EXECUTIVE ORDER NO. 77-12

REGULATIONS RELATIVE TO THE LICENSURE OF VETERINARIANS TO PRACTICE VETERINARY MEDICINE WITHIN THE TERRITORY OF GUAM

WHEREAS, it is incumbent upon the Government of Guam to assure that persons holding themselves forth as being qualified to practice veterinary medicine within the Territory of Guam are fully qualified to render such service; and

WHEREAS, Section 16223 of the Government Code of Guam has designated the Director of Public Health and Social Services as being responsible for evaluating the qualifications of persons applying to the Government of Guam for licensure to practice veterinary medicine within the Territory; and

WHEREAS, to assure that judgements relative to the qualifications of such applicants are both consistent and impartial it would be desirable that specific guidelines thereto be established; and

WHEREAS, a public hearing was conducted on June 14, 1977 to receive comments on the attached rules and regulations; and

WHEREAS, those present wholeheartedly supported these proposed rules and regulations;

NOW, THEREFORE, I, RICARDO J. BORDALLO, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, do hereby approve and promulgate the attached regulation effective this date.

Dated at Agana, Guam this 7th day of July, 1977.


COUNTERSIGNED:

[Signature]

Lieutenant Governor
Section 1. Except where otherwise indicated by context, in this Regulation the present tense includes the past and future tenses and the future tense includes the present, each gender includes the other two genders and the singular includes the plural and the plural the singular.

Section 2. Definitions. When used in this Regulation these words and phrases shall be defined as follows:

(1) "Animal" means any animal other than man and includes fowl, birds, fish and reptiles, wild or domestic, living or dead.

(2) "Veterinary medicine" includes veterinary surgery, obstetrics, dentistry and all other branches or specialties of veterinary medicine.

(3) "Practice of veterinary medicine" means:
   (a) to diagnose, treat, correct, change, relieve, or prevent animal disease, deformity, defect, injury, or other physical or mental condition, including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or therapeutic or diagnostic substance or technique, or the use of any manual or mechanical procedure for artificial insemination, for testing for pregnancy, or for correcting sterility or infertility, or to render advice or recommendation with regard to any of the above.
   (b) to represent, directly or indirectly, publicly or privately, an ability or willingness to do any act described in Subsection (a).
   (c) to use any title, words, abbreviation or letters in a manner or under circumstances which induce the belief that the person using them
is qualified to do any act described in Subsection (a), except where such person is a veterinarian.

(4) "Veterinarian" means a person who has received a doctor's degree in veterinary medicine from a school of veterinary medicine.

(5) "License" means a certificate stating that the person named therein has been found qualified to engage in the practice of veterinary medicine.

(6) "Licensed veterinarian" means a person who is validly and currently licensed to practice veterinary medicine in this Territory.

(7) "School of veterinary medicine" means any veterinary college or division of a university or college that offers the degree of Doctor of Veterinary Medicine or its equivalent and that conforms to the standards required for accreditation by the American Veterinary Medical Association.

(8) "Foreign school of veterinary medicine" means any college or division of a university or college in a country other than the United States of America or Canada that offers the degree of Doctor of Veterinary Medicine or its equivalent and is accredited by the national veterinary medical association of such country.

(9) "Person" means any individual, firm, partnership, association, joint venture, cooperative or corporation, or any other group or combination acting in concert; and whether or not acting as a principal, trustee, fiduciary, receiver, or as any other kind of legal or personal representative, or as the successor in interest, assignee, agent, factor, servant, employee, director, officer, or any other representative of such person.

(10) "Cruelty" means any act of commission, omission or neglect which, in the opinion of the Board,
does not conform with generally accepted standards of veterinary practice and causes unnecessary or excessive physical pain and suffering, injury or death.

(11) "Board" means the Guam Board of Veterinary Medical Examiners.

(12) "Director" means the Director of Public Health and Social Services.

