UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

35 GL-19-1223
Speaker Tina Rose Muña Barnes

November 12, 2019

NOV 12 2019
Time 5:46 ( )AM (X)PM
Received By:

HONORABLE TINA ROSE MUÑA BARNES
Speaker
I Mina'trentai Singko Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96932

2019 NOV 13 AM 8:22

Re: Bill No. 187-35 (COR) – *An Act to Add a New § 101301 to Chapter 10 of Title 25, Guam Administrative Rules and Regulations, Relative to Adopting the Rules and Regulations Entitled, "Guam Board of Allied Health Examiners Adoption of Final Rules" Regarding Codes of Professional Conduct/Ethics, Attached Hereto As Exhibit A*

Dear Madame Speaker:

It is my pleasure to sign Bill 187-35 into **Public Law 35-49**. The measure adopts the rules and regulations of professional conduct/ethics for the Guam Board of Allied Health Examiners.

These rules implement ethical standards and codes of conduct adopted by the American Speech-Language-Hearing Association (ASHA), the American Psychological Association, and the Association of State and Provincial Psychological Boards. As a registered nurse myself, I understand the special trust patients give to health professionals. That trust is a sacred responsibility which must be protected by the highest ethical and professional standards.

By adopting generally accepted standards of professional and ethical conduct we communicate to the world that our standard of care will be as beneficial to the people of Guam as it would anywhere else.

1223

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I thank the Legislature for its work on this measure and I look forward to advancing a new era of professional and ethical responsibility throughout our island.

Senseremente,

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

Enclosure(s): Bill No. 187-35 *nka* Public Law 35-49

cc via email: *Sigundo Maga'låhen Guåhan*
Compiler of Laws

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

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

This is to certify that **Bill No. 187-35 (COR), "AN ACT TO *ADD* A NEW § 101301 TO CHAPTER 10 OF TITLE 25, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ADOPTING THE RULES AND REGULATIONS ENTITLED, "GUAM BOARD OF ALLIED HEALTH EXAMINERS ADOPTION OF FINAL RULES" REGARDING CODES OF PROFESSIONAL CONDUCT/ETHICS, ATTACHED HERETO AS EXHIBIT A,"** was on the 31st day of October 2019, duly and regularly passed.

Tina Rose Muña Barnes
Speaker

Attested:

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 31st day of October, 2019, at 6:00 o'clock P.M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 11/12/2019

Public Law No. 35-49

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 187-35 (COR)
As amended by the Committee on Health,
Tourism, Historic Preservation, Land and Justice.

Introduced by: Therese M. Terlaje
William M. Castro
Régine Biscoe Lee
Kelly Marsh (Taitano), PhD
James C. Moylan
Louise B. Muña
Tina Rose Muña Barnes
Telena Cruz Nelson
Sabina Flores Perez
Clynton E. Ridgell
Joe S. San Agustin
Amanda L. Shelton
Telo T. Taitague
Jose "Pedo" Terlaje
Mary Camacho Torres

AN ACT TO *ADD* A NEW § 101301 TO CHAPTER 10 OF TITLE 25, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ADOPTING THE RULES AND REGULATIONS ENTITLED, "GUAM BOARD OF ALLIED HEALTH EXAMINERS ADOPTION OF FINAL RULES" REGARDING CODES OF PROFESSIONAL CONDUCT/ETHICS, ATTACHED HERETO AS EXHIBIT A.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the Guam Board of Allied Health Examiners submitted its original proposed rules and regulations relative to professional conduct and ethics on July 9, 2019 in accordance with the Administrative Adjudication Law. Prior to the public hearing

for the adoption of the Codes of Professional Conduct/Ethics, the Guam Board of Allied Health Examiners submitted amended proposed rules and regulations on September 12, 2019. These amendments include the adoption of the Code of Ethics published by the American Speech-Language-Hearing Association (ASHA) (2016) in Subsection (3) of the proposed rules and the adoption of the American Psychological Association (APA) Ethical Principles of Psychologists and Code of Conduct (2017), in addition to the Association of State and Provincial Psychological Boards (ASPPB) Code of Conduct in Subsection (5) of the proposed rules.

It is the intent of *I Liheslaturan Guåhan* to adopt the rules and regulations together with the Guam Board of Allied Health Examiners' recommendations as shown in EXHIBIT A.

