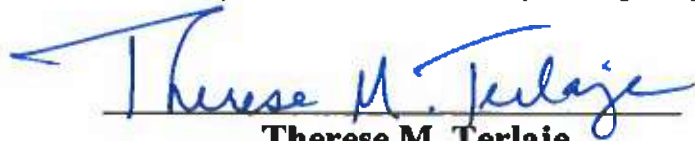


I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

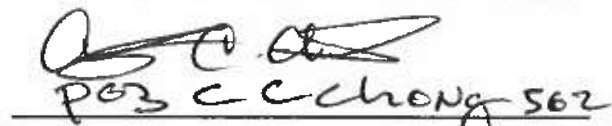
This is to certify that Bill No. 356-36 (COR), "AN ACT TO *AMEND* §§ 12101(b), 12101(i), 12803(a), 12803(c)(15), 12805(a) AND (a)(2), (3), (9) AND (10), 12805(j)(3)(A) AND (B), 12820(a)(11) AND (12), 12903, 12905, 121102(e), 121103, 121201(a)(1), 121201(f)(1), 121204(c), 121501(d), 121903, 121904, 121906, 122101(c) AND (d), AND 121106; TO *REPEAL* AND *REENACT* §§ 12101(g), (n), (p) AND (v), 12802(a)(1), (3), (7) AND (13), 12809, 12819, 12826, 12827, 12901, 12902, 121101(b), 121202, AND 122104; TO *ADD NEW* §§ 12902.1, 12906, AND 121504.1; AND TO *REPEAL* § 12802(b)(3), ALL OF CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED; AND TO *REPEAL* AND *REPLACE* EXISTING GUAM BOARD OF ALLIED HEALTH EXAMINERS RULES AND REGULATIONS PERTAINING TO THE PRACTICE OF ACUPUNCTURE; AND TO APPROVE AND ADOPT COMPREHENSIVE NEW RULES AND REGULATIONS FOR THE GUAM BOARD OF ALLIED HEALTH EXAMINERS ATTACHED HERETO AS EXHIBIT A," was on the 16th day of December 2022, duly and regularly passed.


Therese M. Terlaje
Speaker

Attested:


Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 16th day of Dec,
2022, at 10:00 o'clock P.M.


P03 C C Chong 562
Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 12/28/2022

Public Law No. 36-138

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÁHAN
2022 (SECOND) Regular Session

Bill No. 356-36 (COR)

As amended by Committee on Health, Land,
Justice, and Culture; and further amended on the Floor.

Introduced by:

Therese M. Terlaje
Telo T. Taitague
Joanne Brown
Frank Blas Jr.
V. Anthony Ada
Christopher M. Dueñas
James C. Moylan
Tina Rose Muña Barnes
Telena Cruz Nelson
Sabina Flores Perez
Clynton E. Ridgell
Joe S. San Agustin
Amanda L. Shelton
Jose "Pedro" Terlaje
Mary Camacho Torres

AN ACT TO AMEND §§ 12101(b), 12101(i), 12803(a), 12803(c)(15), 12805(a) AND (a)(2), (3), (9) AND (10), 12805(j)(3)(A) AND (B), 12820(a)(11) AND (12), 12903, 12905, 121102(e), 121103, 121201(a)(1), 121201(f)(1), 121204(c), 121501(d), 121903, 121904, 121906, 122101(c) and (d), and 121106; TO REPEAL AND REENACT §§ 12101(g), (n), (p) and (v), 12802(a)(1), (3), (7) AND (13), 12809, 12819, 12826, 12827, 12901, 12902, 121101(b), 121202, AND 122104; TO ADD NEW §§ 12902.1, 12906, AND 121504.1; AND TO REPEAL § 12802(b)(3), ALL OF CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED; AND TO REPEAL AND REPLACE EXISTING GUAM BOARD OF ALLIED HEALTH EXAMINERS RULES AND REGULATIONS PERTAINING TO THE PRACTICE OF ACUPUNCTURE; AND TO APPROVE AND ADOPT COMPREHENSIVE NEW RULES AND REGULATIONS FOR THE GUAM BOARD OF ALLIED HEALTH EXAMINERS ATTACHED HERETO AS EXHIBIT A.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the ancient practice of acupuncture and oriental medicine is a learned profession
4 affecting public safety and welfare. Accordingly, it is the intent of *I Liheslaturan*
5 *Guåhan* to protect the public against unlawful and unscrupulous practices by
6 unlicensed persons holding themselves out as qualified to practice the healing art of
7 acupuncture and oriental medicine.

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

17 *I Liheslaturan Guåhan* further finds that the professions of acupuncture and
18 oriental medicine, chiropractic, and dietetics and nutrition have evolved to the
19 degree that practitioners of those allied health professions are educated and trained
20 in use and application of diagnostic laboratory procedures. Accordingly, it is the
21 intent of *I Liheslaturan Guåhan* to remove prior restrictions on the ordering of
22 diagnostic laboratory procedures for purposes of diagnosis and monitoring of
23 treatment plans by licensed practitioners of acupuncture and oriental medicine,
24 chiropractic, and dietetics and nutrition.

25 *I Liheslaturan Guåhan* further finds that the time has come for the law to
26 be amended and updated consistent with the majority of jurisdictions in the United
27 States with respect to the practice of veterinary medicine, to include animal
28 control programs, also known as spay and neuter clinics; and further, to include

1 the practice of animal euthanasia by persons who are not licensed veterinarians;
2 and that the law governing licensure of other veterinary practices is due to be
3 amended as well.

4 *I Liheslaturan Guåhan* further finds that the science of dietetics and
5 nutrition has also evolved and that the time has come to amend the definition and
6 scope of practice for clinical dietitian and nutritionist.

