14 prevent, relieve, correct or cure any disease; of safeguarding or attempting to safeguard the
15 life of any woman or infant through pregnancy and parturition; and of doing or attempting
16 to do any of the acts enumerated in this Subsection. The healing arts include, but are not
17 limited to, ~~optometry, nursing, chiropractic, dentistry, medicine and surgery, physician~~
18 ~~assistants, podiatry, psychology, osteopathic, pharmacy, physical therapy, acupuncture,~~
19 ~~speech language pathology, audiology, respiratory therapy, nutritionist/clinical dietician,~~
20 ~~cosmetology, and veterinary medicine~~ acupuncture and oriental medicine; audiology;
21 chiropractic; clinical psychology, licensed professional counseling, licensed mental health
22 counseling, marriage and family therapy; cosmetology; dentistry; medicine, surgery,
23 osteopathy; podiatry; physician assistants; nursing; nursing home administration; nutrition
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1 and dietetics; occupational therapy; optometry; pharmacy; physical therapy; respiratory
2 therapy; speech-language pathology; and veterinary medicine.”

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4 **Section 3. Subsection (g) of § 12101 of Article 1 Chapter 12 Title 10 Guam Code**
5 **Annotated is repealed, and reenacted to read as follows:**

6 “(g) Chiropractic means the science, art, and philosophy of things natural, the science
7 of locating and removing interference with the transmissions or expression of nerve forces
8 in the human body, by the correction of misalignments or subluxation of the articulations
9 and adjacent structures, more especially those of the vertebral column and pelvis, for the
10 purpose of restoring and maintaining health. It shall include the use of all natural agencies
11 to assist in the healing art, such as food, water, heat, cold, electricity, mechanical appliances,
12 and the ordering of laboratory tests. The use of imaging procedures shall be limited to
13 skeletal imaging and shall exclude the therapeutic use of X-radiation, the use of contrast
14 studies that introduce dyes, isotopes, or similar contrast media through the skin, orally, via
15 catheterization, or retrograde into any body cavity. Chiropractic does *not* include operative
16 surgery, dry needling, and the prescription of scheduled drugs.”

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19 **Section 4. Subsection (i) of § 12101 of Article 1 Chapter 12 Title 10, Guam Code**
20 **Annotated, is amended to read:**

21 “(i) Practice of Medicine means the diagnosis, correction and treatment in any
22 manner or by any means, methods, devices or instrumentalities of any disease, illness, pain,
23 wound, fracture, infirmity, deformity, defect or abnormal, physical and mental condition,
24 including podiatry and physician assistants under the supervision of a licensed physician of
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1 medicine, and podiatry, but does not include the practice of dentistry, ~~podiatry~~, nursing,
2 optometry, psychology, chiropractic, or pharmacy by a person licensed under the provisions
3 of this Chapter.”
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5 **Section 5. Subsection (p) of § 12101 of Article 1 Chapter 12 Title 10 Guam Code**
6 **Annotated is repealed, and reenacted to read as follows:**

7 “(p) Acupuncture and Oriental Medicine means the science and art of examination and
8 diagnosis based on Traditional Oriental Medicine, and treatment of symptoms and diseases
9 by the insertion of needles into the respective three hundred sixty five (365) major trigger
10 points of twelve (12) meridians, eight (8) extra trigger points of extra meridians, Ashi
11 (regional or local) points, as well as other extra points on the human body, by piercing the
12 skin of the body to control and regulate the flow and balance of vital energy in the body and
13 to treat ailments or diseases of the mind, body, any wound, bodily injury, or deformity. The
14 term includes therapies that use manual, mechanical, thermal, electrical, or electromagnetic
15 treatment based on the principles of Oriental Medicine to prevent or modify the perception
16 of pain or to normalize physiological functions including pain control for the treatment of
17 diseases or dysfunction of the Yin and Yang organic systems, and includes the application
18 of acupuncture needles, electro-acupuncture, electro-dynamics stimulation, i.e., electro-
19 stimulation, neuromuscular stimulation, etc., ultrasound, or diathermy devices, cold lasers,
20 magnets, cupping, moxibustion, heat and cold therapy, i.e., heat and cold pads, heat lamp,
21 infrared heat, etc., hydrotherapy, acupressure, Tui Na, Oriental massage, massage therapy,
22 Chi-gong, breathing techniques, therapeutic exercise, manual traction, natural medicine
23 techniques, and nutrition, including the incorporation of drugless substances and herbs as
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1 dietary supplements to promote health. Ordering blood and laboratory tests, x-rays, or image
2 tests to assist in making a diagnosis and monitoring a treatment plan is within the scope of
3 practice of Acupuncture and Oriental Medicine. The practice of acupuncture and oriental
4 medicine does *not* include operative surgery, spinal manipulation, and the prescription of
5 scheduled drugs.”