Section 2. *I Liheslaturan Guåhan* does hereby adopt the rules and regulations entitled, "Guam Board of Allied Health Examiners Adoption of Amended Final Rules" regarding Codes of Professional Conduct/Ethics, attached hereto as EXHIBIT A, which adds a new § 101301 to Chapter 10 of Title 25, Guam Administrative Rules and Regulations, relative to the adoption of nationally recognized Codes of Professional Conduct/Ethics for Occupational Therapy, Acupuncture, Audiology, Chiropractic Medicine, Clinical Psychology, Licensed Professional Counseling, Licensed Mental Health Counseling, Marriage and Family Therapy, Physical Therapy, Physician Assistants, Podiatry, Speech-Language Pathology, Veterinary Medicine, Respiratory Therapy, Nutrition and Dietetics, and Nursing Home Administrators. These rules and regulations may be amended hereafter pursuant to the Administrative Adjudication Law.

Section 3. **Effective Date.** This Act *shall* be effective upon enactment.

EXHIBIT "A"

GUAM BOARD OF ALLIED HEALTH EXAMINERS

ADOPTION OF AMENDED FINAL RULES

Having complied with the Administrative Adjudication Law in all respects, the GUAM BOARD OF ALLIED HEALTH EXAMINERS has adopted the following Codes of Professional Conduct / Ethics:

* * *

25 GAR § 101301. CODES OF PROFESSIONAL CONDUCT / ETHICS

(a) All licensees, registrants, and certificate holders shall comply with the following Codes of Professional Conduct:

(1) **OCCUPATIONAL THERAPY.** In the case of Occupational Therapists and Occupational Therapist Assistants licensed by the Board as provided in Articles 7 and 14 of Chapter 12, Title 10, the Code of Professional Conduct shall be the American Occupational Therapy Association (AOTA) Occupational Therapy Code of Ethics (2015), as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Occupational Therapists and Occupational Therapist Assistants and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the AOTA Occupational Therapy Code of Ethics (2015) and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(2) **ACUPUNCTURE.** The Code of Professional Conduct for persons licensed to practice acupuncture shall be the National Certification Commission for Acupuncture and Oriental Medicine Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for the Practice of Acupuncture and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the National Certification Commission for Acupuncture and Oriental Medicine Code of Ethics and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(3) **AUDIOLOGY.** The Code of Professional Conduct for Audiologists licensed by the Board shall be the Code of Ethics published by the American Speech-Language-Hearing Association (2016), as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Audiologist and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for the Practice of Audiology and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(4) **CHIROPRACTIC MEDICINE.** The Code of Professional Conduct for Chiropractors licensed by the Board shall be the American Chiropractic Association

Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Chiropractors and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Chiropractors and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(5) **CLINICAL PSYCHOLOGY.** The Code of Professional Conduct for Clinical Psychologists licensed by the Board shall be the Association of State and Provincial Psychology Boards (ASPPB) Code of Conduct (2018), *and* the American Psychological Association (APA) Ethical Principles of Psychologists and Code of Conduct (2017) as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Clinical Psychologists and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Clinical Psychologist and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(6) **LICENSED PROFESSIONAL COUNSELING.** The Code of Professional Conduct for Licensed Professional Counselors licensed by the Board shall be the American Counseling Association Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Licensed Professional Counselors and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Licensed Professional Counselors and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(7) **LICENSED MENTAL HEALTH COUNSELING.** The Code of Professional Conduct for Licensed Mental Health Counselors licensed by the Board shall be the American Mental Health Counselors Association (AMHCA) Code of Ethics (Oct. 2015), as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Licensed Mental Health Counselors and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Licensed Mental Health Counselors and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(8) **MARRIAGE AND FAMILY THERAPY.** The Code of Professional Conduct for Marriage and Family Therapists licensed by the Board shall be the American Association of Marriage and Family Therapy (AAMFT) Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Marriage and Family Therapists and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Marriage and Family Therapists and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(9) **PHYSICAL THERAPY.** The Code of Professional Conduct for Physical Therapists licensed by the Board shall be the American Physical Therapy Association