7 *I Liheslaturan Guåhan* further finds that the profession of physical therapy
8 has evolved to the degree that licensed practitioners of physical therapy are now
9 becoming educated and trained in dry needling, also known as intramuscular
10 stimulation or therapy. Accordingly, it is the intent of *I Liheslaturan Guåhan* to
11 permit appropriately educated and training practitioners of physical therapy to
12 engage in the practice of dry needling under specific conditions.

13 *I Liheslaturan Guåhan* further finds that it is in the best interest of the
14 public to allow the Board of Allied Health Professionals the flexibility to
15 determine what constitutes appropriate continuing education in order for allied
16 health professionals to renew their licenses.

17 *I Liheslaturan Guåhan* further finds that the Guam Board of Allied Health
18 Examiners draft rules and regulations, including the fee schedule provided for
19 therein, and other matters related to the licensure of the Allied Health professions
20 attached hereto as Appendix A, are due to be approved.

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

23 “(b) The Healing Art means the art of prevention, detecting or
24 attempting to detect the presence of any disease; of determining or attempting
25 to determine the nature and state of any disease, if present; or preventing,
26 relieving, correcting or curing of or attempting to prevent, relieve, correct or
27 cure any disease; of safeguarding or attempting to safeguard the life of any
28 woman or infant through pregnancy and parturition; and of doing or

1 attempting to do any of the acts enumerated in this Subsection. The healing
2 arts include, but are not limited to, acupuncture and oriental medicine,
3 audiology, chiropractic, clinical psychology, licensed professional
4 counseling, licensed mental health counseling, marriage and family therapy,
5 cosmetology, dentistry, medicine, surgery, osteopathy, podiatry, physician
6 assistants, nursing, nursing home administration, nutrition and dietetics,
7 occupational therapy, optometry, pharmacy, physical therapy, respiratory
8 therapy, speech-language pathology, and veterinary medicine.”

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

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

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

26 “(i) Practice of Medicine means the diagnosis, correction and
27 treatment in any manner or by any means, methods, devices or
28 instrumentalities of any disease, illness, pain, wound, fracture, infirmity,

1 deformity, defect or abnormal, physical and mental condition, including
2 podiatry and physician assistants under the supervision of a licensed physician
3 of medicine, and podiatry, but does not include the practice of dentistry,
4 nursing, optometry, psychology, chiropractic, or pharmacy by a person
5 licensed under the provisions of this Chapter.”

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

8 “(n) Physical Therapy means the utilization of scientific principles for
9 the evaluation and treatment of any disability, injury or disease by the use of
10 physical, chemical or mechanical means, including, but not limited to, heat,
11 cold, air, light, sound, electricity, water, massage, therapeutic exercise and
12 rehabilitative procedures, with or without assistive devices, for the purpose of
13 preventing, correcting or alleviating dysfunction resulting from such
14 disability, injury or disease; the performance of tests and measurements of
15 neuromuscular function as an aid to the diagnosis or treatment of human
16 condition; performance of treatments on the basis of test findings; supervision
17 of selective forms of treatment by trained supportive personnel; dry needling,
18 also known as intramuscular stimulation or therapy, but only as provided in
19 this Article and by Board rules and regulations; and the provision of
20 consultative services for health, education and community agencies; provided,
21 however, that physical therapy shall not include radiology or electrosurgery.”

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

24 “(p) Acupuncture and Oriental Medicine means the science and art of
25 examination and diagnosis based on traditional oriental medicine, and
26 treatment of symptoms and diseases by the insertion of needles into the
27 respective three hundred sixty-five (365) major trigger points of twelve (12)
28 meridians, eight (8) extra trigger points of extra meridians, Ashi (regional or

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

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

24 “(v) Practice of Dietetics and Nutrition means the integration and
25 application of scientific principles derived from the study of food, nutrition,
26 biochemistry, metabolism, nutrigenomics, physiology, food management, and
27 from behavioral and social sciences in achieving and maintaining health
28 throughout the life span and in providing nutrition care services, including

1 medical nutrition therapy; assessing and evaluating the nutritional needs of
2 individuals and groups, and determining resources and constraints in the
3 practice setting, including ordering nutrition-related laboratory tests to check
4 and track nutrition status and monitor effectiveness of dietary plans and
5 orders; establishing priorities, goals and objectives that meet nutritional needs
6 and are consistent with available resources and constraints; providing
7 nutrition counseling in health and disease; developing, implementing, and
8 managing nutrition care systems; evaluating, making changes in, and
9 maintaining appropriate standards of quality in food and nutrition services;
10 and ordering therapeutic diets, for the prevention, management, and treatment
11 of disease. This term includes, but is not limited to, nutrition assessment;
12 nutrition diagnosis; nutrition intervention, including the ordering of patient
13 diets, nutritional supplements; monitoring and evaluation of nutrition care
14 plans; nutrition support, including the ordering of enteral and parental
15 nutrition, medical food; dietary and nutritional counseling and education
16 regarding food, nutrient and prescription drug interactions; and the
17 development and administration of nutrition care standards and systems. The
18 practice of dietetics and nutrition does not include the medical differential
19 diagnosis of the health status of an individual.”