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7 **Section 6. Subsection (v) of § 12101 of Article 1 Chapter 12 Title 10 Guam Code**
8 **Annotated is repealed, and reenacted to read as follows:**

9 “(v) Practice of Dietetics and Nutrition means the integration and application of
10 scientific principles derived from the study of food, nutrition, biochemistry, metabolism,
11 nutrigenomics, physiology, food management, and from behavioral and social sciences in
12 achieving and maintaining health throughout the life span and in providing nutrition care
13 services, including medical nutrition therapy; assessing and evaluating the nutritional needs
14 of individuals and groups, and determining resources and constraints in the practice setting,
15 including ordering nutrition-related laboratory tests to check and track nutrition status and
16 monitor effectiveness of dietary plans and orders; establishing priorities, goals and
17 objectives that meet nutritional needs and are consistent with available resources and
18 constraints; providing nutrition counseling in health and disease; developing, implementing,
19 and managing nutrition care systems; evaluating, making changes in, and maintaining
20 appropriate standards of quality in food and nutrition services; and ordering therapeutic
21 diets, for the prevention, management, and treatment of disease. This term includes, but is
22 not limited to, nutrition assessment; nutrition diagnosis; nutrition intervention, including the
23 ordering of patient diets, nutritional supplements; monitoring and evaluation of nutrition care
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1 plans; nutrition support, including the ordering of enteral and parental nutrition, medical
2 food; dietary and nutritional counseling and education regarding food, nutrient and
3 prescription drug interactions; and the development and administration of nutrition care
4 standards and systems. The practice of dietetics and nutrition does *not* include the medical
5 differential diagnosis of the health status of an individual.”

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7 **Section 7. Subsection (a)(1) of § 12802 of Article 8 Chapter 12 Title 10, Guam Code**
8 **Annotated is repealed, and reenacted to read as follows:**

9 “(1) Acupuncture and Oriental Medicine shall mean the science and art of examination
10 and diagnosis based on Traditional Oriental Medicine, and treatment of symptoms and
11 diseases by the insertion of needles into the respective three hundred sixty five (365) major
12 trigger points of twelve (12) meridians, eight (8) extra trigger points of extra meridians, Ashi
13 (regional or local) points, as well as other extra points on the human body, by piercing the
14 skin of the body to control and regulate the flow and balance of vital energy in the body and
15 to treat ailments or diseases of the mind, body, any wound, bodily injury, or deformity. The
16 term includes therapies that use manual, mechanical, thermal, electrical, or electromagnetic
17 treatment based on the principles of Oriental Medicine to prevent or modify the perception
18 of pain or to normalize physiological functions including pain control for the treatment of
19 diseases or dysfunction of the Yin and Yang organic systems, and includes the application
20 of acupuncture needles, electro-acupuncture, electro-dynamics stimulation, i.e., electro-
21 stimulation, neuromuscular stimulation, etc., ultrasound, or diathermy devices, cold lasers,
22 magnets, cupping, moxibustion, heat and cold therapy, i.e., heat and cold pads, heat lamp,
23 infrared heat, etc., hydrotherapy, acupressure, Tui Na, Oriental massage, massage therapy,
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1 Chi-gong, breathing techniques, therapeutic exercise, manual traction, natural medicine
2 techniques, and nutrition, including the incorporation of drugless substances and herbs as
3 dietary supplements to promote health. Ordering blood and laboratory tests, x-rays, or image
4 tests to assist in making a diagnosis and monitoring a treatment plan is within the scope of
5 practice of Acupuncture and Oriental Medicine. It does *not* include operative surgery, spinal
6 manipulation, and the prescription of scheduled drugs.”

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8 **Section 8. Subsection (a)(3) of § 12802 of Article 8 Chapter 12 Title 10, Guam Code**
9 **Annotated is repealed, and reenacted as follows:**

10 “(g) Chiropractic shall mean the science, art, and philosophy of things natural, the
11 science of locating and removing interference with the transmissions or expression of nerve
12 forces in the human body, by the correction of misalignments or subluxation of the
13 articulations and adjacent structures, more especially those of the vertebral column and
14 pelvis, for the purpose of restoring and maintaining health. It shall include the use of all
15 natural agencies to assist in the healing art, such as food, water, heat, cold, electricity,
16 mechanical appliances, and the ordering of laboratory tests. The use of imaging procedures
17 shall be limited to skeletal imaging and shall exclude the therapeutic use of X-radiation, the
18 use of contrast studies that introduce dyes, isotopes, or similar contrast media through the
19 skin, orally, via catheterization or retrograde into any body cavity. It shall exclude operative
20 surgery, dry needling, and the prescription of scheduled drugs.
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23 **Section 9. Subsection (a)(13) of § 12802 of Article 8 Chapter 12 Title 10, Guam**
24 **Code Annotated is repealed, and reenacted to read as follows:**
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1 “Dietetics and Nutrition Practice shall mean the integration and application of scientific
2 principles derived from the study of food, nutrition, biochemistry, metabolism,
3 nutrigenomics, physiology, food management, and from behavioral and social sciences in
4 achieving and maintaining health throughout the life span and in providing nutrition care
5 services, including medical nutrition therapy; assessing and evaluating the nutritional needs
6 of individuals and groups, and determining resources and constraints in the practice setting,
7 including ordering nutrition-related laboratory tests to check and track nutrition status and
8 monitor effectiveness of dietary plans and orders; establishing priorities, goals and
9 objectives that meet nutritional needs and are consistent with available resources and
10 constraints; providing nutrition counseling in health and disease; developing, implementing,
11 and managing nutrition care systems; evaluating, making changes in, and maintaining
12 appropriate standards of quality in food and nutrition services; and ordering therapeutic
13 diets, for the prevention, management, and treatment of disease. This term includes, but is
14 not limited to, nutrition assessment; nutrition diagnosis; nutrition intervention, including the
15 ordering of patient diets, nutritional supplements; monitoring and evaluation of nutrition care
16 plans; nutrition support, including the ordering of enteral and parental nutrition, medical
17 food; dietary and nutritional counseling and education regarding food, nutrient and
18 prescription drug interactions; and the development and administration of nutrition care
19 standards and systems. The practice of dietetics and nutrition does *not* include the medical
20 differential diagnosis of the health status of an individual.”
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1 **Section 10. Subsection (b)(3) of § 12802 of Article 8 Chapter 12 Title 10 Guam**
2 **Code Annotated is repealed and the remaining paragraphs of subsection (b) of § 12802**
3 **renumbered as the Compiler of Laws may determine as provided by 1 GCA § 1606.**