Section 3. License Requirements and Exceptions. No person may practice veterinary medicine in the Territory who is not a licensed veterinarian or the holder of a valid temporary permit approved by the Board and endorsed by the Director. This Regulation shall not be construed to prohibit:

(1) An employee of a Federal, State or Territorial government performing his official duties.

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

(3) A person advising with respect to or performing acts which the Board by rule has prescribed as accepted livestock management practices.

(4) A veterinarian regularly licensed in another territory or state consulting with a licensed veterinarian in this Territory.

Section 4. Creation of the Guam Board of Veterinary Medical Examiners. A Guam Board of Veterinary Medical Examiners within the Government of Guam shall be created which will consist of no more than three (3) members who shall be nominated by the Guam Veterinary Medical Association and appointed by the Director.

Section 5. Qualifications of Board Members. Members of the Board shall only be nominated from persons who have been citizens of the United States or residents of this Territory for at least one year next preceding their
nomination and who hold licenses under this Title or a preceding veterinary medical licensure Act of this Territory.

Section 6. Term. Members of the Guam Board of Veterinary Medical Examiners shall be appointed for a term of four (4) years except that such members may hold office until the appointment and confirmation of a successor. Vacancies occurring shall be filled by the Director for the unexpired term.

Section 7. Removal. The Director shall have the power to remove from office any member of the Board appointed under this Regulation for the neglect of any duty required by this Regulation.

Section 8. Powers of the Board. The Board shall have the power to:

(1) Determine the qualifications and fitness of applicants for a license to practice veterinary medicine in the Territory.

(2) Discipline licensed veterinarians consistent with the provisions of this Regulation and the rules and policies adopted thereunder.

(3) Conduct investigations for the purpose of discovering violations of this Regulation.

(4) Hold hearings on all matters properly brought before the Board and in connection thereto to administer oaths, receive evidence, make the necessary determinations, and enter orders consistent with the findings. The Board may require by subpoena the attendance and testimony of witnesses and the production of papers, records, or other documentary evidence and commission depositions. The Board may designate one or more of its members to serve as its hearing officer.

(5) Employ full-time or part-time personnel—professional, clerical, or special—necessary to effectuate the provisions of this Regulation and purchase
or rent necessary office space, equipment and supplies.

(6) Appoint from its own membership one or more members to act as representatives of the Board at any meeting within or without the Territory where such representation is deemed desirable or required.

(7) Bring proceedings in the courts for the enforcement of this Regulation or any rules and policies made pursuant thereto.

(8) Adopt, amend or repeal all rules and policies necessary for its government or necessary to carry into effect the provisions of this Regulation, including the establishment and publication of standards of professional conduct for the practice of veterinary medicine.

The powers enumerated above are granted for the purpose of enabling the Board to effectively supervise the practice of veterinary medicine and are to be construed liberally to accomplish this objective.

Section 9. All licenses and certificates issued under this regulation shall be endorsed by the Director. The secretary of the Board shall issue such licenses and certificates upon the recommendation and approval of a majority of the members of the Board and endorsement by the Director.

Section 10. The Board shall hold at least one meeting annually. Special meetings of the Board shall be held at such time and place as the secretary of the Board may designate.

Section 11. Hearings. In the event of an appeal to the Board by a licensee or an applicant for licensure, the Board shall hold a hearing no later than thirty (30) days after the date that such appeal has been received by the Board. Such hearing shall be for the purpose of assimilating, collecting and examining applicable testimony on such appeal. No later than ten (10) days prior to such hearing, the secretary of the Board shall transmit written notification via registered mail, showing the date, time and place of such hearing, to the individual members of the Board and to the
appellant.

The hearing shall not be open to the public. Individual members of the Board and the appellant may attend, testify and submit written testimony of interested persons. The appellant may be represented by counsel.

No later than five (5) days after the close of the hearing, the commission shall render its determination. Such determination shall be final unless otherwise provided by law.