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

22 “(1) Acupuncture and Oriental Medicine shall mean the science and
23 art of examination and diagnosis based on traditional oriental medicine, and
24 treatment of symptoms and diseases by the insertion of needles into the
25 respective three hundred sixty-five (365) major trigger points of twelve (12)
26 meridians, eight (8) extra trigger points of extra meridians, Ashi (regional or
27 local) points, as well as other extra points on the human body, by piercing the
28 skin of the body to control and regulate the flow and balance of vital energy

1 in the body and to treat ailments or diseases of the mind, body, any wound,
2 bodily injury, or deformity. The term includes therapies that use manual,
3 mechanical, thermal, electrical, or electromagnetic treatment based on the
4 principles of oriental medicine to prevent or modify the perception of pain or
5 to normalize physiological functions including pain control for the treatment
6 of diseases or dysfunction of the Yin and Yang organic systems, and includes
7 the application of acupuncture needles, electro-acupuncture, electro-dynamics
8 stimulation, i.e., electro-stimulation, neuromuscular stimulation, etc.,
9 ultrasound, or diathermy devices, cold lasers, magnets, cupping, moxibustion,
10 heat and cold therapy, i.e., heat and cold pads, heat lamp, infrared heat, etc.,
11 hydrotherapy, acupressure, Tui Na, oriental massage, massage therapy, Chi-
12 gong, breathing techniques, therapeutic exercise, manual traction, natural
13 medicine techniques, and nutrition, including the incorporation of drugless
14 substances and herbs as dietary supplements to promote health. Ordering
15 blood and laboratory tests, x-rays, or image tests to assist in making a
16 diagnosis and monitoring a treatment plan is within the scope of practice of
17 acupuncture and oriental medicine. It shall exclude operative surgery and the
18 prescription of scheduled drugs.”

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

21 “(3) Chiropractic shall mean the science, art, and philosophy of things
22 natural, the science of locating and removing interference with the
23 transmissions or expression of nerve forces in the human body, by the
24 correction of misalignments or subluxation of the articulations and adjacent
25 structures, more especially those of the vertebral column and pelvis, for the
26 purpose of restoring and maintaining health. It shall include the use of all
27 natural agencies to assist in the healing art, such as food, water, heat, cold,
28 electricity, mechanical appliances, and the ordering of laboratory tests. The

1 use of imaging procedures shall be limited to skeletal imaging and shall
2 exclude the therapeutic use of X-radiation, the use of contrast studies that
3 introduce dyes, isotopes, or similar contrast media through the skin, orally,
4 via catheterization or retrograde into any body cavity. It shall exclude
5 operative surgery and the prescription of scheduled drugs.”

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

8 “(7) Physical Therapy means the utilization of scientific principles for
9 the evaluation and treatment of any disability, injury or disease by the use of
10 physical, chemical or mechanical means, including, but not limited to, heat,
11 cold, air, light, sound, electricity, water, massage, therapeutic exercise and
12 rehabilitative procedures, with or without assistive devices, for the purpose of
13 preventing, correcting or alleviating dysfunction resulting from such
14 disability, injury or disease; the performance of tests and measurements of
15 neuromuscular function as an aid to the diagnosis or treatment of human
16 condition; performance of treatments on the basis of test findings; supervision
17 of selective forms of treatment by trained supportive personnel; dry needling,
18 but only as provided in this Article and by Board rules and regulations; and
19 the provision of consultative services for health, education and community
20 agencies; provided, however, that physical therapy shall not include radiology
21 or electrosurgery. Physical therapy and physical therapy services are not
22 generic terms; they are the use of any intervention, including physical agent
23 modalities/electrotherapy, that is provided by, or under the direction of, a
24 licensed, physical therapist.”

25 **Section 11.** Subsection (a)(13) of § 12802, Article 8, Chapter 12, Title 10,
26 Guam Code Annotated, is *repealed* and *reenacted* to read as follows:

27 “(13) Dietetics and Nutrition Practice shall mean the integration and
28 application of scientific principles derived from the study of food, nutrition,

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

23 **Section 12.** Subsection (b)(3) of § 12802, Article 8, Chapter 12, Title 10,
24 Guam Code Annotated, is *repealed* and the remaining paragraphs of Subsection (b)
25 of § 12802 are *renumbered* as the Compiler of Laws may determine as provided by
26 1 GCA § 1606.

27 **Section 13.** The first paragraph of Subsection (a) of § 12803, Article 8,
28 Chapter 12, Title 10, Guam Code Annotated, is *amended* to read as follows:

1 “(a) Creation. There is established, in and for the government of
2 Guam, a Guam Board of Allied Health Examiners, composed of a
3 representative from each of the professions being examined for licensure
4 nominated and appointed by *I Maga'låhen Guåhan*, with the advice and
5 consent of *I Liheslaturan Guåhan*, to include acupuncture and oriental
6 medicine; audiology; chiropractic; clinical psychology; licensed professional
7 counselor; licensed mental health counselor; marriage and family therapist;
8 clinical dietitian and nutritionist; occupational therapy; physical therapy;
9 speech language pathology; respiratory therapy; and veterinary medicine; and
10 shall appoint additional members for any other allied health profession being
11 examined for licensure that the Board may recommend. In addition to the
12 representatives of the professions licensed by the Board, *I Maga'låhen Guåhan*
13 shall appoint two (2) public members who are neither a practitioner of the
14 healing arts, or representative of a health care institution or insurance company.
15 The Board shall examine applicants for licensure within the allied health
16 professions not having separate Board of Examiners enacted by *I Liheslaturan*
17 *Guåhan*.”

18 **Section 14.** Subsection (c)(15) of § 12803, Article 8, Chapter 12, Title 10,
19 Guam Code Annotated, is *amended* to read as follows:

20 “(15) conduct Board meetings. A quorum must be present to conduct
21 a board meeting. The vote of the majority present shall constitute an official
22 action of the Board. A quorum consists of a majority of the whole number of
23 appointed members of the Board as of the time of the meeting. The majority
24 vote shall consist of half of the vote plus one (1) of those members present.”

25 **Section 15.** Subsection (a) and Subsections (a)(2), (a)(3), (a)(9) and (a)(10)
26 of § 12805, Article 8, Chapter 12, Title 10, Guam Code Annotated, are *amended* to
27 read as follows:

1 “(a) Information Requirement. Any Board furnished applications,
2 official transcripts from post-secondary educational institutions, or other
3 documentation as required by the Board, including examination results and
4 test scores administered by professional associations and institutions that may
5 be required as a precondition of licensure, shall be submitted in English or
6 accompanied by a certified English translation, and must be sent directly to
7 the Board from the appropriate institution or governing agency. The applicant
8 shall provide the Board and attest to the following information and
9 documentation in a manner required by the Board:”

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

13 “(3) originals of all documents and credentials required by the Board,
14 or other verification acceptable to the Board of such documents and
15 credentials;”

16 “(9) proof of U.S. citizenship or proof of lawful presence to practice
17 an allied health profession in the United States or any territory thereof; and”

18 “(10) any other information or documentation the Board determines
19 necessary.”