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5 **Section 11. The first paragraph of subsection (a) of § 12803 of Article 8 Chapter 12**
6 **Title 10, Guam Code Annotated is amended to read as follows:**

7 “(a) Creation. There is established, in and for the government of Guam, a Guam Board
8 of Allied Health Examiners, composed of a representative from each of the professions being
9 examined for licensure ~~of which currently there are nine (9) members~~ nominated and
10 appointed by *I Maga’lahen Guåhan*, with the advice and consent of *I Liheslaturan Guåhan*
11 ~~*I Maga’lahen Guåhan* shall appoint two (2) additional members, one (1) member for the~~
12 ~~Respiratory Therapist, and one (1) member for the Nutritionist/Clinical Dietician, to include~~
13 Acupuncture and Oriental Medicine; Audiology; Chiropractic; Clinical Psychology;
14 Licensed Professional Counselor; Licensed Mental Health Counselor; Marriage and Family
15 Therapist; Clinical Dietitian and Nutritionist; Occupational Therapy; Physical Therapy;
16 Speech Language Pathology; Respiratory Therapy; and Veterinary Medicine; and shall
17 appoint additional members for any other allied health profession being examined for
18 licensure that the Board ~~includes in its licensing procedure, and specifically may~~
19 ~~recommend. to *I Maga’lahen Guåhan* to appoint a board member representative. In addition~~
20 to the representatives of the professions licensed by the Board, *I Maga’lahen Guåhan* shall
21 appoint two (2) public members who are neither a practitioner of the healing arts, or
22 representative of a health care institution or insurance company. The Board shall examine
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1 applicants for licensure within the allied health professions not having separate Board of
2 Examiners enacted by *I Liheslaturan Guåhan*.”

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4 **Section 12. Subsection (c)(15) of § 12803 of Article 8 Chapter 12 Title 10, Guam**
5 **Code Annotated is amended to read as follows:**

6 “(15) Conduct Board meetings. A quorum must be present to conduct a board meeting.
7 The vote of the majority present shall constitute an official action of the Board. A quorum
8 consists of a majority of the whole number of appointed members of the Board as of the time
9 of the meeting. The majority vote shall consist of half of the vote plus one of those members
10 present.”

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12 **Section 13. Subsections (a)(2) and (3) of § 12805 of Article 8 Chapter 12 Title 10,**
13 **Guam Code Annotated is amended to read as follows:**

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15 “(2) recent, less than ninety (90) days, ~~signed~~ 2x2” passport photograph, a set of
16 fingerprints of the applicant, if requested, and a sample of handwriting, if requested;

17 (3) originals of all documents and credentials required by the Board, ~~or notarized~~
18 ~~photocopies~~ or other verification acceptable to the Board of such documents and
19 credentials;”

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21 **Section 14. Section 12809 of Article 8 Chapter 12 Title 10 Guam Code Annotated**
22 **is repealed, and reenacted to read as follows:**

23 “§ 12809. Continuing Education Requirements.
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1 “(a) A total of thirty (30) credit hours of continuing education within each two (2) year
2 licensure period is required of each licensee to qualify for a renewal or as may be required
3 by rules and regulations adopted by the Board in accordance with Article 3, Chapter 9 of
4 Title 10 Guam Code Annotated also known as the Administrative Adjudication Law. At least
5 twenty (20) of these credit hours must be in the licensee’s specific area of practice. The
6 Board is authorized prorate the continuing education credit hours requirement for licenses
7 issued less than two (2) years prior to the renewal period.

8 (b). The determination of what constitutes acceptable or authorized continuing
9 education credit hours shall be determined by the Board by rule.”
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11 **Section 15. Section 12819 of Article 8, Chapter 12 Title 10, Guam Code Annotated,**
12 **is repealed, and reenacted to read:**

13 **“§ 12819. Fee Schedule; Budget.**

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15 “(a) The Board shall be fully supported by the revenues generated from its activities,
16 including fees, charges, fines, and reimbursed costs. All such revenues, including accrued
17 interest, shall be deposited to the “Guam Board of Allied Health Examiners Revolving
18 Fund.” The Guam Board of Allied Health Examiners Revolving Fund shall receive all
19 interest earned on the deposit of such revenues. Such funds should be appropriated
20 continuously and should be used by the Board for administration and enforcement of this
21 Article.

