

*I Mina'trentai Singko Na Liheslaturan Guáhan*  
**APPOINTMENTS**

DOCUMENT NO.	APPOINTEE	POSITION	AGENCY	APPT. DATE	TERM LENGTH	CMTE REFERRED	DATE REFERRED	PUBLIC HEARING DATE	CMTE REPORT FILED	DATE CONFIRMED	NOTES
35GL-20-2131	Arthur U. San Agustin	Director	Department of Public Health and Social Services	7/31/20	To serve at the pleasure of the Governor	Committee on Health, Tourism, Historic Preservation, Land, and Justice	8/5/20	9/10/20 5:00 p.m.	10/15/20 8:37 a.m.		



**SENATOR THERESE M. TERLAJE**

Committee on Health, Tourism, Historic Preservation, Land and Justice  
*I Mina'trentai Singko na Liheslaturan Guåhan*  
35<sup>th</sup> Guam Legislature

October 13, 2020

**The Honorable Tina Rose Muña Barnes**

Speaker

*I Mina'trentai Singko na Liheslaturan Guåhan*

163 Chalan Santo Papa

Hagåtña Guam, 96910

**VIA: The Honorable Régine Biscoe Lee**

Chairperson, Committee on Rules

**RE: Committee Report on the Appointment of Arthur U. San Agustin**

*Håfa Adai* Speaker Barnes:

Transmitted herewith is the Committee Report on the Executive Appointment of **Arthur U. San Agustin** to serve as the **Director** of the **Department of Public Health and Social Services**, and which was referred to the Committee on Health, Tourism, Historic Preservation, Land and Justice.

Committee votes are as follows:

<u>  3  </u>	TO CONFIRM
<u>  0  </u>	TO NOT CONFIRM
<u>  2  </u>	TO REPORT OUT ONLY
<u>  0  </u>	TO ABSTAIN
<u>  0  </u>	TO PLACE IN INACTIVE FILE

**COMMITTEE ON RULES**

**RECEIVED:**

October 14, 2020

8:00 A.M.

Sincerely,

Therese M. Terlaje

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Mailing Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Office Address: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) | [www.senatorterlaje.com](http://www.senatorterlaje.com)



**SENATOR THERESE M. TERLAJE**

Committee on Health, Tourism, Historic Preservation, Land and Justice

*I Mina' trentai Singko na Libeslaturan Guåhan*

35<sup>th</sup> Guam Legislature

## **COMMITTEE REPORT**

# **Nomination of Arthur U. San Agustin**

To Serve as the Director of the Department  
of Public Health and Social Services  
Term Length: At the Pleasure of the  
Governor of Guam

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Mailing Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Office Address: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) | [www.senatorterlaje.com](http://www.senatorterlaje.com)



**SENATOR THERESE M. TERLAJE**

Committee on Health, Tourism, Historic Preservation, Land and Justice  
*I Mina' trentai Singko na Libeslaturan Guåhan*  
35<sup>th</sup> Guam Legislature

October 13, 2020

**MEMORANDUM**

**To:** All Members  
Committee on Health, Tourism, Historic Preservation, Land and Justice

**From:** Senator Therese M. Terlaje *Tmt*  
Committee Chairperson

**Subject:** Committee Report on the Appointment of Arthur U. San Agustin

Transmitted herewith for your consideration is the Committee Report on the appointment of **Arthur U. San Agustin** to serve as **Director** of the **Department of Public Health and Social Services**.

This report includes the following:

- Copy of COR Referral of the Appointment
- Copy of the Appointment Letter to the Speaker
- Copy of the Appointment Packet & Supporting Documents
- Notices of Public Hearing & Other Correspondence
- Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Submitted Written Testimonies & Supporting Documents
- Committee Report Digest
- Committee Vote Sheet

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

*Si Yu'os Ma'åse'!*

Senator Régine Biscoe Lee,  
Chair

Senator Amanda L. Shelton,  
Vice Chair

Speaker Tina Rose Muña Barnes,  
Member

Vice Speaker Tena Cruz Nelson,  
Member

Senator Kelly Marsh (Taitano), PhD,  
Member

Senator Sabina Flores Perez,  
Member



Senator Clynton E. Ridgell,  
Member

Senator Joe S. San Agustin,  
Member

Senator Jose "Pedro" Terlaje,  
Member

Senator Therese M. Terlaje,  
Member

Senator James C. Moylan,  
Member

Senator Mary Camacho Torres,  
Member and Chair, Subcommittee on Protocol

**COMMITTEE ON RULES**  
*I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN*  
35<sup>TH</sup> GUAM LEGISLATURE

August 5, 2020

## MEMO

**To:** **Rennae Meno**  
Clerk of the Legislature

**Attorney Ana Won Pat-Borja**  
Legislative Legal Counsel

**From:** **Senator Régine Biscoe Lee**  
Chair, Committee on Rules

**Re:** **Referral of Appointment**

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*Buenas yan Håfa adai.*

As Chair of the Committee on Rules, I am forwarding the referral of the following appointment:

**Appointee:** **Arthur U. San Agustin**

**Position:** **Director, Department of Public Health & Social Services**

The appointee's nomination packet may be referenced in the Guam Legislature's website at <http://guamlegislature.com/index/messages-and-communications/>. Please refer to the follow document:

**"35GL-20-2131 - Office of the Governor of Guam - Appointment and Supporting Documents for Arthur U. San Agustin, Director, Department of Public Health & Social Services."**

Please ensure that the aforementioned appointment is referred to the **Committee on Health, Tourism, Historic Preservation, Land and Justice, chaired by Senator Therese M. Terlaje.**

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this matter.

Respectfully,

**Senator Régine Biscoe Lee**  
Chair, Committee on Rules



*I Mina'trentai Singko Na Liheslaturan Guáhan*  
**APPOINTMENTS**

DOCUMENT NO.	APPOINTEE	POSITION	AGENCY	APPT. DATE	TERM LENGTH	CMTE REFERRED	DATE REFERRED	PUBLIC HEARING DATE	CMTE REPORT FILED	DATE CONFIRMED	NOTES
35GL-20-2131	Arthur U. San Agustin	Director	Department of Public Health and Social Services	7/31/20	To serve at the pleasure of the Governor	Committee on Health, Tourism, Historic Preservation, Land, and Justice	8/5/20				

**clerks@guamlegislature.org**

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**From:** Speaker's Office <speaker@guamlegislature.org>  
**Sent:** Wednesday, August 5, 2020 4:08 PM  
**To:** Clerks Office  
**Cc:** Rennae Meno  
**Subject:** Messages and Communications  
**Attachments:** Appointment for Arthur U. San Agustin.pdf

08-05-20	2:47 PM	07-31-20	Appointment and Supporting Documents for Arthur U. San Agustin, Director, Department of Public Health & Social Services.	Office of the Governor of Guam	35GL-20-2131
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*Sinseru yan Minagâhet,*

**Office of the Speaker • Tina Rose Muña Barnes**  
Committee on Public Accountability, Human Resources & the  
Guam Buildup

35th Guam Legislature  
*I Mina'trentai Singko na Liheslaturan Guåhan*

Guam Congress Building | 163 Chalan Santo Papa | Hagatna, GU 96910  
T: (671) 477-2520/1  
[speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)

This e-mail message is intended only for the use of the individual or entity named above and may contain confidential and privileged information. If you are not the intended recipient, any disclosure, copying, distribution or use of the information contained in this transmission is strictly PROHIBITED. If you have received this transmission in error, please immediately notify us by replying to [speaker@guamlegislature.org](mailto:speaker@guamlegislature.org) and delete the message immediately. Thank you very much.

Gumai pribilehu yan konfedensia este siha na mensâhi. Solo espesiâtmente para hâgu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespâtcha. Yanggen lachi rinisibu-mu nu este na mensâhi , put fabot ago' guatu gi I numa'huyong gi as [speaker@guamlegislature.org](mailto:speaker@guamlegislature.org) yan despues destrosa todû siha I kopian mensâhi. Si Yu'os ma'âse'.

UFISINAN I MAGA'HÅGA  
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO  
MAGA'HÅGA • GOVERNOR



JOSHUA F. TENORIO  
SIGUNDO MAGA'LÁHI • LIEUTENANT GOVERNOR

July 31, 2020

35GL-20-2131  
Speaker Tina Rose Muña Barnes

Honorable Tina Rose Muña Barnes  
Speaker  
*I Mina'trentai Singko Na Liheslaturan Guåhan*  
Guam Congress Building  
163 Chalan Santo Papa  
Hagatna, Guam 96932

AUG 05 2020  
Time 2:47 ( )AM ( )PM  
Received By: Ang JT

**RE: Appointment, Department of Public Health & Social Services**

Dear Madame Speaker:

By virtue of the authority vested in me pursuant to the Organic Act of Guam and the local laws applicable to the following position, I am pleased to transmit the following appointment and supporting documents for:

APPOINTEE: Arthur U. San Agustin  
POSITION: Director, Department of Public Health & Social Services  
TERM LENGTH: **To serve at the pleasure of the Governor**

The appointment is subject to the consent of *I Liheslaturan Guåhan*. Please schedule a hearing at your earliest convenience.

*Senseramente,*

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

cc: Lt. Governor of Guam

RICARDO J. BORDALLO GOVERNOR'S COMPLEX • HAGÁTÑA, GUAM 96910  
P.O. BOX 2950 • HAGÁTÑA, GUAM 96932  
671.472.8931 • 671.472.8932/6



LEINIAN F MAGA HAGA  
OFFICE OF THE GOVERNOR



LOURDES A. LEON GUERRERO  
MAGA HAGA • GOVERNOR

JOSHUA F. TENNIN  
SEGUNDO MAGA HAGA • DEPUTY GOVERNOR

July 13, 2020

Arthur U. San Agustin

**Re: Appointment as Director, Department of Public Health & Social Services**

Dear Mr. San Agustin:

Pursuant to my authority under 5 GCA §3111, it is with pleasure that I appoint you

**DIRECTOR, DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES**

This appointment shall be at **THE PLEASURE OF THE GOVERNOR**

Appointing you to this position come with great responsibility because you will have a vital role to perform which will place many demands on your time and energy. Integrity and honesty are virtues that I prioritize for my Administration to exemplify, and I know that you will do the same while in service to the people of Guam. Your responsibilities, as described throughout Guam lay, shall be significant and consequential. I trust that you will fulfill your duties and set a standard for others to follow.

I appreciate your willingness to serve in this position, and I am confident that your time will be spent in a manner to improve the island of Guam.

This appointment is subject to the advice and consent of *I Liheslaturan Guåhan*. Pending the consent of, and confirmation of this appointment by *I Liheslaturan Guahân*, you are hereby appointed to serve as **DIRECTOR** in an acting capacity.

This appointment is effective **July 13, 2020**. If you have any questions or concerns, please contact the Office of the Governor.

*Senseramente,*

**LOURDES A. LEON GUERRERO**  
*Maga'hagan Guåhan*  
Governor of Guam

cc: Lt. Governor of Guam

**LOURDES A. LEON GUERRERO**  
Governor

**JOSHUA F. TENORIO**  
Lieutenant Governor



## OFFICE OF THE GOVERNOR OF GUAM Nomination and Appointment Information Sheet

The following information is required for submission to the  
Speaker of *I Liheslaturan Guåhan* in accordance with Title 4, Guam Code Annotated Section 2103

### NOMINEE INFORMATION

<b>Last Name</b> SAN AGUSTIN	<b>First Name</b> ARTHUR	<b>Middle Initial</b> U
<b>Mailing Address</b> [REDACTED]		<b>Apartment/Unit #</b>
<b>City</b> [REDACTED]	<b>State</b> [REDACTED]	<b>Zip Code</b> [REDACTED]
<b>Phone</b> [REDACTED]	<b>E-mail Address</b> [REDACTED]	
<b>Position to which Appointment is Made</b> DIRECTOR, DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES		
<b>Are you a citizen of the United States?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
<b>If no, are you authorized to work in the United States?</b> Yes <input type="checkbox"/> No <input type="checkbox"/>		

### EDUCATION

SCHOOL (Name, City and State)	DATES OF ATTENDANCE	TYPE OF DEGREE	YEAR EARNED
<b>High School</b> Guam Community College	1980 - 1983	High School Diploma	1983
<b>College</b> University of Guam	1983 - 1987	BS - Social Work	1987
<b>Graduate School</b> University of Oklahoma, Advanced Programs, AAFB, Guam	1989 - 1994	MHR	1994
<b>Other Degree</b>			

## EMPLOYMENT HISTORY

<b>Name of Present/Last Employer and Mailing Address</b> Department of Public Health & Social Services Division of Senior Citizens Government of Guam		<b>Position Title</b> Administrator
		<b>Dates Held</b> 06/2007 - Present
<b>Previous Employer and Mailing Address</b> Department of Public Health & Social Services Government of Guam		<b>Position Title</b> Acting Director (Deputy Director)
		<b>Dates Held</b> 01/2011 - 03/2011 (04/2005 - 06/2007)
<b>Previous Employer and Mailing Address</b> Guam Community College Mangilao, Guam		<b>Position Title</b> Adjunct Instructor
		<b>Dates Held</b> 10/1998 - 12/1998
<b>Previous Employer and Mailing Address</b> University of Guam College of Arts & Sciences School of Social Work		<b>Position Title</b> Adjunct Instructor
		<b>Dates Held</b> 08/1996 - 05/1997
<b>Previous Employer and Mailing Address</b> Department of Public Health & Social Services DSC - Adult Protective Services		<b>Position Title</b> Social Worker II (Acting Supervisor)
		<b>Dates Held</b> 04/1992 - 04/1996 (05/94 - 11/94)

## PRIOR GOVERNMENT OF GUAM SERVICE

<b>Agency or Department Name</b> Department of Corrections		<b>Position Title</b> Social Worker II	
<b>Address</b> Government of Guam	<b>Phone No.</b>	<b>Dates Held</b> 09/1989 - 04/1992	
<b>Agency or Department Name</b> DPHSS - DSC - Adult Protective Services		<b>Position Title</b> Social Worker II	
<b>Address</b> Government of Guam	<b>Phone No.</b>	<b>Dates Held</b> 06/1989 - 09/1989	

**PRIOR GOVERNMENT SERVICE (EXCLUDING GOVERNMENT OF GUAM)**

<b>Agency or Department Name</b>		<b>Position Title</b>	
<b>Address</b>	<b>Phone No.</b>	<b>Dates Held</b>	

<b>Agency or Department Name</b>		<b>Position Title</b>	
<b>Address</b>	<b>Phone No.</b>	<b>Dates Held</b>	

**TRAINING**

<b>INSTITUTE/SEMINARS/ON-THE-JOB TRAINING</b>	<b>DATE</b>
Management Accountability & Control	12/1995
Fundamental Mgmt Skills & Techniques	06/1995
Effective Interviewing Techniques	01/1993
Public Service Workshop	07/1988

**AWARDS**

<b>List all educational, professional, civic awards, and recognition for public service:</b>

**PROFESSIONAL INVOLVEMENT**

<b>List involvement on a local/national/international level. List organizations, activities participated in, and offices held:</b>
Member, Guam Developmental Disabilities Council, 2000 Member & Past Officer, Guam Association of Social Workers, 1988 - 1992 General Membership, Sanctuary Inc., 1986 - 1992 Social Work Policy Committee, 1986 - 1987 Social Work Student Alliance, 1985 - 1987

## COMMUNITY / CIVIC INVOLVEMENT

<i>List organizations, activities participated in, and offices held:</i>
Member, JJAC, 11/1993 - 01/1995 Dept Chair, DOC Lytico & Bodig Fund Drive, 1991 GASW Chair/Member, GASW Annual Conference, 1988 - 1992

## PUBLICATIONS AND PRESENTATIONS

<i>List any published articles, papers delivered at professional meetings, etc.:</i>

## MILITARY SERVICE (Please attach Form DD-214)

<i>BRANCH</i>	<i>DATES OF SERVICE</i>	<i>RANK AT DISCHARGE</i>	<i>TYPE OF DISCHARGE</i>

## OTHER INFORMATION

(1) Have you ever been found guilty of a felony in any court, whether within or without the United States?

Yes  No  If so, please specify in detail: \_\_\_\_\_

Address of the Court: \_\_\_\_\_

Date(s) of Conviction: \_\_\_\_\_

Specific Infraction Committed: \_\_\_\_\_

**(2) Have you ever been declared mentally incompetent by any court, whether within or without the United States?**

Yes  No  If so, please specify in detail the reasons and facts related to such declaration:

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**(3) Have you ever been found not guilty or not punishable in any criminal proceedings by reason of insanity?**

Yes  No

**(4) Have you ever been confined to a mental institution for any reason?**

Yes  No  If so, please specify in why the appointing authority believes you that you are not suffering from any mental illness or affliction:

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**LOURDES A. LEON GUERRERO**  
Governor



**JOSHUA F. TENORIO**  
Lieutenant Governor

**OFFICE OF THE GOVERNOR OF GUAM**

**Statement of Financial Interests**

(Required by 4 G.C.A. §13104.1)

TO: The Honorable Lourdes A. Leon Guerrero  
Governor of Guam  
Ricardo J. Bordallo Governor's Complex  
Adelup, Guam 96910

FROM: Arthur U. San Agustin

I have no financial interest in any business

I do have interest(s) in the following business(es):

NAME AND ADDRESS OF BUSINESS INTEREST	TYPE AND AMOUNT OF INTEREST
Mister Gardener Plant Nursery	Sole Proprietor - 100%

ASAg  
Signature

01/21/2020  
Date

**AFFIDAVIT / DECLARATION UNDER PENALTY OF PERJURY**

I, the undersigned, do hereby depose and say that: (1) I have read and reviewed the information contained in the attached Appointment/Nomination letter from the Governor of Guam; (2) that the matters contained in the Appointment/Nomination letter, together with all attachments thereto, are true and correct and that I am competent to testify to said matters; and (3) that this Declaration is made for the purpose of complying with the requirements of 4 G.C.A. Section 2103.5.

I declare under penalty of perjury under the laws of Guam (4 G.C.A. Section 4308) that the foregoing is true and correct.

  
Arthur U San Agustin  
Print Name and Signature

07/21/2020  
Date





# SUPERIOR COURT OF GUAM

Guam Judicial Center • 120 West O'Brien Drive • Hagatña, Guam 96910

Telephone (671) 475-3370/475-3449

Fax (671) 472-2856

**DANIELLE T. ROSETE**  
Clerk of Court

Name: **ARTHUR JOHN ULLOA SAN AGUSTIN**

SS#: ID# [REDACTED] Date of Birth: [REDACTED]

## CERTIFICATE OF SEARCH

The undersigned Clerk hereby certifies the following results of a diligent search of the records of this Court:

**Criminal Cases:**

- A.  No Case Found
- B. 1. Criminal Case No.
- 2. Criminal Case No.
- 3. Criminal Case No.
- 4. Criminal Case No.
- 5. Criminal Case No.

**Civil Cases:**

- A. [ ] No Case Found
- B. 1. Civil Case No.
- 2. Civil Case No.
- 3. Civil Case No.
- 4. Civil Case No.
- 5. Civil Case No.

Criminal Record: Page 1 of 1

Civil Record: Page 1 of 1

Request for further information may be addressed at the Records Division of the Superior Court of Guam, Guam Judicial Center, 120 West O'Brien Drive, Hagatña, Guam. Hours of operation are Monday – Friday, 8:00 a.m. to 5:00 p.m. Closed Saturday, Sunday and local/federal holidays. Court Clearances are Non-Refundable.

Dated: 07/15/2020

**DANIELLE T. ROSETE**  
Clerk of Court

BY:   
**RODNEY-JOE P MANIBUSAN**  
Deputy Clerk

Prepared By: **RJPM**



The absence of an original Court Seal invalidates this document



Government of Guam  
GUAM POLICE DEPARTMENT  
RECORDS & IDENTIFICATION SECTION  
P.O. Box 23909  
Guam Main Facility, Guam 96921



July 30, 2020

**SUBJECT: CRIMINAL HISTORY RECORD**

<b>NAME:</b>	Arthur U. SAN AGUSTIN		
<b>DATE OF BIRTH:</b>	[REDACTED]	<b>FINGERPRINT#:</b>	NONE
<input checked="" type="checkbox"/>	The individual has no record of criminal conviction(s) in the Guam Police Department files that are subject to Guam law.		

\*\*\*\*\*NOTHING FOLLOWS\*\*\*\*\*

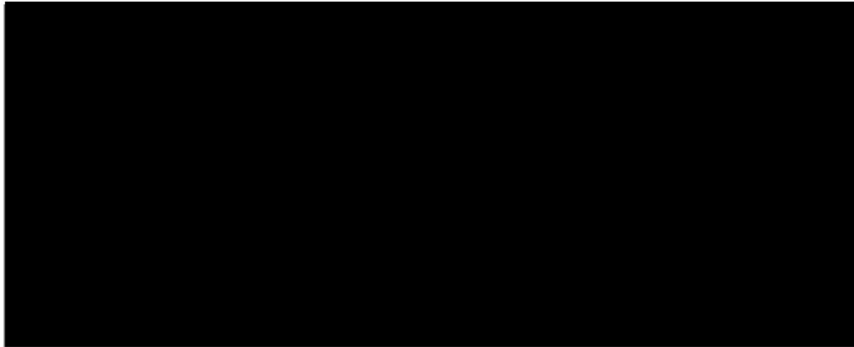
*THIS INFORMATION MAY BE LIMITED TO A LOCAL CRIMINAL OFFENSE ONLY AND IS NOT INTENDED FOR USE FOR ANY LOCAL, STATE, OR FEDERAL LAW ENFORCEMENT AGENCY.*

By Direction: sdquintanilla

**STEPHEN C. IGNACIO**  
Chief of Police

The absence of an original GUAM POLICE seal invalidates this police clearance.  
REVISED 04/26/19

## RESUME



### EDUCATION

December 1989 - March 1994, University of Oklahoma, Andersen Air Force Base, Guam  
**Masters Degree**, Human Relations (1994) (Advanced Programs)

January 1983 - May 1987, University of Guam, Mangilao, Guam  
**Bachelor of Science**, Social Work (1987)

### HONORS AND AWARDS

- Appointment, Acting Director, Department of Public Health and Social Services (January 20, 2011 to March 2011)
- Appointment, Acting: Director, Deputy Director, Director, Department of Public Health and Social Services (December 1, 2006 to June 2007, October – November, 2006, April 11, 2005 to October 2006)
- Manager of the Year 2001 (Performance Year 2000), Large Department, Excel Program
- Department of Corrections Civilian Nominee (1991)
- Social Worker of the Year, Guam Association of Social Workers (1990)
- First Lady's Outstanding Volunteer Service Nominee (1990)
- Outstanding Young Men of America (1989)
- Appointment, Sinajana Municipal Planning Council (1989)
- Certificate of Appreciation, Department of Corrections Service (1989)
- Speaker, 14<sup>th</sup> and 15<sup>th</sup> Guam Youth Congress (1988-1990)
- National Dean's List (1987)
- University of Guam Dean's List (1987)
- University of Guam Merit Scholarship Recipient (1983-1987)
- Top Ten Graduating Class of 1983, Guam Community College High School
- National Honor Society President and Member (1981-1983)
- Outstanding Youth, Guam Community College (1980-1981)

### PROFESSIONAL WORK EXPERIENCE

**Employer:** Department of Public Health and Social Services  
Division of Senior Citizens

Resume  
Arthur U. San Agustin  
Page 2 of 10

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**P.O. Box 2816  
Hagatna, Guam 96932**

**Employment Date: June 2007 to Present**  
**Position Title: Senior Citizens Administrator**

As the Administrator of one of the five primary divisions of the Department of Public Health and Social Services, I have immediate oversight responsibility for the administration of federally mandated Title III Supportive Services for aging programs. These programs include Adult Day Care, Elderly Nutrition Program (which has two components – Congregate Feeding and Home-Delivered Meals), Senior Center Operations (of which there are twelve), Transportation Services, Case Management, Legal Assistance Services, In-Home and Homemaker Services. Additional programs include, the National Family Caregiver Support Program, Preventive Health, Ombudsman Services, Elder Abuse, State Health Insurance Assistance Program and Senior Medicare Project, Aging Disability Resource Center and No Wrong Door initiative.

Additionally, there are local programs under the purview of the Administrator. These include the Bureau of Adult Protective Services with an Emergency Receiving Home and the currently unfunded Manamko Yan Manhoben Program. The entire island is the service catchment areas for all these locally funded programs. Approximately three thousand five hundred of the island's elderly are recipients of aging services.