20 **Section 16.** Subsection (j)(3)(A) and (B) of § 12805, Article 8, Chapter 12,
21 Title 10, Guam Code Annotated, are *amended* to read as follows:

22 “(A) The applicant who practices in the allied health fields on Guam
23 under a license issued under this Subsection may only practice at a clinic or
24 outreach event that primarily provides services for indigent populations, or, in
25 the case of veterinarians, an animal control project such as a spay/neuter
26 clinic; and

27 “(B) the practitioner shall not receive direct or indirect
28 compensation or payment of anything of monetary value in exchange for the

1 medical services rendered by the practitioner to the indigent patients at the
2 clinic or outreach event, or, in the case of veterinarians, an animal control
3 project such as a spay/neuter clinic.”

4 **Section 17.** § 12809 of Article 8, Chapter 12, Title 10, Guam Code
5 Annotated, is *repealed* and *reenacted* to read as follows:

6 **“§ 12809. Continuing Education Requirements.**

7 (a) Except as provided elsewhere in this Article or by rules and
8 regulations adopted by the Board for a specific profession, a minimum of
9 thirty (30) credit hours of continuing education within each two (2) year
10 licensure period is required of each licensee to qualify for a renewal. At least
11 twenty (20) of these credit hours must be in the licensee’s specific area of
12 practice. The Board is authorized to prorate the continuing education credit
13 hours requirement for licenses issued less than two (2) years prior to the
14 renewal period.

15 (b) The determination of what constitutes acceptable or authorized
16 continuing education credit hours shall be determined by the Board by rules
17 and regulations adopted by the Board in accordance with the Administrative
18 Adjudication Law.”

19 **Section 18.** § 12819 of Article 8, Chapter 12, Title 10, Guam Code
20 Annotated, is *repealed* and *reenacted* to read:

21 **“§ 12819. Fee Schedule; Budget.**

22 (a) The Board shall be fully supported by the revenues generated
23 from its activities, including fees, charges, fines, and reimbursed costs. All
24 such revenues, including accrued interest, shall be deposited to the “Guam
25 Board of Allied Health Examiners Revolving Fund.” The Guam Board of
26 Allied Health Examiners Revolving Fund shall receive all interest earned on
27 the deposit of such revenues. Such funds shall be appropriated continuously

1 and shall be used by the Board for administration and enforcement of this
2 Article.

3 (b) All fees and charges shall be set by the Board pursuant to its
4 actual and anticipated budget needs, in accordance with the Administrative
5 Adjudication Law. Fees collected from applicants for licensure or renewal of
6 licensure are non-refundable.

7 (c) The Board shall develop and adopt its own budget reflecting
8 revenues, including the interest thereon, and costs associated with the
9 administration, regulation, and enforcement of this Article, and which shall
10 also include allocations for establishment and maintenance of a reasonable
11 reserve fund.

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

15 **Section 19.** Subsections (a)(11) and (12) of § 12820 of Article 2, Chapter
16 12, Title 10, Guam Code Annotated, are hereby *amended* to read:

17 “(11) administrative fines of not less than Two Thousand Five
18 Hundred Dollars (\$2,500) and not more than Ten Thousand Dollars (\$10,000)
19 per violation per day; and

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

23 **Section 20.** § 12826 of Article 2, Chapter 12, Title 10, Guam Code
24 Annotated, is hereby *repealed* and *reenacted* to read:

25 **“§ 12826. Revolving Fund.**

26 (a) There is created, separate and apart from other funds of the
27 government of Guam, a fund known as the Guam Board of Allied Health
28 Examiners Revolving Fund (Fund) specifically for use by the Board in the

1 administration and enforcement of this Article. All revenues from whatever
2 source, including, but not limited to, appropriations, fees and charges, fines
3 and penalties, gifts, grants, and accrued interest shall be deposited into the
4 Fund. The Fund shall not be subject to any transfer authority of *I*
5 *Maga'låhen/Maga'hågan Guåhan*.

6 (b) The Office of Public Accountability shall audit the financial
7 records of the Board annually, or as often as it may deem appropriate, and
8 report its findings to the Board, *I Maga'låhen/Maga'hågan Guåhan*, and *I*
9 *Liheslaturan Guåhan*.”

10 **Section 21.** § 12827 of Article 8, Chapter 12, Title 10, Guam Code
11 Annotated, is *repealed* and *reenacted* to read as follows:

12 **“§ 12827. Prescriptive Authority for Clinical Psychologists.**

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

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

21 (1) completion of a program of education in an organized
22 program of intensive didactic instruction, consisting of a minimum of
23 three hundred (300) contact hours defined by the Guam Board of Allied
24 Health Examiners, consisting of the following core areas of instruction:
25 neuroscience, pharmacology, psychopharmacology, physiology,
26 pathophysiology, appropriate and relevant physical and laboratory
27 assessment, and clinical pharmacotherapeutics;

1 (2) having obtained supervised and relevant clinical
2 experience, consisting of treatment of a minimum of one hundred (100)
3 patients, sufficient to attain competency in the treatment of a diverse
4 population;

5 (3) proof of successfully passing the Psychopharmacology
6 Examination for Psychologists (PEP) administered by the Association
7 of State and Provincial Psychology Boards (ASPPB);

8 (4) a current Federal Drug Enforcement Administration
9 (DEA) certification; and

10 (5) a current Guam Controlled Substance Registration (CSR)
11 from the Department of Public Health and Social Services.