22 (b) All fees and charges shall be set by the Board pursuant to its actual and anticipated
23 budget needs, in accordance with the Administrative Adjudication Law. Fees collected from
24 applicants for licensure or renewal of licensure are non-refundable.”
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1 (c) The Board shall develop and adopt its own budget reflecting revenues, including the
2 interest thereon, and costs associated with the administration, regulation, and enforcement
3 of this Article, and which should also include allocations for establishment and maintenance
4 of a reasonable reserve fund.

5 (d) A designated officer of the Board, or other person specifically designated by the
6 Board, shall serve as treasurer of the Board and, at the direction of the Board, oversee the
7 collection and disbursement of funds.”

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9 **Section 16. Subsections (a)(11)(and (12) of § 12820 of Article 2, Chapter 12 Title**
10 **10, Guam Code Annotated, is hereby amended to read:**

11 “(11) ~~fine~~ administrative fines of not less than \$2,500 and not more than \$10,000 per
12 violation per day; and

13
14 (12) payment of disciplinary costs including attorneys’ fees and related expenses related
15 to the prosecution of any disciplinary matter against a licensee.”

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17 **Section 17. Section 12826 of Article 2, Chapter 12 Title 10, Guam Code Annotated,**
18 **is hereby repealed, and reenacted to read:**

19 **“§ 12826. Revolving Fund.**

20 “(a) There is created, separate and apart from other funds of the government of Guam,
21 a fund known as the “Guam Board of Allied Health Examiners Revolving Fund” specifically
22 for use by the Board in the administration and enforcement of this Article. All revenues from
23 whatever source, including but not limited to appropriations, fees and charges, fines and
24 penalties, gifts, grants, and accrued interest shall be deposited into the Fund. The Fund shall
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1 *not* be subject to any transfer authority of *I Maga'lahaen Guåhan*.

2 (b) The Office of Public Accountability shall audit the financial records of the Board
3 annually, or as often as it may deem appropriate, and report its findings to the Board, *I*
4 *Maga'lahaen Guåhan*, and *I Liheslaturan Guåhan*.”

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6 **Section 18. Section 12827 of Article 8 Chapter 12 Title 10 Guam Code Annotated**
7 **is repealed, and reenacted to read as follows:**

8 **“§ 12827. Prescriptive Authority for Clinical Psychologists.**

9 “(a) A clinical psychologist may be authorized to administer, prescribe, and dispense
10 licensed drugs or class of drugs, within their education, training, and competence as
11 determined by the Board. Ordering laboratory tests for purposes of diagnosis and monitoring
12 therapeutic levels of prescribed medication is included within the scope of practice of clinical
13 psychology.

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15 (b) To qualify for prescriptive authority, a clinical psychologist must have all of the
16 following:

17 (1) Proof of successfully passing a certifying examination in
18 psychopharmacology developed by a nationally recognized body within the United
19 States and recognized by the Board;

20 (2) a current Federal Drug Enforcement Administration (“DEA”) certification;
21 and

22 (3) a current Guam Controlled Substance Registration (“CSR”) from the
23 Department of Public Health and Social Services.
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1 (c) A licensed clinical psychologist shall *not* prescribe any drug or class of drugs that
2 the clinical psychologist is not competent to prescribe as determined by the Board, and may
3 *not* prescribe any drugs that are not routinely administered within the clinical psychologist's
4 scope of practice.

5 (d) A clinical psychologist's prescriptive authority shall be automatically revoked for
6 an invalid or revoked Guam or Federal DEA registration, and may be revoked for any
7 violation of this Act or applicable rules and regulations as determined by the Board of Allied
8 Health Examiners.

9 (e) Prescriptive authority shall be renewed at the time of licensure renewal. The Board
10 shall determine minimum continuing education requirements for the renewal of a clinical
11 psychologist's prescriptive authority by rule."
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14 **Section 19. Section 12901 of Article 9 Chapter 12 Title 10, Guam Code Annotated**
15 **is repealed, and reenacted to read as follows:**