(APTA) Code of Ethics for the Physical Therapist; and the APTA Guide for Professional Conduct, as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. The Code of Professional Conduct for Physical Therapist Assistants licensed by the Board shall be the APTA Guide for Conduct of the Physical Therapist Assistant (PTA); and the APTA Standards of Ethical Conduct for the Physical Therapist Assistant, as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Physical Therapists and Physical Therapist Assistant, and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Physical Therapists and Physical Therapist Assistant, and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(10) **PHYSICIAN ASSISTANTS**. The Code of Professional Conduct for Physician Assistants licensed by the Board shall be the Guidelines for Ethical Conduct for the Physician Assistant Profession (2013) as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Physician Assistants and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Physician Assistants and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(11) **PODIATRY**. The Code of Professional Conduct for Podiatrists licensed by the Board shall be the American Podiatric Medical Association – Code of Ethics (2013) as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Podiatrist and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Podiatrist and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(12) **SPEECH-LANGUAGE PATHOLOGY**. The Code of Professional Conduct for Speech-Language Pathologists and Speech-Language Pathology Assistants licensed by the Board shall be the American Speech-Language-Hearing Association (ASHA) Code of Ethics (2016) as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Speech-Language Pathologists and Speech-Language Pathology Assistants and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(13) **VETERINARY MEDICINE**. The Code of Professional Conduct for Veterinarians licensed by the Board shall be the American Veterinary Medical Association Principles of Veterinary Medical Ethics (PVME) as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Veterinarians and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Veterinarians and any statute enacted by

the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(14) **RESPIRATORY THERAPY**. The Code of Professional Conduct for Respiratory Therapists licensed by the Board shall be the American Association for Respiratory Care (AARC) Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Respiratory Therapy and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the American Association for Respiratory Care Code of Ethics and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(15) **NUTRITION AND DIETETICS**. The Code of Professional Conduct for Nutritionists and Clinical Dieticians licensed by the Board shall be the Academy of Nutrition and Dietetics Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Nutritionists and Clinical Dieticians and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Nutritionists and Clinical Dieticians and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(16) **NURSING HOME ADMINISTRATORS**. The Code of Professional Conduct for Nursing Home Administrators licensed by the Board shall be the American College of Health Care Administrators (ACHCA) Code of Ethics and the National Association for Home Care & Hospice (NAHC) Code of Ethics as adopted as of the effective dates of these rules, and any revisions made hereafter thereto. These Rules shall be known as the Code of Professional Conduct for Nursing Home Administrators and by reference thereto shall have the full force and effect of a regulation of the Board. In the event of a conflict between the Code of Professional Conduct for Nursing Home Administrators and any statute enacted by the Guam Legislature or any rule promulgated by this Board the more recent in time statute or rule shall control.

(b) Each applicant or licensee, registrant, or certificate holder is responsible for being familiar with and following the Code of Ethics of that individual's profession.

(c) Unethical conduct includes, but is not limited to, the following:

(1) Knowingly circulating untrue, fraudulent, misleading or deceptive advertising.

(2) Engaging in sexual activities with clients.

(3) Addiction to the habitual use of intoxicating liquors, narcotics, or other stimulants to such an extent as to incapacitate him from the performance of his professional obligations and duties.

(4) Failure of a licensee to inform clients fully about the limits of confidentiality in a given situation, the purposes– for which information is obtained, and how it may be used.

(5) Denial of a client's reasonable request for access to any records concerning the client. When providing clients with access to records, the licensee shall take due care to protect the confidences of others contained in those records.

(6) Failure to obtain informed consent of clients before taping, recording. or permitting third party observation of their activities.

(7) Failure to clarify the nature and directions of a licensee's loyalties and responsibilities and keep all parties informed of their commitments when a conflict of interest exists between a client and the licensee's employing institution.

(8) Failure to fully inform consumers as to the purpose and nature of an evaluation, research, treatment, educational or training procedure, and freely acknowledging that clients', students, or participants in research have freedom of choice with regard to participation.

(9) Failure to attempt to terminate a clinical or consulting relationship when it is reasonably clear that the relationship is not benefiting the consumer, patient, or client. Licensees who find that their services are being used by employers in a way that is not beneficial to the participants or to employees who may be affected, or to significant others, have the responsibility to make their observations known to the responsible persons and to propose modification or termination of the engagement.

(10) Failure to make every effort to avoid dual relationships with clients and/or relationships which might impair independent professional judgment or increase the risk of client exploitation.

(11) Failure to assist clients in finding needed services by making appropriate referrals in those instances where payment of the usual fee would be a hardship.

(12) Failure to terminate service to clients and professional relationships with them, when such service and relationships are no longer required. The licensee who anticipates the termination or interruption of service to clients shall notify clients promptly and seek the transfer, referral, or continuation of service in relation to the clients' needs and preferences.

(13) Setting fees that are unreasonable and not commensurate with the service performed.

(14) Engaging in the division of fees or agreeing to split or divide the fee received for professional services with any person for bringing or referring a patient.