

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN

2022 (SECOND) Regular Session

VOTING RECORD

NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator V. Anthony Ada	✓					
Senator Frank Blas Jr.	✓					
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator James C. Moylan	✓					
Vice Speaker Tina Rose Muña Barnes	✓					
Senator Telena Cruz Nelson					✓	✓
Senator Sabina Flores Perez	✓					
Senator Clynton E. Ridgell					✓	✓
Senator Joe S. San Agustin	✓					
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Senator Jose "Pedo" Terlaje	✓					
Speaker Therese M. Terlaje	✓					
Senator Mary Camacho Torres					✓	✓

TOTAL

12

0

**Not
Voting/
Abstained**

**Out
During
Roll Call**

3

Absent

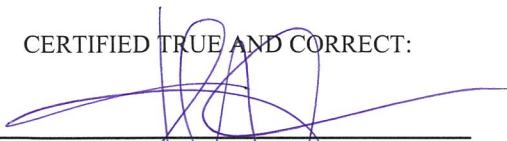
3

Excused

Aye

Nay

CERTIFIED TRUE AND CORRECT:



 RENNAE V. C. MENO
 Clerk of the Legislature

I = Pass

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 158-36 (LS)

As amended on the Floor.

*

Introduced by:

Tina Rose Muña Barnes
Mary Camacho Torres
Amanda L. Shelton
Joe S. San Agustin
Clynton E. Ridgell
Jose “Pedo” Terlaje
Frank Blas Jr.
James C. Moylan
V. Anthony Ada

AN ACT TO *ADD* A NEW CHAPTER 54 TO TITLE 17, GUAM CODE ANNOTATED; AND *AMEND* SECTION 1 (g)(10) OF CHAPTER V OF PUBLIC LAW 36-54, RELATIVE TO BUILDING UP GUAM’S HEALTHCARE CAPACITY; AND TO CITE THIS ACT AS THE “*BIRÅDA ACT*.”

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1.** A new Chapter 54 is hereby *added* to Title 17, Guam Code
3 Annotated, to read as follows:

4 **“CHAPTER 54**

5 ***BIRÅDA ACT***

6 **§ 54101. Establishment and Short Title.**

7 There is hereby established the *Biråda Act*.

1 **§ 54102. Purpose and Intent.**

2 The intent of this Act is to build Guam’s healthcare capacity. Currently, there
3 is established the “*Physician Recruitment and Retention Education Debt Repayment*
4 *Program*”; however, the benefits of this program have yet to be realized. In 2021,
5 the 36th Guam Legislature’s Committee on Regional Affairs worked closely with the
6 Western Interstate Commission for Higher Education (WICHE) to secure a U.S.
7 Department of the Interior Office of Insular Affairs Technical Assistance Program
8 Grant to increase access to postsecondary opportunities by increasing affordability
9 for insular students and ultimately building the capacity of the U.S. Pacific
10 Territories and Freely Associated States. Through this, students of Guam can pursue
11 a college education and reduced nonresident tuition at over one hundred sixty (160)
12 partner colleges for their undergraduate and graduate degrees in a variety of fields –
13 excluding professional healthcare degrees, such as medicine. Based on the success
14 of this initiative, Guam’s current dues of Seventy-eight Thousand Dollars (\$78,000)
15 for the WICHE program no longer needs to be appropriated by *I Liheslatura* for the
16 next fiscal year.

17 *I Liheslatura* acknowledges that it is prudent to build Guam’s healthcare
18 capacity. As it stands, the cost of a professional healthcare education presents a
19 challenge for many of our local students. Students who are fortunate to attain such
20 education tend to accept higher paying jobs in order to pay for their exorbitant
21 investment – mainly off island. The intent of this Act is to allow Guam’s local
22 students to attain an affordable, world-class professional healthcare education and
23 have them come back to the island to serve our community in need.

24 Based on *I Liheslatura’s* findings, there may be a need to also create the
25 necessary infrastructure to allow for local students to be competitive with their
26 counterparts, and obtain acceptance into professional healthcare education

1 programs. *I Liheslatura* further acknowledges the successes of the Guam
2 Community College in implementing such programs.