As the Administrator, I am responsible to ensure work activities of the division are in compliance with the rules, regulations, policies, and procedures of the Department and the Government of Guam. Additionally, I am responsible to ensure service providers are in compliance with applicable regulations. I review Request for Proposals and Invitation for Bids for services provided to the elderly prior to publication to ensure government requirements are met. Once providers or vendors are selected, I am responsible for the final review of all contracts to be processed, leading negotiations prior to the finalization of contracts, and reviewing and approving invoices submitted for payment.

I prepare the annual budget of the Division and present the budget before the Guam Legislature as scheduled and called upon. I prepare and submit grant reports and applications, and prepare testimony on proposed bills that impact the lives of seniors, their family and caregivers and adults with a disability, as appropriate.

I oversee division operations and activities which include the coordination, facilitation and implementation of health initiatives, expansion of programs, cost savings measures and training for division personnel and various community benefactors to include the planning and coordination of the annual celebration of Senior Citizens Month, pre-COVID-19.

The Bureau of Adult Protective Services Unit generally has three Social Workers to provide assistance. However, at certain times and depending on staff availability and case workload, I assist by providing direct client services. In addition, I provide case consultation and reviews upon the request of the Supervisor or Social Workers of this Bureau.

Resume  
Arthur U. San Agustin  
Page 3 of 10

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There are 11 employees within the division which I have immediate supervisory responsibility for six. I am also responsible to ensure they perform their duties and responsibilities for the delivery of aging services to seniors, their caregivers and families.

**Employer:** Department of Public Health and Social Services  
P.O. Box 2816  
Hagatna, Guam 96932  
**Employment Date:** January 20, 2011 to March 2011  
**Position Title:** Acting Director

As the Acting Director of the Department of Public Health and Social Services, I had oversight responsibility for the administration of federally and locally funded programs. I was responsible to ensure work activities were carried out in compliance and conformance with applicable rules, regulations, policies, and procedures of the Department and the Government of Guam.

I oversaw the overall operations and activities of five divisions which included the coordination, facilitation and implementation of health initiatives, expansion of programs, cost savings measures and training for division personnel and various community benefactors. I also attended cabinet meetings, legislative/budget hearings, on-island/off-island meetings and conferences.

**Employer:** Department of Public Health and Social Services  
P.O. Box 2816  
Hagatna, Guam 96932  
**Employment Date:** April 2005 to June 2007  
**Position Title:** Acting Director, Deputy Director, Acting Director

As the leadership of the Department of Public Health and Social Services, I had oversight responsibility for the administration of federally and locally funded programs. I was responsible to ensure work activities were performed in compliance with applicable rules, regulations, policies, and procedures of the Department and the Government of Guam.

I oversaw the operations and activities of five divisions which included the coordination, facilitation and implementation of health initiatives, expansion of programs, cost savings measures and training for division personnel and various community benefactors. I also attended cabinet meetings, legislative/budget hearings, on-island/off-island meetings and conferences.

**Employer:** Guam Community College  
School of Business, Social Science & Tourism  
P.O. Box 23069  
GMF, Barrigada, Guam 96921  
**Employment Date:** October 24, 1998 to December 19, 1998  
**Position Title:** Adjunct Instructor

As an Adjunct Instructor for Guam Community College, I was responsible for teaching PY125, a course designed to introduce, explore or enhance the personal skills necessary for working

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successfully with other people. These skills include collaborating with others, communicating effectively and resolving conflict (conflict resolution). Successful employees possess people skills as well as technical skills. The aim of the course was to develop people skills necessary to increase productivity and advance one's career.

Grading of the course was based on the evaluation of the following measurement tools: five reflection papers on a specific topical area documenting their impressions, afterthoughts of the experience, and identifying strengths, weaknesses and ways to improve their inaction or reaction; the student's in-class participation in group work and their peer evaluation of this process; a required mid-term examination; an optional final examination dependent on the student's grade prior to the administration of the final examination; and extra credit work. available.

**Employer:** Department of Public Health and Social Services  
Division of Senior Citizens  
P.O. Box 2816  
Hagatna, Guam 96932

**Employment Date:** April 1996 to June 1997

**Position Title:** Acting Senior Citizens Administrator

As the Acting Senior Citizens Administrator of one of the five primary divisions of the Department of Public Health & Social Services, I had immediate oversight responsibility for the administration of federally mandated Title III Supportive Services for aging programs. These programs include Adult Day Care, Elderly Nutrition Program (which has two components – Congregate Feeding and Home-Delivered Meals), Senior Center Operations (of which there are sixteen), Transportation Services, Case Management, Legal Assistance Services, In-Home and Homemaker Services. All these services are available for and provided to the island's elderly.

Additionally, there were local programs under the purview of the Administrator. These included Adult Protective Services (which included the Emergency Receiving Home), the Respite Care Program and the Manamko Yan Manhoben Program. The entire island is the service catchment areas for all these locally funded programs. Approximately three thousand five hundred of the island's elderly are recipients of our services.

As the Acting Administrator, I was responsible to ensure work activities of the division were performed in compliance with applicable rules, regulations, policies, and procedures of the Department and the Government of Guam. Additionally, I was responsible to ensure that service providers were in compliance with applicable regulations. I reviewed Request for Proposals for services provided to the elderly prior to publication to ensure government requirements were complied with. Once vendors or providers were selected, I was responsible for the final review of all contracts to be processed, leading contract negotiations prior to the finalization of contracts, the monitoring and evaluation of contracts, and reviewing and approving invoices submitted for payment.

Further, I prepared the annual budget of the Division and presented the budget before the Guam Legislature as scheduled; and coordinated, supported and ensured the annual celebration of

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Senior Citizens Month, a month-long celebration honoring the countless contributions of seniors from past, present and future.

The Adult Protective Services Unit generally has three (3) Social Workers to provide assistance. However, at certain times and depending on staff availability and case workload, I assisted by providing direct client services. In addition, I provided case consultation and reviews upon the request of the Supervisor or Social Workers of this Unit.

There were seventeen (17) employees with the division and I had immediate supervisory responsibility for seven. I was responsible to ensure that the staff performed their duties and responsibilities in accordance with their individualized work plans.

**Employer:** University of Guam  
College of Arts and Science, School of Social Work  
UOG Station, Mangilao, Guam 96923  
**Employment Date:** August 1996 to May 1997  
**Position Title:** Adjunct Instructor

As an Adjunct Instructor for the University of Guam, I was responsible for teaching SW 201, a course designed to introduce exploring students to the field of Social Work and social welfare as an institution. The course provided a basic understanding of what social work is, what social workers believe, what they do, how they carry out their duties and responsibilities, the variety of settings which they respond to and new possibilities for practice. At the end of the course, it is the hope that students would be able to enumerate what social work is about, have gained increased knowledge of issues related to social welfare, social development and social work education in the United States and Micronesian societies. Additionally, they were exposed to the array of social services available on island.

Grading of the course was based on the evaluation of the following measurement tools: assessment of homework completed based on the student's understanding of the assignment; the student's in-class participation that focused on their ability to conceptualize and verbalize their understanding of the subject being discussed; a major project that focused on the student's presentation of a socially relevant issue; three exams that measured the student's processing and understanding of the materials presented; and extra credit work.

**Employer:** Department of Public Health and Social Services  
Division of Senior Citizens  
Adult Protective Services Unit  
P.O. Box 2816  
Hagatna, Guam 96932  
**Employment Date:** April 1992 to April 1996  
**Position Title:** Acting Supervisor (May 1994 through November 1994)

The Adult Protective Services Unit is staffed with three staff Social Workers who provide protective services to Guam's elderly population, age 60 and older and adults with a disability,

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Arthur U. San Agustin  
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age 18-59. As the staff with the most seniority within the Unit, I was delegated the responsibility to supervise the work activities of the staff. There was a Social Worker Supervisor position but the position was not filled due to budgetary constraints.

In this supervisory capacity, I was responsible for dealing with personnel matters, compiling and maintaining statistics, preparing quarterly and annual reports, developing work processes to improve the efficiency of our operations, monitoring and evaluating the emergency shelter, negotiating problems with upper management related to contracts funded through our office and carrying a caseload that included field investigations. I was also tasked with computerization of case information and coordination/reactivation of the Multi-Disciplinary Team.

**Employer:** Department of Corrections  
P.O. Box 3236  
Hagatna, Guam 96932  
**Employment Date:** September 1989 to April 1992  
**Position Title:** Social Worker II

In this capacity, I was responsible for developing a service plan reflective of the needs of each inmate under my caseload with the primary goal of rehabilitation. The service plan was required to address the social, spiritual, psychological/emotional and physical needs of the individual. I was involved in the development of three (3) programs for inmates at the correctional facility. These programs were the Marriage Enrichment Program, the Pre-Work Release Program and the coordination of continuous AIDS Education/Awareness and Testing program.

In addition to these programs, my other activities included intake and assessment, carrying a caseload and performing related casework duties, working with the inmate on educational release (assisting with enrollment for off-compound classes at the Guam Community College and/or University of Guam), coordinating treatment for drug abuse, developing a plan for work release, referring inmates for services, preparing social history of assigned inmates for presentation before the Adjustment and Classification Committee, preparing inmates for parole hearings, representing inmates during Disciplinary Committee hearings on facility violations they are charged with.

**Employer:** Department of Public Health and Social Services  
Division of Senior Citizens  
Adult Protective Services Unit  
P.O. Box 2816  
Hagatna, Guam 96932  
**Employment Date:** June 1989 to September 1989  
**Position Title:** Social Worker II

As a staff member of the Unit during its early formation, my primary responsibilities included developing a system of processes for receiving referrals, conducting investigations and monitoring for action on referrals received. I was also responsible for securing price quotations for the acquisition of resources needed for the Unit to become fully operational.



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Arthur U. San Agustin  
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**Employer:** Department of Corrections  
P.O. Box 3236  
Hagatna, Guam 96932  
**Employment Date:** March 1988 to June 1989  
**Position Title:** Social Worker II

I maintained a caseload that focused primarily on counseling and case management services. A major responsibility was presenting clients before various department committees for classification and Parole Hearing/Review. This classification included preparation for and eligibility to work or educational release and community projects.

The counseling activities were to assess individual needs with respect to the crime committed, and readiness to participate in community-based programs and re-integration into society.

**Employer:** Guma Mami, Inc.  
P.O. Box 2148  
Hagatna, Guam 96932  
**Employment Date:** January 1988 to March 1988  
**Position Title:** Social Worker Supervisor

I provided case management to adults with mental retardation. The primary focus was to assist them with the transition to live independently in the community and to maintain those already living on their own. I assisted them in developing independent living skills, completing applications for public assistance programs and obtaining individual and family counseling as needed. Additionally, I supervised one employee directly who provided community support services.

**Employer:** Guam Legislature  
14<sup>th</sup> and 15<sup>th</sup> Guam Youth Congress  
Hagatna, Guam 96932  
**Employment Date:** September 1988 to August 1990  
**Position Title:** Youth Speaker

I served as the Youth Speaker for the Guam Youth Congress which is a training ground for youth leaders. This youth group is provided by law and is under the jurisdiction of the senator who oversees the Committee on Youth. As the Youth Speaker, I presided over sessions and provided guidance and support to approximately thirty-eight (38) representatives from various island high schools, villages and from the University of Guam. During my two year term in Congress, I authored legislation that became law. The intent of the measure was to provide Youth Congress Representatives the opportunity to do internship in lieu of social studies credits from their respective schools. A notable endeavor was my leadership role in the drafting and testimony team before the House Sub-Committee on Insular and Foreign Affairs, Chairman Ron DeLugo in Hawaii. I lead the youth group to this historical opportunity to state the ideals and aspirations of the youth population on Guam in relation to the Guam Commonwealth Draft Act.

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**Employer:** Sanctuary Inc.  
P.O. Box 21030  
GMF, Barrigada, Guam 96921  
**Employment Date:** January 1986 to September 1986  
**Position Title:** Weekend Relief Houseparent

I provided weekend relief for full-time houseparents. I was responsible for providing supervision to the youth residents of the home and to maintaining the home as well. These duties included complying with the prescribed and approved plan for the youth over the weekend and documenting all activities that occurred during my shift. Clients were youths from the Department of Youth Affairs, those who were court ordered, those who came to the shelter on a voluntary basis, or those placed by the Child Protective Services Unit of the Department of Public Health and Social Services.

**Employer:** Guam Community College  
P.O. Box 23069  
GMF, Barrigada, Guam 96921  
**Employment Date:** June 1985 to August 1985  
**Position Title:** Summer Peer Counselor

I provided counseling services to outer-island students who were enrolled for the summer. My responsibilities included assisting students with financial management, class enrollment, housing, and daily logistical concerns.

**Employer:** Bank of Hawaii  
P.O. Box BH  
Hagatna, Guam 96932  
**Employment Date:** August 1983 to April 1988  
**Position Title:** Data Entry Clerk, Acting Supervisor

The section I was assigned to was responsible for the batching of incoming work, logging in all incoming documents, balancing debit/credit captures, POD040, white recap, other applications such as Christmas savings, installment loan payments, time certificates of deposits, re-entry of checking and savings accounts. In my supervisory capacity, I was responsible for coordinating work schedules for five (5) subordinates that included assigning employees to specific tasks based on assessment of their capabilities, managing staff time for each week, keying in of payroll and also filmed/wrapped items to be sent out.

#### **PROFESSIONAL TRAINING:**

- Management Accountability & Control, December 4-5 1995
- Fundamental Management Skills & Techniques, June 12-16, 1995
- C.E.U. 1.0 (GCC) Building Effective Teams, April 10-11, 1995
- C.E.U. 1.0 (GCC) Introduction to WordPerfect 5.1, December 1-2, 1994
- Effective Interviewing Techniques, January 28, 1993

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Arthur U. San Agustin  
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- Area 3, Administration for Native Americans Workshops on Developing Applications for ANA Grants, September 23-24, 1994
- AIDS in the Workplace – Employee Right to Know, February 8, 1990
- C.E.U.4.0 (UOG) Prevention Training and Technical Assistance for Adult Protective Services, September 23-24, 1994
- C.E.U.4.0 (UOG) Adult Abuse Recognition, Treatment and Prevention, July 10-12, 1989 and August 29-30, 1989
- C.E.U.4.0 (UOG) Western Pacific Substance Abuse Prevention Institute, February 10, 1989
- Alcohol Abuse Intervention, August 16, 17 and 23, 1988
- Public Service Workshop, July 6-7, 1988
- Department of the Navy: Family Violence Prevention Class Training of Trainers (Phase II), May 4-27, 1988
- Department of the Navy: Family Violence Prevention Class Training of Trainers (Phase I), April 19-21, 1988
- Pacific Geriatric Education Center, University of Southern California, 8 hours May 1987

#### Internships:

**Agency:** Department of Public Health and Social Services  
Division of Senior Citizens  
Adult Protective Services Unit  
P.O. Box 2816  
Hagatna, Guam 96932

**Date:** August 1986 to May 1987

**Position Title:** Student Intern

As a prerequisite of my Bachelor of Science in Social Work Degree, I completed four hundred eighty (480) hours of internship. My activities focused on evaluating, monitoring and fine-tuning state and locally funded programs.

**Agency:** Sanctuary Inc.  
P.O. Box 21030  
GMF, Barrigada, Guam 96921

**Date:** August 1985 to December 1985

**Position Title:** Student Intern

As a prerequisite of my Bachelor of Science in Social Work Degree, I completed two hundred forty (240) hours of internship. This requirement was to be completed within two semesters but because I continued to work throughout the Christmas Break, I was able to complete this within one semester. During this time with Sanctuary, I worked closely with others in the development of the "Temporary Alternative Placement Program (TAPP)". This program would be implemented during crisis situations and whose impetus was in response to the shortage of foster homes. The program would place clients in a temporary shelter with individuals who were not licensed, as is usually required. This was done to help address the immediate needs of the client during the emergency situation until other services could be activated.

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Arthur U. San Agustin  
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### **PROFESSIONAL AFFILIATIONS:**

- Member, Guam Developmental Disabilities Council (2000)
- Member, Guam Association of Social Workers (1990-1992)
- General Membership, Sanctuary Inc (1986-1992)
- Treasurer, Guam Association of Social Workers (1988-1990)
- Social Work Policy Committee (1986-1987)
- Social Work Student Alliance (1985-1987)

### **COMMUNITY CONTRIBUTIONS:**

- Provided Field Placement supervision (Internship) for six (6) students from the University of Guam Social Work Program, 1992-1995
- Appointed Member, Juvenile Justice Advisory Council, November 1993-January 1995
- Typhoon Omar Emergency Operations, October 1992
- Presenter, 1992 Annual Parent Conference, Parents Agencies Networking, Growing with Special Kids, Sibling Panel
- Presenter, SP'91 and FA'91 UOG, Introduction to Social Work, SW201, "Casework Services at the Department of Corrections"
- 1991 Department Chairperson, DOC Lytico and Bodig Fund Drive
- 1988-1992 GASW Chair and Member, GASW Annual Conference
- 1990 Commencement Address Speaker, GCC High School Graduation
- 1990 Second Annual Intergenerational Conference Plenary Session
- 1989 Criminal Justice Association Induction Ceremony Speaker
- 1988 Donor, Sanctuary, Inc., Fundraiser
- 1988 Career Day Speaker, F.B. Leon Guerrero School

### **REFERENCES:**

Available upon request



Senator Therese Terlaje <senatorterlajeguam@gmail.com>

## FIRST NOTICE of Virtual Public Hearing - Thursday, September 10, 2020 beginning at 5:00 p.m.

1 message

Senator Therese Terlaje <senatorterlajeguam@gmail.com> Wed, Sep 2, 2020 at 1:52 PM

To: Speaker's Office <speaker@guamlegislature.org>, Vice Speaker Telena Cruz Nelson <senatorcnelson@guamlegislature.org>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, "Office of Senator Kelly Marsh (Taitano), PhD." <office.senatorkelly@guamlegislature.org>, Senator Regine Biscoe Lee <senatorbiscoelee@guamlegislature.org>, "Senator Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Senator Clynt Ridgell <sen.cridgell@teleguam.net>, Senator Jose Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, Senator Sabina Perez <office@senatorperez.org>, Senator Wil Castro <wilcastro671@gmail.com>, Senator Louise Borja Muna <senatorlouise@gmail.com>, Senator Telo Taitague <senatortelot@gmail.com>, Senator James Moylan <senatormoylan@guamlegislature.org>, "Senator Mary C. Torres" <senatormary@guamlegislature.org>

Cc: phnotice@guamlegislature.org, Guam MIS <mis@guamlegislature.org>, Audio / Video <av@guamlegislature.org>

Bcc: Desk Editor <deskeditor@postguam.com>, mindy@postguam.com, The Post Editor in Chief <editor@postguam.com>, Oyaol Ngirairiki <managingeditor@postguam.com>, haidee@postguam.com, John Oconnor <john@postguam.com>, reporters@postguam.com, rlimtiaco@guampdn.com, Rindraty Limtiaco <slimtiaco@guampdn.com>, Guam PDN <news@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, akaur@gannett.com, dcristos@guam.gannett.com, life@guampdn.com, dmgeorge@guampdn.com, Mar-Vic Cagurangan <publisher@pacificislandtimes.com>, Pacific Island Times <pacificislandtimes@gmail.com>, Maureen Maratita <publisher@glimpsesofiguam.com>, bryan@mvariety.com, emmanuel@mvariety.com, junhan@mvariety.com, guam@pstripes.osd.mil, carlsonc@pstripes.osd.mil, mabuhaynews@yahoo.com, editor@saipantribune.com, Bruce Hill <pacificjournalist@gmail.com>, Jason Salas <jason@kuam.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Chris Malafunkshun Barnett <chris@kuam.com>, Nestor Licanto <nestor@kuam.com>, reporters@kuam.com, K57 <news@k57.com>, Patti Rodriguez <parroyo@spbg Guam>, pattiontheradio@yahoo.com, Sorensen Pacific Broadcasting <news@spbg Guam>, Kevin Kerrigan <kevin@spbg Guam>, jolene@spbg Guam, Mai Habib <mai.habib@spbg Guam>, raygibsonshow@gmail.com, manasilva626@██████████, KISH <kstokish@gmail.com>, KPRG <admin.kprg@gmail.com>, KPRG Guam <pdkprg@gmail.com>, Manuel Cruz <cruzma812@██████████>, Troy Torres <troy@kanditnews.com>, Maria Louella Losinio <louella.losinio@██████████>, Andrea Pellacani <andrea@grassrootsguam.com>, Guam Progress <guamprogress@yahoo.com>, Kelly Park <kcn.kelly@██████████>, Ibarra Hernandez <ihernandez@guamlegislature.org>, "Arthur U. San Agustin" <arthur.sanagustin@dphss.guam.gov>, Laurent Duenas <Laurent.duenas@dphss.guam.gov>, "Suzanne S. Kaneshiro" <Suzanne.Kaneshiro@dphss.guam.gov>, Masatomo Nadeau <Masatomo.Nadeau@dphss.guam.gov>, "Annette L. Aguon" <Annette.Aguon@dphss.guam.gov>, Janna Manglona <janna.manglona@██████████>, "Theresa L. Arcangel" <Theresa.Arcangel@dphss.guam.gov>, "Charlene D. San Nicolas" <Charlene.SanNicolas@dphss.guam.gov>, "Tommy C. Taitague" <Tommy.Taitague@dphss.guam.gov>, Laurent Duenas <Laurent.Duenas@dphss.guam.gov>, ██████████@gmail.com, Chima Mbakwem <Chima.Mbakwem@dphss.guam.gov>

September 2, 2020

### MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Therese M. Terlaje, Chairperson  
Committee on Health, Tourism, Historic Preservation, Land and Justice

Subject: **FIRST NOTICE of Virtual Public Hearing** - Thursday, September 10, 2020 beginning at 5:00 p.m.

*Håfa Adai!*

Please be advised that the Committee on Health, Tourism, Historic Preservation, Land and Justice will convene a virtual public hearing on **Thursday, September 10, 2020 beginning at 5:00 p.m.** utilizing the Zoom meeting virtual platform on the following agenda items:

## **1. Oversight Hearing to receive updates from the Department of Public Health and Social Services on:**

- CONTACT TRACING AND INVESTIGATIONS goals, strategies and resources
- Status of CARES Act funding request and other federal funding for case investigations and contact tracing
- Status of Hiring
- Implementation and results of COVID-19 Tracing Apps
  - ‘*Emocha*’ app for direct communication with COVID-19 patients and follow up care
  - ‘*Safe Places*’ software for contact tracing of COVID-19-positive individuals
- Public disclosure protocol for case investigations and contact tracing information
  - Effectiveness as a COVID-19 mitigation strategy
  - Legal parameters
  - Management/mining of data
  - Tracing of Naval Hospital cases

## **2. Confirmation Hearing on Executive Appointment: Arthur U. San Agustin to serve as Director of the Department of Public Health & Social Services**

Individuals wishing to participate in the Virtual Confirmation Hearings to provide testimonies may contact the Office of the Senator Therese M. Terlaje before COB on September 9, 2020, via email at [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) or 472-3586, for further guidance.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4, and stream online via I Liheslaturan Guåhan’s live feed on Youtube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. Written testimonies may be submitted via email to [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com).

In compliance with the Americans with Disabilities Act, individuals requiring assistance or accommodations should contact the Office of Senator Therese M. Terlaje by phone or via email.

We look forward to your participation! *Si Yu’os Ma’åse’*.

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**Office of Senator Therese M. Terlaje**

## Committee on Health, Tourism, Historic Preservation, Land and Justice

*I Mina'trentai Singko na Liheslaturan Guåhan*

35th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Mailing address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

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website: [www.senatorterlaje.com](http://www.senatorterlaje.com)

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**First Notice of Public Hearing\_Thursday, September 10, 2020\_TMT.pdf**

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## SENATOR THERESE M. TERLAJE

Committee on Health, Tourism, Historic Preservation, Land and Justice  
*I Mina' trentai Singko na Libeslaturan Guåhan*  
35<sup>th</sup> Guam Legislature

September 2, 2020

### MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Therese M. Terlaje, Chairperson *Tmt*  
Committee on Health, Tourism, Historic Preservation, Land and Justice

Subject: **FIRST NOTICE of Virtual Public Hearing** - Thursday, September 10, 2020  
beginning at 5:00 p.m.