16 **"§ 12901. Definitions.**

17 "(a) Acupuncture and Oriental Medicine means the science and art of examination and
18 diagnosis based on Traditional Oriental Medicine, and treatment of symptoms and diseases
19 by the insertion of needles into the respective three hundred sixty five (365) major trigger
20 points of twelve (12) meridians, eight (8) extra trigger points of extra meridians, Ashi
21 (regional or local) points, as well as other extra points on the human body, by piercing the
22 skin of the body to control and regulate the flow and balance of vital energy in the body and
23 to treat ailments or diseases of the mind, body, any wound, bodily injury, or deformity. The
24 term includes therapies that use manual, mechanical, thermal, electrical, or electromagnetic
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1 treatment based on the principles of Oriental Medicine to prevent or modify the perception
2 of pain or to normalize physiological functions including pain control for the treatment of
3 diseases or dysfunction of the Yin and Yang organic systems, and includes the application
4 of acupuncture needles, electro-acupuncture, electro-dynamics stimulation, i.e., electro-
5 stimulation, neuromuscular stimulation, etc., ultrasound, or diathermy devices, cold lasers,
6 magnets, cupping, moxibustion, heat and cold therapy, i.e., heat and cold pads, heat lamp,
7 infrared heat, etc., hydrotherapy, acupressure, Tui Na, Oriental massage, massage therapy,
8 Chi-gong, breathing techniques, therapeutic exercise, manual traction, natural medicine
9 techniques, and nutrition, including the incorporation of drugless substances and herbs as
10 dietary supplements to promote health. Ordering blood and laboratory tests, x-rays, or image
11 tests to assist in making a diagnosis and monitoring a treatment plan is within the scope of
12 practice of Acupuncture and Oriental Medicine. It does *not* include operative surgery, spinal
13 manipulation, and the prescription of scheduled drugs.”

14
15 (b) Doctor or Master degree of Acupuncture and Oriental Medicine means a person
16 licensed under the provisions of this chapter to practice Acupuncture and Oriental Medicine.
17 A person who is licensed pursuant to this Article as a Practitioner of Acupuncture and
18 Oriental Medicine may refer to himself or herself as a Doctor of Acupuncture and Oriental
19 Medicine if he or she has successfully completed a Doctorate level or Ph.D. program, or a
20 Master of Acupuncture and Oriental Medicine if he or she has successfully completed a
21 Master’s degree program in Acupuncture and Oriental Medicine that has been approved by
22 the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) or by the
23 Council of Colleges of Acupuncture and Oriental Medicine (CCAOM), and has otherwise
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1 met the conditions and qualifications for licensure pursuant to this Article and the rules and
2 regulations adopted by the Board in accordance with the Administrative Adjudication Law.

3 (c) Accredited School of Acupuncture and Oriental Medicine means a school of
4 Acupuncture and Oriental medicine accredited by the Accreditation Commission for
5 Acupuncture and Oriental Medicine (ACAOM) or by the Council of Colleges of
6 Acupuncture and Oriental Medicine (CCAOM) of the United States of American and United
7 States National Board of Oriental Medicine and Alternative Medicine.”
8

9 **Section 20. Section 12902 of Article 9 Chapter 12 Title 10, Guam Code Annotated**
10 **is repealed, and reenacted to read as follows:**

11 “§12902. Qualifications for Licensure.

12 (a) In addition to the requirements set forth by the Board and in this Article an applicant
13 for a license to practice Acupuncture and Oriental Medicine must have:
14

15 (1) Successfully completed a master’s or doctorate degree program, or its
16 equivalent, program of study in Acupuncture and Oriental Medicine at an accredited
17 school in the United States of America;

18 (2) Passed an investigation of his or her background and personal history
19 conducted by the Board; and

20 (3) Passed the examinations required by 10 GCA §12902.1; or

21 (b) The applicant has:

22 (1) Successfully completed a 4-year program of study, or its equivalent as
23 determined by the Board, in acupuncture and oriental medicine at a school or college of
24 oriental medicine approved by the Board;
25

1 (2) Lawfully practiced oriental medicine in another state or territory of the
2 United States for at least 4 years;

3 (3) Passed an investigation of his or her background and personal history
4 conducted by the Board; and

5 (4) Passed the examinations required by 10 GCA § 12902.1.”
6

7 **Section 21. A new Section 12901.1 of Article 9 Chapter 12 Title 10, Guam Code**
8 **Annotated, is hereby enacted to read as follows:**

9 “§12902.1. Examinations: National examination; practical examination; times offered;
10 cancelled examinations; reexamination; regulations.

11 (a) Each applicant for a license to practice Acupuncture and Oriental Medicine must
12 successfully pass:

13 (1) An examination in Acupuncture and Oriental Medicine that is administered
14 by a national organization approved by the Board; and

15 (2) A practical examination approved by the Board that tests the applicant’s
16 knowledge and understanding of:

17 (A) Basic medical science;

18 (B) Acupuncture;

19 (C) Oriental Medicine including Herbal Medicine;

20 (D) English proficiency; and

21 (E) The laws and regulations of Guam relating to health and safety in
22 the practice of Acupuncture and Oriental Medicine.
23

24 (b) The Board may establish by regulation:
25

1 (1) Additional subject areas to be included in the practical examination; and

2 (2) Specific methods for the administration of the practical examination,
3 including, but not limited to, written, oral, demonstrative, practical or any combination
4 thereof.

5 (3) The Board is authorized to contract for the preparation, administration, and
6 grading of the practical examination.

7 (4) Except as provided in the following subsection, the Board shall offer the
8 practical examination at least once each year.

9 (5) The Board may cancel a scheduled practical examination if, within 60 days
10 before the examination, the Board has not received a request to take the examination.

11 (6) A person who fails the practical examination may retake the examination.

