EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor Of Guam

FEB 13 2018

GLH 34-18-1522
Speaker Benjamin J.F. Cruz

FEB 13 2018
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Received By: Glenn

Honorable Benjamin J.F. Cruz
Speaker
I Mina'trentai Kuåttro Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Substitute Bill No. 125-34 (COR), **"AN ACT TO *ADD* A NEW § 12208(h) TO ARTICLE 2, PART 1, CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE ESTABLISHMENT OF A VISITING PHYSICIAN TEMPORARY PERMIT,"** which was signed on February 9, 2018, as **Public Law 34-74.**

Senseramente,

EDDIE BAZA CALVO

2018 FEB 13 PM 3:47 C-S

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2018 (SECOND) Regular Session

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

This is to certify that **Substitute Bill No. 125-34 (COR), "AN ACT TO *ADD* A NEW § 12208(h) TO ARTICLE 2, PART 1, CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE ESTABLISHMENT OF A VISITING PHYSICIAN TEMPORARY PERMIT,"** was on the 26th day of January 2018, duly and regularly passed.

Benjamin J.F. Cruz
Speaker

Attested:

Régine Biscoe Lee
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 29 day of JAN, 2018, at 1:45 o'clock P.M.

Assistant Staff Officer
Maga'låhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'låhen Guåhan
FEB 0 9 2018
Date:

Public Law No. 34-74

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Bill No. 125-34 (COR)
As substituted by the Committee on Health, Tourism, Military Affairs and Senior Citizens; and amended on the Floor.

Introduced by: Dennis G. Rodriguez, Jr.
Joe S. San Agustin
Fernando B. Esteves
Tommy Morrison
FRANK B. AGUON, JR.
William M. Castro
Telena Cruz Nelson
Louise B. Muña
Thomas C. Ada
B. J.F. Cruz
James V. Espaldon
Régine Biscoe Lee
Michael F.Q. San Nicolas
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO *ADD* A NEW § 12208(h) TO ARTICLE 2, PART 1, CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE ESTABLISHMENT OF A VISITING PHYSICIAN TEMPORARY PERMIT.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* acknowledges the relationship that exists in our medical community with health care professionals in other countries in Asia. Our patients are referred to and receive health care in the Philippines, Taiwan, and other Asian countries on a daily basis.

Referrals are sanctioned by both the private and government sectors, and this process enables our health providers to consult with physicians in these countries to ensure quality outcomes for our people. *I Liheslaturan Guåhan* recognizes that the shortage of primary healthcare providers causes chronic delays in patients seeking medical care. Oftentimes, this delay causes minor concerns to become greater concerns due to the lack of timely attention, and thus results in greater anguish and cost for the patient. The early identification of medical issues has proven time and again to effect the greatest possible outcome.

I Liheslaturan Guåhan recognizes that at times there are opportunities for physicians practicing outside of Guam to provide services, of either an emergency or charitable nature, which would be of great benefit to the residents of Guam, without impeding the licensing structure established and mirrored in the United States medical profession.

I Liheslaturan Guåhan further recognizes that the state of Texas and other states have mechanisms that allow for such temporary services.

It is, therefore, the intent of *I Liheslaturan Guåhan*, in recognizing the invaluable contributions that these medical professionals can provide to alleviate the shortage of health providers we have on our island, to establish a Visiting Physician Temporary Permit within the Guam Board of Medical Examiners (GBME).

Section 2. A new § 12208(h) is *added* to Article 2, Part 1, Chapter 12, Title 10, Guam Code Annotated, to read:

"(h) The Board may issue a visiting physician temporary permit to practice medicine to an applicant who intends to practice under the supervision of a licensed Guam physician, excluding training in postgraduate training programs:

(1) for educational purposes;

(2) to practice charity care to underserved populations in Guam; provided, that the supervising physician or visiting physician may not impose fees or receive compensation for the care they provide, as further defined in 7 GCA § 16102(e);

(3) in cases of declared emergency disasters;

(4) for the provision of forensic psychiatric examinations related to criminal matters; or

(5) for the provision of charitable specialized medical care for which the applying physician has demonstrated good cause for the issuance of the permit.

(6) A visiting physician must not have a medical license that is under restriction, disciplinary order, or probation in another state, territory, or country.

(7) A visiting physician must be supervised by a physician who:

(A) has an unrestricted license in Guam;

(B) has not been the subject of a disciplinary order, unless the order was administrative in nature; and

(C) takes responsibility for the visiting physician during his/her stay in Guam, and must remain the patient's primary physician.

(8) A visiting physician must present written verification from the physician who will be supervising the applicant that the physician will provide continuous supervision of the applicant. Constant physical presence of the physician is not required, but the physician must remain readily available.

(9) A visiting physician must present written verification from the supervising physician as to the purpose for the requested permit.

(10) A visiting physician may not maintain an office in Guam, or appoint a place in Guam for seeing, examining or treating a patient, or any other activity that the Board designates as exempt from the application.

(11) Except in emergency cases, a visiting physician temporary permit application must be submitted no later than sixty (60) days prior to the visiting physician entering Guam. Applications not adjudicated by the Health Professional Licensing Office by the sixty-first (61st) day following submission *shall* automatically be approved.

(12) Visiting physician temporary permits *shall* be valid for no more than ten (10) working days, and for a specified locale and purpose. The Board may extend the length of the temporary permit for up to an additional ten (10) days if the applicant shows good cause for why the extended time is needed.

(13) Due to the charitable and emergency nature of the service, there shall be no fee assessed for the visiting physician temporary permit.

(14) Liability protection for the charitable and uncompensated care provided by the visiting physician is provided for in 7 GCA, Chapter 16 (Volunteer Liability Protection)."

Section 3. The GBME *shall* promulgate rules to implement the provisions of this Act within ninety (90) days of enactment.

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 that can be given effect

without the invalid provisions or application, and to this end the provisions of this Act are severable.

Section 5. Effective Date. This Act *shall* become effective upon enactment.