---

*Håfa Adai!*

Please be advised that the Committee on Health, Tourism, Historic Preservation, Land and Justice will convene a virtual public hearing on **Thursday, September 10, 2020 beginning at 5:00 p.m. utilizing the Zoom meeting virtual platform.**

### AGENDA

- 1. Oversight Hearing to receive updates from the Department of Public Health and Social Services on:**
  - CONTACT TRACING AND INVESTIGATIONS goals, strategies and resources
  - Status of CARES Act funding request and other federal funding for case investigations and contact tracing
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    - Effectiveness as a COVID-19 mitigation strategy
    - Legal parameters
    - Management/mining of data
    - Tracing of Naval Hospital cases
- 2. Confirmation Hearing on Executive Appointment: Arthur U. San Agustin to serve as Director of the Department of Public Health & Social Services**

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Mailing Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

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Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) | [www.senatorterlaje.com](http://www.senatorterlaje.com)



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We look forward to your participation! *Si Yu'os Ma'åse'.*

# Maduro pardons opponents ahead of Venezuela elections

By Alex Vasquez and Patricia Laya  
Bloomberg News

CARACAS, Venezuela — Venezuela's President Nicolas Maduro issued a surprise decree pardoning more than 100 of his opponents as a concession ahead of upcoming congressional elections.

Former National Assembly Vice President Freddy Guevara and Roberto Marrero, opposition leader Juan Guaido's chief of staff, are among more than two dozen lawmakers pardoned in Monday's decree. Dozens of political activists and labor union leaders were also pardoned, Information Minister Jorge Rodriguez said.

The measure seeks to promote a "peaceful coexistence through electoral channels," Rodriguez said

“The government is using political prisoners as bargaining chips.”

— Dimitris Pantoulas,  
Caracas-based political analyst

on state TV. "It's important that all sectors can feel that they have someone to vote for."

The opposition had repeatedly called for political prisoners' freedom as a condition for taking part in December's elections. In recent years, Maduro's regime has threatened, detained or stripped parliamentary immunity from dozens of lawmakers who oppose his rule.

The opposition is split over whether to take part in the vote. Before Monday's announcement, Guaido had said he would boycott it, while former presidential candidate Henrique Capriles has openly weighed participating.

## 'Bargaining chips'

"The government is using political prisoners as bargaining chips," said Caracas-based political analyst Dimitris Pantoulas. "It's focused on weakening Guaido and creating major divisions among the opposition."

Among those to be freed from jail are Popular Will lawmakers Renzo Prieto, who was detained in March, and Gilber Caro, who was jailed in December for his alleged role in planning an attack on a military installation.

Guevara is currently a refugee at



**MADURO:** Venezuela's President Nicolas Maduro delivers a speech from Miraflores palace in Caracas, Venezuela, on May 31, 2019.

Miraflores Palace handout via Reuters

the Chilean Embassy in Caracas, after the government accused him of promoting violent anti-government protests that left more than 100 dead and he lost his parliamentary immunity.

Guaido and his ally Leopoldo Lopez were not on the list, and neither was former Chavez ministers Raul Baduel and Miguel Rodriguez Torres.

# Kremlin critic Zhukov attacked in Moscow

MOSCOW (The Washington Post) — Prominent Russian blogger Yegor Zhukov was beaten near his Moscow home late Sunday in the latest attack on a prominent critic of President Vladimir Putin.

Zhukov was beaten on the head and face by two people waiting near his apartment who escaped on scooters.

The attack came weeks after opposition leader Alexei Navalny was poisoned during a trip to Siberia, falling ill on an Aug. 20 flight, before

being flown to Germany two days later for medical treatment. He is in a coma and expected to survive, although doctors have said the long-term effects are not yet clear.

It also comes amid a crackdown by authorities on activists, bloggers and journalists in recent weeks.

German doctors have confirmed that Navalny had symptoms of poisoning, likely by a cholinesterase inhibitor, examples of which include chemical nerve agents and pesticides. German tests have not identified the poison.

It is not the first attack on Zhukov. He reported an attempted assault near his home in late July, saying that he escaped without injury.

Zhukov's press secretary, Stanislav Toporkov, said Monday that Zhukov was examined at a hospital and allowed to return home, where he was recovering.

"Yegor is at home now with his

parents. The MRI showed that he does not have any serious brain injuries or internal hemorrhaging. He's sleeping now after a rough night," Toporkov said.

## Arrested last year

Zhukov, a libertarian who frequently criticizes Putin, was arrested last year and jailed for a month, accused of helping direct a mass protest in Moscow on July 27, 2019, in support of opposition candidates barred from running for Moscow's city council. At the time, riot police arrested more than 1,300 protesters, some of whom were sentenced to four or five years.

But after video appeared to show a case of mistaken identity, police dropped the charges, before leveling a more serious charge of extremism related to his blog. He was given a suspended three-year sentence last year and prohibited from blogging, although he continues to do so.

## Office of the Attorney General LEEVIN TAITANO CAMACHO

Attorney General of Guam  
Family Division  
590 S. Marine Corps Drive, Suite 706 • ITC Building  
Tamuning, Guam 96913  
Tel: (671) 475-3406 • Fax: (671) 475-3343  
www.guamag.org  
Attorney for the People of Guam

IN THE SUPERIOR COURT OF GUAM  
HAGÁTÑA, GUAM

IN THE INTEREST OF  
J.X.D., (DOB: 03/29/2012), AND  
A.D.R. (DOB: 03/17/2009)  
Minors.

JUVENILE CASE NO. JP0180-16

### SUMMONS

TO: Mr. William S. French  
(For minor, J.X.D., (DOB: 03/29/2012))

You are hereby summoned to appear before the HONORABLE LINDA L. INGLES at the Judiciary of Guam, Superior Court of Guam, 120 West O'Brien Drive, Hagatna, Guam for a Permanency hearing on: **TUESDAY, SEPTEMBER 22, 2020 AT 11:00 A.M.**  
Teleconference call in number: 969-7000  
Code: 11533027931  
Meeting ID: 716 711 9213  
Passcode: 76504

You may be held in contempt if you fail to appear on the date set forth in this summons.

Dated: August 8, 2020

CLERK, SUPERIOR COURT OF GUAM  
By: /s/ Aubrienne M. San Nicolas  
Deputy Clerk

Committee On Health,  
Tourism, Historic Preservation,  
Land and Justice



SENATOR THERESE M. TERLAJE  
I Mina'trental Singko na Liheslaturan Guåhan  
35<sup>th</sup> Guam Legislature

VIRTUAL PUBLIC HEARING • 5:00 PM • THURSDAY, September 10, 2020

### AGENDA:

- **Oversight Hearing** to receive updates from the Department of Public Health & Social Services on the following:
  - CONTACT TRACING AND INVESTIGATIONS of Covid-19 Cases
  - Public disclosure of investigation information as COVID-19 mitigation strategy
- **Confirmation Hearing on Executive Appointment:** Arthur U. San Agustin, to serve as Director, Department of Public Health & Social Services.

Individuals who wish to provide testimony on hearing agenda items must register no later than **5:00 p.m. on September 8, 2020**, via email @ senatorterlaje@guam@gmail.com with their full name, contact number and email address. Written testimony may be submitted via email or call (671) 472-3586. In compliance with the ADA, individuals requiring special accommodations or services should contact us at (671) 472-3586 or by email. The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4 and stream online via Liheslaturan Guåhan's live feed at [http://www.guamlegislature.com/live\\_feed.htm](http://www.guamlegislature.com/live_feed.htm). This ad is paid for with government funds.

## Maysak brings 100 mph winds to Okinawa, heads for supertyphoon status

(The Washington Post) — Typhoon Maysak sideswiped the Japanese island of Okinawa on Monday, with wind gusts as high as 101 mph, and is forecast to intensify into the equivalent of a Category 4 storm as it moves toward eventual landfall in South Korea. Maysak is currently the equivalent of a strong Category 3 hurricane, and is traversing warm ocean waters in an environment that is favorable for further intensification, according to the Joint Typhoon Warning Center.

The storm is the second tropical system to head toward the Korean Peninsula in a week, after Typhoon Bavi struck North Korea on Aug. 26. However, Maysak is expected to be more intense than Bavi was.

Though the storm's center was passing about 50 miles west of the island, Okinawa experienced hurricane-force wind gusts on Monday. At 10 a.m., Naha Airport recorded sustained winds of 47 mph, with a gust to 82 mph. Kadena Air Base observed sustained winds of 49 mph, with a gust to 77 mph.

Meteorologist Robert Speta, a forecaster in Jacksonville, Florida, who used to be with Japanese network NHK News, noted a 101-mph wind gust in Nanjo City, Okinawa on Monday morning EDT.



Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt;

## SECOND NOTICE of Virtual Public Hearing - Thursday, September 10, 2020 beginning at 5:00 p.m.

1 message

Senator Therese Terlaje <senatorterlajeguam@gmail.com> Tue, Sep 8, 2020 at 4:15 PM

To: Speaker's Office <speaker@guamlegislature.org>, Vice Speaker Telena Cruz Nelson <senatorcnelson@guamlegislature.org>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, "Office of Senator Kelly Marsh (Taitano), PhD." <office.senatorkelly@guamlegislature.org>, Senator Regine Biscoe Lee <senatorbiscoelee@guamlegislature.org>, "Senator Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Senator Clynt Ridgell <sen.cridgell@teleguam.net>, Senator Jose Pedo Terlaje <senatorpedo@senatorjpterlaje.com>, Senator Sabina Perez <office@senatorperez.org>, Senator Wil Castro <wilcastro671@gmail.com>, Senator Louise Borja Muna <senatorlouise@gmail.com>, Senator Telo Taitague <senatortelot@gmail.com>, Senator James Moylan <senatormoylan@guamlegislature.org>, "Senator Mary C. Torres" <senatormary@guamlegislature.org>

Cc: phnotice@guamlegislature.org, Guam MIS <mis@guamlegislature.org>, Audio / Video <av@guamlegislature.org>, Tom Unsiog <sgtarms@guamlegislature.org>

Bcc: Desk Editor <deskeditor@postguam.com>, mindy@postguam.com, The Post Editor in Chief <editor@postguam.com>, Oyaol Ngirairiki <managingeditor@postguam.com>, haidee@postguam.com, John Oconnor <john@postguam.com>, reporters@postguam.com, riimtiaco@guampdn.com, Rindraty Limtiaco <slimtiaco@guampdn.com>, Guam PDN <news@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, akaur@gannett.com, dcristost@guam.gannett.com, life@guampdn.com, dmgeorge@guampdn.com, Mar-Vic Cagurangan <publisher@pacificislandtimes.com>, Pacific Island Times <pacificislandtimes@gmail.com>, Maureen Maratita <publisher@glimpsesofiguam.com>, bryan@mvariety.com, emmanuel@mvariety.com, junhan@mvariety.com, guam@pstripes.osd.mil, carlsonc@pstripes.osd.mil, mabuhaynews@yahoo.com, editor@saipantribune.com, Bruce Hill <pacificjournalist@gmail.com>, Jason Salas <jason@kuam.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Chris Malafunkshun Barnett <chris@kuam.com>, Nestor Licanto <nestor@kuam.com>, reporters@kuam.com, K57 <news@k57.com>, Patti Rodriguez <parroyo@spbgum.com>, pattiontheradio@yahoo.com, Sorensen Pacific Broadcasting <news@spbgum.com>, Kevin Kerrigan <kevin@spbgum.com>, jolene@spbgum.com, Mai Habib <mai.habib@spbgum.com>, raygibsonshow@gmail.com, manasilva626@██████████ KISH <kstokish@gmail.com>, KPRG <admin.kprg@gmail.com>, KPRG Guam <pdkprg@gmail.com>, Manuel Cruz <cruzma812@██████████>, Troy Torres <troy@kanditnews.com>, Maria Louella Losinio <louella.losinio@██████████>, Andrea Pellacani <andrea@grassrootsguam.com>, Guam Progress <guamprogress@yahoo.com>, Kelly Park <kcn.kelly@██████████>, Ibarra Hernandez <ihernandez@guamlegislature.org>, "Arthur U. San Agustin" <arthur.sanagustin@dphss.guam.gov>, Laurent Duenas <Laurent.duenas@dphss.guam.gov>, "Suzanne S. Kaneshiro" <Suzanne.Kaneshiro@dphss.guam.gov>, Masatomo Nadeau <Masatomo.Nadeau@dphss.guam.gov>, "Annette L. Aguon" <Annette.Aguon@dphss.guam.gov>, Janna Manglona <janna.manglona@██████████>, "Theresa L. Arcangel" <Theresa.Arcangel@dphss.guam.gov>, "Charlene D. San Nicolas" <Charlene.SanNicolas@dphss.guam.gov>, "Tommy C. Taitague" <Tommy.Taitague@dphss.guam.gov>, Laurent Duenas <Laurent.Duenas@dphss.guam.gov>, ██████████@gmail.com ██████████@gmail.com, Chima Mbakwem <Chima.Mbakwem@dphss.guam.gov>, James Gillan ██████████@guam.net

SEPTEMBER 8, 2020

### MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Therese M. Terlaje, Chairperson  
Committee on Health, Tourism, Historic Preservation, Land and Justice

Subject: **FIRST NOTICE of Virtual Public Hearing** - Thursday, September 10, 2020 beginning at 5:00 p.m.

*Håfa Adai!*

Please be advised that the Committee on Health, Tourism, Historic Preservation, Land and Justice will convene a virtual public hearing on **Thursday, September 10, 2020 beginning at**

**5:00 p.m.** utilizing the Zoom meeting virtual platform on the following agenda items:

**1. Oversight Hearing to receive updates from the Department of Public Health and Social Services on:**

- CONTACT TRACING AND INVESTIGATIONS goals, strategies and resources
- Status of CARES Act funding request and other federal funding for case investigations and contact tracing
- Status of Hiring
- Implementation and results of COVID-19 Tracing Apps
  - 'Emocha' app for direct communication with COVID-19 patients and follow up care
  - 'Safe Places' software for contact tracing of COVID-19-positive individuals
- Public disclosure protocol for case investigations and contact tracing information
  - Effectiveness as a COVID-19 mitigation strategy
  - Legal parameters
  - Management/mining of data
  - Tracing of Naval Hospital cases

**2. Confirmation Hearing on Executive Appointment: Arthur U. San Agustin to serve as Director of the Department of Public Health & Social Services**

Individuals wishing to participate in the Virtual Confirmation Hearings to provide testimonies may contact the Office of the Senator Therese M. Terlaje before COB on September 9, 2020, via email at [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) or 472-3586, for further guidance.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4, and stream online via *I Liheslaturan Guåhan's* live feed on Youtube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. Written testimonies may be submitted via email to [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com).

In compliance with the Americans with Disabilities Act, individuals requiring assistance or accommodations should contact the Office of Senator Therese M. Terlaje by phone or via email.

We look forward to your participation! *Si Yu'os Ma'åse'.*

--

**Office of Senator Therese M. Terlaje**

Committee on Health, Tourism, Historic Preservation, Land and Justice

*I Mina'trentai Singko na Liheslaturan Guåhan*

35th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Mailing address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 989-3590 Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com)

website: [www.senatorterlaje.com](http://www.senatorterlaje.com)

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**Second Notice of Public Hearing\_Thursday, September 10, 2020\_TMT.pdf**

351K



## SENATOR THERESE M. TERLAJE

Committee on Health, Tourism, Historic Preservation, Land and Justice  
*I Mina' trentai Singko na Libeslaturan Guåhan*  
35<sup>th</sup> Guam Legislature

September 8, 2020

### MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Therese M. Terlaje, Chairperson *TMT*  
Committee on Health, Tourism, Historic Preservation, Land and Justice

Subject: **SECOND NOTICE of Virtual Public Hearing** - Thursday, September 10, 2020  
beginning at 5:00 p.m.

---

*Håfa Adai!*

Please be advised that the Committee on Health, Tourism, Historic Preservation, Land and Justice will convene a virtual public hearing on **Thursday, September 10, 2020 beginning at 5:00 p.m. utilizing the Zoom meeting virtual platform.**

### AGENDA

- 1. Oversight Hearing to receive updates from the Department of Public Health and Social Services on:**
  - CONTACT TRACING AND INVESTIGATIONS goals, strategies and resources
  - Status of CARES Act funding request and other federal funding for case investigations and contact tracing
  - Status of Hiring
  - Implementation and results of COVID-19 Tracing Apps
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    - Management/mining of data
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- 2. Confirmation Hearing on Executive Appointment: Arthur U. San Agustin to serve as Director of the Department of Public Health & Social Services**

---

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Office Address: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) | [www.senatorterlaje.com](http://www.senatorterlaje.com)

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We look forward to your participation! *Si Yu'os Ma'åse'.*

# 108 candidates for 55 seats in November

By Haidee Eugenio Gilbert  
haidee@postguam.com

Guam voters will have to choose from 108 candidates to fill 55 available seats in the Nov. 3 general election, which could still be in the midst of the COVID-19 pandemic.

There will also be a nonbinding presidential straw poll among incumbent President Donald Trump of the Republican Party, Joe Biden of the Democratic Party, and the candidates from at least five other parties.

This presidential straw poll is located at the bottom of side two of the November ballot. Guam cannot participate in presidential elections because it is a territory and not a state.

On Monday night, the Guam Election Commission voted to approve the November ballot design.

GEC commissioners, led by Chairman Michael Perez, also voted to destroy all the 110,000 ballots, now deemed "unused," from the cancelled 2020 primary election.

There were two primary election ballots for each voter: the partisan races and the nonpartisan race for public auditor.

GEC commissioners also voted to destroy the 2,584 ballots used by primary election early voters. These ballots were technically "not cast votes," said GEC counsel Vincent Camacho.

Since the cancellation of the primary election, the 2,584 ballots from early voters have been set aside and placed in a GEC vault for safekeeping.

### Ballot placement drawing

GEC commissioners certified the 10 candidates for the Guam Education Board, and the five candidates for the Consolidated Commission on Utilities.

They're in addition to the 89 candidates that the GEC certified for the primary election that automatically advanced to the Nov. 3 general election, under the law signed on Aug. 28 that cancelled the 2020 primary election.

Also added for the general election

are the judicial retention votes: one Supreme Court of Guam justice and three Superior Court of Guam judges.

Here are the number of candidates and the seats available in November, based on GEC data:

- Delegate: 3 candidates; 1 seat available
- Senators: 29 candidates; 15 seats available
- Mayors: 42 candidates; 19 seats available
- Vice mayors: 14 candidates; 7 seats available
- Public auditor: 1 candidate; 1 seat available
- Guam Education Board: 10 candidates; 6 seats available
- Consolidated Commission on Utilities: 5 candidates; 2 seats available
- Justice: 1 justice is up for a retention vote
- Judges: 3 judges are up for a retention vote

### Judicial retention

Guam voters will decide whether to retain three judges and one justice,

according to GEC:

- Chief Justice Philip Carbullido
- Presiding Judge Alberto Lamorena III
- Judge Arthur Barcinas
- Judge Maria Cenzon

On Wednesday night, GEC will draw ballot placement for the November polls.

The process will determine the placement of candidates' names on the ballot.

Online voter registration has started, while in-person voter registration will resume once the COVID-19 lockdown is lifted.

To register to vote in the November election, residents are encouraged to visit GEC's website at gec.guam.gov.

Public Law 35-96, which cancelled the 2020 primary races, expands the in-office early voting to 45 days, which means GEC can start opening the early voting including curbside voting by Sept. 19.

### FATALITIES continued from page 1

(Guam Police Department) conducting a site inspection after receiving a report of several military service members inside (an) establishment in violation of Executive Order 2020-30," said Janela Carrera, DPHSS spokeswoman.

Jeff Pleadwell, owner of Jeff's Pirates Cove, said there were some military service members who purchased food curbside from the restaurant then walked their food to

the beach adjacent to the restaurant property.

Pleadwell said apparently one of the issues was they didn't have their masks on and they were congregating, according to DPHSS. Pleadwell said he wasn't on site until he was notified of the issue.

Jeff's Pirates Cove has to come up with an organization plan that provides specific guidance, including cleaning and sanitization schedules and procedures, within 24 hours.

As a business owner, he said, he

will abide by the laws of Guam.

However, Pleadwell, exercising his personal opinion, is among those who've been vocal against the lockdown that has shuttered the doors to various restaurants, bars and other businesses for over five months. Many businesses have decided to close their doors permanently.

"I have been vocal because I don't feel it's right to be limiting us, keeping us away from each other and not allowing us to go to the beach. It's overboard," Pleadwell said.

### Comorbidities

Of the 18 people whose deaths have been labeled COVID-19-related, 16 had underlying health issues, said Krystal Paco-San Agustin, governor's press secretary, on Monday.

She noted that most of the cases were diabetic or had hypertension.

In a March 19 press release, the Joint Information Center stated that older adults as well as people with heart or lung disease, or who had diabetes, "are at higher risk of getting very sick from this illness."

### RULES continued from page 1

the draft rules as someone who has maintained a residential address on Guam for no less than three years prior to the application for a cannabis establishment license.

"If we succeed in our application, cannabis will go through our brick-and-mortar laboratory, which is independent of, or not connected to, the government," Santos said.

He said their potential seed investment is at least \$1 million.

They have also been inquiring with the Department of Public Health and Social Services about applying for a license for a testing facility, he said.

The potential investor group hopes to participate in the public hearings and public comment period to be provided by the Cannabis Control Board, led by Chairwoman Vanessa L. Williams.

### Public review process

Public input is a key component before the rules become final.

Sen. Clynton Ridgell, author of the bill that legalized recreational marijuana on Guam in 2019, believes it will take until the end of the year to have the rules in place.

"My goal is to have the rules officially adopted by GovGuam by the end of the year," he said Friday.

The COVID-19 pandemic delayed the process of completing the draft rules, which were supposed to be adopted by April.

With Guam still on lockdown and under the highest level of COVID-19 restrictions, the Cannabis Control Board is hoping to find a way to start the public review process.

After the board's public hearings on the proposed rules, the rules will be sent to the Legislature.

"We have 75 days to hold a public hearing on the rules and 90 days to act on the rules, or else the rules lapse and become approved by default," Ridgell said.

The proposed rules spell out the fees. For a cannabis testing facility

license, the application fee is \$2,000; a new license fee is \$2,000; a license renewal fee is \$2,000; and the fee for a permit to operate is \$2,000.

A cannabis testing facility, in the draft rules, means an entity licensed to analyze and certify the safety and potency of cannabis.

Only a licensed cannabis testing facility may collect and transport cannabis or cannabis samples to and from a cannabis testing facility, the draft rules state.

### Potential for the industry

A pre-COVID-19 study by the Cannabis Control Board estimated that the recreational marijuana retail market has the potential to reach \$133 million in annual sales once the industry is in full operation. With tourism at a standstill, it could take longer to realize those sales since the study estimated prior to COVID-19 that some 66,000 tourists would take advantage of the opportunity to legally use cannabis on Guam.

The study also estimated 14,500 adult Guam residents will use cannabis in the first full year.

**Committee On Health, Tourism, Historic Preservation, Land and Justice**

**SENATOR THERESE M. TERLAJE**  
I Mina'trentai Singko na Liheslaturan Guåhan  
35<sup>th</sup> Guam Legislature

**VIRTUAL PUBLIC HEARING • 5:00 PM • THURSDAY, September 10, 2020**

**AGENDA:**

- **Oversight Hearing** to receive updates from the Department of Public Health & Social Services on the following:
  - CONTACT TRACING AND INVESTIGATIONS of Covid-19 Cases
  - Public disclosure of investigation information as COVID-19 mitigation strategy
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Individuals who wish to provide testimony on hearing agenda items must register no later than 5:00 p.m. on September 8, 2020, via email @ senatorterlajeguam@gmail.com with their full name, contact number and email address. Written testimony may be submitted via email or call (671) 472-3586. In compliance with the ADA, individuals requiring special accommodations or services should contact us at (671) 472-3586 or by email. The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4 and stream online via Liheslaturan Guåhan's live feed at [http://www.guamlegislature.com/live\\_feed.htm](http://www.guamlegislature.com/live_feed.htm). This ad is paid for with government funds.





## SENATOR THERESE M. TERLAJE

Committee on Health, Tourism, Historic Preservation, Land and Justice  
*I Mina' trentai Singko na Libeslaturan Guåhan*  
35<sup>th</sup> Guam Legislature

### VIRTUAL PUBLIC HEARING AGENDA

Thursday, September 10, 2020

Beginning at 5:00 p.m.