12 (c) The Board shall not issue or renew a license to practice Acupuncture and Oriental
13 Medicine unless the applicant for issuance or renewal of the license meets the above
14 requirements.
15

16 (d) A person who, as of the date of the enactment of this section, is currently licensed
17 to practice Acupuncture but is not otherwise qualified by education, training, and experience
18 in the broader field of Oriental Medicine, may be permitted to renew his or her license to
19 practice Acupuncture, *provided* that the license shall reflect it is limited to the practice of
20 Acupuncture only, and not Oriental Medicine.”

21
22 **Section 22. Section 12903 of Article 9 Chapter 12 Title 10, Guam Code Annotated,**
23 **is amended to read as follows:**

24 **“§ 12903. Exceptions to Licensure Requirements.**
25

1 (a) No person shall practice a Acupuncture and Oriental Medicine on Guam, either
2 gratuitously or for pay or shall offer to practice, or shall hold themselves out to the public,
3 advertise, declare, represent or in any way proclaim to practice a Acupuncture and Oriental
4 Medicine, or use any titles, words, letters, signs, devices, techniques, maneuvers or
5 modalities that could represent to the public that such person is authorized to engage in the
6 practice of a Acupuncture and Oriental Medicine, either publicly or privately, without having
7 a valid and current license on Guam issued by the Guam Board of Allied Health Examiners.

8 (b) This Article shall not be construed to prevent or restrict a Doctor or Master degree
9 of Acupuncture and Oriental Medicine holding a current license elsewhere, to engage in the
10 practice of Acupuncture and Oriental Medicine for the purpose of a specific short-term class,
11 demonstration, seminar, or workshop on Guam which does not involve direct patient or
12 client care. Teleconferencing outside of Guam is an acceptable mode of instruction.”

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14
15 **Section 23. Section 12905 of Article 9 Chapter 12 Title 10, Guam Code Annotated,**
16 **is amended to read as follows:**

17 “Any ~~acupuncturist~~ practitioner of Acupuncture and Oriental Medicine licensed under
18 the provisions of this Article shall use only sterilized disposable needles. The Board member
19 representing Acupuncture and Oriental Medicine ~~acupuncture representative on the Guam~~
20 ~~Board of Allied Health Examiners~~ or the Board’s authorized agent or representative shall
21 periodically inspect each a Acupuncture and Oriental Medicine clinic, with the assistance of
22 the Department of Public Health and Social Services, and report their findings to the Board.”
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1 **Section 24. A new Section 12906 of Article 9 Chapter 12 Title 10, Guam Code**
2 **Annotated, is hereby enacted to read as follows:**

3 **“§ 12906. Penalties and fines, recovery of costs, fees, and other expenses.**

4 “(a) Any person who violates any of the provisions of this Article or the regulations
5 adopted pursuant thereto is guilty of a misdemeanor upon a first conviction.

6 (b) Any person who knowingly and willfully violates any of the provisions of this
7 Article or the regulations adopted pursuant thereto a second time or more is guilty of a
8 felony.

9 (c) In addition to any other penalties prescribed by law, the Board may, after notice and
10 an opportunity for hearing as required by law, impose upon any person who violates any
11 provision of this Article or the regulations adopted pursuant thereto an administrative fine
12 of not less than \$2,500 and not more than \$10,000.

13 (d) The Board, its members, staff, and employees shall also be entitled to recover and
14 be reimbursed for all costs and expenses incurred in the prosecution and defense of any
15 proceeding before the Board or before the courts of Guam including the U.S. District Court
16 of Guam. Costs and expenses that are subject to recovery and reimbursement by the Board
17 include but are not limited to filing fees, attorney’s fees, hearing officer fees, deposition fees;
18 expert witness fees, travel and lodging for witnesses and experts; and all other expenses
19 incurred in the prosecution or defense of this Article, the regulations adopted pursuant
20 thereto, any decision of the Board and any member of the Board or its staff acting in good
21 faith and within the scope and function of the Board as determined in the sole discretion of
22 the Attorney General of Guam.”
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1 **Section 25. Subsection (b) of § 121101 of Article 11 Chapter 12 Title 10, Guam**
2 **Code Annotated, is repealed, and reenacted to read as follows:**

3 “(b) Chiropractic means the science, art, and philosophy of things natural, the science
4 of locating and removing interference with the transmissions or expression of nerve forces
5 in the human body, by the correction of misalignments or subluxation of the articulations
6 and adjacent structures, more especially those of the vertebral column and pelvis, for the
7 purpose of restoring and maintaining health. It shall include the use of all natural agencies
8 to assist in the healing art, such as food, water, heat, cold, electricity, mechanical appliances,
9 and the ordering of laboratory tests. The use of imaging procedures shall be limited to
10 skeletal imaging and shall exclude the therapeutic use of X-radiation, the use of contrast
11 studies that introduce dyes, isotopes, or similar contrast media through the skin, orally, via
12 catheterization, or retrograde into any body cavity. It does *not* include operative surgery, dry
13 needling, and the prescription of scheduled drugs.”
14

15
16 **Section 26. Subsection (e) of § 121102 of Article 11 Chapter 12 Title 10, Guam Code**
17 **Annotated, is amended to read as follows:**