3 The intent of this Act is to allow the Guam Community College to serve as
4 the administrative officer of the WICHE Professional Student Exchange Program
5 (PSEP) for Guam residents, which would allow students to pursue careers in ten (10)
6 healthcare fields served by partner programs in WICHE member states, while
7 receiving financial support from their state/territory to support tuition costs over the
8 duration of a health degree. By participating in WICHE’s Professional Student
9 Exchange Program (PSEP), western states and territories benefit by inspiring and
10 compelling graduates to return home to practice and bolster the professional health
11 care workforce of their communities.

12 This Act would establish and fund the required Scholarship Office for the
13 WICHE PSEP within the Guam Community College. The Scholarship Office would,
14 in turn, determine a student’s eligibility and work with *I Liheslatura*, community
15 partners, and governmental stakeholders to fund the per-student, annual fee. Should
16 a student be funded through local private entities, the student would in turn be
17 required to fulfill their service obligation to the private sponsor. Should a student be
18 supported through public funds, the student would then be required to fulfill their
19 service obligation to an instrumentality of the government of Guam.

20 **§ 54103. Definitions.**

21 As used in this Chapter:

22 (a) *Committee* shall mean the Guam Community College President,
23 the Guam Community College Board of Trustees Chairperson, the
24 CEO/Administrator of the Guam Economic Development Authority, the
25 Administrator of the Guam Memorial Hospital Authority, the Director of the
26 Guam Department of Public Health and Social Services, the Director of the
27 Guam Behavioral Health and Wellness Center, the Chairperson of the Guam

1 Board of Medical Examiners, and the President of the Guam Medical
2 Association.

3 (b) *Participant* shall mean any individual who is awarded
4 sponsorship through the Scholarship Office.

5 (c) *Public health care facility* shall mean a government-run health
6 care facility or entity on Guam.

7 (d) *Private health care facility* shall mean a privately-run health care
8 facility on Guam.

9 (e) *Program* shall mean the Western Interstate Commission for
10 Higher Education Professional Student Exchange Program.

11 (f) *Scholarship Office* shall mean an office at the Guam Community
12 College created specifically to administer the Western Interstate Commission
13 for Higher Education Professional Student Exchange Program for Guam
14 residents.

15 (g) *Qualifying health specialty* shall include health specialties
16 covered under the Western Interstate Commission for Higher Education
17 Professional Student Exchange Program.

18 (h) *Service obligation* shall mean the obligation by the participant to
19 provide health care services in their specialty for a period pursuant to § 54106
20 of this Chapter.

21 **§ 54104. Administration.**

22 The provisions of this Chapter shall be administered by the Guam Community
23 College under the purview of the President. A Scholarship Office shall be created as
24 an entity within the Guam Community College to administer the WICHE PSEP for
25 Guam residents.

26 The Scholarship Office shall develop guidelines for the administration of the
27 Program, to be inclusive of the following:

1 (a) develop an application process for students to apply for
2 consideration for support;

3 (b) develop a selection and appeals process for students who wish to
4 apply for higher education in qualifying health fields;

5 (c) develop a criterion for a contract obligating recipients to a service
6 obligation or repayment where applicable;

7 (d) collect and manage repayments from participants who do not
8 meet their service obligations;

9 (e) solicit and accept grants and donations from public and private
10 sources for the Program;

11 (f) create a mechanism for private health care facilities to sponsor
12 participants who wish to participate in the Program;

13 (g) publicize the Program to maximize participation among
14 individuals in shortage areas and among populations expected to experience
15 the greatest growth in the workforce;

16 (h) establish a ceiling of any public funds available for sponsorship
17 of local students into the Program; and

18 (i) establish and maintain a separate account within the Guam
19 Community College to receive funds from both public and private sources that
20 is to be used strictly for the Program.

21 **§ 54105. Program and Eligibility.**

22 Eligibility into the Program shall be determined by the Scholarship Office
23 based on the following criteria:

24 (a) The participant is a bonafide resident of Guam, having resided
25 on Guam for a period of five (5) years. Nothing in this Section shall prohibit
26 a participant who may have received their undergraduate degree at an off-
27 island college or a participant who has served off-island as a member of the

1 United States Armed Forces from qualifying; provided, that the participant
2 presents documented proof of five (5) years of consecutive residency on
3 Guam prior to attending an off-island college or serving in the United States
4 Armed Forces.