*via Video Conference Platform*

*(Please log into hearing link by 4:45 p.m.)*

#### 1. **Oversight Hearing to receive updates from the Department of Public Health and Social Services on:**

- CONTACT TRACING AND INVESTIGATIONS goals, strategies and resources
- Status of CARES Act funding request and other federal funding for case investigations and contact tracing
- Status of Hiring
- Implementation and results of COVID-19 Tracing Apps
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  - Effectiveness as a COVID-19 mitigation strategy
  - Legal parameters
  - Management/mining of data
  - Tracing of Naval Hospital cases

#### 2. **Confirmation Hearing on Executive Appointment:** Arthur U. San Agustin to serve as Director of the Department of Public Health & Social Services

In compliance with the ADA, individuals requiring special accommodations or services should contact us at (671) 472-3586 or by email to [senatorteralajeguam@gmail.com](mailto:senatorteralajeguam@gmail.com).

All testimony will be included in the Committee Reports for each agenda item and published on the [guamlegislature.org](http://www.guamlegislature.org) website.

You can watch the hearing on TV Channel 21GTA or Channel 117/60.4 Docomo; or via [http://www.guamlegislature.com/live\\_feed.htm](http://www.guamlegislature.com/live_feed.htm) A recording of the hearing will be available on YouTube at Guam Legislature Media after the hearing. *Si Yu'os Ma'åse'!*

---

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Office Address: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) | [www.senatorterlaje.com](http://www.senatorterlaje.com)



**I Mina'trentai Singko na Liheslaturan Guåhan  
Office of Senator Therese M. Terlaje**

Committee on Health, Tourism, Historic Preservation, Land and Justice

**Date:** **Thursday, September 10, 2020**

**Time:** **5:00 PM**

**Executive Appointment of Arthur U. San Agustin to serve as Director of the Department of Public Health & Social Services  
Term Length: At the pleasure of the Governor of Guam**

	NAME	ADDRESS	CONTACT NO.	E-MAIL	Type of Testimony		Support	
					WRITTEN	ORAL	Yes	No
1	Arthur U. San Agustin, DPHSS Acting Director			arthur.sanagustin@dphss.guam.gov		X		
2	Evelyn Claros					X	X	
3	Rozanna San Agustin Claros					X	X	
4	Laurent Duenas, DPHSS Deputy Director			Laurent.Duenas@dphss.guam.gov		X	X	
5	Terry Aguon, DPHSS Deputy Director				X	X	X	
6	Tom Nadeau, ( Chief Environmental Public Health Officer, Div. of Environmental Health, DPHSS)			masatomo.nadeau@dphss.guam.gov	X	X	X	
7	Charlene D. San Nicolas, DPHSS Program Coordinator			Charlene.SanNicolas@dphss.guam.gov	X	X	X	
8	Dr. Jana Mangloña, DPHSS Medical Director			Janna.Manglona@dphss.guam.gov		X	X	
9	Dr. Suzanne Kaneshiro, Public Health Officer, Division of Public Health			Suzanne.Kaneshiro@dphss.guam.gov		X	X	
10	Angel Sablan, (Executive Director, Mayors Council)					X	X	



**I Mina'trentai Singko na Liheslaturan Guåhan  
Office of Senator Therese M. Terlaje**

Committee on Health, Tourism, Historic Preservation, Land and Justice

**Date:**

**Thursday, September 10, 2020**

**Time:**

**5:00 PM**

**Executive Appointment of Arthur U. San Agustin to serve as Director of the Department of Public Health & Social Services  
Term Length: At the pleasure of the Governor of Guam**

	NAME	ADDRESS	CONTACT NO.	E-MAIL	Type of Testimony		Support	
					WRITTEN	ORAL	Yes	No
1	James Gillan, former DPHSS Director				X		X	
2								
3								
4								
5								
6								
7								
8								
9								
10								

James W. Gillan

Hon. Therese M. Terlaje  
Chairperson, Committee on Health, Tourism,  
Historic Preservation, Land, and Justice  
35 Guam Legislature (2<sup>nd</sup>) Regular Session

**RE: APPOINTMENT OF ARTHUR U. SAN AGUSTIN AS DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES**

Dear Senator Terlaje:

I am James W. Gillan, a resident of Mangilao and a former Director of the Department of Public Health and Social Services.

I submit this testimony in support of the appointment of Arthur U. San Agustin as the Director of the Department of Public Health and Social Services. I ask that this Committee recommend to the entire Legislative body the confirmation of this appointment.

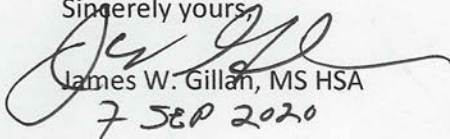
I worked with Mr. San Agustin from April 2011 to February of 2018. When then Governor Calvo appointed me to be the Director, Mr. San Agustin very graciously gave of his time and experience to orient me to the Department. He was very helpful even earlier on when we were working on the transition to a new Administration. His contributions to the preparation of the transition report were very valuable.

Arthur spent almost two weeks with me following my nomination. He took that time from his job as the Administrator of the Division of Senior Citizens. His insights into the workings of the Department were very useful and I was grateful for his assistance.

Arthur, I think will always be a Social Worker at heart, even though he went on to earn a Masters level Degree in Human Resources Management. Social Workers are very special people who spend their time trying to make people's life situations better. His commitment to our island's elder citizens is remarkable considering the challenges he faced daily trying to provide meaningful services under restrictive Federal guidelines and relatively minimal Federal funding. Severe staffing shortages exacerbated the difficulties. But somehow, Arthur found a way to make things work. That drive to serve the people of Guam, coupled with his years of experience will serve him well as Director. He is also willing to seek input from staff who may have insights into areas where he might not have direct experience.

I am confident that he will be an effective leader of this Department.

Sincerely yours,

  
James W. Gillan, MS HSA  
7 SEP 2020

# *Overcoming Obstacles thru Excellence*

*From the Desk of Terry G. Aguon*



SEP 10 2020

Office of Senator Therese M. Terlaje  
Ada Plaza Center, Suite 207  
Hagatna, Guam 96910

*Buenas yan Hafa Adai,*

I am Terry G. Aguon, Deputy Director of the Guam Department of Public Health and Social Services (DPHSS). Mr. San Agustin has invested over thirty years into learning the structure of DPHSS and has consistently contributed to the successes of the agency. He has the public health institutional knowledge that can only be attained by vested and dedicated commitment to the community. He manages to work efficiently under pressure and challenges individuals to heighten their fullest potential.

Mr. San Agustin's exceptional social work background and professionalism was honored by the Guam Association of Social Workers (GASW) when he received the 1990 Social Worker of the Year Award. I strongly believe that Mr. San Agustin will continue to steadfastly hold true to the covenants of the Social Work profession and the Guam Public Health mission to serve as a stellar example for others to emulate. He has mentored many of today's health professionals to help ensure strong and viable networks of care services for future generations in this time of reduced resources and an even more uncertain future.

Today, Mr. San Agustin continues to balance the role of the Guam DPHSS responses in addressing the COVID-19 pandemic. His skills allowed Guam to parallel the National Incident Management System (NIMS) as a powerful response to this pandemic and to continuously improve quality of services by his ability to redirect staff to prevent, protect against, mitigate, respond to and recover as needed.

In his current capacity as DPHSS Acting Director, Mr. San Agustin continues to meet the challenges that DPHSS plays as a lead agency in the fight against COVID-19. He understands Guam and nurtures the cultural hallmarks that make us unified and resilient. His tireless commitment to Public Health excellence is evident in his record of selfless service.

Mr. San Agustin is a strong and straightforward leader who represents much of what is good and right with Guam. It is without condition or reservation that I write this letter of support for the confirmation of Mr. Arthur U. San Agustin as the Department of Public Health and Social Services (DPHSS) Director.

Si Yu'os Ma'ase'

  
Terry G. Aguon  
DPHSS Deputy Director II

WRITTEN TESTIMONY IN SUPPORT OF MR. ARTHUR U. SAN AGUSTIN TO BE CONFIRMED AS THE  
DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES

Hafa Adai Madam Chair and the members of the Committee on Health, Tourism, Historic Preservation, Land and Justice. My name is Tom Nadeau. When I'm at work, I am the Chief Environmental Public Health Officer with the Division of Environmental Health of the Department of Public Health and Social Services. But when I'm not working, I am one of the 170,000 people who call Guam their home. And as a resident of this island, there are many things I expect, and one of them is an effective and efficient government. This is particularly true of the very department that I work for, and for that reason, I submit this written testimony in support of Mr. Arthur U. San Agustin as the next Director of the Department of Public Health and Social Services. As the Director, Mr. San Agustin will bring leadership, experience, and knowledge to one of the most important agencies in the Government.

I have known Art, or at least his name and reputation, since the first year of my employment at the Department of Public Health and Social Services, way back in 1992. However, it wasn't until 2004, when I truly got to know him as a fellow Division Head at the Department when he confirmed his reputation as a hard-working, meticulous, and capable leader. While leading my own Division of Environmental Health, I have on occasions attempted to emulate the success of the Division of Senior Citizens of DPHSS, which Art had led for decades.

As our current Acting Director, he's taken on the responsibility of leading DPHSS during possibly one of the most challenging times any one of us has, or will, face during our lifetime. In the past two months, Art has led the Department with enthusiasm and focus with inspiring calmness. I've seen him juggle multiple events, jumping from meeting to meeting, and addressing one challenge after another, all day, every day, which would cause most to lose their mind or their temper and simply give up.

I have confidence in Mr. San Agustin's ability to lead our Department out of this pandemic and improve the Department of Public Health and Social Services along the way. I encourage this legislative body to confirm Mr. Arthur U. San Agustin as the Director of the Department of Public Health and Social Services. Thank you and *Si Yu'us Ma'ase*.



Tom Nadeau

September 10, 2020

Written Testimonial in Support of

Arthur U. San Agustin, MHR

For Director of the Department of Public Health and Social Services

**Greetings Guam 35<sup>th</sup> Guam Legislature!**

I first joined the Department of Public Health and Social Services working for the Bureau of Social Services Administration which provides Child Welfare Services for Children and Families. I was primarily assigned to coordinate and conduct community activities for Child Abuse Prevention, Mandated Reporter Presentations and Family Violence Prevention and Awareness, in addition to formalizing the Foster Families Association for approximately 10 years to include various administrative duties.

In 2006, I applied and received a promotion with the Division of Senior Citizens and have since been working for over 14 years, the longest period of my government service. Through the Division and under the direction of then, Senior Citizens Administrator San Agustin, the broad range of my programmatic and financial experience increased and enhanced.

Acting Director San Agustin is a great mentor who encourages independent thought and for employees to take initiatives and look at options and opportunities. He is a remarkable negotiator for budget negotiations. Very familiar with procurement from Emergency Procurement, Requests for Proposals, Invitation for Bids and Memorandum of Understandings. His correspondences whether for inter-agency or external organizations is extremely detailed. His familiarity with budgeting and funding sources is energetic.

In the areas of Program Development and Community Engagement of services, Acting Director San Agustin is always encouraging regardless of our staff shortage, as he is looking ahead to provide more services for our clients, we serve.

During this Pandemic period, we need a Director who is familiar with the Department and the many facets of services provided. Our Department needs, a leader who is able to engage in Department activities and to follow through. My work experience from procurement to budgeting (federal and local) and grants evolved and enhanced with the guidance from Arthur U. San Agustin, MHR. I strongly support his appointment to this Director post during these challenging times ahead of us- for the Department, our clients, community and partners.

  
Charlene D. San Nicolas, MPA

**10 GCA HEALTH AND SAFETY  
CH. 19 EMERGENCY HEALTH POWERS**

**CHAPTER 19  
EMERGENCY HEALTH POWERS**

**SOURCE:** This entire Chapter was enacted by P.L. 25-173 unless separately noted.

- Article 1. Title, Findings, Purposes and Definitions.
- Article 2. Planning for a Public Health Emergency.
- Article 3. Measures to Detect and Track Public Health Emergencies.
- Article 4. Declaring a State of Public Health Emergency.
- Article 5. Special Powers during a State of Public Health Emergency:  
Management of Property.
- Article 6. Special Powers during a State of Public Health Emergency:  
Protection of Persons.
- Article 7. Public Information Regarding Public Health Emergency.
- Article 8. Miscellaneous.

**ARTICLE 1  
TITLE, FINDINGS, PURPOSES AND DEFINITIONS.**

- § 19101. Short Title.
- § 19102. Legislative Findings.
- § 19103. Purposes.
- § 19104. Definitions.

**§ 19101. Short Title.**

This Chapter may be cited as the 'Islan Guåhan Emergency Health Powers Act.'

**§ 19102. Legislative Findings.**

[The Guam Legislature] finds that:

(a) the government must do more to protect the health, safety and general well being of its citizens;

(b) new and emerging dangers, including emergent and resurgent infectious diseases and incidents of civilian mass casualties, pose serious and immediate threats;

(c) a renewed focus on the prevention, detection, management and containment of public health emergencies is needed;



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(d) emergency health threats, including those caused by bioterrorism, may require the exercise of extraordinary government powers and functions;

(e) the government of Guam must have the ability to respond, rapidly and effectively, to potential or actual public health emergencies;

(f) the exercise of emergency health powers must promote the common good;

(g) emergency health powers must be grounded in a thorough scientific understanding of public health threats and disease transmission;

(h) guided by principles of justice and anti-discrimination, it is the duty of the government of Guam to act with fairness and tolerance towards individuals and groups;

(i) the rights of People to liberty, bodily integrity and privacy must be respected to the fullest extent possible, consistent with maintaining and preserving the public's health and security; and

(j) this Chapter is necessary to protect the health and safety of the citizens of Guam.

**§ 19103. Purposes.**

The purposes of this Chapter are:

(a) to require the development of a comprehensive plan to provide for a coordinated, appropriate response in the event of a public health emergency;

(b) to authorize the reporting and collection of data and records, the management of property, the protection of persons, and access to communications;

(c) to facilitate the early detection of a health emergency, and allow for immediate investigation of such an emergency by granting access to individuals' health information under specified circumstances;

(d) to grant the government of Guam and local officials the authority to use and appropriate property as necessary for the care, treatment, vaccination and housing of patients, and to destroy contaminated facilities or materials;

(e) to grant the government of Guam and local officials the authority to provide care, treatment and vaccination to persons who are ill, or who have

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been exposed to contagious diseases, and to separate affected individuals from the population at large to interrupt disease transmission;

(f) to ensure that the needs of infected or exposed persons are properly addressed to the fullest extent possible, given the primary goal of controlling serious health threats, and

(g) to provide the government of Guam and local officials with the ability to prevent, detect, manage and contain emergency health threats without unduly interfering with civil rights and liberties.

**§ 19104. Definitions.**

(a) 'Bioterrorism' is the intentional use of any micro-organism, virus, infectious substance or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance or biological product, to cause death, disease or other biological malfunction in a human, an animal, a plant or another living organism in order to influence the conduct of government or to intimidate or coerce a civilian population.

(b) 'Chain of Custody' is the methodology of tracking specimens for the purpose of maintaining control and accountability from initial collection to final disposition of the specimens, and providing for accountability at each stage of collecting, handling, testing, storing and transporting the specimens and reporting test results.

(c) 'Contagious Disease' is an infectious disease that can be transmitted from person to person.

(d) 'Health Care Facility' means any non-Federal institution, building, or agency, or portion thereof, whether public or private (for-profit or nonprofit) that is used, operated or designed to provide health services, medical treatment or nursing, rehabilitative, or preventive care to any person or persons. This includes, but is not limited to: ambulatory surgical facilities, home health agencies, hospices, hospitals, infirmaries, intermediate care facilities, kidney treatment centers, long term care facilities, medical assistance facilities, mental health centers, outpatient facilities, public health centers, rehabilitation facilities, residential treatments facilities, skilled nursing facilities, and adult day-care centers. This also includes, but is not limited to, the following related property when used for, or in connection with, the foregoing: laboratories; research facilities; pharmacies; laundry facilities; health personnel training and lodging facilities; patient, guest and health personnel food service facilities;

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and offices and office buildings for persons engaged in health care professions or services.

(e) 'Health Care Provider' is any person or entity who provides health care services, including, but not limited to, hospitals, medical clinics and offices, special care facilities, medical laboratories, physicians, pharmacists, dentists, physician assistants, nurse practitioners, registered and other nurses, paramedics, emergency medical or laboratory technicians, and ambulance and emergency medical workers.

(f) 'Infectious Disease' is a disease caused by a living organism or other pathogen, including a fungus, bacteria, parasite, protozoan or virus. An infectious disease may, or may not, be transmissible from person to person, animal to person, or insect to person.

(g) 'Infectious Waste' is:

(i) 'biological waste,' which includes blood and blood products, excretions, exudates, secretions, suctioning and other body fluids, and waste materials saturated with blood or body fluids;

(ii) 'cultures and stocks,' which includes etiologic agents and associated biologicals, including specimen cultures and dishes and devices used to transfer, inoculate and mix cultures, wastes from production of biologicals and serums, and discarded live and attenuated vaccines;

(iii) 'pathological waste,' which includes biopsy materials and all human tissues, anatomical parts that emanate from surgery, obstetrical procedures, necropsy or autopsy and laboratory procedures, and animal carcasses exposed to pathogens in research and the bedding and other waste from such animals, but does not include teeth or formaldehyde, or other preservative agents; and

(iv) 'sharps,' which includes needles, I.V. tubing with needles attached, scalpel blades, lancets, breakable glass tubes, and syringes that have been removed from their original sterile containers.

(h) 'Isolation' is the physical separation and confinement of an individual or groups of individuals who are infected or reasonably believed to be infected with a contagious or possibly contagious disease from non-isolated individuals, to prevent or limit the transmission of the disease to non-isolated individuals.

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(i) 'Mental Health Support Personnel' includes, but is not limited to, psychiatrists, psychologists, social workers and volunteer crisis counseling groups.

(j) 'Organized Militia' includes the Department of Military Affairs and the Guam National Guard or any other military force organized under the laws of Guam or through empowerment of the Organic Act of Guam.

(k) 'Protected health information' is any information, whether oral, written, electronic, visual or any other form, that relates to an individual's past, present, or future physical or mental health status, condition, treatment, service, products purchased, or provision of care, and that reveals the identity of the individual whose health care is the subject of the information, or where there is a reasonable basis to believe such information could be utilized, either alone or with other information that is, or should reasonably be known to be, available to predictable recipients of such information, to reveal the identity of that individual.

(l) 'Public health authority' is the Department of Public Health and Social Services; or any local government agency that acts principally to protect or preserve the public's health; or any person directly authorized to act on behalf of the Department of Public Health and Social Services or local public health agency. The determination of the 'Public health authority' shall be determined by I Maga'låhen Guåhan, based upon the circumstances of the public health emergency. The 'public health authority' shall be appointed by I Maga'låhen Guåhan by an Executive Order declaring a public health emergency.

(m) A 'public health emergency' is an occurrence or imminent threat of an illness or health condition that:

(1) is believed to be caused by any of the following:

(i) bioterrorism;

(ii) the appearance of a novel or previously controlled or eradicated infectious agent or biological toxin;

(iii) a natural disaster relative to an act of God caused by a typhoon, earthquake, tsunami, flood or intra-terrestrial collision;

(iv) a chemical attack or accidental release; or (v) a nuclear attack or accident; and

(2) poses a high probability of any of the following harms:

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- (i) a large number of deaths in the affected population;
- (ii) a large number of serious or long-term disabilities in the affected population; or
- (iii) widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of people in the affected population.

(n) 'Public safety authority' means the Guam Police Department; or any local government agency that acts principally to protect or preserve the public safety, or any person directly authorized to act on behalf of the Guam Police Department or local agency.

(o) 'Quarantine' is the physical separation and confinement of an individual or groups of individuals who are, or may have been, exposed to a contagious, or possibly contagious, disease, and who do not show signs or symptoms of a contagious disease, from non-quarantined individuals, to prevent or limit the transmission of the disease to non-quarantined individuals.

(p) 'Specimens' include, but are not limited to, blood, sputum, urine, stool, other bodily fluids, wastes, tissues and cultures necessary to perform required tests. (q) 'Tests' include, but are not limited to, any diagnostic or investigative analyses necessary to prevent the spread of disease or protect the public's health, safety and welfare.

(r) 'Superior Court of Guam' is the court designated by the Public Health Emergency Plan under Article 2 of this Chapter when a public health emergency has been declared.

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**ARTICLE 2**  
**PLANNING FOR A PUBLIC HEALTH EMERGENCY**

§ 19201. Public Health Emergency Planning Commission.

§ 19202. Public Health Emergency Plan.

**§ 19201. Public Health Emergency Planning Commission.**

I Maga'låhen Guåhan [The Governor] shall appoint a Public Health Emergency Planning Commission ('Commission'), consisting of the government of Guam directors, or their designees, of agencies I Maga'låhen Guåhan [The Governor deems relevant to public health emergency

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preparedness, a representative group of Senators from I Liheslaturan Guahån [the Legislature], members of the Judiciary, and any other persons chosen by I Maga'låhen Guahån the Governor]. I Maga'låhen Guahån [The Governor] shall also designate the chair of the Commission.

**§ 19202. Public Health Emergency Plan.**

(a) Content. The Commission shall, within six (6) months of its appointment, deliver to I Maga'låhen Guahån [The Governor] a plan for responding to a public health emergency, that includes provisions or guidelines on the following:

(1) notifying and communicating with the population during a state of public health emergency in compliance with this Chapter;

(2) central coordination of resources, manpower and services, including coordination of responses by the government of Guam, military and Federal agencies;

(3) the location, procurement, storage, transportation, maintenance, and distribution of essential materials, including but not limited to medical supplies, drugs, vaccines, food, shelter, clothing and beds;

(4) compliance with the reporting requirements in § 19301;

(5) the continued, effective operation of the Judicial System including, if deemed necessary, the identification and training of personnel to serve as emergency judges regarding matters of isolation and quarantine as described in this Chapter;

(6) the method of evacuating populations, and housing and feeding the evacuated populations;

(7) the identification and training of health care providers to diagnose and treat persons with infectious diseases;

(8) the vaccination of persons, in compliance with the provisions of this Chapter;

(9) the treatment of persons who have been exposed to or who are infected with diseases or health conditions that may be the cause of a public health emergency;

(10) the safe disposal of infectious wastes and human remains in compliance with the provisions of this Chapter;

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(11) the safe and effective control of persons isolated, quarantined, vaccinated, tested or treated during a state of public health emergency;

(12) tracking the source and outcomes of infected persons;

(13) ensuring that each municipality within Guam identifies the following:

(i) sites where persons can be isolated or quarantined in compliance with the conditions and principles for isolation or quarantine of this Chapter;

(ii) sites where medical supplies, food, and other essentials can be distributed to the population;

(iii) sites where public health and emergency workers can be housed and fed; and

(iv) routes and means of transportation of people and materials;

(14) cultural norms, values, religious principles and traditions that may be relevant; and

(15) other measures necessary to carry out the purposes of this Chapter.

(b) Distribution. The Commission shall distribute this plan to those who will be responsible for its implementation, health care providers, other interested persons, and the public, and seek their review and comments.

(c) Review. The Commission shall annually review its plan for responding to a public health emergency.

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**ARTICLE 3**

**MEASURES TO DETECT AND TRACK PUBLIC HEALTH EMERGENCIES**

§ 19301. Reporting.

§ 19302. Tracking.

§ 19303. Information Sharing.

§ 19301. Reporting.

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**§ 19301. Reporting.**

(a) **Illness or Health Condition.** A health care provider, coroner, or medical examiner shall report all cases of persons who harbor any illness or health condition that may be potential causes of a public health emergency. Reportable illnesses and health conditions include, but are not limited to, the diseases caused by the biological agents listed in 42 C.F.R. § 72, App. A (2000), and any illnesses or health conditions identified by the public health authority.

(b) **Pharmacists.** In addition to the foregoing requirements for health care providers, a pharmacist shall report any unusual or increased prescription rates, unusual types of prescriptions, or unusual trends in pharmacy visits that may be potential causes of a public health emergency. Prescription-related events that require a report include, but are not limited to:

(1) an unusual increase in the number of prescriptions or over-the-counter pharmaceuticals to treat conditions that the public health authority identifies through regulations;

(2) an unusual increase in the number of prescriptions for antibiotics; and

(3) any prescription that treats a disease that is relatively uncommon or may be associated with bioterrorism.