12 (c) A licensed clinical psychologist shall not prescribe any drug or
13 class of drugs that the clinical psychologist is not competent to prescribe as
14 determined by the Board, and may not prescribe any drugs that are not
15 routinely administered within the clinical psychologist's scope of practice.

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

20 (e) Prescriptive authority shall be renewed at the time of licensure
21 renewal. The Board shall determine minimum continuing education
22 requirements for the renewal of a clinical psychologist's prescriptive authority
23 by rule."

24 **Section 22.** § 12901 of Article 9, Chapter 12, Title 10, Guam Code
25 Annotated is *repealed* and *reenacted* to read as follows:

26 **"§ 12901. Definitions.**

27 (a) Acupuncture and Oriental Medicine means the science and art of
28 examination and diagnosis based on traditional oriental medicine, and

1 treatment of symptoms and diseases by the insertion of needles into the
2 respective three hundred sixty-five (365) major trigger points of twelve (12)
3 meridians, eight (8) extra trigger points of extra meridians, Ashi (regional or
4 local) points, as well as other extra points on the human body, by piercing the
5 skin of the body to control and regulate the flow and balance of vital energy
6 in the body and to treat ailments or diseases of the mind, body, any wound,
7 bodily injury, or deformity. The term includes therapies that use manual,
8 mechanical, thermal, electrical, or electromagnetic treatment based on the
9 principles of oriental medicine to prevent or modify the perception of pain or
10 to normalize physiological functions including pain control for the treatment
11 of diseases or dysfunction of the Yin and Yang organic systems, and includes
12 the application of acupuncture needles, electro-acupuncture, electro-dynamics
13 stimulation, i.e., electro-stimulation, neuromuscular stimulation, etc.,
14 ultrasound, or diathermy devices, cold lasers, magnets, cupping, moxibustion,
15 heat and cold therapy, i.e., heat and cold pads, heat lamp, infrared heat, etc.,
16 hydrotherapy, acupressure, Tui Na, oriental massage, massage therapy, Chi-
17 gong, breathing techniques, therapeutic exercise, manual traction, naturopathy
18 and natural medicine techniques, and nutrition, including the incorporation of
19 drugless substances and herbs as dietary supplements to promote health.
20 Ordering blood and laboratory tests, x-rays, or image tests to assist in making
21 a diagnosis and monitoring a treatment plan is within the scope of practice of
22 acupuncture and oriental medicine. It shall exclude operative surgery and the
23 prescription of scheduled drugs.

24 (b) Doctor or Master Degree of Acupuncture and Oriental Medicine
25 means a person licensed under the provisions of this Chapter to practice
26 acupuncture and oriental medicine. A person who is licensed pursuant to this
27 Article as a practitioner of acupuncture and oriental medicine may refer to
28 himself as a Doctor of Acupuncture and Oriental Medicine if he or she has

1 successfully completed a Doctorate level or Ph.D. program, or a Master of
2 Acupuncture and Oriental Medicine if he or she has successfully completed a
3 Master's degree program in Acupuncture and Oriental Medicine that has been
4 approved by the Accreditation Commission for Acupuncture and Oriental
5 Medicine (ACAOM) or by the Council of Colleges of Acupuncture and
6 Oriental Medicine (CCAOM), and has otherwise met the conditions and
7 qualifications for licensure pursuant to this Article and the rules and
8 regulations adopted by the Board in accordance with the Administrative
9 Adjudication Law.

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

16 **Section 23.** § 12902 of Article 9, Chapter 12, Title 10, Guam Code
17 Annotated, is *repealed* and *reenacted* to read as follows:

18 **“§ 12902. Qualifications for Licensure.**

19 (a) In addition to the requirements set forth by the Board and in this
20 Article, an applicant for a license to practice acupuncture and oriental
21 medicine must have:

22 (1) successfully completed a master's or doctorate degree
23 program, or its equivalent, program of study in acupuncture and oriental
24 medicine at an accredited school in the United States of America;

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

27 (3) passed the examinations required in the following Section.

28 (b) The applicant has:

- 1 (1) successfully completed a four (4)-year program of study,
2 or its equivalent as determined by the Board, in acupuncture and
3 oriental medicine at a school or college of oriental medicine approved
4 by the Board;
- 5 (2) passed an investigation of his or her background and
6 personal history conducted by the Board; and
- 7 (3) passed the examinations required in the following
8 Section.”

9 **Section 24.** A new § 12902.1 is hereby *added* to Article 9, Chapter 12, Title
10 10, Guam Code Annotated, to read as follows:

11 **“§ 12902.1. Examinations: National Examination; Practical**
12 **Examination; Times Offered; Cancelled Examinations; Reexamination;**
13 **Regulations.**

14 (a) Each applicant for a license to practice acupuncture and oriental
15 medicine must successfully pass:

- 16 (1) an examination in acupuncture and oriental medicine that
17 is administered by a national organization approved by the Board; and
- 18 (2) a practical examination approved by the Board that tests
19 the applicant’s knowledge and understanding of:
- 20 (A) basic medical science;
 - 21 (B) acupuncture;
 - 22 (C) oriental medicine, including herbal medicine;
 - 23 (D) English proficiency; and
 - 24 (E) the laws and regulations of Guam relating to health
25 and safety in the practice of acupuncture and
26 oriental medicine.

27 (b) The Board may establish by regulation:

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

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

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

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

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

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

15 (c) The Board shall not issue or renew a license to practice
16 acupuncture and oriental medicine unless the applicant for issuance or
17 renewal of the license meets the above requirements.

18 (d) A person who, as of the date of the enactment of this Section, is
19 currently licensed to practice acupuncture but is not otherwise qualified by
20 education, training, and experience in the broader field of oriental medicine,
21 may be permitted to renew his or her license to practice acupuncture;
22 provided, that the license shall reflect it is limited to the practice of
23 acupuncture only, and not oriental medicine.”

