MINA'TRENTAI SAIS NA LIHESLATURAN GUÁHAN

2022 (SECOND) Regular Session

Bill No. _____-36

Introduced by: ____________________

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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 CHIROPRACTIC; TO REPEAL AND REENACT SUBSECTION 12802(a)(13) 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(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
BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent: I Liheslatura 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 Liheslatura Guåhan to protect the public against unlawful practices by unlicensed persons holding
themselves out as qualified and authorized to practice the Healing Art of Acupuncture and Oriental Medicine.

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

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

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

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

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

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

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

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

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

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

“(i) Practice of Medicine means the diagnosis, correction and treatment in any manner or by any means, methods, devices or instrumentalities of any disease, illness, pain, wound, fracture, infirmity, deformity, defect or abnormal, physical and mental condition, including podiatry and physician assistants under the supervision of a licensed physician of
Section 5. Subsection (p) of § 12101 of Article 1 Chapter 12 Title 10 Guam Code Annotated is repealed, and reenacted to read as follows:

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

Section 6. Subsection (v) of § 12101 of Article 1 Chapter 12 Title 10 Guam Code
Annotated is repealed, and reenacted to read as follows:
“(v) Practice of Dietetics and Nutrition means the integration and application of
scientific principles derived from the study of food, nutrition, biochemistry, metabolism,
nutrigenomics, physiology, food management, and from behavioral and social sciences in
achieving and maintaining health throughout the life span and in providing nutrition care
services, including medical nutrition therapy; assessing and evaluating the nutritional needs
of individuals and groups, and determining resources and constraints in the practice setting,
including ordering nutrition-related laboratory tests to check and track nutrition status and
monitor effectiveness of dietary plans and orders; establishing priorities, goals and
objectives that meet nutritional needs and are consistent with available resources and
constraints; providing nutrition counseling in health and disease; developing, implementing,
and managing nutrition care systems; evaluating, making changes in, and maintaining
appropriate standards of quality in food and nutrition services; and ordering therapeutic
diets, for the prevention, management, and treatment of disease. This term includes, but is
not limited to, nutrition assessment; nutrition diagnosis; nutrition intervention, including the
ordering of patient diets, nutritional supplements; monitoring and evaluation of nutrition care
plans; nutrition support, including the ordering of enteral and parental nutrition, medical 
food; dietary and nutritional counseling and education regarding food, nutrient and 
prescription drug interactions; and the development and administration of nutrition care 
standards and systems. The practice of dietetics and nutrition does not include the medical 
differential diagnosis of the health status of an individual.”

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

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

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

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

Section 9. Subsection (a)(13) of § 12802 of Article 8 Chapter 12 Title 10, Guam Code Annotated is repealed, and reenacted to read as follows:
“Dietetics and Nutrition Practice shall mean the integration and application of scientific
principles derived from the study of food, nutrition, biochemistry, metabolism,
nutrigenomics, physiology, food management, and from behavioral and social sciences in
achieving and maintaining health throughout the life span and in providing nutrition care
services, including medical nutrition therapy; assessing and evaluating the nutritional needs
of individuals and groups, and determining resources and constraints in the practice setting,
including ordering nutrition-related laboratory tests to check and track nutrition status and
monitor effectiveness of dietary plans and orders; establishing priorities, goals and
objectives that meet nutritional needs and are consistent with available resources and
constraints; providing nutrition counseling in health and disease; developing, implementing,
and managing nutrition care systems; evaluating, making changes in, and maintaining
appropriate standards of quality in food and nutrition services; and ordering therapeutic
diets, for the prevention, management, and treatment of disease. This term includes, but is
not limited to, nutrition assessment; nutrition diagnosis; nutrition intervention, including the
ordering of patient diets, nutritional supplements; monitoring and evaluation of nutrition care
plans; nutrition support, including the ordering of enteral and parental nutrition, medical
food; dietary and nutritional counseling and education regarding food, nutrient and
prescription drug interactions; and the development and administration of nutrition care
standards and systems. The practice of dietetics and nutrition does not include the medical
differential diagnosis of the health status of an individual.”
Section 10. Subsection (b)(3) of § 12802 of Article 8 Chapter 12 Title 10 Guam Code Annotated is repealed and the remaining paragraphs of subsection (b) of § 12802 renumbered as the Compiler of Laws may determine as provided by 1 GCA § 1606.

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

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

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

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

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

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

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

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

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

(b). The determination of what constitutes acceptable or authorized continuing
education credit hours shall be determined by the Board by rule.”