Section 12. Records. The Board shall keep a record of all its proceedings, a part of which shall consist of a register of all persons granted licenses or certificates under this Regulation.

Section 13. Compensation. Members of the Board shall serve without pay, however, they will be entitled to traveling and other expenses necessary in the performance of their duties.

Section 14. Fees. A single checking account with a duly licensed bank in the territory of Guam shall be maintained by the Board. All fees collected under this Regulation shall be paid to the treasurer of the Board and deposited in said account. All withdrawal warrants on said account shall be authorized by the president of the Board and signed by the treasurer of the Board.

Said account shall be used as a source of operating expenses for the Board established under this Regulation.

On or before June 30 of each year, all funds in excess of fifteen thousand dollars ($15,000) shall be transferred from said account to the General Fund.

The account established under this section shall be audited annually by the Department of Administration and a report on each annual audit shall be supplied to the Legislature.

Section 15. Status of Persons Previously Licensed. Any person holding a valid license to practice veterinary medicine in this Territory on the date this Regulation becomes
effective shall be recognized as a licensed veterinarian and
shall be entitled to retain this status so long as he complies
with the provisions of this Regulation, including annual
renewal of such license.

Section 16. Application for License; Qualifications.
Any person desiring a license to practice veterinary medicine
in this Territory shall make written application to the Board.
The application shall show that the applicant is 21 years of
age or more, a graduate of a school of veterinary medicine, a
person of good moral character and such other information
and proof as the Board may require by rule. The application
shall be accompanied by a fee in the amount established and
published by the Board.

If the Board determines that the applicant possesses the
proper qualifications, it may, by majority vote of its members,
recommend endorsement by the Director and thereupon grant
him a license. If an applicant is found to be not qualified
for licensure, the Board shall notify the applicant in
writing of such finding and the grounds therefore. An
applicant found to be not qualified may require a hearing on
the question of his qualification under the procedure set
forth in Section 11.

Section 17. Examinations. The Board may hold such
examinations as it deems necessary. The Board shall give public
notice of the time and place for each regularly scheduled
examination at least 60 days in advance of the date set for
the examination. A person desiring to take an examination
shall make application at least 30 days before the date of a
regularly scheduled examination.

The preparation, administration and grading of examina-
tions shall be governed by rules and policies prescribed by
the Board. Examinations shall be designed to test the
examinee's knowledge and proficiency in the subjects and
techniques commonly taught in a school of veterinary medicine.
To pass the examination, the examinee must demonstrate
scientific and practical knowledge sufficient to prove
himself a person competent to practice veterinary medicine
in the judgment of the Board.

After each such examination the Board shall notify the
Director and each examinee of the result of his examination.

Section 18. License Without Written Examination. A
license without written examination may, upon recommendation
of the Board, be issued to a qualified applicant who furnishes
satisfactory proof that he is a graduate of a school of
veterinary medicine and who:

(1) Has for the 3 years next prior to filing
his application been a practicing veterinarian licensed
in a state, territory, or district of the United States
having license requirements, at the time the applicant
was first licensed, which were substantially equivalent
to the requirements of this Regulation; or

(2) Has within the 3 years next prior to
filing his application successfully completed the
examination conducted by the National Board of Veterinary
Medical Examiners. At its discretion, the Board may
orally or practically examine any person applying for
licensing under this section.

Section 19. Graduates of Foreign Schools of Veterinary
Medicine. A license may, upon recommendation of the Board
and endorsement by the Director, be issued to a graduate of
a foreign school of veterinary medicine provided such
graduate can furnish proof that he has been certified by the
Educational Commission For Foreign Veterinary Graduates
(ECFVG) of the American Veterinary Medical Association within
the 3 years next prior to filing his application. At its
discretion, the Board may orally or practically examine
any person applying for licensing under this section.