(c) **Manner of Reporting.** Suspicion of a Class 1 disease as specified by the Director of Public Health and Social Services shall be reported within twenty-four (24) hours of diagnosis to the public health authority. The report shall include as much of the following information as is available: the specific illness or health condition that is the subject of the report; the patient's name, date of birth, sex, race, occupation, and current home and work addresses (including village) and phone numbers; the name and address of the health care provider, coroner, or medical examiner and of the reporting individual, if different; and any other information needed to locate the patient for follow-up. For cases related to animal or insect bites, the suspected locating information of the biting animal or insect, and the name and address of any known owner, shall be reported.

(d) **Animal Diseases.** Every veterinarian, livestock owner, veterinary diagnostic laboratory director, kennels businesses or other person having the care of animals shall report animals having or suspected of having



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any diseases that may be potential causes of a public health emergency. The report shall be reported within twenty-four (24) hours of diagnosis to the public health authority to the public health authority and shall include as much of the following information as is available: the specific illness or health condition that is the subject of the report; the suspected locating information of the animal; the name and address of any known owner and phone numbers; and the name, address and phone number of the reporting individual.

(e) Laboratories. For the purposes of this Section, the definition of 'health care provider' shall include any on-Guam and off-Guam military United States Department of Defense operated or off-Guam medical laboratories; provided, that such laboratories have agreed to the reporting requirements of Guam. Results must be reported by the laboratory that performs the test, but an on-Guam laboratory that sends specimens to an off-Guam laboratory is also responsible for reporting results.

(f) Enforcement. Failure of a health care provider or veterinarian to report any illness or health condition identified by the Director of the Department of Public Health and Social Services as a Class 1 disease in the manner and within the time period specified in this Section shall be reported to the authority or agency responsible for licensing that health care provider. The licensing authority shall, at its next regular meeting, hold a hearing to determine what action, if any, should be taken with regard to this report. The penalty for failure to comply with the provisions of this Article may include suspension of license to practice a healing art for up to thirty (30) days for a first offense, and suspension or revocation of license for a second or subsequent offense. The action taken by the licensing authority in any such case shall be reported to the Director of the Department of Public Health and Social Services, published in a paper of public record and posted in an appropriate location at the Guam Memorial Hospital and at a conspicuous location at the site of practice of the health care provider. The public health authority may also enforce the provisions of this Section in accordance with any other laws of Guam, Federal laws applicable to Guam and any other rules and regulations.

(g) Freedom from Liability. No person, health care provider, or health care practice and establishment furnishing any information, data or report in fulfillment of the provisions of this Article shall, by reason of such furnishing, be deemed to have violated any confidential

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relationship, or be held liable in damages, or be held to answer for willful betrayal of a professional confidence within the meaning and intent of relevant sections of the Government Code of Guam or the laws of the United States.

**§ 19302. Tracking.**

The public health authority shall ascertain the existence of cases of an illness or health condition that may be potential causes of a public health emergency; investigate all such cases for sources of infection and to ensure that they are subject to proper control measures; and define the distribution of the illness or health condition. To fulfill these duties, the public health authority shall identify exposed individuals as follows:

(a) Identification of Individuals. Acting on information developed in accordance with § 19301 of this Chapter, or other reliable information, the public health authority shall identify all individuals thought to have been exposed to an illness or health condition that may be a potential cause of a public health emergency.

(b) Interviewing of Individuals. The public health authority shall counsel and interview such individuals where needed to assist in the positive identification of exposed individuals and develop information relating to the source and spread of the illness or health condition. Such information includes the name and address, including municipality, of any person from whom the illness or health condition may have been contracted and to whom the illness or health condition may have spread.

(c) Examination of Facilities or Materials. The public health authority shall, for examination purposes, close, evacuate or decontaminate any facility, or decontaminate or destroy any material when the authority reasonably suspects that such facility or material may endanger the public health.

(d) Enforcement. The public health authority may enforce the provisions of this Section in accordance with existing enforcement rules and regulations. An order of the public health authority given to effectuate the purposes of this Section shall be enforceable immediately by the public safety authority.

**§ 19303. Information Sharing.**

(a) Whenever the public safety authority or other government of Guam agency learns of a case of a reportable illness or health condition,

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an unusual cluster, or a suspicious event that may be the cause of a public health emergency, it shall immediately notify the public health authority.

(b) Whenever the public health authority learns of a case of a reportable illness or health condition, an unusual cluster, or a suspicious event that it reasonably believes has the potential to be caused by bioterrorism, it shall immediately notify the public safety authority, Civil Defense, the Guam Memorial Hospital Authority, the Department of Customs and Quarantine and Federal health and public safety authorities.

(c) Sharing of information on reportable illnesses, health conditions, unusual clusters or suspicious events between public health and safety authorities shall be restricted to the information necessary for the treatment, control, investigation and prevention of a public health emergency.

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**ARTICLE 4**  
**DECLARING A STATE OF PUBLIC HEALTH EMERGENCY**

- § 19401. Declaration.
- § 19402. Content of Declaration.
- § 19403. Effect of Declaration
- § 19404. Enforcement.
- § 19405. Termination of Declaration.

**§ 19401. Declaration.**

A state of public health emergency may be declared by I Maga'låhen Guåhan [The Governor] upon the occurrence of a 'public health emergency,' as defined in § 19104(m). Prior to such a declaration, I Maga'låhen Guåhan [The Governor] shall consult with the public health authority and may consult with any additional public health or other experts as needed. I Maga'låhen Guåhan [The Governor] may act to declare a public health emergency without consulting with the public health authority or other experts when the situation calls for prompt and timely action.

**§ 19402. Content of Declaration.**

A state of public health emergency shall be declared by an executive order that specifies:

- (a) the nature of the public health emergency;

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- (b) the geographic area(s) applicable to the declaration;
- (c) the conditions that have brought about the public health emergency;
- (d) the duration of the state of the public health emergency, if less than thirty (30) days; and
- (e) the primary public health authority responding to the emergency.

**§ 19403. Effect of Declaration.**

The declaration of a state of public health emergency shall activate the disaster response and recovery aspects of the government of Guam. Such declaration authorizes the deployment and use of any forces to which the plans apply and the use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled or available pursuant to this Chapter.

(a) Emergency Powers. During a state of public health emergency, I Maga'låhen Guåhan [The Governor] may:

(1) through an executive order suspend, the provisions of any regulatory statute prescribing procedures for conducting local business, or the orders, rules and regulations of any government of Guam agency, to the extent that strict compliance with the same would prevent, hinder or delay necessary action (including emergency purchases) by the public health authority to respond to the public health emergency, or increase the health threat to the population;

(2) utilize all available resources of the government of Guam, as reasonably necessary to respond to the public health emergency;

(3) transfer the direction, personnel or functions of the government of Guam departments and agencies in order to perform or facilitate response and recovery programs regarding the public health emergency;

(4) mobilize all or any part of the organized militia into service; an executive order directing the organized militia to report for active duty shall state the purpose for which it is mobilized and the objectives to be accomplished;

(5) provide aid to and seek aid from the Federal Government in accordance with any emergency compact made with the government of Guam; and

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(6) seek aid from the Federal Government in accordance with Federal programs or requirements.

(b) Coordination. The public health authority shall coordinate all matters pertaining to the public health emergency response of Guam. The public health authority shall have primary jurisdiction, responsibility and authority for:

(1) planning and executing public health emergency assessment, mitigation, preparedness response and recovery for Guam;

(2) coordinating public health emergency response between Federal and local authorities;

(3) collaborating with relevant Federal government authorities, elected officials of other states, private organizations or companies;

(4) coordinating recovery operations and mitigation initiatives subsequent to public health emergencies; and

(5) organizing public information activities regarding public health emergency response operations.

(c) Identification. After the declaration of a state of public health emergency, special identification for all public health personnel working during the emergency shall be issued as soon as possible. The identification shall indicate the authority of the bearer to exercise public health functions and emergency powers during the state of public health emergency. Public health personnel shall wear the identification in plain view.

**§ 19404. Enforcement.**

During a state of public health emergency, the public health authority may request assistance in enforcing orders pursuant to this Chapter from the public safety authority. The public safety authority may request assistance from the organized militia in enforcing the orders of the public health authority.

**§ 19405. Termination of Declaration.**

(a) Executive Order. I Maga'låhen Guåhan [The Governor] shall terminate the declaration of a state of public health emergency by executive order upon finding that the occurrence of an illness or health condition that caused the emergency no longer poses a high probability of a large number of deaths in the affected population, a large number of incidents of serious permanent or long-term disability in the affected population, or a significant

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risk of substantial future harm to a large number of people in the affected population.

(b) Automatic Termination. Notwithstanding any other provision of this Chapter, the declaration of a state of public health emergency shall be terminated automatically after thirty (30) days, unless renewed by I Maga'låhen Guåhan [The Governor] under the same standards and procedures set forth in this Article. Any such renewal shall also be terminated automatically after thirty (30) days, unless renewed by the I Maga'låhen Guåhan [The Governor] under the same standards and procedures set forth in this Article.

(c) [The Guam Legislature] . By a majority vote, [The Guam Legislature] may terminate the declaration of a state of public health emergency at any time from the date of original declaration upon finding that the occurrence of an illness or health condition that caused the emergency does not or no longer poses a high probability of a large number of deaths in the affected population, a large number of incidents of serious permanent or long-term disability in the affected population or a significant risk of substantial future harm to a large number of people in the affected population. Such a termination by [The Guam Legislature] shall override any renewal by I Maga'låhen Guåhan [The Governor] .

(d) Content of Termination Order. All orders or legislative actions terminating the declaration of a state of public health emergency shall indicate the nature of the emergency, the area(s) that was threatened and the conditions that make possible the termination of the declaration.

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**ARTICLE 5**  
**SPECIAL POWERS DURING A STATE OF PUBLIC HEALTH EMERGENCY:**  
**MANAGEMENT OF PROPERTY**

- § 19501. Emergency Measures Concerning Facilities and Materials.
- § 19502. Access to and Control of Facilities and Property - Generally.
- § 19503. Safe Disposal of Infectious Waste.
- § 19504. Safe Disposal of Human Remains.
- § 19505. Control of Health Care Supplies.
- § 19506. Compensation.
- § 19507. Destruction of Property.

**§ 19501. Emergency Measures Concerning Facilities and Materials.**

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The public health authority may exercise, for such period as the state of public health emergency exists, the following powers over facilities or materials:

(a) Facilities. To close, direct and compel the evacuation of, or to decontaminate or cause to be decontaminated any facility of which there is reasonable cause to believe that it may endanger the public health.

(b) Materials. To decontaminate, or cause to be decontaminated, or destroy any material of which there is reasonable cause to believe that it may endanger the public health.

**§ 19502. Access to and Control of Facilities and Property - Generally.**

The public health authority may exercise, for such period as the state of public health emergency exists, the following powers concerning facilities, materials, roads or public areas:

(a) Use of Materials and Facilities. To procure, by condemnation or otherwise, construct, lease, transport, store, maintain, renovate, or distribute materials and facilities as may be reasonable and necessary to respond to the public health emergency, with the right to take immediate possession thereof. Such materials and facilities include, but are not limited to, communication devices, carriers, real estate, fuels, food and clothing.

(b) Use of Health Care Facilities. To require a health care facility to provide services or the use of its facility if such services or use are reasonable and necessary to respond to the public health emergency as a condition of licensure, authorization or the ability to continue doing business on Guam as a health care facility. The use of the health care facility may include transferring the management and supervision of the health care facility to the public health authority for a limited or unlimited period of time, but shall not exceed the termination of the declaration of a state of public health emergency.

(c) Control of Materials. To inspect, control, restrict, and regulate by rationing and using quotas, prohibitions on shipments, allocation, or other means, the use, sale, dispensing, distribution or transportation of food, fuel, clothing and other commodities, as may be reasonable and necessary to respond to the public health emergency.

(d) Control of Roads and Public Areas.

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(1) To prescribe routes, modes of transportation, and destinations in connection with evacuation of persons or the provision of emergency services.

(2) To control or limit ingress and egress to and from any stricken or threatened public area, the movement of persons within the area, and the occupancy of premises therein, if such action is reasonable and necessary to respond to the public health emergency.

**§ 19503. Safe Disposal of Infectious Waste.**

The public health authority may exercise, for such period as the state of public health emergency exists, the following powers regarding the safe disposal of infectious waste.

(a) Adopt Measures. To adopt and enforce measures to provide for the safe disposal of infectious waste as may be reasonable and necessary to respond to the public health emergency. Such measures may include, but are not limited to, the collection, storage, handling, destruction, treatment, transportation and disposal of infectious waste.

(b) Control of Facilities. To require any business or facility authorized to collect, store, handle, destroy, treat, transport and dispose of infectious waste under the laws of Guam, and any landfill business or other such property, to accept infectious waste, or provide services or the use of the business, facility, or property if such action is reasonable and necessary to respond to the public health emergency as a condition of licensure, authorization or the ability to continue doing business on Guam as such a business or facility. The use of the business, facility or property may include transferring the management and supervision of such business, facility or property to the public health authority for a limited or unlimited period of time, but shall not exceed the termination of the declaration of a state of public health emergency.

(c) Use of Facilities. To procure, by condemnation or otherwise, any business or facility authorized to collect, store, handle, destroy, treat, transport and dispose of infectious waste under the laws of Guam, and any landfill business or other such property as may be reasonable and necessary to respond to the public health emergency, with the right to take immediate possession thereof.

(d) Identification. All bags, boxes or other containers for infectious waste shall be clearly identified as containing infectious waste, and if known, the type of infectious waste.



**§ 19504. Safe Disposal of Human Remains.**

The public health authority may exercise, for such period as the state of public health emergency exists, the following powers regarding the safe disposal of human remains.

(a) Adopt Measures. To adopt and enforce measures to provide for the safe disposal of human remains as may be reasonable and necessary to respond to the public health emergency. Such measures may include, but are not limited to, the embalming, burial, cremation, interment, disinterment, transportation and disposal of human remains.

(b) Possession. To take possession or control of any human remains.

(c) Disposal. To order the disposal of any human remains of a person who has died of a contagious disease through burial or cremation within twenty-four (24) hours after death. To the extent possible, religious, cultural, family and individual beliefs of the deceased person or that person's family shall be considered when disposing of any human remains.

(d) Control of Facilities. To require any business or facility authorized to embalm, bury, cremate, inter, disinter, transport and dispose of human remains under the laws of Guam to accept any human remains or provide the use of its business or facility if such actions are reasonable and necessary to respond to the public health emergency as a condition of licensure, authorization or the ability to continue doing business on Guam as such a business or facility. The use of the business or facility may include transferring the management and supervision of such business or facility to the public health authority for a limited or unlimited period of time, but shall not exceed the termination of the declaration of a state of public health emergency.

(e) Use of Facilities. To procure, by condemnation or otherwise, any business or facility authorized to embalm, bury, cremate, inter, disinter, transport and dispose of human remains under the laws of Guam as may be reasonable and necessary to respond to the public health emergency, with the right to take immediate possession thereof.

(f) Labeling. Every human remains prior to disposal shall be clearly labeled with all available information to identify the decedent and the circumstances of death. Any human remains of a deceased person with a contagious disease shall have an external, clearly visible tag indicating that the human remains is infected and, if known, the contagious disease.

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(g) Identification. Every person in charge of disposing of any human remains shall maintain a written or electronic record of each human remains and all available information to identify the decedent and the circumstances of death and disposal. If human remains cannot be identified prior to disposal, a qualified person shall, to the extent possible, take fingerprints and photographs of the human remains, obtain identifying dental information, and collect a DNA specimen. All information gathered under this Paragraph shall be promptly forwarded to the public health authority.

**§ 19505. Control of Health Care Supplies.**

(a) Procurement. The public health authority may purchase and distribute anti-toxins, serums, vaccines, immunizing agents, antibiotics and other pharmaceutical agents or medical supplies that it deems advisable in the interest of preparing for, or controlling, a public health emergency, without any additional legislative authorization.

(b) Rationing. If a state of public health emergency results in a Guam-wide or threatened shortage of any product, § 19505(a), under (a), whether or not such product has been purchased by the public health authority, the public health authority may control, restrict, and regulate by rationing and using quotas, prohibitions on shipments, allocation, or other means, the use, sale, dispensing, distribution, or transportation of the relevant product necessary to protect the public health, safety and welfare of the People of Guam.

(c) Priority. In making rationing or other supply and distribution decisions, the public health authority may give preference to health care providers, disaster response personnel and mortuary staff.

(d) Distribution. During a state of public health emergency, the public health authority may procure, store or distribute any anti-toxins, serums, vaccines, immunizing agents, antibiotics and other pharmaceutical agents or medical supplies located within Guam as may be reasonable and necessary to respond to the public health emergency, with the right to take immediate possession thereof.

**§ 19506. Compensation.**

The government of Guam shall pay just compensation to the owner of any facilities or materials that are lawfully taken or appropriated by a public health authority for its temporary or permanent use under this Article according to the procedures and standards set forth in § 19805 of this Chapter. Compensation shall not be provided for facilities or materials that

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are closed, evacuated, decontaminated or destroyed when there is reasonable cause to believe that they may endanger the public health pursuant to § 19501.

**§ 19507. Destruction of Property.**

To the extent practicable consistent with the protection of public health, prior to the destruction of any property under this Article, the public health authority shall institute appropriate civil proceedings against the property to be destroyed in accordance with the existing laws and rules of the courts of Guam, or any such rules that may be developed by the courts for use during a state of public health emergency. Any property acquired by the public health authority through such proceedings shall, after entry of the decree, be disposed of by destruction as the court may direct.

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**ARTICLE 6**

**SPECIAL POWERS DURING A STATE OF PUBLIC HEALTH EMERGENCY:  
PROTECTION OF PERSONS**

- § 19601. Protection of Persons.
- § 19602. Medical Examination and Testing.
- § 19603. Vaccination and Treatment.
- § 19604. Isolation and Quarantine.
- § 19605. Procedures for Isolation and Quarantine
- § 19606. Collection of Laboratory Specimens; Performance of Tests.
- § 19607. Access to and Disclosure of Protected Health Information.
- § 19608. Licensing and Appointment of Health Personnel.

**§ 19601. Protection of Persons.**

During a state of public health emergency, the public health authority shall use every available means to prevent the transmission of infectious disease and to ensure that all cases of contagious disease are subject to proper control and treatment.

**19602. Medical Examination and Testing.**

During a state of public health emergency, the public health authority may perform physical examinations and/or tests as necessary for the diagnosis or treatment of individuals.

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(a) Medical examinations or tests may be performed by any qualified person authorized to do so by the public health authority.

(b) Medical examinations or tests must not be such as are reasonably likely to lead to serious harm to the affected individual.

(c) The public health authority may isolate or quarantine, pursuant to § 19604, any person whose refusal of medical examination or testing results in uncertainty regarding whether that person has been exposed to or is infected with a contagious or possibly contagious disease, or otherwise poses a danger to public health.

**§ 19603. Vaccination and Treatment.**

During a state of public health emergency, the public health authority may exercise the following emergency powers over persons as necessary to address the public health emergency.

(a) Vaccination. To vaccinate persons as protection against infectious disease and to prevent the spread of contagious or possibly contagious disease.

(1) Vaccination may be performed by any qualified person authorized to do so by the public health authority.

(2) A vaccine to be administered must not be such as is reasonably likely to lead to serious harm to the affected individual.

(3) To prevent the spread of contagious or possibly contagious disease the public health authority may isolate or quarantine, pursuant to § 19604, persons who are unable or unwilling for reasons of health, religion or conscience to undergo vaccination pursuant to this Section.

(b) Treatment. To treat persons exposed to or infected with disease.

(1) Treatment may be administered by any qualified person authorized to do so by the public health authority.

(2) Treatment must not be such as is reasonably likely to lead to serious harm to the affected individual.

(3) To prevent the spread of contagious or possibly contagious disease the public health authority may isolate or quarantine, pursuant to § 19604, persons who are unable or unwilling for reasons of health, religion or conscience to undergo treatment pursuant to this Section.

**§ 19604. Isolation and Quarantine.**

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(a) Authorization. During the public health emergency, the public health authority may isolate, consistent with the definition of 'isolation' in § 19103(h), or quarantine, consistent with the definition of 'quarantine' in § 19103(o), an individual or groups of individuals. This includes individuals or groups who have not been vaccinated, treated, tested, or examined pursuant to §§ 19602 and 19603. The public health authority may also establish and maintain places of isolation and quarantine, and set rules and make orders. Failure to obey these rules, orders or provisions shall constitute a misdemeanor.

(b) Conditions and Principles. The public health authority shall adhere to the following conditions and principles when isolating or quarantining individuals or groups of individuals:

(1) Isolation and quarantine must be by the least restrictive means necessary to prevent the spread of a contagious or possibly contagious disease to others, and may include, but are not limited to, confinement to private homes or other private and public premises.

(2) Isolated individuals must be confined separately from quarantined individuals.

(3) The health status of isolated and quarantined individuals must be monitored regularly to determine if they require isolation or quarantine.

(4) If a quarantined individual subsequently becomes infected, or is reasonably believed to have become infected with a contagious or possibly contagious disease, that person must promptly be removed to isolation.

(5) Isolated and quarantined individuals must be immediately released when they pose no substantial risk of transmitting a contagious or possibly contagious disease to others.

(6) The needs of persons isolated and quarantined shall be addressed in a systematic and competent fashion, including, but not limited to, providing adequate food, clothing, shelter, means of communication with those in isolation or quarantine and outside these settings, medication and competent medical care.

(7) Premises used for isolation and quarantine shall be maintained in a safe and hygienic manner, and be designed to minimize the

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likelihood of further transmission of infection or other harms to persons isolated and quarantined.

(8) To the extent possible, cultural and religious beliefs should be considered in addressing the needs of individuals, and establishing and maintaining isolation and quarantine premises.

(c) Cooperation. Persons subject to isolation or quarantine shall obey the public health authority's rules and orders; and shall not go beyond the isolation or quarantine premises. Failure to obey these provisions shall constitute a misdemeanor.

(d) Entry into Isolation or Quarantine Premises.

(1) Authorized Entry. The public health authority may authorize physicians, health care workers or others access to individuals in isolation or quarantine as necessary to meet the needs of isolated or quarantined individuals.

(2) Unauthorized Entry. No person, other than a person authorized by the public health authority, shall enter isolation or quarantine premises. Failure to obey this provision shall constitute a misdemeanor.

(3) Potential Isolation or Quarantine. Any person entering an isolation or quarantine premises with or without authorization of the public health authority may be isolated or quarantined pursuant to § 19604(a).

**§ 19605. Procedures for Isolation and Quarantine.**

During a public health emergency, the isolation and quarantine of an individual or groups of individuals shall be undertaken in accordance with the following procedures.

(a) Temporary Isolation and Quarantine Without Notice.

(1) Authorization. The public health authority may temporarily isolate or quarantine an individual, or groups of individuals, through a written directive if delay in imposing the isolation or quarantine would significantly jeopardize the public health authority's ability to prevent or limit the transmission of a contagious or possibly contagious disease to others.

(2) Content of Directive. The written directive shall specify the following:

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- (i) the identity of the individual(s) or groups of individuals subject to isolation or quarantine;
- (ii) the premises subject to isolation or quarantine;
- (iii) the date and time at which isolation or quarantine commences;
- (iv) the suspected contagious disease if known; and
- (v) a copy of Article 6 and relevant definitions of this Chapter.

(3) Copies. A copy of the written directive shall be given to the individual to be isolated or quarantined or, if the order applies to a group of individuals and it is impractical to provide individual copies, it may be posted in a conspicuous place in the isolation or quarantine premises.

(4) Petition for Continued Isolation or Quarantine. Within ten (10) days after issuing the written directive, the public health authority shall file a petition pursuant to § 19605(b) for a court order authorizing the continued isolation or quarantine of the isolated or quarantined individual or groups of individuals.

**(b) Isolation or Quarantine With Notice.**

(1) Authorization. The public health authority may make a written petition to the Superior Court of Guam for an order authorizing the isolation or quarantine of an individual or groups of individuals.

(2) Content of Petition. A petition under Subsection (b)(1) shall specify the following:

- (i) the identity of the individual(s) or groups of individuals subject to isolation or quarantine;
- (ii) the premises subject to isolation or quarantine;
- (iii) the date and time at which isolation or quarantine commences;
- (iv) the suspected contagious disease if known;
- (v) a statement of compliance with the conditions and principles for isolation and quarantine of § 19604(b); and

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(vi) a statement of the basis upon which isolation or quarantine is justified in compliance with this Article. The petition shall be accompanied by the sworn affidavit of the public health authority attesting to the facts asserted in the petition, together with any further information that may be relevant and material to the court's consideration.