Section 15. Section 12819 of Article 8, Chapter 12 Title 10, Guam Code Annotated,
is repealed, and reenacted to read:

“§ 12819. Fee Schedule; Budget.

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

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

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

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

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

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

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

“§ 12826. Revolving Fund.

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

(b) The Office of Public Accountability shall audit the financial records of the Board annually, or as often as it may deem appropriate, and report its findings to the Board, I Maga’lahen Guåhan, and I Lihaeslaturan Guåhan.”

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

“§ 12827. Prescriptive Authority for Clinical Psychologists.

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

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

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

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

and

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

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

(e) Prescriptive authority shall be renewed at the time of licensure renewal. The Board shall determine minimum continuing education requirements for the renewal of a clinical psychologist’s prescriptive authority by rule.”

Section 19. Section 12901 of Article 9 Chapter 12 Title 10, Guam Code Annotated is repealed, and reenacted to read as follows:

“§ 12901. Definitions.

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

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

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

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

“§12902. Qualifications for Licensure.

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

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

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

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

(b) The applicant has:

(1) Successfully completed a 4-year program of study, or its equivalent as determined by the Board, in acupuncture and oriental medicine at a school or college of oriental medicine approved by the Board;
(2) Lawfully practiced oriental medicine in another state or territory of the United States for at least 4 years;

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

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

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

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

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

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

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

(A) Basic medical science;

(B) Acupuncture;

(C) Oriental Medicine including Herbal Medicine;

(D) English proficiency; and

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

(b) The Board may establish by regulation:
(1) Additional subject areas to be included in the practical examination; and

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

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

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

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

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

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

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

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

“§ 12903. Exceptions to Licensure Requirements.
(a) No person shall practice **Acupuncture and Oriental Medicine** on Guam, either gratuitously or for pay or shall offer to practice, or shall hold themselves out to the public, advertise, declare, represent or in any way proclaim to practice **Acupuncture and Oriental Medicine**, or use any titles, words, letters, signs, devices, techniques, maneuvers or modalities that could represent to the public that such person is authorized to engage in the practice of **Acupuncture and Oriental Medicine**, either publicly or privately, without having a valid and current license on Guam issued by the Guam Board of Allied Health Examiners.

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

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

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

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

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

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

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

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

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

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

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

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

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

“§ 121903. Exceptions to Licensure Requirements.

These rules This Article shall not be construed to prohibit:

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

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

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

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

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

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

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

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

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

(a) cruelty to animals, as defined by Guam law, or as determined by the Board; and

(b) failure to maintain their professional premises in a sanitary condition; and

(c) such other conduct as may be required or proscribed in rules and regulations adopted by the Board in accordance with the Administrative Adjudication Law.”

Section 30. Section 121906 of Article 8, Chapter 12 Title 10, Guam Code Annotated, is hereby amended to read:

“§ 121906. Trained Persons Performing Animal Euthanasia.

Notwithstanding any other provision of this Chapter 12 agents or employees of a government operated or government contracted animal shelter may lawfully possess and administer, under the indirect supervision of a Guam licensed veterinarian, sodium pentobarbital or Xylazine for the purpose of euthanasia of animals; provided, that the agents
or employees of the licensed government operated or government contracted animal shelter
have successfully completed an animal euthanasia technician certification course approved
by the Board of Allied Health Examiners. This training shall be conducted by a veterinarian
currently registered licensed on Guam, and shall include the following areas: knowledge of
federal and Guam laws regarding the proper storage, inventory and handling of controlled
substances, the potential hazards of such controlled substances, the use and administration
of such controlled substances, humane animal euthanasia procedures, and other subjects as
shall be required by the Guam Board of Allied Health Examiners. Upon certification by the
veterinarian that a person has successfully completed the course, the Guam Board of Allied
Health Examiners may issue an animal euthanasia technician license to said person, subject
to annual renewal, and further subject to annual refresher continuing education. The Board
may revoke or suspend the license at any time for good cause.”

Section 31. Subsections (c) and (d) of § 122101 of Article 21 Chapter 12 Title 10,
Guam Code Annotated are amended to read as follows:

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

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

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

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

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

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

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

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

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

2. no licensee shall use X-rays imaging procedures for therapeutic use; and

3. no licensee shall advertise free or discounted X-ray services imaging procedures, or indiscriminately use X-ray practice imaging procedures for unethical purposes.
Section 34. Repeal and Transfer of Administrative Rules and Regulations.

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

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

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

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

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