24 **Section 25.** § 12903 of Article 9, Chapter 12, Title 10, Guam Code
25 Annotated, is *amended* to read as follows:

26 “§ 12903. **Exceptions to Licensure Requirements.**

27 (a) No person shall practice acupuncture and oriental medicine on
28 Guam, either gratuitously or for pay or shall offer to practice, or shall hold

1 themselves out to the public, advertise, declare, represent or in any way
2 proclaim to practice acupuncture and oriental medicine, or use any titles,
3 words, letters, signs, devices, techniques, maneuvers or modalities that could
4 represent to the public that such person is authorized to engage in the practice
5 of acupuncture and oriental medicine, either publicly or privately, without
6 having a valid and current license on Guam issued by the Guam Board of
7 Allied Health Examiners.

8 (b) This Article shall not be construed to prevent or restrict a
9 doctor's or master's degree of acupuncture and oriental medicine holding a
10 current license elsewhere, to engage in the practice of acupuncture and
11 oriental medicine for the purpose of a specific short-term class,
12 demonstration, seminar, or workshop on Guam which does not involve direct
13 patient or client care. Teleconferencing outside of Guam is an acceptable
14 mode of instruction."

15 **Section 26.** § 12905 of Article 9, Chapter 12, Title 10, Guam Code
16 Annotated, is *amended* to read as follows:

17 **"§ 12905. Use of Sterilized Disposable Needles.**

18 Any practitioner of acupuncture and oriental medicine licensed under
19 the provisions of this Article shall use only sterilized disposable needles. The
20 Board member representing acupuncture and oriental medicine, or the
21 Board's authorized agent or representative, shall periodically inspect each
22 acupuncture and oriental medicine clinic, with the assistance of the
23 Department of Public Health and Social Services, and report their findings to
24 the Board."

25 **Section 27.** A new § 12906 is *added* to Article 9 of Chapter 12, Title 10,
26 Guam Code Annotated, to read as follows:

27 **"§ 12906. Penalties and Fines, Recovery of Costs, Fees, and**
28 **Other Expenses.**

1 (a) Any person who violates any of the provisions of this Article 9
2 or the regulations adopted pursuant thereto is guilty of a misdemeanor upon a
3 first conviction.

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

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

13 (d) The Board, its members, staff, and employees shall also be
14 entitled to recover and be reimbursed for all costs and expenses incurred in
15 the prosecution and defense of any proceeding before the Board or before the
16 courts of Guam, including the U.S. District Court of Guam. Costs and
17 expenses that are subject to recovery and reimbursement by the Board include,
18 but are not limited to, filing fees, attorneys' fees, hearing officer fees,
19 deposition fees, expert witness fees, travel and lodging for witnesses and
20 experts, and all other expenses incurred in the prosecution or defense of this
21 Article, the regulations adopted pursuant thereto, any decision of the Board
22 and any member of the Board or its staff acting in good faith and within the
23 scope and function of the Board as determined in the sole discretion of the
24 Attorney General of Guam."

25 **Section 28.** Subsection (b) of § 121101, Article 11, Chapter 12, Title 10,
26 Guam Code Annotated, is *repealed* and *reenacted* to read as follows:

27 "(b) Chiropractic means the science, art, and philosophy of things
28 natural, the science of locating and removing interference with the

1 transmissions or expression of nerve forces in the human body, by the
2 correction of misalignments or subluxation of the articulations and adjacent
3 structures, more especially those of the vertebral column and pelvis, for the
4 purpose of restoring and maintaining health. It shall include the use of all
5 natural agencies to assist in the healing art, such as food, water, heat, cold,
6 electricity, mechanical appliances, and the ordering of laboratory tests. The
7 use of imaging procedures shall be limited to skeletal imaging and shall
8 exclude the therapeutic use of X-radiation, the use of contrast studies that
9 introduce dyes, isotopes, or similar contrast media through the skin, orally,
10 via catheterization, or retrograde into any body cavity. It shall exclude
11 operative surgery and the prescription of scheduled drugs.”

12 **Section 29.** Subsection (e) of § 121102, Article 11, Chapter 12, Title 10,
13 Guam Code Annotated, is *amended* to read as follows:

14 “(e) a current Cardiopulmonary Resuscitation (“CPR”) certification,
15 whether the license is new or being renewed.”

16 **Section 30.** The first paragraph of § 121103 of Article 11, Chapter 12, Title
17 10, Guam Code Annotated, is *amended* to read as follows:

18 “A person who is a graduate of a foreign school of chiropractic may be
19 issued a license; provided, such graduate can furnish proof of each of the
20 following:”

21 **Section 31.** Subsection (a)(1) of § 121201, Article 12, Chapter 12, Title 10,
22 Guam Code Annotated, is *amended* to read:

23 “(1) Training means a doctoral level training in clinical psychology
24 at an accredited institution of higher learning in the U.S. and requiring the
25 applicant to provide evidence of having satisfactorily completed not less than
26 one hundred twenty (120) credit hours of education in the following areas:”

27 **Section 32.** Subsection (f)(1) of § 121201, Article 12, Chapter 12, Title 10,
28 Guam Code Annotated, is *amended* to read:

1 “(1) a person who represents himself to be a clinical psychologist
2 when he holds himself out to the public by any title or description of services
3 incorporating the words “clinical psychology,” “clinical psychologist,” or
4 “psychologist,” or offers to render or renders services as defined below to
5 individuals, groups, organizations or the public;”

6 **Section 33.** § 121202 of Article 12, Chapter 12, Title 10, Guam Code
7 Annotated, is *repealed* and *reenacted* to read as follows:

8 **“§ 121202. Qualifications for Licensure.**

9 (a) The applicant must have a doctoral degree (Ph.D. or Psy.D.) in
10 clinical psychology or psychology with the field of specialization in clinical
11 or counseling psychology from an accredited college or university in the U.S.