(3) Notice. Notice to the individuals or groups of individuals identified in the petition shall be accomplished within twenty-four (24) hours in accordance with the rules of civil procedure.

(4) Hearing. A hearing must be held on any petition filed pursuant to this Subsection within five (5) days of filing of the petition. In extraordinary circumstances and for good cause shown, the public health authority may apply to continue the hearing date on a petition filed pursuant to this Section for up to ten (10) days, which continuance the court may grant in its discretion giving due regard to the rights of the affected individuals, the protection of the public's health, the severity of the emergency and the availability of necessary witnesses and evidence.

(5) Order. The court shall grant the petition if, by a preponderance of the evidence, isolation or quarantine is shown to be reasonably necessary to prevent or limit the transmission of a contagious or possibly contagious disease to others.

(i) An order authorizing isolation or quarantine may do so for a period not to exceed thirty (30) days.

(ii) The order shall:

(aa) identify the isolated or quarantined individuals, or groups of individuals, by name or shared or similar characteristics or circumstances;

(bb) specify factual findings warranting isolation or quarantine pursuant to this Chapter;

(cc) include any conditions necessary to ensure that isolation or quarantine is carried out within the stated purposes and restrictions of this Chapter; and

(dd) served on affected individuals or groups of individuals in accordance with the rules of civil procedure.



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(6) Continuances. Prior to the expiration of an order issued pursuant to § 19605(b)(5), the public health authority may move to continue isolation or quarantine for additional periods not to exceed thirty (30) days each. The court shall consider the motion in accordance with standards set forth in § 19605(b)(5).

(c) Relief from Isolation and Quarantine.

(1) Releases. An individual or group of individuals isolated or quarantined pursuant to this Chapter may apply to the Superior Court of Guam for an order to show cause why the individual or group of individuals should be released. The Court shall rule upon the application to show cause within forty-eight (48) hours of its filing. If the court grants the application, the Court shall schedule a hearing on the order to show cause within twenty-four (24) hours from issuance of the order to show cause. The issuance of an order to show cause shall not stay or enjoin an isolation or quarantine order.

(2) Remedies for Breach of Conditions. An individual or groups of individuals isolated or quarantined pursuant to this Chapter may request a hearing in the Superior Court of Guam for remedies regarding breaches to the conditions of isolation or quarantine. A request for a hearing shall not stay or enjoin an isolation or quarantine order.

(i) Upon receipt of a request under this Subsection alleging extraordinary circumstances justifying the immediate granting of relief, the Court shall fix a date for hearing on the matters alleged not more than twenty-four (24) hours from receipt of the request.

(ii) Otherwise, upon receipt of a request under this Subsection, the Court shall fix a date for hearing on the matters alleged within five (5) days from receipt of the request.

(3) Extensions. In any proceedings brought for relief under this Subsection, in extraordinary circumstances and for good cause shown the public health authority may move the Court to extend the time for a hearing, which extension the Court in its discretion may grant giving due regard to the rights of the affected individuals, the protection of the public's health, the severity of the emergency and the availability of necessary witnesses and evidence.(d) Proceedings. A record of the proceedings pursuant to this Section shall be made and retained. In the event that, given a state of public health emergency, parties cannot

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personally appear before the Court, proceedings may be conducted by their authorized representatives and be held via any means that allows all parties to fully participate.

(e) Court to Appoint Counsel and Consolidate Claims.

(1) Appointment. The Court shall appoint counsel at the expense of the government of Guam to represent individuals or groups of individuals who are, or who are about to be isolated or quarantined pursuant to the provisions of this Chapter, and who are not otherwise represented by counsel. Appointments shall be made in accordance with the procedures to be specified in the Public Health Emergency Plan and shall last throughout the duration of the isolation or quarantine of the individual or groups of individuals. The public health authority must provide adequate means of communication between such individuals or groups and their counsel.

(2) Consolidation. In any proceedings brought pursuant to this Section, to promote the fair and efficient operation of justice and having given due regard to the rights of the affected individuals, the protection of the public's health, the severity of the emergency and the availability of necessary witnesses and evidence, the Court may order the consolidation of individual claims into group or claims where:

- (i) the number of individuals involved or to be affected is so large as to render individual participation impractical;
- (ii) there are questions of law or fact common to the individual claims or rights to be determined;
- (iii) the group claims or rights to be determined are typical of the affected individuals' claims or rights; and
- (iv) the entire group will be adequately represented in the consolidation.

**§ 19606. Collection of Laboratory Specimens; Performance of Tests.**

The public health authority may, for such period as the state of public health emergency exists, collect specimens and perform tests on living persons as provided in § 19602, and also upon deceased persons and any animal (living or deceased), and acquire any previously collected specimens

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or test results that are reasonable and necessary to respond to the public health emergency.

(a) Marking. All specimens shall be clearly marked.

(b) Contamination. Specimen collection, handling, storage and transport to the testing site shall be performed in a manner that will reasonably preclude specimen contamination or adulteration, and provide for the safe collection, storage, handling and transport of such specimen.

(c) Chain of Custody. Any person authorized to collect specimens or perform tests shall use chain of custody procedures to ensure proper record keeping, handling, labeling and identification of specimens to be tested. This requirement applies to all specimens, including specimens collected using on-site testing kits.

(d) Criminal Investigation. Recognizing that, during a state of public health emergency, any specimen collected or test performed may be evidence in a criminal investigation, any business, facility or agency authorized to collect specimens or perform tests shall provide such support as is reasonable and necessary to aid in a relevant criminal investigation.

**§ 19607. Access to and Disclosure of Protected Health Information.**

(a) Access. Access to protected health information of persons who have participated in medical testing, treatment, vaccination, isolation, or quarantine programs or efforts by the public health authority during a public health emergency shall be limited to those persons having a legitimate need to acquire or use the information to:

- (1) provide treatment to the individual who is the subject of the health information;
- (2) conduct epidemiologic research; or
- (3) investigate the causes of transmission.

(b) Disclosure. Protected health information held by the public health authority shall not be disclosed to others without individual written, specific informed consent, except for disclosures made:

- (1) directly to the individual;
- (2) to the individual's immediate family members or personal representative;

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(3) to appropriate Federal agencies or authorities pursuant to Federal law;

(4) pursuant to a court order to avert a clear danger to an individual or to the public health; or

(5) to identify a deceased individual or determine the manner or cause of death.

**§ 19608. Licensing and Appointment of Health Personnel.**

The public health authority may exercise, for such period as the state of public health emergency exists, the following emergency powers regarding licensing and appointment of health personnel.

(a) Health Care Providers. To require on-Guam health care providers to assist in the performance of vaccination, treatment, examination or testing of any individual as a condition of licensure, authorization or the ability to continue to function as a health care provider on Guam.

(b) Health Care Providers from Other Jurisdictions. To appoint and prescribe the duties of such out-of-off-Guam emergency health care providers as may be reasonable and necessary to respond to the public health emergency.

(1) The appointment of off-Guam emergency health care providers may be for a limited or unlimited time, but shall not exceed the termination of the declaration of a state of public health emergency. The public health authority may terminate the off-Guam appointments at any time or for any reason; provided, that any such termination will not jeopardize the health, safety and welfare of the People of Guam.

(2) The public health authority may waive any or all licensing requirements, permits or fees required by the Government Code of Guam and applicable orders, rules or regulations for health care providers from other jurisdictions to practice on Guam.

(3) Any off-Guam emergency health care provider appointed pursuant to this Section shall not be held liable for any civil damages as a result of medical care or treatment related to the response to the public health emergency, unless such damages result from providing, or failing to provide, medical care or treatment under circumstances demonstrating a reckless disregard for the consequences so as to affect the life or health of the patient.

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(c) Personnel to Perform Duties of Medical Examiner or Coroner. To authorize the medical examiner or coroner to appoint and prescribe the duties of such emergency assistant medical examiners or coroners as may be required for the proper performance of the duties of the office.

(1) The appointment of emergency assistant medical examiners or coroners may be for a limited or unlimited time, but shall not exceed the termination of the declaration of a state of public health emergency. The medical examiner or coroner may terminate such emergency appointments at any time or for any reason; provided, that any such termination will not impede the performance of the duties of the office.

(2) The medical examiner or coroner may waive licensing requirements, permits, or fees required by Guam code and applicable orders, rules or regulations for the performance of these duties.

(3) Any emergency assistant medical examiner or coroner appointed pursuant to this Section and acting without malice and within the scope of the prescribed duties shall be immune from civil liability in the performance of such duties.

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**ARTICLE 7**

**PUBLIC INFORMATION REGARDING PUBLIC HEALTH EMERGENCY**

§ 19701. Dissemination of Information

§ 19702. Access to Mental Health Support Personnel.

**§ 19701. Dissemination of Information.**

The public health authority shall inform the People of Guam when a state of public health emergency has been declared or terminated, how to protect themselves during a state of public health emergency, and what actions are being taken to control the emergency.

(a) Means of Dissemination. The public health authority shall provide information by all available and reasonable means calculated to bring the information promptly to the attention of the general public.

(b) Languages. If the public health authority has reason to believe there are large numbers of people on Guam who lack sufficient skills in English to understand the information, the public health authority shall make reasonable efforts to provide the information in the primary languages of those people as well as in English.

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(c) Accessibility. The provision of information shall be made in a manner accessible to individuals with disabilities.

**§ 19702. Access to Mental Health Support Personnel.**

During and after the declaration of a state of public health emergency, the public health authority shall provide information about and referrals to mental health support personnel to address psychological responses to the public health emergency.

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**ARTICLE 8**  
**MISCELLANEOUS**

§ 19801. Titles.

§ 19803. Financing and Expenses

§ 19803. Financing and Expenses.

§ 19804. Liability.

§ 19805. Compensation

§ 19806. Severability.

§ 19807. Savings Clause.

§ 19808. Conflicting Laws.

§ 19809. Effective Date

**§ 19801. Titles.**

For the purposes of this Chapter, titles and subtitles of Articles, Sections, and Subsections are instructive, but not binding. § 19802. Rules and Regulations. The public health authority and other affected agencies are authorized to promulgate and implement such rules and regulations as are reasonable and necessary to implement and effectuate the provisions of this Chapter. The public health authority and other affected agencies shall have the power to enforce the provisions of this Chapter through the imposition of fines and penalties, the issuance of orders, and such other remedies as are provided by law, but nothing in this Section shall be construed to limit specific enforcement powers enumerated in this Chapter.

**§ 19803. Financing and Expenses.**

(a) Transfer of Funds. I Maga'lâhen Guahån [The Governor] may transfer from the General Fund up to One Hundred Thousand Dollars (\$100,000.00) monthly as an emergency appropriation upon the declaration of a public health emergency, and upon notification to the United States

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Centers for Disease Control ('CDC'), to address, mitigate or abate any catastrophic disease control situations relating to the spread or outbreak of communicable diseases, or for any biological threats to mankind. I Maga'ahen Guåhan [The Governor] is allowed to utilize this emergency appropriation up to three (3) consecutive months per emergency notification to the CDC, and at such time shall be subject to I Liheslaturan Guåhan's appropriation. Notice of any transfer shall be delivered to the Speaker and to the Committee of Ways and Means of [The Guam Legislature] by I Maga'lahaen Guåhan [The Governor] within ten (10) days after such transfer.

(b) Conditions. A transfer of funds by I Maga'lahaen Guåhan [The Governor] under the provisions of this Section may be made only when one (1) or more of the following conditions exist:

(1) no appropriation or other authorization is available to meet the public health emergency;

(2) an appropriation is insufficient to meet the public health emergency; or

(3) Federal monies available for such a public health emergency require the use of local or other public monies.

(c) Expenses. All expenses incurred by the government of Guam during a state of public health emergency shall be subject to the following limitations:

(1) no expense shall be incurred against the monies authorized under this Section, without the general approval of I Maga'lahaen Guåhan [The Governor]; and

(2) the aggregate amount of all expenses incurred pursuant to this Section shall not exceed Six Hundred Thousand Dollars (\$600,000.00) for any fiscal year. Any amounts in excess is subject to [The Guam Legislature's] appropriation

**§ 19804. Liability.**

(a) Immunity. Neither the government of Guam, nor, except in cases of gross negligence or willful misconduct, I Maga'lahaen Guåhan [The Governor], the public health authority or any other government or local official referenced in this Chapter, is liable for the death of or any injury to persons, or damage to property, as a result of complying with or attempting

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to comply with this Chapter, or any rule or regulations promulgated pursuant to this Chapter during a state of public health emergency.

(b) Private Liability.

(1) During a state of public health emergency, any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons, together with that person's successors in interest, if any, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission, or for negligently causing loss of, or damage to, the property of such person.

(2) During a state of public health emergency, any private person, firm or corporation and employees and agents of such person, firm or corporation in the performance of a contract with, and under the direction of, the government of Guam or its political subdivisions under the provisions of this Chapter shall not be civilly liable for causing the death of, or injury to, any person or damage to any property, except in the event of gross negligence or willful misconduct.

(3) During a state of public health emergency, any private person, firm or corporation, and employees and agents of such person, firm or corporation, who renders assistance or advice at the request of the government of Guam or its political subdivisions under the provisions of this Chapter shall not be civilly liable for causing the death of, or injury to, any person or damage to any property, except in the event of gross negligence or willful misconduct.

(4) The immunities provided in this Subsection shall not apply to any private person, firm, or corporation or employees and agents of such person, firm, or corporation whose act or omission caused in whole or in part the public health emergency, and who would otherwise be liable therefor.

**§ 19805. Compensation.**

(a) Taking. Compensation for property shall be made only if private property is lawfully taken or appropriated by a public health authority for its temporary or permanent use during a state of public health emergency declared by I Maga'láhen Guáhan [The Governor] pursuant to this Chapter.



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(b) Actions. Any action against the government of Guam with regard to the payment of compensation shall be brought in the courts of Guam in accordance with existing court laws and rules, or any such rules that may be developed by the courts for use during a state of public health emergency.

(c) Amount. The amount of compensation shall be calculated in the same manner as compensation due for taking of property pursuant to non-emergency eminent domain procedures, as provided in Chapter 15 of Title 21 of the Guam Code Annotated, except that the amount of compensation calculated for items obtained under § 19505 shall be limited to the costs incurred to produce the item.

**§ 19806. Severability.**

The provisions of this Chapter are severable. If any provision of this Chapter or its application to any person or circumstances is held invalid in a Federal or local court having jurisdiction, the invalidity will not affect other provisions or applications of this Chapter that can be given effect without the invalid provision or application.

**§ 19807. Savings Clause.**

This Chapter does not explicitly preempt other laws or regulations that preserve to a greater degree the powers of I Maga'lāhen Guåhan [The Governor] or public health authority; provided, such laws or regulations are consistent, and do not otherwise restrict or interfere, with the operation or enforcement of the provisions of this Chapter.

**§ 19808. Conflicting Laws.**

(a) Federal Supremacy. This Chapter does not restrict any person from complying with Federal law or regulations.

(b) Prior Conflicting Acts. In the event of a conflict between this Chapter and other local laws or regulations concerning public health powers, the provisions of this Chapter apply.

**§ 19809. Effective Date.**

The provisions of this Chapter shall take effect upon signature of I Maga'lāhen Guåhan [The Governor].

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## **SENATOR THERESE M. TERLAJE**

COMMITTEE ON HEALTH, TOURISM, HISTORIC PRESERVATION, LAND AND JUSTICE  
*I MINA' TRENTAI SINGKO NA LIHESLATURAN GUÅHAN*  
35<sup>TH</sup> GUAM LEGISLATURE

### COMMITTEE REPORT DIGEST

#### **I. OVERVIEW**

The **Committee on Health, Tourism, Historic Preservation, Land and Justice** convened a virtual public hearing on **Thursday, September 10, 2020** beginning at **5:00 PM** in *I Liheslatura's* Virtual Conference Platform. Among the items on the agenda was the consideration of the appointment of **Arthur U. San Agustin** to serve as the Director of the **Department of Public Health and Social Services**, and whose appointment history is as follows:

- Appointed by *IMaga'Hågan Guåhan* on July 13, 2020, to serve at the pleasure of the Governor;
- Appointment packet forwarded to *I Liheslatura* on August 5, 2020;
- Appointment packet forwarded to this committee for public consideration on August 5, 2020.

#### **Public Notice Requirements**

Notices for this public hearing were disseminated via email to all senators and all main media broadcasting outlets on Wednesday, September 2, 2020, and again on Tuesday, September 8, 2020. The notice was also published in the *Guam Daily Post* on Wednesday, September 2, 2020 (5-day Public Notice) and Tuesday, September 8, 2020 (48-hour Public Notice).

#### **Senators Present**

Senator Therese M. Terlaje, Chairperson  
Speaker Tina Muña Barnes  
Senator Sabrina Perez, Vice Chairperson  
Senator James C. Moylan, Committee Member  
Senator Kelly Marsh Taitano, Committee Member  
Senator Regine Biscoe Lee  
Senator Telo T. Taitague  
Senator William M. Castro

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**Appearing Before the Committee**

Arthur U. San Agustin, Acting Director, Department of Public Health and Social Services (DPHSS)

Laurent D. Duenas, Deputy Director, DPHSS

Terry G. Aguon, Deputy Director, DPHSS

Tom Nadeau, Chief Environmental Public Health Officer, DPHSS

Dr. Jana Mangloña, Medical Director, DPHSS

Dr. Suzanne Kaneshiro, Chief Public Health Officer, DPHSS

Chima Bakuem, Program Manager, DPHSS

Charlene San Nicolas, Acting Senior Citizens Administrator, DPHSS

Angel R. Sablan, Executive Director, Mayors Council of Guam

Evelyn San Agustin Claros

Rozanna San Augustine Claros

**Written Testimony Submitted**

James W. Gillan, former Director, DPHSS

Terry G. Aguon, Deputy Director, DPHSS

Tom Nadeau, Chief Environmental Public Health Officer, DPHSS

Charlene San Nicolas, Acting Senior Citizens Administrator, DPHSS

**II. SUMMARY OF TESTIMONY & DISCUSSION**

The virtual public hearing was called to order at 6:17 p.m. Chairperson Therese M. Terlaje presented the agenda items that would be heard during the hearing. The appointment of Arthur U. San Agustin to serve as the Director of the Department of Public Health and Social Services was the second item on the agenda.

**Chairperson Senator Therese M. Terlaje:** We're going to move on now to the second item on our agenda. And I'm sorry about the time but we're going to...this is going to now be the executive appointment of Mr. Arthur U. San Agustin to serve as the Director of the Department of Public Health and Social Services. So, art has been acting as the Acting Director for Public Health. This is not his first time to do it. He's actually done it for different capacities. I mean on different occasions, different years. And but I am going to begin with testimony from those who are here to testify. We have some signed up. And right before they do that if I could just read out the responsibilities of the Director of Public Health. Of course, it's a government agency that addresses the wide range of health issues and provides a multitude of public health and safety related services. Five divisions including the Division of Environmental Health, the Division of Public Health, Division of General Administration, Division of Senior Citizens, Division of Public Welfare. During the Covid19 pandemic, Public health is

the lead agency and the director is the public health authority during the health emergency pursuant to 10 GCA Chapter 19. Alright. So, we have signed up (counting) two, three, four...five people. So, we begin. I've got Evelyn Claros, Rosanna Claros, Angel Sablan the Executive Director of the mayor's council. Welcome. And Mr. Tom Nadeau who's Environmental Officer at the Division of Environmental Health. And okay, so we will begin with Evelyn Claros. Thank you for waiting and you may proceed. If you could just begin by stating your name for the record.

**Evelyn San Agustin Claros:** Good evening Honorable Senator Therese Terlaje, Senator Jim Moylan and Senator Telo Taitague and to the...if I miss anyone else, the remaining senators who are online. My name is Evelyn San Agustin Claros and I write in support of the confirmation of Art U San Augustin to the Director for the Department of Public Health and Social Services. I am blessed to have a loving, caring and giving brother. My brother has a big heart and is always willing to help people. As I was writing this testimony, I was reflecting when Art started UOG. He took a business course in his first semester. And just being the older sister, I once asked, "how's your classes?". His immediate response without any hesitation was, "I need to change my major. I don't want to look at numbers and walls. I need to talk to people". The following semester he took a social work course. So i waited a couple more weeks into the semester and I asked him, "Is this what you want?" He said it beats the first course in the first semester. I said, "Oh, okay". As he was nearing his time to complete his career at UOG, I asked him if it...I asked him if he wanted to be a social worker and he said yes. Today, I can definitely say being a social worker is his passion and has been for over 30 years. I recalled when he first started his career at working for DOC and I asked him, "Do you enjoy your job?". And he goes, "it's interesting." And more importantly, he did enjoy it. When he moved to the Division of Senior Citizens, I expected him to move or transfer to another agency or another section within Public Health. But he continued to share with me that he enjoyed the job. He enjoyed the challenge. And that most importantly, I think he felt the reward of trying to help and give our seniors some opportunities in their senior lives. and he has been with DSC for maybe over two decades. art is a perfectionist in all that he does. I recall my younger brother once saying, "I am glad he doesn't work with me" because he's an accountant and he can erase. but Arthur will not accept the report. Art definitely picked that up from my mom. the gift of being perfectionist. she always shared that when i give you a task to do, you do it right the first time, so you don't waste your time and energy to redo the task. Art is very hard working and very committed and dedicated to his job. He gives so much of himself that truly sometimes I worry for his

own health. When he shared with me that he was considering retiring I was happy. and a few weeks later he shared with me that they asked him to serve as a director and I got worried. I guess as the older sister I worry for him. and thanks to WhatsApp, I can send him a message every day and ask him how he is doing because his work does not even allow him to really have many phone calls with me during normal hours. I am confident that Art will always do what's best for the department and may not always be the popular thing to do but what is best in the interest for the department and for everyone that he serves. I pray for you everyday Art. that our lord will always guide you to make you...the guide you to help you make the best decision. most especially during this time that we are challenged with this pandemic. Senators, I ask for your support to confirm my brother Art. And thank you for allowing me the opportunity to provide my testimony.

**Chairperson Senator Therese M. Terlaje:** Thank you very much Ms. Claros. That was Evelyn Claros. Is there a Rosanna Claros to testify also? Please proceed.

**Rozanna San Augustine Claros:** Good evening Senator Therese Terlaje and the Senators of the 35<sup>th</sup> Guam Legislature who are present here tonight. My name is Rosanna San Agustin Claros and today I am here in support of my Uncle Art U. San Agustin to be the next Director of Public Health. as a director it comes with a large amount of responsibility, time and dedication. and I believe my Uncle Art is fit for the job. Growing up, I have always known my Uncle Art to be someone who is willing to help take on many challenges and most importantly give his time and energy without hesitation. I have experience working with my Uncle Art and it was not easy at first. i found it to be difficult because i was still at a very young age and his expectations were very high. As time went on, I understood the outcome of his expectations. and everything was done within a timely manner and the quality that was expected was shown through our work. Becoming the Director of Public Health requires quality. Quality of which I know my Uncle Art will be able to provide for our island of Guam. i look forward to the many achievements he will accomplish in the future. as Winston S. Churchill said, "Success is not final. Failure is not fatal. It is the courage to continue that counts."

**Chairperson Senator Therese M. Terlaje:** Thank you very much Ms. Claros. Excellent testimony. We now have Angel Sablan, Executive Director of the Mayor's Council. Mr. Sablan. Mr. Sablan, I can't hear you. If you can unmute yourself, please.

