

GOVERNMENT OF GUAM
OFFICE OF THE GOVERNOR
AGANA, GUAM

EXECUTIVE ORDER NO. 77-12

REGULATIONS RELATIVE TO THE LICENSURE OF
VETERINARIANS TO PRACTICE VETERINARY MEDI-
CINE 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

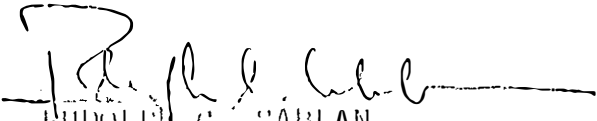
WHEREAS, those present wholeheartedly supported these proposed rules and regulations;

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.


RICARDO J. BORDALLO
Governor of Guam

COUNTERSIGNED:


RUDOLPH G. SABLAN
Lieutenant Governor

1 REGULATIONS

2 GUAM BOARD OF VETERINARY MEDICAL EXAMINERS

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

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

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

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

17 (3) "Practice of veterinary medicine" means:

18 (a) to diagnose, treat, correct, change,
19 relieve, or prevent animal disease, deformity,
20 defect, injury, or other physical or mental
21 condition, including the prescription or
22 administration of any drug, medicine, biologic,
23 apparatus, application, anesthetic, or therapeutic
24 or diagnostic substance or technique, or the use
25 of any manual or mechanical procedure for
26 artificial insemination, for testing for pregnancy,
27 or for correcting sterility or infertility, or to
28 render advice or recommendation with regard to
29 any of the above.

30 (b) to represent, directly or indirectly,
31 publicly or privately, an ability or willingness
32 to do any act described in Subsection (a).

33 (c) to use any title, words, abbreviation
34 or letters in a manner or under circumstances
35 which induce the belief that the person using them

1 is qualified to do any act described in
2 subsection (a), except where such person is a
3 veterinarian.

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

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

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

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

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

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

34 (10) "Cruelty" means any act of commission,
35 omission or neglect which, in the opinion of the Board,

1 does not conform with generally accepted standards of
2 veterinary practice and causes unnecessary or excessive
3 physical pain and suffering, injury or death.

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

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

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

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

15 (2) A person who is a regular student in a
16 veterinary school performing duties or actions assigned
17 by his instructors, or working under the direct super-
18 vision of a licensed veterinarian during a school
19 vacation period.

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

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

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

32 Section 5. Qualifications of Board Members. Members
33 of the Board shall only be nominated from persons who have
34 been citizens of the United States or residents of this
35 Territory for at least one year next preceeding their

1 nomination and who hold licenses under this Title or a
2 preceeding veterinary medical licensure Act of this
3 Territory.

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

8 Vacancies occurring shall be filled by the Director for
9 the unexpired term.

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

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

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

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

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

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

33 (5) Employ full-time or part-time personnel-
34 professional, clerical, or special-necessary to
35 effectuate the provisions of this Regulation and purchase

1 or rent necessary office space, equipment and supplies.

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

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

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

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

18 Section 9. All licenses and certificates issued
19 under this regulation shall be endorsed by the Director. The
20 secretary of the Board shall issue such licenses and certifi-
21 cates upon the recommendation and approval of a majority of
22 the members of the Board and endorsement by the Director.

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

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

1 appellant.

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

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

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

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

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

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

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

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

33 Section 15. Status of Persons Previously Licensed.
34 Any person holding a valid license to practice veterinary
35 medicine in this Territory on the date this Regulation becomes

1 effective shall be recognized as a licensed veterinarian and
2 shall be entitled to retain this status so long as he complies
3 with the provisions of this Regulation, including annual
4 renewal of such license.

5 Section 16. Application for License; Qualifications.

6 Any person desiring a license to practice veterinary medicine
7 in this Territory shall make written application to the Board.
8 The application shall show that the applicant is 21 years of
9 age or more, a graduate of a school of veterinary medicine, a
10 person of good moral character and such other information
11 and proof as the Board may require by rule. The application
12 shall be accompanied by a fee in the amount established and
13 published by the Board.

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

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

30 The preparation, administration and grading of examina-
31 tions shall be governed by rules and policies prescribed by
32 the Board. Examinations shall be designed to test the
33 examinee's knowledge and proficiency in the subjects and
34 techniques commonly taught in a school of veterinary medicine.
35 To pass the examination, the examinee must demonstrate

1 scientific and practical knowledge sufficient to prove
2 himself a person competent to practice veterinary medicine
3 in the judgment of the Board.

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

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

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

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

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

33 Section 20. Temporary Permit. The Board may issue
34 without examination a temporary permit to practice veterinary
35 medicine in this Territory:

1 (1) To a qualified applicant for license
2 pending examination, provided that such temporary permit
3 shall expire the day after the notice of results of the
4 first examination given after the permit is issued. No
5 temporary permit may be issued to any applicant who has
6 previously failed the examination in this Territory.

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

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

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

35 The Board may by rule waive the payment of the registration

1 renewal fee of a licensed veterinarian during the period when
2 he is on active duty with any branch of the armed services of
3 the United States, not to exceed 3 years or the duration of
4 national emergency, whichever shall be longer.

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

12 (1) The employment of fraud, misrepresentation
13 or deception in obtaining a license.

14 (2) An adjudication of insanity.

15 (3) The use of advertising or solicitation
16 which is false, misleading, or is otherwise deemed
17 unprofessional under regulations adopted by the Board.

18 (4) Conviction of a felony.

19 (5) Incompetence, gross negligence, or other
20 malpractice of veterinary medicine as determined by the
21 Board.

22 (6) Having professional association with or
23 employing any person practicing veterinary medicine
24 unlawfully.

25 (7) Fraud or dishonesty in the application or
26 reporting of any test for disease in animals.

27 (8) Failure to keep veterinary premises and
28 equipment in a clean and sanitary condition.

29 (9) Failure to report, as required by law, or
30 making false report of, any contagious or infectious
31 disease.

32 (10) Dishonesty or gross negligence in the
33 inspection of foodstuffs or the issuance of health or
34 inspection certificates.

35 (11) Cruelty to animals.

1 (12) Revocation of a license to practice
2 veterinary medicine by another territory, state or
3 district of the United States on grounds other than non-
4 payment of registration fee..

5 (13) Unprofessional conduct as defined in
6 regulations adopted by the Board.

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

12 Section 24. Enforcement.

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

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

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

32 (4) The successful maintenance of an action
33 based on any one of the remedies set forth in this
34 section shall in no way prejudice the prosecution of an
35 action based on any other of the remedies.

1 Section 25. Severability. If any part of this
2 Regulation is held invalid by a court of competent juris-
3 diction, all valid parts that are severable from the invalid
4 part shall remain in effect.

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