



# Guam Board of Allied Health Examiners

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## PRELIMINARY COST IMPACT ASSESSMENT

(ECONOMIC IMPACT STATEMENT)

Adoption of Professional Codes of Conduct / Ethics  
& Amended Fee Schedule

Guam's Administrative Adjudication Law provides the following exemptions to the requirement that an economic impact statement accompany proposed rules, changes of rules, regulations and proposals to impose or raise fees or rates:

Exemptions. Any proposed rule, change of rule, regulation or request to impose or raise fees or rates *shall* be exempted from the economic impact statement requirements of Subsection (d), (e), (f), (g), and (h) of this Section if the annual economic impact to the general public is Five Hundred Thousand Dollars (\$500,000) or less, as determined by a preliminary cost impact assessment performed by the Bureau of Budget and Management Research, or the department, agency, autonomous agency, office or instrumentality proposing the rule, change of rule, regulation or request to impose or raise fees. The preliminary cost impact assessment must be completed and made available to the public prior to any required hearings on the proposed rules or regulations, and must be transmitted to *I Liheslatura* (the Legislature) as part of the agency record.

Title 5 GCA § 9301(i).

The Guam Board of Allied Health Examiners (“GBAHE”) in consultation with the Office of Attorney General has conducted a preliminary cost impact assessment of the proposed rules and amended fee schedule to be adopted and has made the following determination:

1. The proposed rules adopting Professional Codes of Conduct / Ethics has been determined to have no economic impact whatsoever.
2. The proposed fee schedule will have an economic impact to the general public of less than \$500,000.

According to the law, therefore, no economic impact statement is required. Nevertheless, in an effort to ascertain an appropriate fee schedule, the Board considered the following:

1. Licensure Fees have not been amended in over three decades, since at least the 1980's;
2. The law contemplates that licensing boards and commissions of all regulated professions are expected to be self-supporting from fees, penalties, and related costs assessed against licensees;
3. The Board formally and informally compared licensure fees for each profession licensed by the Board to licensing fees imposed in the following jurisdictions: Alaska, California, Florida, Hawaii, Illinois, Texas, and Washington State. The recommended fees are either equal to, or in most if not nearly all cases, less than the cost of licensure in any other jurisdiction;

4. The Health Professions Licensing Office (“HPLO”) and those boards supported by the HPLO are not, generally-speaking, line-items in the Government of Guam’s budget, but must depend on sources within the Department of Public Health and Social Services (“DPHSS”). Furthermore, licensure fees collected by the various Boards have historically been subject to the Governor’s transfer authority;
  
5. The HPLO and the GBAHE have estimated administrative and legal costs associated with licensure and discipline of each profession licensed by the Board, which include the following real-time considerations, many of which in the past have been provided free of charge by other agencies or departments but due to other budget constraints are no longer being provided:
  - Dedicated Administrative Support Staff;
  - The Board’s proportionate share of Office Space, Rent, and Utilities;
  - Computers;
  - Printing, Copying, and Scanning;
  - Off-site storage of records required to be kept in many cases indefinitely;
  - Networking, Internet Access, Email, Web Page hosting;
  - Inspectors;
  - Investigators;
  - Legal Counsel;
  - Hearing Officers;
  - Court Reporters;
  - Publication of Notices Required by the Open Government Act and the Administrative Adjudication Law;
  - Sponsoring on-island conferences, and, funding permitting, board member and staff attendance at off-island conferences;
  - Subscriptions to professional regulatory journals;
  - Professional Organizations Memberships

Many of the services, fees, and costs identified above have in the past been provided by other government entities including the Department of Public Health and Social Services, the Office of the Attorney General; and the Department of Administration. Whereas the HPLO has endeavored to reduce costs where possible, including utilizing free publication of notices of board meetings, free services are not reliable which winds up costing the boards more money in the long run.

All of the above considered it is the opinion of the Board that the amended fee schedule appropriately, if modestly, accounts for inflation, the actual costs of services provided, and fees and costs when compared to other jurisdictions.