**Angel R. Sablan:** Good evening Madam Chairwoman Senator Therese Terlaje and honorable members of the committee. I am Angel R. Sablan, Executive Director of the Mayor's Council of Guam. At the outset, let me just say thank you to all the men and women of the Department of Public Health and Social Services for your continued perseverance and sacrifices to defeat this enemy we call Covid19. I am here this evening to testify in full support of the appointment of Mr. Art San Agustin as a Director of the Department of Public Health and Social Services. I do so both in a personal capacity, as a close friend and in a professional capacity, as a close colleague. Mr. Art San Agustin is no stranger to me or to my office. In fact, it was my privilege to interview Mr. San Agustin in March of 1988 as an applicant for the counseling and casework services division position at the Department of Corrections. And I'm sure Senator Moylan knows this very well as Art, the Senator and myself spent many, many hours and days in the Department of Corrections. I apparently made the right decision when I hired him for his first job in Gov Guam. Because since that day, he has worked himself up the Gov Guam ladder and all this time dedicating himself to helping others through his case worker skills. he has served with dedication and has proven his skills and abilities in working with our residents and making decisions for them to improve the livelihood of our residents and provide sound programs for our elderly. art has volunteered countless hours in many functions and activities held by various organizations within and outside the Department of Public Health and Social Services. the position of Director of Department of Public Health and Social Services carries many responsibilities and wears many hats. I have witnessed a performance and work of Art during his days as the social worker at DOC and as Administrator of the Division of Senior Citizens at Public Health. he takes his responsibilities very seriously and wears any hat to fit his mission. and lord knows his mission at this time is anything but easy. I have no doubt that he will bring with him to the position of Director an even greater enthusiasm and desire to make things better, healthier and safer for the people of Guam. More importantly, he has committed to working hand in hand with the Mayor's Council of Guam to continue to carry out the programs for our senior citizens through our senior citizen center and our adult day care centers. Mr. Art San Agustin knows the people of Public Health, and the people of public health know him. art has a desire. art has the will. Art has the passion. art has the capability. The only ingredient missing is your support. Now it is my honor to support the appointment of Mr. Art San Agustin as Director of the Department of Public Health and Social Services. art has already started his work as Acting Director since

July 13, 2020. With your support and confirmation, Art can continue his work as the Director. *Si Saina Ma'ase* and please stay safe.

**Chairperson Senator Therese M. Terlaje:** *Saina Ma'ase* Mr. Sablan.

**Angel R. Sablan:** Thank you.

**Chairperson Senator Therese M. Terlaje:** Great. Now we'll hear from Tom Nadeau. Please.

**Tom Nadeau:** Thank you, Madam Chair.

**Chairperson Senator Therese M. Terlaje:** Please state your name again.

**Tom Nadeau:** Sure. My name is Tom Nadeau. In private life, I'm just the husband of Antoine Nadeau. In my public life, I am the Chief Environmental Public Health Officer. So *Hafa Adai* Madam Chair, members of Committee on Health, Tourism, Historic Preservation, Land and Justice. my name is Tom Nadeau. When I'm at work I am, like I mentioned, I am the Chief Environmental Public Health Officer with the Division of Environmental Health of the Department of Public Health and Social Services. but when I'm not working, I'm one of the 170, 000 plus people who call Guam their home. As a resident of this island there are many things I expect. and one of them is an effective and efficient government. This is particularly true of the very department that I work for, the Department of Public Health. For that reason, I submit this written testimony in support of Mr. Arthur U. San Agustin as the next Director of Department Public Health and Social Services. As a Director, Mr. San Agustin will bring leadership, experience and knowledge to one of the most important agencies in the government. I have known Art for at least...or at least his name and reputation, since the first year of employment at the Department of Public Health way back in 1992. However it wasn't until 2004 when i truly got to know him as a fellow division head at the department when he confirmed his reputation as a hard working, meticulous and capable leader. While leading my own Division of Environmental Health, I have on occasion attempted to emulate the success of the Division of Senior Citizens of Public Health which Art had led for decades. As our current Acting Director, he's taken on the responsibility of leading Public Health during possibly one

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of the most challenging times any of us has or will face during our lifetime. The past two months alone, Art has led the department with enthusiasm, focus and inspiring calmness. I've seen them juggle multiple events, jumping from meeting the meeting and addressing one challenge after another. all day. every day. which would cause most to lose their mind or their temper or just simply give up. I have confidence in Art, Mr. San Agustin's ability to lead the department out of this pandemic and improve the Department of Public Health and Social Services along the way. I encourage this Legislative body to confirm Arthur U. San Agustin as the Director of Department Public Health and Social Services. thank you and *Si Yu'os ma'ase*.

**Chairperson Senator Therese M. Terlaje:** Thank you very much Mr. Nadeau. *Si Yu'os ma'ase*. We now have Dr. Janna Mangloña. Dr. Mangloña, can you turn your screen on to testify? alright I'm going to go to...

**Dr. Jana Mangloña:** I'm here.

**Chairperson Senator Therese M. Terlaje:** Okay. Alright

**Dr. Jana Mangloña:** Okay. sorry I'm in the car. So, let me get my glasses on. just a moment here. okay. good evening Madam Speaker, Madam Chair and Guam Legislature. And thank you for allowing me to speak at this time. Arthur San Agustin has many years of service with Public Health and has served in various capacities including Division Head, Former Director and currently Acting Director. leadership often makes a difference between an effective team and a team that struggles to meet its goals. and being a leader in the healthcare industry takes a unique set of skills and Arthur has shown that he has what it takes. In the past few months as Acting Director, he has led by example and has inspired all of his team members to persevere and to complete the mission to the very best of their ability. Arthur excels in his communication skill, is clear and concise with his vision and what needs to be accomplished. It is clear that he is someone who cares about what he does and has boundless energy in pursuit of goals. He listens and learns and is flexible. He has integrity and good character. He shows empathy and gratitude and of sound character. Arthur is dependable and a man of his word. He is decisive and makes informed decisions by looking closely at data and predetermined goals. and once he formulates a plan, he commits and delivers. He has courage as evidenced by the fact that he returned from the jaws of retirement to take the helm of Public Health in his

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march against the COVID virus. Arthur has a gift of humor that brings levity to otherwise stressful situations. if i had had more time, i would have made this shorter. but I'd like to assure all concerned that Acting Director Arthur San Agustin is fully capable of serving as Guam's Director of Public Health. It is without hesitation that I strongly recommend that he be confirmed for this position.

**Chairperson Senator Therese M. Terlaje:** Thank you very much Dr. Mangloña.

**Dr. Jana Mangloña:** My pleasure, thank you.

**Senator Therese M. Terlaje:** Dr. Suzanne Kaneshiro?

**Dr. Suzanne Kaneshiro:** Good evening Senator Therese Terlaje and members of the 35th Guam legislature. My name is Dr. Suzanne Kaneshiro and I am the Chief Public Health Officer at the Department of Public Health and Social Services. I've been with the department for the last 28 years. I'm here in support of Art San Agustin's confirmation as Director of DPHSS. Governor Lou Leon Guerrero made an excellent choice when she appointed Art as director. I don't know any other person who is more qualified to be the head of one of the most important agencies in the Government of Guam. Especially now that we are in the midst of a public health emergency trying to deal with a virus which nobody even heard of a year ago. He has managed to effectively and efficiently deal with every challenge he has faced since he became acting director. This is not an easy job. This job is for someone who is willing to commit his time to the job on a 24 hour basis. Art is that person. He works tirelessly seven days a week. when he is not attending meetings, he's either on the phone, replying to text or responding to emails. I'm in awe of his ability to multitask. He is accessible to government agencies, businesses, church leaders, consulates and whoever else wants to talk to him. His number one priority is ensuring the health and safety of the people of Guam. the Department of Public Health and Social Services is very lucky to have someone like him to head the department. i ask for your support and to please confirm him as the next Director of the Department of Public Health and Social Services. thank you for your time.

**Chairperson Senator Therese M. Terlaje:** Thank you very much Dr. Kaneshiro. and thank you for all of your service. All of you who've testified. Your service in this department for many years. Alright, now we have Chima Mbakwem.

**Chima Bakuem:** Thank you Madam Senator for letting me speak. My name is Chima Mbakwem. I am the Program Manager for Tuberculosis and Hanson Disease for Public Health. I am in support of confirming Mr. Art San Agustin as the Director of Public Health. he is a leader you want to work with in a high pressure environment knowing that he will listen to a staff opinion, trust your judgment but has the confidence to make a decision and stand by it, which is very rare. he is a team leader who does not mind getting his hand dirty and leads by example. I believe he has the capacity to steady this ship and guide Guam to safety. He is a very trusted person and I look forward to his confirmation. and it will be my pleasure to work for him. thank you very much.

**Chairperson Senator Therese M. Terlaje:** Thank you very much Chima. and again, thank you for all your work as well. For the record, we've also received testimony prior to the hearing from James Gillan who is the former Director of the Department of Public Health and Social Services and from Charlene San Nicholas who is the Program Coordinator at the Department of Public Health and Social Services. And I'm going to call on one of my staff to read the testimony from Mr. Gillan, the former director. Charissa you could read that.

**James W. Gillan, former Director, DPHSS:**

*(Read into record by Senator Therese M. Terlaje staff, Charissa Manibusan):*

This testimony is from James W. Gillan regarding the appointment of Arthur U. San Agustin as Director of the Department of Public Health and Social Services.

Dear Senator Terlaje, I am James W. Gillen, a resident of Mangilao and a former Director of the Department of Public Health and Social Services. I submit this testimony in support of the appointment of Arthur U. San Agustin as the Director of the Department of Public Health and Social Services. I ask that this committee recommend to the entire legislative body the confirmation of this appointment. I worked with Mr. San Agustin from April 2011 to February 2018. When then Governor Calvo appointed me to the director...to be the director, Mr. San Agustin graciously

gave his time and experience to orient me to the department. He was a very helpful...he was very helpful even earlier on when we were working on the transition to a new administration. His contributions to the preparation of the transition report were very valuable. Arthur spent almost two weeks with me following my nomination. He took that time from his job as the Administrator of the Division of Senior Citizens. His insights into the workings of the department were very useful and I was grateful for his assistance. Arthur, I think will always be a social worker at heart even though he went on to earn a master's level degree in human resource management. Social workers are very special people who spend their time trying to make people's life situations better. His commitment to our island's elder citizens is remarkable. considering the challenges, he faced daily, trying to provide meaningful services under restrictive federal guidelines and relatively minimal federal funding. severe staffing shortages exacerbated the difficulties but somehow Arthur found a way to make things work. That drive to serve the people of Guam, coupled with his years of experience will serve him well as Director. He is also willing to seek input from staff who have, who may have insights into areas where he might not have direct experience. I am confident that he will be an effective leader of this department.

Sincerely yours,

James W. Gillan

**Chairperson Senator Therese M. Terlaje:** Thank you very much for reading the testimony of Mr. Gillan and now we will hear from Charlene San Nicolas who I believe is the Acting Director of the Division of Senior Citizens.

**Charlene San Nicolas:** Yes, hi. good afternoon Senator. Greetings to the 35th Guam Legislature. I am Charlene San Nicholas. I am currently the Acting Senior Citizens Administrator for the Division of Senior Citizens. I first joined the Department of Public Health and Social Services working for the Bureau of Social Services Administration which provides child welfare services for children and families. i was primarily assigned to coordinate and conduct community activities for child abuse prevention, mandated reporter presentations and family violence prevention and awareness. in addition to formalizing the foster family's association for approximately 10 years to include various administrative duties.

In 2006, I applied and received a promotion of the Division of Senior Citizens and have since been working for over 14 years, the longest period of my government

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service through the division and under the direction of then Senior Citizens Administrator San Agustin. the broad range of my programmatic and financial experience increased and enhanced. acting director San Agustin is a great mentor who encourages independent thought and for employees to take initiatives and look at options and opportunities. He is a remarkable negotiator for budget negotiations, very familiar with procurement from emergency procurement, requests for proposals, invitation for bids and memorandums of understanding. His correspondence whether for interagency or external organizations is extremely detailed. His familiarity with budgeting and funding sources is very energetic. In the areas of program development and community enhancement of services, Acting Director San Agustin is always encouraging regardless of our staff shortage as he is looking ahead to provide more services for our clients we serve. During this pandemic period, we need a director who's familiar with the department and the many facets of services provided. Our Department needs a leader who's able to engage in department activities and to follow through. my work experience from procurement to budgeting in federal and local grants evolved and enhanced with the guidance from Arthur U. San Agustin, MHR. I strongly support his appointment to this director post during these challenging times ahead of us for the department, our client's community and partners.

**Chairperson Senator Therese M. Terlaje:** Thank you very much Mrs. San Nicolas. and now I think Deputy Director Duenas has signed up. Laurie if you could turn your...unmute yourself. thank you.

**Deputy Director Lauren D. Duenas:** I'm sorry. I thought I did that. Madam Chair, good evening and thank you. and the 35th Guam Legislature for having me be here to testify. I am Lauren D. Duenas, Deputy Director of the Department of Public Health and Social Services. I would like to thank you and all the members of the committee for allowing me to testify today in support of the nomination of Mr. Art San Agustin for the position of Director of the Department of Public Health and Social Services. I have known Mr. San Agustin for many years. Yes, decades long history of serving the people of Guam in multiple roles including as a social worker and educator and administrator. He has utilized his training and expertise in the fields of social work, senior citizen and public health to improve the quality of healthcare on Guam and to enhance community efforts to reduce illness and injury through education, prevention and risk reduction. I have seen firsthand Mr. San Agustin exhibiting exemplary intelligence, practicality and strong decisive and visionary leadership skills. Mr. San Agustin brings a unique mix of personal and professional qualities and

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accomplishments that will strengthen the department and ensure that all Guam residents receive equal and continued access to quality, comprehensive and competent public health services during the time of pandemic. Given his wide ranging experience in public health and social services and in his understanding of the challenges and potential of this bill, I am confident he will serve as a capable and visionary Director.

Mr. San Agustin has an extensive resume that covers years in the health field. He has over 30 years with the Department of Public Health and Social Services working in a variety of positions with federal funders and local vendors. Mr. San Agustin's dedication and commitment to public health is shown by his many years of service to the people of Guam as an administrator and a leader in public health. Mr. San Agustin is not only highly qualified to assume this directorship but will also provide leadership in public health at a time when this is much needed. Since 2019, I was able to observe Mr. San Agustin take the leadership during the dengue crisis, the electrical fire in the central public health facility and the pandemic crisis.

Senators the magnitude of the COVID 19 pandemic needs a strong leader who is knowledgeable about building capacity among its workforce, quarantine, isolation, contact tracing, investigation, understanding the recovery phase, the pandemic and the need for long term planning. He has a proven track record in working with the private sector in developing a statewide system. Mr. San Agustin is passionate about improving health in Guam and has the skill set as well as the commitment to be effective. We look forward to working with Mr. San Agustin to improve health and the health care system for our communities through public/private collaboration.

I have worked with Mr. San Agustin for more than 10 years in the Department of Health. and in that time, I have seen this passion and commitment to public health and the people of Guam. Mr. San Agustin is a strong supporter of transparency in government. He recognizes the need to inform and educate the news media and public to effectively convey the most accurate and timely health guidance and best practices. Mr. San Agustin is a skilled communicator who invokes trust, credibility and understanding of sometimes complex and controversial issues. He will move Public Health initiatives forward for the benefit and interest of the people of Guam. He is an effective collaborator, a leader who is highly respected for his professionalism and expertise in both the Public Health and the health care community. He has a broad

understanding of many aspects of healthcare, social service and public health which fit him well for leading our large and varied Department of Health. I admire Mr. San Agustin's empathy and quick understanding but most of all I appreciate his willingness and energy for taking action to address problems. I strongly urge you to support Mr. San Agustin's confirmation. Thank you.

**Chairperson Senator Therese M. Terlaje:** Thank you Deputy Director Duenas and thank you also for helping public health through this health emergency. I'm sure it has been a lot of sacrifice for all of you. Okay, so that was a surprise for me because not all of those people had signed up in advance and I'm impressed with the testimony that they were able to come up with during this time.

But I'm going to ask a couple questions and open it up for my colleagues. So, for the record Mr. San Agustin, I want to note you have 19 plus years of service. I think someone said 20 through the Department of Public Health. You began with the Adult Protective Services in 1989 and that you were serving as Acting Director from 2006, 2007 and 2011. And I beg your pardon, but I forgot to ask you to testify to Mr. San Agustin and you're probably wondering what's wrong with me. I'm sorry. It's been a long day. I'm sure longer for you but Mr. San Agustin please, it's your floor right now.

**Acting Director Arthur U. San Agustin:** Well yes. I just thought we had a different process tonight. So, it's different.

**Chairperson Senator Therese M. Terlaje:** I'm so sorry. Thank you.

**Acting Director Arthur U. San Agustin:** Oh no apologies necessary Chairperson. *Buenas* Chairperson Therese Terlaje, Committee on Health, Tourism, Historic Preservation, Land and Justice, Vice Chair Sabina Perez and also Senator Will Castro, Senator Jim Moylan, Senator Telo Taitague, and I know earlier she was with us. I'm not sure if she's still with us, Speaker Tina Muña Barnes.

Before I testify, I just want to thank all of you, my family and my friends and my professionals just for your support. So, thank you to all of you for your endorsement tonight. Evelyn and Sana, Angel, thanks for believing in me and giving me my first Government of Guam job. Corrections, mom didn't even want me to work there. She

thought I'd become a victim, but I survived. And of course, all of you who work with me at Public Health. Dr. Kaneshiro, you and I've known each other with Tom for many years as Division heads. Dr. Jana, it's been great knowing you. It's still great knowing you. Charlene, it's always a pleasure working with you. And Chima and Lori and Terry, it's all really been great working with you.

So, this evening I want to share my thoughts in the post of Director, Acting Director at this time. I am Arthur John Ulloa San Agustin and I will appear before you this evening through Zoom seeking your support for me to serve as the Director of the Department of Public Health and Social Services. I am humbled and honored over the appointment by Governor Lou Leon Guerrero and Lieutenant Governor Joshua Tenorio to serve in this capacity. I recall our discussion when asked to serve in this capacity, that is to serve the people while working to raise community awareness of the services provided by the Department, to be a public service to the health and welfare programs provided by the Department.

My career in government spans over 32 years of actual service. My career started in 1988 with the Department of Corrections moving on to the Adult Protective Services Unit, Division of Senior Citizens, Department of Public Health and Social Services and eventually serving as the Administrator of the Division of Senior Citizens from 1996 to 2020. Through my career in Public Health and Social Services from 1996 to 2020, I also served as Acting Director and Acting Deputy Director. In addition to working in these two key agencies, I have also had the opportunity to teach at Guam Community College and the University of Guam. I have a bachelor's degree in social work for the University of Guam and a master's in human Relations from the University of Oklahoma advanced programs Anderson Air Force Base, Guam.

Senators, Chairperson, Vice Chair, I am committed to be a service to the people in the capacity of Director. I'm prepared to lead the staff to promote programs and services throughout the Department to achieve our mission to assist the people of Guam in achieving and maintaining their highest levels of independence and self sufficiency in health and social wealth.

The Department of Public Health and Social Services comprises five divisions: Senior Citizens, Public Welfare, Environmental Health, Public Health and General Administration or the Director's office. The body of work the Department

encompasses ranges from providing meals to our seniors, providing SNAP benefits to families supporting their ability to purchase food for their families, providing health coverage for families to access affordable health care, inspecting health regulated establishments to protect us from foodborne illnesses and outbreaks, providing immunization to our school aged children to build their immunity from preventable diseases, managing two region health care centers and to being front and center in response to today's health, public health emergency, the Covid19 pandemic.

In the Division of Senior Citizens, the mission of this Division is to plan, coordinate, implement and evaluate programs and services to identify and leverage all possible resources towards promoting, maintaining and protecting the total well being of older persons while safeguarding their dignity, integrity, independence, values and cultures. This Division is a hallmark of services when viewed in the cultural context of taking care of our *Manaina* or *Manamko'*. The Division provides home and community based services to support our elderly to age in place, to live a dignified and independent life for as long as possible; to delay, if not all together, prevent the premature institutionalization of our *Manamko'*. The Division's programs assist families, caregivers and friends to help care for our seniors. The programs are critical to the lives of our *Manaina*. It provides them nutrition, recreation and socialization opportunities; all purposeful for our seniors to enjoy their later years. For some, it provides daycare supervision, transportation to access services, support at home to maintain their home and nutrition.

In addition, there are support services, afforded to caregivers to ensure they are energized, provided relief and support to continue their role as caregivers. This role of caregiving, family and friends take on, provides relief to our government who otherwise would be assuming this growing expense to provide care and support to seniors who are no longer able to care for themselves independently. The division continues to provide our elderly and adults with a disability from abuse equipped with an emergency shelter and 24 hours, seven days a week hotline.

In addition, the Division provides information to the community of seniors, caretakers, guardians and family members to make informed decisions. Notably after over a year without legal services for seniors, in collaboration with Guam's Public Defender Service Corporation (PDSC), the Division has entered into a Memorandum of Agreement with PDSC for the provision of legal service that would include legal



workshops and the opening of one's first elder justice center. The center will serve as a focal point for inquiries on legal services for seniors, keeping abreast of legislation that affects seniors and dissemination of information of legal services available to seniors on Guam.

The Division of Public Welfare; this Division provides assistance to low income individuals and families. Its mission is to promote positive social conditions that contribute toward the attainment of the highest social well being of the economically and socially disadvantaged population within the territory of Guam. By developing an efficient and effective delivery system of services to eligible clients, by determining eligibility of applicants and by administering payments in various social services to remove social barriers which prevent persons from obtaining, maintaining the basic necessities of life to include access to safe and decent housing, medical care, nutritious food and employment. In working with the Bureau of Economic Security, the Bureau of Social Services Administration, Bureau of Management Support and the Bureau of Health Care Financing, we will continue to assist our clients, their families and children to access public assistance benefits, protect and safeguard our children from weakened family support systems and abuse, ensure quality control of benefits is adhered to and provide access to affordable health care. The myriad of programs managed by DPW assist our Guam Community with the provision of food, health coverage and protection of children, processing of adoption and foster care placement, training for employment and support of childcare providers.

With the Division of Environmental Health, their mission is to serve and protect the people of Guam from environmental hazards and drug diversion through education and the implementation of governing laws designed to prevent injuries, diseases, disabilities and deaths. The two primary goals of DEH are to provide environmental health education to the public and to enforce environmental health laws, all for the purpose of protecting the public's health.

It is my intent to ensure the two primary goals of DEH are upheld, most especially in the face of our current public health crisis. DEH operates through the mandates of 24 statutes which have been enacted for the prevention and of control of public nuisance, vectors, misbranded and adulterated consumer commodities, indoor smoking, littering, radiological health and the sanitary control of health regulated establishments such as food facilities, institutional facilities, public pools, cosmetic

establishments and hotels. In addition, DEH has a responsibility of preventing the diversion of pharmaceutical control drugs. I will continue to support the approach of DEH to respond to emerging concerns in our community. Operationally the Division flexibility shifts staff and programs regardless of its organizational structure in response to change in priorities, emergency response and continuity of operations. With 31 programs which can be grouped into major functions, food safety, health and sanitation, animal and vector control, consumer commodities, radiological health and education and with a staff of 24, the reality the Division faces for years is the inability to fill approximately 80 field and office personnel to accurately operate all of its programs.

The Division of Public Health; this Division aims to improve the quality of life through prevention and treatment of disease through the surveillance of cases on health indicators and through the promotion of healthy behaviors. DPH, the Division of Public Health manages over 30 grants within five bureaus; the Bureau of Communicable Disease and Control which you heard from earlier, made up of Annette and Chima, includes the immunization program which manages immunization and vaccines for children. The Cooperative Agreement TB program, which Chima is a part of, aims to control the spread of TB and then we have the SED HIV program which tests and screens for STD and HIV infections. The one public health laboratory with Ann Santos, with us this evening, which provides diagnostic laboratory testing to include chemistry, hematology, urinalysis, syphilis, chlamydia, leprosy, hyper viral testing, dengue and Covid19. And, epidemiology and laboratory capacity, which we have our Territorial Epidemiologist with us this evening as well, is responsible for building and strengthening capacity within interrelated areas of epidemiology, laboratory and health information systems.

We'll move on to their next bureau, Bureau of Family Health and Nursing Services includes our return on child health program, our nursing services, our home visiting program and Project *Kariñu*. I want to just pause on Project *Kariñu* because this one works with children with social emotional and behavioral and mental health challenges. The Bureau of Nutrition services oversees the WIC program; Women, Infant and Child program which provides services to pregnant, postpartum and breastfeeding women and children from birth to four years of age who are determined to be a nutritional risk.

Then there is a Bureau of Primary Care Services who oversees the Northern Region Community Health and Southern Region Community Health Centers which provides primary care services to the underserved indigent and uninsured populations on Guam. Our Chief Public Health Officer Dr. Kaneshiro, who is also with us this evening, includes the Office of Vital Statistics, issues birth certificates, death certificates, marriage certificates, medical marijuana program and the community health services section which includes a breast and cervical early detection program, behavioral risk factor surveillance system or diabetes program to name a few and our public health emergency program.