5 Nothing in this Section shall prohibit a participant from qualifying who
6 may have lived off-island due to their legal guardian being legally separated,
7 and the participant was living off-island with their guardian; provided, that
8 the other guardian is a resident of Guam who has lived on Guam for five (5)
9 years consecutively. The participant is required to furnish documents to verify
10 such claims.

11 (b) The participant has the necessary pre-requisites to enter a
12 professional healthcare program as defined and stipulated under the WICHE
13 PSEP, and the participating school.

14 (c) The participant shall not be receiving any other assistance from
15 another state or territory for the purposes of attaining a professional healthcare
16 degree.

17 (d) The participant shall enter into a contract with the Scholarship
18 Office stating their commitment and desire to serve in Guam.

19 (e) Any participant who chooses to participate in the Program and
20 be sponsored by a private health care facility may submit as an addendum to
21 their application, a signed affidavit by both the participant and the private
22 health care facility, outlining the intent of the sponsorship, as well as the
23 health professional shortage area that the participant intends to pursue and the
24 total sponsorship amount that the private health care facility commits to
25 contribute.

26 Nothing in this Section shall prohibit a participant from applying and
27 being sponsored by a private health care facility without the aforementioned

1 affidavit. The Scholarship Office, as outlined in § 54104(e) of this Chapter,
2 may develop its own pool of donors that the Committee may utilize funds
3 from and award sponsorships.

4 (f) A participant may apply to the Program prior to acceptance from
5 a partner school in the Program; however, no funds will be disbursed until a
6 participant furnishes to the Scholarship Office proof of acceptance into a
7 program within the scope of a qualifying health specialty.

8 (g) The participant must furnish a police clearance, and not be
9 charged with a felony, crime of moral turpitude, or criminal sexual conduct,
10 upon application and throughout the term of their participation in the Program.
11 Should a participant be charged with an aforementioned crime during the
12 course of their education, the Committee shall determine the individual's
13 eligibility to remain in the Program. Should a participant be deemed ineligible,
14 the participant is obligated to return any funds used to sponsor said participant
15 in the Program.

16 **§ 54106. Service Obligation.**

17 (a) The participant agrees to actively engage in full-time professional
18 practice in Guam in the qualifying health specialty in which he or she was educated
19 for not less than five (5) years as the Committee requires. The taking of a medical
20 residency program in Guam shall be credited toward the practice requirements at the
21 rate of one-third (1/3) year of full-time practice for each year of service in a medical
22 residency program in Guam.

23 (b) Participants who participate in an accelerated track are required to serve
24 the equivalent of the non-accelerated track of the similar program.

25 (c) Prior to disbursing any funds to the participant's accepted school, the
26 Scholarship Office shall enter into a contract with the participant outlining the
27 service obligation. Such contract shall include a repayment plan should the

1 participant default on their obligation. The repayment plan may include a deferment
2 of up to six (6) months after the participant’s graduation or residency, whichever is
3 later.

4 **§ 54107. Funding.**

5 (a) The Scholarship Office shall establish a separate account within the
6 Guam Community College to administer the Program.

7 (b) The Scholarship Office shall solicit from the Guam Economic
8 Development Authority funds that may be utilized from the Qualifying Certificate
9 Program to build Guam’s healthcare capacity. Participants sponsored under this
10 funding source shall be required to complete their service obligation in a public
11 health care facility.

12 (c) The Scholarship Office may further solicit funds from private health
13 care facilities. Private health care facilities may sponsor participants into the
14 Program as an eligible business expense; provided, that the private health care
15 facility is established to function within the scope of a health professional shortage
16 area, and provided, that the total sponsorship amount of the participant for the
17 duration of the Program is transferred to the Scholarship Office prior to the
18 participant beginning his/her course of study. Participants who are sponsored
19 through this partnership are eligible to complete their service obligation in the
20 private health care facility that sponsored their course of study pursuant to the same
21 terms as defined in § 54106 of this Chapter.”

22 **Section 2.** Section 1(g)(10) of Chapter V of Public Law 36-54 is hereby
23 *amended* to read as follows:

24 “(10) Funding for Membership to WICHE. The sum of Seventy-eight
25 Thousand Five Hundred Dollars (\$78,500) is appropriated from the General
26 Fund to the Guam Community College for the purpose of funding a
27 Scholarship Office to administer the Western Interstate Commission for

- 1 Higher Education Professional Student Exchange Program for qualified
- 2 Guam residents.”