12 (b) The applicant must have completed two (2) years of internship,
13 of which at least one (1) year must be after receiving their doctorate.

14 (c) The applicant must have successfully completed the
15 Examination for Professional Practice in Psychology (EPPP), Part
16 1(Knowledge) and Part 2 (Skills) administered by the Association of State and
17 Professional Psychology Boards (ASPPB). ”

18 **Section 34.** Subsection (c) of § 121204, Article 12, Chapter 12, Title 10,
19 Guam Code Annotated, is *amended* to read:

20 “(c) a person who is a regular student in clinical psychology or a
21 related field performing duties or functions assigned by his instructors, or who
22 is a graduate student or an intern working under the direct supervision of a
23 licensed, clinical psychologist.”

24 **Section 35.** Subsection (d) of § 121501, Article 15, Chapter 12, Title 10,
25 Guam Code Annotated, is hereby *amended* to read as follows:

26 “(d) Physical Therapy means the utilization of scientific principles for
27 the evaluation and treatment of any disability, injury or disease by the use of
28 physical, chemical or mechanical means, including, but not limited to, heat,

1 cold, air, light, sound, electricity, water, massage, therapeutic exercise and
2 rehabilitative procedures, with or without assistive devices, for the purpose of
3 preventing, correcting or alleviating dysfunction resulting from such
4 disability, injury or disease; the performance of tests and measurements of
5 neuromuscular function as an aid to the diagnosis or treatment of human
6 condition; performance of treatments on the basis of test findings; supervision
7 of selective forms of treatment by trained supportive personnel; dry needling,
8 but only as provided in this Article and by Board rules and regulations; and
9 the provision of consultative services for health, education and community
10 agencies; provided, however, that physical therapy shall not include the use
11 of Roentgen Rays and radium for diagnostic and therapeutic purposes, the use
12 of electricity for surgical purposes, including cauterization. Physical therapy
13 and physical therapy services are not generic terms; they are the use of any
14 intervention, including physical agent modalities/electrotherapy, that is
15 provided by, or under the direction of, a licensed, physical therapist.”

16 **Section 36.** A new § 121504.1 is hereby *added* to Article 15 of Chapter 12,
17 Title 10, Guam Code Annotated, to read as follows:

18 **“§ 121504.1. Dry Needling.**

19 (a) For the purpose of this Article, dry needling, also known as
20 intramuscular therapy or stimulation, means an advanced needling skill or
21 technique limited to the treatment of myofascial pain, using a single use,
22 single insertion, sterile filiform needle (without the use of heat, cold, or any
23 other added modality or medication), that is inserted into the skin or
24 underlying tissues to stimulate myofascial trigger points. Dry needling may
25 apply theory based only upon Western medical concepts, requires an
26 examination and diagnosis, and treats specific anatomic entities selected
27 according to physical signs. Dry needling does not include the teaching or
28 application of acupuncture described by the stimulation of auricular points,

1 utilization of distal points or non-local points, needle retention, application of
2 retained electric stimulation leads, or other acupuncture theory.

3 (b) A physical therapist licensed under this Article may only perform
4 dry needling after completion of the requirements set forth herein, and by the
5 Board by rules and regulation, that meet or exceed the following:

6 (1) no less than fifty (50) hours of instructional courses that
7 include, but are not limited to, studies in the musculoskeletal and
8 neuromuscular system, the anatomical basis of pain mechanisms,
9 chronic and referred pain, myofascial trigger point theory, and
10 universal precautions;

11 (2) completion of no less than thirty (30) hours of didactic
12 course work specific to dry needling;

13 (3) successful completion of no less than twenty-four (24)
14 practicum hours in dry needling course work;

15 (4) completion of at least two hundred (200) supervised
16 patient treatment sessions; and

17 (5) successful completion of a competency examination.

18 (c) Dry needling shall only be performed by a licensed physical
19 therapist.

20 (d) Any physical therapist licensed under the provisions of this
21 Article shall use only sterilized disposable needles. The Board member
22 representing physical therapy, or the Board's authorized agent or
23 representative, shall periodically inspect each clinic or place where dry
24 needling may be performed, with the assistance of the Department of Public
25 Health and Social Services, and report their findings to the Board."

26 **Section 37.** § 121903 of Article 19, Chapter 12, Title 10, Guam Code
27 Annotated, is hereby *amended* to read:

28 **"§ 121903. Exceptions to Licensure Requirements.**

1 **This Article shall not be construed to prohibit:**

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

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

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

14 **(1) such services must be rendered under the direction**
15 **and sponsorship of a charitable organization or government**
16 **agency that assumes full responsibility for the treatment or**
17 **services;**

18 **(2) veterinary services must be performed by, or under**
19 **the direct supervision of, a person currently licensed to practice**
20 **veterinary medicine in any state, province, territory,**
21 **commonwealth or possession of the United States, Canada, the**
22 **United Kingdom, Australia, New Zealand, Japan, Taiwan,**
23 **Republic of Korea, the Philippines, and such other jurisdictions**
24 **as the Board may from time-to-time designate. Requests to the**
25 **Board to designate other jurisdictions shall be submitted no less**
26 **the ninety (90) days before the planned event in order to allow**
27 **the Board time to publicly discuss and approve or disapprove the**
28 **requests.**

1 (3) Copies of the visiting practitioners' licenses must be
2 submitted to the Board no less than forty-five (45) days prior to
3 an animal control project and shall be available on the premises
4 for inspection. These license copies shall serve as licenses to
5 work only on specifically designated animal control projects.
6 Controlled substances shall be administered pursuant to the
7 Uniform Controlled Substances Act of Guam, Chapter 67, Title
8 9 GCA;

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

19 (5) within thirty (30) days after each project, the project
20 sponsor shall provide the Board with a written report identifying
21 the number and nature of procedures performed, and the names,
22 business and email addresses, and telephone numbers of all
23 veterinarians and other persons participating in the program.”