18 “(e) a current ~~Basic Cardiac Life Support Certification (“BCLS”)~~ Cardiopulmonary
19 Resuscitation (“CPR”) certification, whether the license is new or being renewed.”
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1 **Section 27. The first paragraph of § 121103 of Article 11 Chapter 12 Title 10, Guam**
2 **Code Annotated, is amended to read as follows:**

3 ~~“Upon recommendation of the Board, a~~ A person who is a graduate of a foreign school
4 of chiropractic may be issued a license; provided, such graduate can furnish proof of each
5 of the following:”

6
7 **Section 28. Section 121903 of Article 8, Chapter 12 Title 10, Guam Code**
8 **Annotated, is hereby amended to read:**

9 **“§ 121903. Exceptions to Licensure Requirements.**

10 ~~These rules~~ This Article shall not be construed to prohibit:

11 (a) a person who is a regular student in a veterinary school from performing duties or
12 actions assigned by his instructors, or from working under the direct supervision of a licensed
13 veterinarian during a school vacation period;

14 (b) a person practicing veterinary medicine upon his own animals, being assisted in such
15 practice by his employees when they are normally employed in the conduct of such person's
16 business, or being assisted in such practice by some other person gratuitously; or

17 (c) A person advising or performing acts which the Board or Guam law recognizes as
18 accepted animal control services or livestock management practices, provided that animal
19 control shall be subject to the following conditions:

20 (1) such services must be rendered under the direction and sponsorship of a
21 charitable organization or government agency that assumes full responsibility for the
22 treatment or services;
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1 (2) veterinary services must be performed by, or under the direct supervision of,
2 a person currently licensed to practice veterinary medicine in any state, province,
3 territory, commonwealth or possession of the United States, Canada, the United
4 Kingdom, Australia, New Zealand, Japan, Taiwan, Republic of Korea, or the
5 Philippines, and such other jurisdictions as the Board may from time-to-time designate.
6 Requests to the Board to designate veterinarians from other jurisdictions shall be
7 submitted no less the ninety (90) days before the planned event in order to allow the
8 Board time to publicly discuss and approve or disapprove the requests.

9 (3) Copies of the visiting practitioners' licenses must be submitted to the Board
10 prior to a project of animal control and shall be available on the premises for inspection.
11 These license copies shall serve as licenses to work on ~~an animal control project~~ projects
12 ~~for no longer than eight (8) days per project.~~ Controlled substances shall be administered
13 pursuant to the Uniform Controlled Substances Act of Guam, Chapter 67, Title 9 GCA;

14 (4) no person shall receive any fee or remuneration of any kind, other than
15 payment of or reimbursement for travel, lodging, meals, and expenses reasonably
16 incurred by participating service providers. The sponsoring organization may charge
17 and receive a fee or donation for services rendered, which fee shall be reasonably
18 calculated to recover actual or anticipated project costs, including reimbursement of
19 expenses incurred by service providers. Services shall be provided free of charge to
20 persons receiving public assistance who are the lawful owners of animals which receive
21 services; and

22 ~~(4) animal control projects shall not be conducted by a charitable or government~~
23 ~~organization more than two (2) times per calendar year; and~~
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1 (4) (5) within thirty (30) days after each project, the project sponsor shall provide
2 the Board with a written report identifying the number and nature of procedures
3 performed, and the names, business and email addresses, and telephone numbers of all
4 veterinarians and other persons participating in the program.”

5
6 **Section 29. Section 121904 of Article 8, Chapter 12 Title 10, Guam Code**
7 **Annotated, is hereby amended to read:**

8 “In addition to those grounds for disciplinary action against licensee set forth in § 12820
9 of this Article, the ~~The~~ following acts are deemed unprofessional conduct and are subject to
10 disciplinary action by the Board ~~as delineated in Article I, General Regulations, of these~~
11 ~~rules and regulations:~~

- 12 (a) cruelty to animals, as defined by Guam law, or as determined by the Board; ~~and~~
13 (b) failure to maintain their professional premises in a sanitary condition; and
14 (c) such other conduct as may be required or proscribed in rules and regulations adopted
15 by the Board in accordance with the Administrative Adjudication Law.”
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17
18 **Section 30. Section 121906 of Article 8, Chapter 12 Title 10, Guam Code**
19 **Annotated, is hereby amended to read:**

20 “**§ 121906. Trained Persons Performing Animal Euthanasia.**

21 Notwithstanding any other provision of this Chapter 12 agents or employees of a
22 government operated or government contracted animal shelter may lawfully possess and
23 administer, under the indirect supervision of a Guam licensed veterinarian, sodium
24 pentobarbital or Xylazine for the purpose of euthanasia of animals; provided, that the agents
25

1 or employees of the licensed government operated or government contracted animal shelter
2 have successfully completed an animal euthanasia technician certification course approved
3 by the Board of Allied Health Examiners. This training shall be conducted by a veterinarian
4 ~~currently registered~~ licensed on Guam, and shall include the following areas: knowledge of
5 federal and Guam laws regarding the proper storage, inventory and handling of controlled
6 substances, the potential hazards of such controlled substances, the use and administration
7 of such controlled substances, humane animal euthanasia procedures, and other subjects as
8 shall be required by the Guam Board of Allied Health Examiners. Upon certification by the
9 veterinarian that a person has successfully completed the course, the Guam Board of Allied
10 Health Examiners may issue an animal euthanasia technician license to said person, subject
11 to annual renewal, and further subject to annual refresher continuing education. The Board
12 may revoke or suspend the license at any time for good cause.”
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14
15 **Section 31. Subsections (c) and (d) of § 122101 of Article 21 Chapter 12 Title 10,**
16 **Guam Code Annotated are amended to read as follows:**

17 “(c) ~~American Dietetic Association (ADA)~~ Academy of Nutrition and Dietetics (AND)
18 is a national professional organization for nutrition and dietetics practitioners which
19 accredits educational and preprofessional training programs in dietetics.

