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I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
THIRTY-SECOND GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

November 13, 2013

The Honorable Edward J.B. Calvo
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
***Hagåtña,* Guam 96910**

OFFICE OF THE GOVERNOR
CENTRAL FILES
J. Dela Rosa
RECEIVED
TIME 11:28 AM DATE 11/15/13

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 35-32(COR), 74-32(LS), 75-32(LS), 91-32(COR), 94-32(COR), 98-32(LS), 99-32(LS), 108-32(COR), 112-32(COR), 116-32(COR), 133-32(COR), 134-32(COR), 140-32(COR), 141-32(COR), 143-32(COR), 145-32(LS), 150-32(COR), 153-32(COR), 154-32(COR), 156-32(COR), 157-32(COR), 158-32(COR), 160-32(COR), 161-32(COR), 162-32(LS), 165-32(COR), 170-32(LS), 176-32(COR), 189-32(COR), 193-32(COR), 194-32(COR), 195-32(COR), 196-32(COR), 200-32(COR), 205-32(COR), 210-32(COR), 211-32(COR) and 217-32(LS) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on November 12, 2013.

Sincerely,

Tina Rose Muña Barnes
Legislative Secretary

Enclosures (38)

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

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

This is to certify that **Bill No. 189-32 (COR), "AN ACT TO AMEND § 6229.14 OF ARTICLE 2, CHAPTER 6 OF TITLE 4, GUAM CODE ANNOTATED; AND TO REPEAL ITEM (10) OF SUBSECTION (a), AND ITEM (5) OF SUBSECTION (b) OF § 12805 OF ARTICLE 8, CHAPTER 12, PART 1 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO FACILITATING THE RECRUITMENT OF HARD-TO-FILL ALLIED HEALTH PROFESSIONAL POSITIONS",** was on the 12th day of November 2013, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 15th day of Nov., 2013, at 11:28 o'clock A.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 189-32 (COR)

Introduced by: Dennis G. Rodriguez, Jr.
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Limtiaco
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
Vicente (ben) C. Pangelinan
R. J. Respicio
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* § 6229.14 OF ARTICLE 2, CHAPTER 6 OF TITLE 4, GUAM CODE ANNOTATED; AND TO REPEAL ITEM (10) OF SUBSECTION (a), AND ITEM (5) OF SUBSECTION (b) OF § 12805 OF ARTICLE 8, CHAPTER 12, PART 1 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO FACILITATING THE RECRUITMENT OF HARD-TO-FILL ALLIED HEALTH PROFESSIONAL POSITIONS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the Department of Public Health and Social Services is having great difficulty in recruiting qualified professional personnel in the allied health fields

for hard-to-fill positions due to conflicting statutory constraints which impede the hiring of critically needed personnel. Although the impeding statutes were actually intended to facilitate the hiring process, it inadvertently does just the opposite.

I Liheslaturan Guåhan takes due note of the June 21, 2011, Information and Guidance (Ref: DPHSS 11-0220) memorandum by the Office of the Attorney General, to the Department of Public Health and Social Services, relative to "Hiring Nutritionists from off-island." It states, in part, *"GovGuam has always encountered difficulty in hiring personnel from off-island, but government licensing requirements render it even more difficult to hire professionals. Title 10 G.C.A. § 12805(b)(5) purportedly requires an applicant for a dietitian's license to be either a Guam resident or a United States citizen, but Title 10 G.C.A. § 122103 states that the Board may license any Registered Dietitian, i.e., a dietitian registered with certain national credentialing bodies."* The memorandum also notes that, *"the Director of Administration has opined that § 6229.14 of Chapter 6, Title 4, Guam Code Annotated, requires that all health professionals be licensed before they apply for government of Guam employment* [See HRD No. OG11-0177]." *"The net effect of these statutes is to restrict government hiring to dietitians and nutritionists who are U.S. citizens and Guam residents and who are already licensed on Guam, which renders it extremely difficult to hire from either the Philippines or the U.S. mainland."* (Information and Guidance (Ref: DPHSS 11-0220)).

I Liheslaturan Guåhan further finds that the Bureau of Nutrition Services and the Women Infant and Children Nutrition Office of the Department of Public Health and Social Services is having great difficulty in recruiting for the hard-to-fill position of Registered Dietitian or a Certified Nutrition Specialist, and that two nutritionist positions have remained vacant since 2005 and 2006, respectively, with a recent vacancy in December, 2011.

It is the intent of *I Liheslaturan Guåhan* to facilitate recruitment for these and other hard-to-fill allied health positions by the Department of Public Health and Social Services, as well other agencies and public instrumentality's providing health care services.

Section 2. §6229.14 of Article 2, Chapter 6 of Title 4, Guam Code Annotated, is *amended* to read:

"**§ 6229.14. Recruitment Process.**

All government of Guam agencies *shall* be exempted from the government of Guam Department of Administration recruitment process for the hiring of nurses and other healthcare professional positions. All nursing and other healthcare professional applicants, who have a license to practice on Guam *or* who qualify for a waiver of examination requirements and licensure by endorsement under Title 10 GCA, Chapter 12, relative to the healthcare professional position for which they are applying, and meet the minimum requirements of the class specifications, may be scheduled for an interview and may be recruited, using the Director of Administration education/experience pay adjustment schedule. Any action taken to recruit an applicant who is *not* licensed or qualified to be licensed by endorsement, does *not* meet the minimum requirements, and/or did *not* comply with the Director of Administration education/experience pay adjustment schedule, *shall* be declined and/or voided by the Department of Administration."

Section 3. Item (10) of Subsection (a), and Item (5) of Subsection (b) of §12805, Article 8, Chapter 12, Part 1 of Title 10, Guam Code Annotated, are hereby *repealed*.

Section 4. 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.