24 **Section 38.** § 121904 of Article 19, Chapter 12, Title 10, Guam Code
25 Annotated, is hereby *amended* to read:

26 **“§ 121904. Professional Conduct; Additional Provisions.**

27 In addition to those grounds for disciplinary action against licensed
28 allied health practitioners set forth in § 12820 of Article 8, the following acts

1 are deemed unprofessional conduct and are subject to disciplinary action by
2 the Board:

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

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

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

10 **Section 39.** § 121906 of Article 19, Chapter 12, Title 10, Guam Code
11 Annotated, is hereby *amended* to read:

12 **“§ 121906. Trained Persons Performing Animal Euthanasia.**

13 Notwithstanding any other provision of this Chapter 12, agents or
14 employees of a government operated or government contracted animal shelter
15 may lawfully possess and administer, under the indirect supervision of a
16 Guam licensed veterinarian, sodium pentobarbital or Xylazine for the purpose
17 of euthanasia of animals; provided, that the agents or employees of the
18 licensed government operated or government contracted animal shelter have
19 successfully completed an animal euthanasia technician certification course
20 approved by the Guam Board of Allied Health Examiners. This training shall
21 be conducted by a veterinarian licensed on Guam, and shall include the
22 following areas: knowledge of federal and Guam laws regarding the proper
23 storage, inventory and handling of controlled substances, the potential hazards
24 of such controlled substances, the use and administration of such controlled
25 substances, humane animal euthanasia procedures, and other subjects as shall
26 be required by the Guam Board of Allied Health Examiners. Upon
27 certification by the veterinarian that a person has successfully completed the
28 course, the Guam Board of Allied Health Examiners may issue an animal

1 euthanasia technician license to said person, subject to annual renewal, and
2 subject further to annual refresher continuing education. The Board may
3 revoke or suspend the license at any time for good cause.”

4 **Section 40.** Subsections (c) and (d) of § 122101 of Article 21, Chapter 12,
5 Title 10, Guam Code Annotated, are *amended* to read as follows:

6 “(c) Academy of Nutrition and Dietetics (AND) is a national
7 professional organization for nutrition and dietetics practitioners which
8 accredits educational and preprofessional training programs in dietetics.

9 (d) The Commission on Dietetic Registration (“CDR”) is a member
10 of the National Commission for Certifying Agencies (“NCCA”) and is the
11 credentialing agency of the Academy of Nutrition and Dietetics.”

12 **Section 41.** § 122104 of Article 21, Chapter 12, Title 10, Guam Code
13 Annotated, is *repealed* and *reenacted* to read as follows:

14 “§ 122104. **Scope of Practice; Licensed Dietitians and Licensed**
15 **Nutritionists.**

16 *Dietetics and Nutrition Practice* is the integration and application of
17 scientific principles derived from the study of food, nutrition, biochemistry,
18 metabolism, nutrigenomics, physiology, food management, and from
19 behavioral and social sciences in achieving and maintaining health throughout
20 the life span and in providing nutrition care services, including medical
21 nutrition therapy; assessing and evaluating the nutritional needs of individuals
22 and groups, and determining resources and constraints in the practice setting,
23 including ordering nutrition-related laboratory tests to check and track
24 nutrition status and monitor effectiveness of dietary plans and orders;
25 establishing priorities, goals and objectives that meet nutritional needs and are
26 consistent with available resources and constraints; providing nutrition
27 counseling in health and disease; developing, implementing, and managing
28 nutrition care systems; evaluating, making changes in, and maintaining

1 appropriate standards of quality in food and nutrition services; and ordering
2 therapeutic diets, for the prevention, management, and treatment of disease.
3 This includes, but is not limited to, nutrition assessment; nutrition diagnosis;
4 nutrition intervention, including the ordering of patient diets, nutritional
5 supplements; monitoring and evaluation of nutrition care plans; nutrition
6 support, including the ordering of enteral and parental nutrition, medical food;
7 dietary and nutritional counseling and education regarding food, nutrient and
8 prescription drug interactions; and the development and administration of
9 nutrition care standards and systems. The practice of dietetics and nutrition
10 does not include the medical differential diagnosis of the health status of an
11 individual.”

12 **Section 42.** § 121106 of Article 11, Chapter 12, Title 10, Guam Code
13 Annotated, is *amended* to read as follows:

14 **“§ 121106. Use of Diagnostic Imaging Procedures by Licensees.**

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

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

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

25 (1) no licensee shall use imaging procedures that require the
26 penetration of human tissues or cavities using needles, wires, catheters,
27 or syringes to introduce dyes, isotopes, or any type of contrast media,
28 orally or retrograde;

1 (2) no licensee shall use imaging procedures for therapeutic
2 use; and

3 (3) no licensee shall advertise free or discounted imaging
4 procedures, or indiscriminately use imaging procedures for unethical
5 purposes.”

6 **Section 43. Repeal and Replacement of Existing Administrative Rules**
7 **and Regulations.**

8 (a) The administrative rules and regulations for the Guam Board of
9 Allied Health Examiners presently found in Title 25, Guam Administrative
10 Rules and Regulations, Chapter 5 (Board of Examiners for the Practice of
11 Acupuncture) are repealed and replaced with the Guam Board of Allied Health
12 Examiners Administrative Rules and Regulations, attached hereto as Exhibit
13 A.

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

17 **Section 44. Approval of Administrative Rules and Regulations.** The
18 Guam Board of Allied Health Examiners Administrative Rules and Regulations,
19 attached hereto as Exhibit A, are hereby approved and adopted.

20 **Section 45. Severability.** If any provision of this Act or its application to any
21 person or circumstance is found to be invalid or inorganic, such invalidity shall not
22 affect other provisions or applications of this Act which can be given effect without
23 the invalid provisions or application, and to this end the provisions of this Act are
24 severable.

25 **Section 46. Effective Date.** This Act shall be effective upon enactment.