20 (d) The Commission on Dietetic Registration (“CDR”) is a member of the National
21 Commission for Certifying Agencies (“NCCA”) and is the credentialing agency of the
22 ~~American Dietetic Association~~ Academy of Nutrition and Dietetics.”
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1 **Section 32. Section 122104 of Article 21 Chapter 12 Title 10, Guam Code**
2 **Annotated is repealed, and reenacted to read as follows:**

3 **“§ 122104. Scope of Practice; Licensed Dietitians and Licensed Nutritionists.**

4 *Dietetics and Nutrition Practice* is the integration and application of scientific principles
5 derived from the study of food, nutrition, biochemistry, metabolism, nutrigenomics,
6 physiology, food management, and from behavioral and social sciences in achieving and
7 maintaining health throughout the life span and in providing nutrition care services,
8 including medical nutrition therapy; assessing and evaluating the nutritional needs of
9 individuals and groups, and determining resources and constraints in the practice setting,
10 including ordering nutrition-related laboratory tests to check and track nutrition status and
11 monitor effectiveness of dietary plans and orders; establishing priorities, goals and
12 objectives that meet nutritional needs and are consistent with available resources and
13 constraints; providing nutrition counseling in health and disease; developing, implementing,
14 and managing nutrition care systems; evaluating, making changes in, and maintaining
15 appropriate standards of quality in food and nutrition services; and ordering therapeutic
16 diets, for the prevention, management, and treatment of disease. This includes, but is not
17 limited to, nutrition assessment; nutrition diagnosis; nutrition intervention, including the
18 ordering of patient diets, nutritional supplements; monitoring and evaluation of nutrition care
19 plans; nutrition support, including the ordering of enteral and parental nutrition, medical
20 food; dietary and nutritional counseling and education regarding food, nutrient and
21 prescription drug interactions; and the development and administration of nutrition care
22 standards and systems. The practice of dietetics and nutrition does not include the medical
23 differential diagnosis of the health status of an individual.
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1
2 **Section 33. Section 122106 of Article 21 Chapter 12 Title 10, Guam Code**
3 **Annotated is repealed, and reenacted to read as follows:**

4 “§ 121106. Use of Diagnostic ~~X-Rays~~ Imaging Procedures by Licensees.

5 (a) All licensees must comply with rules and regulations established by the Guam Board
6 of Allied Health Examiners and the Department of Public Health and Social Services
7 governing the use of ~~X-rays~~ imaging procedures in the healing arts.

8 (b) Licensees shall be allowed to prescribe ~~X-ray~~ imaging procedures, and interpret and
9 analyze the resultant ~~radiographic~~ images. Any patient who is administered an ~~X-ray~~
10 imaging procedure for chiropractic reasons, however, must first be examined by a
11 chiropractor licensed on Guam to determine the need for the ~~Xray~~ procedure.

12 (c) Licensees are limited to the following uses of X-rays:

13 (1) no licensee shall use ~~X-ray~~ imaging procedures that require the penetration
14 of human tissues or cavities using needles, wires, catheters, or syringes to introduce
15 dyes, isotopes, or any type of contrast media, orally or retrograde;

16 (2) no licensee shall use ~~X-rays~~ imaging procedures for therapeutic use; and

17 (3) no licensee shall advertise free or discounted ~~X-ray services~~ imaging
18 procedures, or indiscriminately use ~~X-ray practice~~ imaging procedures for unethical
19 purposes.
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1 **Section 34. Repeal and Transfer of Administrative Rules and Regulations.**

2 (a) The administrative rules and regulations for the Guam Board of Allied Health
3 Examiners presently found at Title 25 Guam Administrative Rules and Regulations Chapters
4 5 (Board of Examiners for the Practice of Acupuncture) are repealed.

5 (b) All prior versions of the Guam Board of Allied Health Examiner’s administrative
6 rules and regulations wherever they may be found, are repealed.

7
8 **Section 35. Approval of Administrative Rules and Regulations.** The Guam Board of
9 Allied Health Examiners Administrative Rules and Regulations attached hereto as Exhibit
10 “A,” are hereby approved.

11
12 **Section 36. Severability.** If any provision of this Act or its application to any person or
13 circumstance is found to be invalid or contrary to law, such invalidity shall not affect other
14 provisions or applications of this Act which can be given effect without the invalid
15 provisions or application, and to this end the provisions of this Act are severable.
16

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18 **Section 37. Effective Date.** This Act shall become immediately effective upon its
19 enactment.
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