Section 20. Temporary Permit. The Board may issue
without examination a temporary permit to practice veterinary
medicine in this Territory.
(1) To a qualified applicant for license pending examination, provided that such temporary permit shall expire the day after the notice of results of the first examination given after the permit is issued. No temporary permit may be issued to any applicant who has previously failed the examination in this Territory.

(2) To a nonresident veterinarian validly licensed in another territory, state or district of the United States or in a foreign country who pays the fee established and published by the Board, provided that such temporary permit shall be issued for a period of no more than 60 days and that no more than one permit shall be issued to a person during each calendar year. A temporary permit may be summarily revoked by majority vote of the Board without a hearing.

Section 21. License Renewal. All licenses shall expire annually on December 31 of each year but may be renewed by registration with the Board and payment of the registration renewal fee established and published by the Board. Not later than December 1 of each year, the secretary shall mail a notice to each licensed veterinarian that his license will expire on December 31 and provide him with a form for registration. The secretary shall issue a new certificate of registration to all persons registering under this Regulation.

Any person who shall practice veterinary medicine after the expiration of his license and willfully or by neglect fail to renew such license shall be practicing in violation of this Regulation. Provided, that any person may renew an expired license within 5 years of the date of its expiration by paying the current renewal fee plus all delinquent renewal fees. After 5 years have elapsed since the date of the expiration, a license may not be renewed, but the holder must make application for a new license.

The Board may by rule waive the payment of the registration
renewal fee of a licensed veterinarian during the period when
he is on active duty with any branch of the armed services of
the United States, not to exceed 3 years or the duration of
national emergency, whichever shall be longer.

Section 22. Discipline of Licensees. Upon receiving
a written complaint against a licensed veterinarian the Board
shall hold a hearing in accord with the provisions of the
Administration Adjudication Law, Title XXV of the Government
Code of Guam. The Board may revoke or suspend for a certain
time the license of any licensed veterinarian for any of the
following reasons:

(1) The employment of fraud, misrepresentation
or deception in obtaining a license.
(2) An adjudication of insanity.
(3) The use of advertising or solicitation
which is false, misleading, or is otherwise deemed
unprofessional under regulations adopted by the Board.
(4) Conviction of a felony.
(5) Incompetence, gross negligence, or other
malpractice of veterinary medicine as determined by the
Board.
(6) Having professional association with or
employing any person practicing veterinary medicine
unlawfully.
(7) Fraud or dishonesty in the application or
reporting of any test for disease in animals.
(8) Failure to keep veterinary premises and
equipment in a clean and sanitary condition.
(9) Failure to report, as required by law, or
making false report of, any contagious or infectious
disease.
(10) Dishonesty or gross negligence in the
inspection of foodstuffs or the issuance of health or
inspection certificates.
(11) Cruelty to animals.
Revocation of a license to practice veterinary medicine by another territory, state or district of the United States on grounds other than non-payment of registration fee.

Unprofessional conduct as defined in regulations adopted by the Board.

Section 23. Reinstatement. Any person whose license is suspended or revoked may, at the discretion of the Board, be relicensed or reinstated at any time without an examination by majority vote of the Board on written application made to the Board showing cause justifying relicensing or reinstatement.

Section 24: Enforcement:

(1) Any person who shall practice veterinary medicine without a currently valid license or temporary permit shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than $50 nor more than $500, or imprisoned for no more than 90 days, or both fined and imprisoned; provided that each act of such unlawful practice shall constitute a distinct and separate offense.

(2) No person who shall practice veterinary medicine without a currently valid license or temporary permit may receive any compensation for services so rendered.

(3) The Board or any citizen of this Territory may bring an action to enjoin any person from practicing veterinary medicine without a currently valid license or temporary permit. If the court finds that the person is violating, or is threatening to violate, this Regulation it shall enter an injunction restraining him from such unlawful acts.

(4) The successful maintenance of an action based on any one of the remedies set forth in this section shall in no way prejudice the prosecution of an action based on any other of the remedies.
Section 25. Severability. If any part of this Regulation is held invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid part shall remain in effect.