We have received 22 Avid ID Now machines from the U.S. Center for Disease Control which is also managed by this Division. The Avid ID Now Covid19 test is a rapid point of cure test that detects Covid19 in 13 minutes or less. The DPHSS loaned these Avid ID machines to several medical clinics and facilities on Guam to assist the Department in testing the community for Covid19. I'm going to go by...it's on record but I'm not going to list all the clinics, but I'll just list one or two; Guam Medical Care and Guam Radiology Consultants. In addition we have seven of these units which we use for testing at the Northern Regional Community Health Center and as noted earlier, we are also expecting an additional, well we thought 15, 14 for now, Avid ID Nows' to be delivered to us which we received earlier this afternoon.

Senators, along with my team of Deputy Directors, Clinicians and Administrators, Program Coordinators and social welfare staff, educators and prevention staff, administrative and clerical staff, and our maintenance and facility staff, we work to put forth a myriad of services that is quite encompassing. The work before me, and before us all, includes assessments, monitoring, investigating, diagnosing, communicating effectively to educate our community, strengthening and supporting communities, creating and implementing policies and impact health, environmental and social welfare programs, defining and utilizing legal and regulatory actions, ensuring an effective system that enables equitable access to services, building and supporting a diverse skilled workforce, improving services through evaluation and quality improvement efforts and building and maintaining a strong workforce is a framework of this Department.

As a whole, the Department works towards improving the well being of our island community. We work to protect the health and promote social welfare initiatives in

our community, from the individual to the family and back to the community. As a Department, we will strive to work towards integrating health and social welfare programs to serve a common client. It is my intent that we shift to using a holistic approach in the care of our clients. No single effort will be as effective as a team approach. We need to work as a Department and not be divided by distinctions of divisions and programs. We will shift to work as a team for the betterment of DPHSS clients. As the director, it is my intent to work with our private and government care partners to build partnerships that would translate to increased and coordinated services between entities. For example, if a specialist is needed, we could partner with a private clinic to provide the service and develop the incentive for the specialist to partner with PHSS. This is an exploratory discussion I am currently having with physicians and we are looking at how we can bridge partnerships for health services to be seamless between providers.

Further, I will continue to work with the Pacific Islands Health Officers Association (PIHOA) to ensure the voices of the pacific nations are heard at the national level to safeguard a vested interest in the national landscape. The encompassing framework of the Department will encompass a series of measures for us to move forward in the work before us.

First item mandates; we need to look and assess mandates that need to be amended to align with Department resources and capabilities, review existing mandates rules and regulations to improve operations to seek increase in fees or fines depending on the assessment of existing mandates, rules and regulations. There may be the consideration to repeal mandates that are no longer enforceable or have been unfunded for years. The question will be with us and then to the public as to the validity and need of mandates that have not been funded and are therefore, difficult to implement, enforce and execute.

Training and mentoring enhancement of staff skills for cross training of existing staff which is intended to increase efficiency and productivity; I continue my CDC exploration for leadership training and mentoring to build local management; mid management capacity and skill set development, and management training programs for current and new managers; develop a fiscal team responsible for tracking of planned and unplanned acquisitions and develop a grants management tracking team.

In terms of preparedness, we will need to implement scheduled training to respond to today's and tomorrow's public health crisis. We must be prepared for another surge or pandemic, recognizing today's pandemic as a reminder of what we have been planning for and perhaps could never have imagined its impact which is today's reality. The department will need to review and revisit its plan in order to properly respond to the evolving public health emergency today.

Building Structural Capacity: I will work with the Division of Environmental Health to construct the capital improvement project from the Department of Interior for their environmental main facility. Also, pursue funding with CDC partners for the development of Guam's Public Health Laboratory. In terms of enhancing operations, we had to assess our Department operations to identify staff levels required for efficient and effective operations. I just want to expand a little on that. The Department of Public Health and Social Services as a department, we need to determine how many people we actually need for each section to operate at a minimal level. It's great to have additional staff. It's great to build capacity. But we need to know that every Division needs for example, an Administrative Services Officer or an admin officer. We have Divisions that have gone without administrative staff and they suffered. It requires non administrative staff to take on those job responsibilities. So, it limits their ability to be effective program managers in the sense of exploring and expanding program services, but it definitely builds administrative skills because they're now completely proficient in terms of the access to the AS400.

The other option, or the other enhancement operations is to assess where possible to automate our processes to be efficient and user friendly, setting up a call in system to request documents from the office of vital statistics and this really stems from our current operation when we go into PCOR1 and we want to minimize face to face interaction for everyone's protection. But we also need to come up with a system that still gives our consumers, our clients, access to their vital records. We have to shift from in person to online virtual training for those applying for health certificates, new and expired and only come into the department perhaps for on site testing. I had a discussion with our Chief from Environmental Health, Tom Nadeau. And so, this is something his division is already working towards not just in the face of a pandemic, but it's also going to be a viable option when we see a reduction in staff for whatever

reason. this will minimize staff required to conduct training, as well as, limit face to face contact especially in this time of pandemic.

I have to continue dialogue with CDC to assist with technical assistance for the proper management of grants to ensure our compliance and performance standards are achieved to include proper accounting of plan acquisitions and related expenses. We also have to assess to improve welfare program application determination and processing and providers claims processing.

Senator, Chairwoman, I always struggle with that, but Chairwoman Terlaje and Vice Chair Perez and all members of the 35th Guam Legislature this afternoon and all my family and colleagues and friends this evening, as I stepped into the world of Acting Director, the stark reality was immediate. No longer am I being faced with just the operations of the five divisions, needing to identify funding for program or operational shortfalls, recruitment being stalled or the AC flatlining at the Southern Region Community Health Center. What was front and center was our ever moving response to Covid19. It was apparent that the road before me was one that would require greater commitment and stamina for the work before me and the team of the department who have been at the front line since March 2020. Therefore, I want to express my appreciation to the staff of Public Health and Social Services who have stepped up to the fight and to our partners for joining us in the fight before us.

Senator, Chairperson, after two months of work that keeps me purposefully moving from the time I arrive to work to the time I leave, I remain committed to the challenge before me and before the Department and our island. I know that with the team with me today, given the success, yes success and challenges, that we turn into opportunities to do better, we will prevail in our fight against Covid19.

It is an honor to be a part of a team that is front and center in our response, in our response efforts to fight Covid19. Therefore, I humbly request your support for me to serve as the Director of the Department of Public Health and Social Services. *Si Yu'os Ma'åse.*

**Chairperson Senator Therese M. Terlaje:** *Si Yu'os ma'åse* Art San Agustin. And thank you for taking the job seriously enough to really dive into all those areas and your plans for those areas. I think that was a very thorough presentation. And before I open

it up for the senators to ask some questions of you and/or the others who have testified, there's one more testimony I'm going to allow. This is from Deputy Director Terry Aguon. His testimony was supposed to be on our list, but it got diverted, I think. So, we'll allow Mr. Aguon. Deputy Director.

**Deputy Director Terry G. Aguon:** Thank you very much Madam Chair and members of the 35th Guam legislature. *Buenas and Hafa Adai.* I am Terry Aguon, Deputy Director of the Guam Department of Public Health and Social Services. Mr. San Agustin has invested over 30 years into learning the structure of DPHSS and has consistently contributed to the success of the agency. he has the public health institutional knowledge that can only be obtained by vested and dedicated commitment to the community. he manages to work efficiently under pressure and challenges individuals to heighten to their fullest potential. Mr. San Agustin's exceptional social work background and professionalism was honored by the Guam Association of Social Workers when he received the 1990 Social Worker of the Year Award. I strongly believe that Mr. San Agustin will continue to steadfastly hold true to the covenants of the social work profession and the Guam Department of Public Health mission to serve as a stellar example for others to emulate. He has mentored many of today's health professionals to help ensure strong and valuable networks of care services for future generations in this time of reduced resources and even more uncertain future. today Mr. San Agustin continues to balance the role of Guam DPHSS response in addressing the Covid19 pandemic. His skills allowed Guam to parallel the national incident management systems as a powerful response to the pandemic and his continuously improved quality of services by his ability to redirect staff to prevent, protect against, mitigate, respond to and recover as needed. in his current capacity as DPHSS Acting Director, Mr. San Agustin continues to meet the challenges that DPHSS plays as the lead agency to fight against Covid19. He understands Guam and nurtures the cultural hallmarks that make him unified and resilient. His tireless commitment to public health excellence is evident in his record of selfless services. Mr. San Agustin is a strong, straightforward leader who represents much of what is good and right with Guam. It is without condition or reservation that I write this letter of support for the confirmation of Mr. Arthur U. San Agustin as the Department of Public Health and Social Services Director. *Si Yu'os ma'åse.*

**Chairperson Senator Therese M. Terlaje:** *Si Yu'os ma'åse'* Deputy Director. Art, if i can...May I call you Art?

**Acting Director Arthur U. San Agustin:** Yes, absolutely Chairperson.

**Chairperson Senator Therese M. Terlaje:** I've known you for many years as well and, but I've learned a lot about you also tonight and in working with you just since you've been the Acting Director during this health emergency. So, I want to just tell you that I admire your courage and your commitment to our community, your willingness to take this job on at this time. I am sure it's probably the most difficult job we've got besides the governors at this point. And so, thank you very much and thanks to all your team and I know that you know you are able to jump in there and work hard because you've got a good team behind you. So, I want to thank all of you for all that You've answered all my questions except maybe if I could just ask this one. How will you respond to political and community pressures? Particularly now when there's a lot of pressure from businesses to open or other factors to tell us to close it all down because we want to be safe and we want to take care of our people. How are you going to respond to this pressure, and do you find that political pressure will interfere with your role?

**Acting Director Arthur U. San Agustin:** Well you know Chairperson and members and team Public Health and Social Services. I can't say that there will be no political or community pressure. I believe that comes with a job, but I think I've demonstrated in the last two months that I've been able to balance the pressures both from the political front and from the community. What I look for is, I look for my team, I look for their input, their guidance. I lean on them. We lean on each other. There are many subject matter experts within Public Health and Social Services. And Chairperson, as you mentioned earlier, although maybe we have not been the best at giving information out in terms of data, we have data that we look at. We also attend the Physicians Advisory Group and we look at that data and that group also now includes Dr. Kaneshiro and also Dr. Mangloña who's our Medical Director. So, in that group, I know it'd be hard to believe, but we actually express our concerns. We express well what if we could do this instead? Do we really need to go to PCOR1? Can we get out of PCOR1? We look at the public health information. We look at the data. We look at the number of deaths, the number of hospitalizations. We look at our score, our CAR score, our test positivity rate for the last days, last time enrolling day. So, it's not done without definitely consulting and looking at data and sometimes it doesn't, if the decision comes within a day or two and there is going to be pressure. I'm actually



blessed that I have someone like Tom who reviews these business plans and one thing we all know about Tom Nadeau, this is not your confirmation here Mr. Nadeau, but he's a straight shooter. If it doesn't fit, he isn't going to approve it. And I can tell you that Tom and I work well together, and I respect his position and I can also tell you this tonight, up to this day, I don't intend to ever change. I have never countered his recommendation when it comes to the opening of the business because he also looks at the general welfare and health of our community. So definitely it may one day look like I'm taking sides with a political agenda or a community side, but it's not done without due process and review of information before me and that's how I would approach that Senator, Chairperson. I'm always having a problem with the Chairwoman. I'm so sorry female senators of the 35th legislature.

**Chairperson Senator Therese M. Terlaje:** Or you can just call me Therese.

**Acting Director Arthur U. San Agustin:** I think that we will do that.

**Chairperson Senator Therese M. Terlaje:** Alright. So yes, and again thank you for the details of your testimony. and all of you who have testified have shown us you know different aspects of this nominee. and I think that that's very helpful for all of us considering this. There's a lot of pressure on us as well because we are now not just approving the Director of Public Health. We are approving the public health authority to get us through the rest of this health emergency. And so, you know it's a very heavy weight on all of us. So, I'm going to open it now up to my Vice Chair, Senator Sabina Perez.

**Vice Chairperson Senator Sabina Perez:** Thank you Madam Chair and thank you Acting Director San Agustin for your testimony and for stepping up to the plate to accept the nomination. And in hearing all the comments and testimony, you know it seems to me that you were an understudy for this position for the 30 years in the Department of Public Health and Social Services and I think it's always great to hear these glowing comments and endorsements from your own colleagues that you are working alongside with and especially during this time. I think that's something you really need to support you through this time. So, I think that's all positives on your nomination hearing. A lot of the questions I think in your testimony you did answer some questions that I had about what your plan is and it seems to me that you're speaking about overhauling the Department of Public Health and Social Services

and...or at least you know modernizing it in a way that makes it more effective and so that's really great to hear. I think too and that you're balancing all the mandates. I think that it's a Herculean task that you as an Acting Director has to balance all the mandates within this agency. I think that's huge and I'll be interested to hear more about or at least the conversation about which mandates you think might be worth deleting or omitting. Maybe perhaps you can speak about that if you have ideas or this is something that's just...

**Acting Director Arthur U. San Agustin:** Well I'll make it really brief. We have Divisions and my colleague at this time, Tom Nadeau, is always short staffed, and he has so many mandates. And the truth of the matter is his division hasn't been able to manage all those mandates because he's never been fully funded to be able to do the work that he's committed to doing. So, we really have to ask ourselves that question. If we have a mandate and it's not funded. It hasn't been funded let's say for 25 years, we have to now go back in and weigh in whether that mandate is somehow already covered with another existing mandatory protocol that's already existing with the work that he does or can the mandate be updated to reflect what he can do. And, if we are going to maintain the mandate eventually, we're going to need to look at funding the mandate. Otherwise, DEH continues to operate with less people. They are supposed to do hundreds of inspections every year. But with the amount of staff they have, they can't meet that mandate. But I'm not saying to reduce the number of inspections. So, the other point is meeting with each division and asking them to do a review of their mandates and what they found challenging. What have they found to be cumbersome that perhaps is not necessary? One of the mandates we have, and I'll speak because I know this quite well, is the Division of Senior Citizens. They spend probably less than twenty five thousand dollars on Senior Citizens Month and they're required, and not that it's an issue for them, but in all the many years I've been with the Division of Senior Citizens, we submit an annual Senior Citizens Month report and for the 20 plus years I've been with senior citizens, there's not been a single question to the report. So, the question is really for something that small in terms of dollar figure, less than 25. Some days, sometimes you don't even have any money for senior citizens. But so, the report really is that there's no money spent this year. So, it's really to weigh in because of staff time, especially when we're short. It could be better used for other services that would help the seniors, coordination of services, program evaluation, program refinement, enhancement. So that's what I'm looking at. We want to come to work but we want to come purposeful. Not feel like someone's beating down on us because we didn't do these mandates, so we didn't carry this out.

So, one thing we can do is look at these mandates and see if they're somehow already being done. We can modify or amend them so that people come to work, and you feel accomplished. So, when I have a mandate looming over me that I cannot meet because I don't get funding, and then we get a call for an oversight on not being in compliance on this in how many years. But we haven't been funded. It's either we fund the mandate and then we would end up losing for example a warm body or having to defund a vacant funding position because we need that. So that's what I'm looking for is a mandate. It's not to do a sweeping across of let's just change all the mandates. It's working with the Division heads. They know their divisions very well. So, working with them so that they can make recommendations of how to improve their operations in line with the rules, regulations and mandates. That's what I'm looking at.

**Vice Chairperson Sabina F. Perez:** Well thank you. I think I want to leave time for my colleagues to ask questions. but thank you.

**Acting Director Arthur U. San Agustin:** Sorry.

**Vice Chairperson Senator Sabina Perez:** No worries. Yeah, Thank you.

**Chairperson Senator Therese M. Terlaje:** Thank you, Senator Perez. Thank you. Yeah. I'm getting notices from our AV department that we have to wrap up by 8:45 p.m. but Senator Telo Taitague, Minority Leader.

**Senator Telo T. Taitague:** *Si Yu'os ma'åse'* Madam Chair. You know Art I don't know you real personally. I've just, when I do run into you, you seem very focused and you know you are determined. I've seen you at public hearings talk about issues and everything you've said is basically spot on. But what really caught me today was, I saw this dentist I've been seeing for 20 years and I go to him all the time and every once in a while, he's a very outspoken guy. And every once in a while, I ask him questions about certain individuals, especially when it comes to healthcare. I asked him, I said, "So doc, what do you think of Arthur San Agustin?" He goes, "Oh yeah, that's my brother in law." and I had no clue he was your brother in law. Dr. Yashihiro. Yup. and you know he's the kind of guy, the straight shooter. He does not leave anything out. I said, "Okay well am I going to hear an honest opinion and he said, "This guy will do what's in the best interest without any political influence, in

the best interest of the department.” And that's coming from a guy who's very opinionated. He's actually served on many boards.

**Acting Director Arthur U. San Agustin:** Yes, he has.

**Senator Telo T. Taitague:** That just you know says a lot about you. You know, I don't know you personally but hearing it from here and then I didn't even know your sister was Evelyn. I had no clue she was your sister as well. We're all like, “That was your sister?” So, a lot of surprises. And you know another one having Jim Gillan testify on your behalf was pretty impressive. That guy's a straight shooter too as well and he works really hard and just having that testimony is very good. But you know Art, just knowing all the people you surround yourself with. I know your personal friends, the *dinanche* group, I call them. The different groups and they're good people. and you could usually tell a person's character by the people they hang out with. So, I love your friends. Yes, so I wish you the very best. I know you're going to do a great job. and I just want to leave with all those individuals here testifying from public health. You're doing a great job and this morning too it was all about medical for me today. I had my checkups here and there was a song that was just distributed today. It was from Alicia Keys and I'd like to dedicate that song to everyone at public health for all your work and please look at it on YouTube. It's from Alicia Keys and it's called “Good Job”. Thank you, Madam Chair.

**Acting Director Arthur U. San Agustin:** Thank you.

**Chairperson Senator Therese M. Terlaje:** Thank you. I've heard that song. so that's very appropriate. thank you. Senator Castro?

**Senator William M. Castro:** Thank you Madam Chair. Gosh I've known Art for twenty (20) years at least and he's been consistent in at least two ways. Madam Chair he's consistently professional and he's consistently in love with helping the people. It's worth noting for the record that he's clearly highly qualified for the position he's been nominated for. But like the previous speaker, my leader, it's his character and priorities that I want to highlight during this public hearing. *Sa para hagu este Siñot San Agustin. Si Yu'os ma'âse'para accepta i position mu.* Thank you for accepting really. You know the character references speak volumes about you. First of all, you had Jim

Gillan. He doesn't hand out references easily. He sets very high standards. The former Director in his written testimony went so far as to say Art that your service for the *Manamko'* is and I quote, "Remarkable". *Si Yu'os ma'ãse'para sa mission mu. Sa para Guahu san impotante eyu mas prasisu eyu na bula punanayi para Manamko' siha.* for me Art is one of the deepest and heaviest priorities of my own, to look over and care for our *Manamko'*. So, I'm really impressed with that statement from the former Director. Dr. Kaneshiro whom I had the brief privilege of working with in the last administration also spoke in support of your confirmation. and I trust your judgment when it comes to programs and the assessment of one's professional capacity. She too is not easily impressed especially with bureaucrats and politicians. I can say that I appreciate your due diligence in terms of your attention to ensuring compliance with federal programs in terms of the efficacy of the programs and the fiscal side of that. So, *para hagu lokue ta'lo. Si Yu'os para sa mission mu.* Thank you for your service. I offer you courage and encouragement on your new journey of leadership, your additional leadership position you're about to hold in. Yes, I support the appointment and yes, I will vote for an affirmation of your confirmation. Many blessings to you and to all those you lead into the department as well. Thank you, Madam Chair, for the privilege to speak at Mr. San Agustin's public hearing confirmation.

**Chairperson Senator Therese M. Terlaje:** Thank you very much Senator Castro. Senator Moylan?

**Senator James C. Moylan:** Thank you Madam Chair. Art, it was interesting. Angel reminded us. I guess working in prison together kind of prepared us for where we are today. Right? We were working together back then. I'm looking forward to working with you and your committee Chair here, Senator Terlaje on making those improvements that you're suggesting and introducing those measures that we need to help your department. So, I'm looking forward to that. Congratulations. Thank you, Madam Chair.

**Chairperson Senator Therese M. Terlaje:** Thank you Senator Moylan. Thank you, Senators, for sticking through the details of this confirmation hearing, the details of the tracing and tracking and investigations that the Department is doing. Thank you especially Art for again being willing to do this. It takes a lot of courage, I think. Thank you for your commitment and your promise to withstand the politics of it. I know we've known each other for many years and Art was younger than I was. So, you

know, when you grow up together you think, "Oh my, you know he's going to be the Director?" Interesting, but I've watched him over the years as the Division of Senior Citizens Director and he's done a great job and I've actually been pleasantly surprised by your ability to handle the current job. So, we are here to help you in any way we can. I know you've put up with me kind of harassing you constantly since you've been the Acting Director. I did it to Linda too. Late nights she was up all the time. So, we're both the same. We can get together and discuss the stuff that's bothering us late at night, because that's just the way this pandemic is.

I mean things are changing every day. It's hard to stay on top of the information. It's hard to be able to convey that information. So, I don't think any of the professionals at public health want very much to deal with the politicians but we are all in this together at this point and I think that what we've got in common is that what you are doing, you are doing for all of us. And we are so very grateful, but we also want to help you. because i think that what you know, if we can help you get that out to the community. and if we can help you to translate that to every single segment of this community and help you to convince them that what you are doing is based on data, it's based on logic , it's based on care and love and all of those things combined. we just want to help you in this regard. and we are aware of the shortfalls you know for many years. and when it comes to the department of public health and funding it, in mandating it to do all kinds of things. and you know not giving it adequate support.

So, I am very happy. I have to say that I am seeing changes. I am actually seeing changes and I'm very happy about that. Not just for your perseverance and not just for how nice you are to deal with as a professional, but because I'm seeing changes in the department. I think that's for all of you who are here on this Zoom with us tonight, the division Directors. Thank you for your perseverance and I'm hoping we can get what we need, money. We can get support and we can just get what you know out to the community. I think it's always been your struggle. It's always been all of our challenges, right? It's what we know about health. What we know about what causes disease. What we know is safer for us versus, puts us more at risk. those are all the things you all have been dealing with for all of your years there at the Department. And now, it's just really exacerbated and exemplified and we need the entire community to help us. So, I'm wishing you the best and I wish all of you continued success and continued perseverance. And thank you again, if we don't say it enough. Thank you from all of us at the legislature and for my family. We want to thank you for all your hard work. I know it has been a lot of sacrifice. So, again *Si Yu'os ma'åse' Art.*

**Acting Director Arthur San Augustin:** Thank you very much Chairwoman.

**Chairperson Senator Therese M. Terlaje:** Thank you and so there being no other testimony, I want to thank you all again. The time is 8:26 p.m.

The public hearing was adjourned at **8:26 p.m.**

### III. FINDINGS & RECOMMENDATIONS

- The Committee finds that Arthur U. San Agustin has over 32 years of experience in government service beginning in 1988 with the Department of Corrections, the Adult Protective Services Unit, Division of Senior Citizens, Department of Public Health and Social Services and eventually serving as the Administrator of the Division of Senior Citizens from 1996 to 2020. Through his career in Public Health and Social Services from 1996 to 2020, he also previously served as Acting Director and Acting Deputy Director.
- Written testimony in support of the appointment of Arthur U. San Agustin was submitted to the Committee by former Department of Public Health and Social Services Director James Gillan, current DPHSS Deputy Director Terry G. Aguon and Chief Environmental Public Health Officer, Tom Nadeau. Oral testimony in support of the appointment was also submitted by Deputy Director Laurent Dueñas and numerous DPHSS Division Administrators, Executive Director of the Mayors Council Angel R. Sablan and family members. Supporters testified to Mr. San Agustin's vast experience, knowledge, character, ethics and dedication to fulfilling the missions of the five Divisions of DPHSS and expressed appreciation and admiration for his willingness to lead the Department despite the challenges with the current COVID-19 pandemic.
- Acting Director San Agustin, stated for the record his willingness to take on the leadership responsibilities over the Department and his intentions to work towards the improvement of the well-being of our island through assessments, monitoring, investigating, diagnosing, communicating effectively to educate our community, strengthening and supporting communities, creating and implementing policies and impact health, environmental and social welfare programs, defining and utilizing legal and regulatory actions, ensuring an effective system that enables equitable access to services, building and supporting a diverse skilled workforce, improving services through evaluation and quality improvement efforts and building and maintaining a strong workforce is a framework of this Department. Some ongoing efforts Acting Director San Agustin stated on the record include:

- Department wide assessment of the validity and need for existing mandates that need to be amended to align with Department resources and capabilities, review of existing mandates rules and regulations to improve operations to seek increase in fees or fines depending on the assessment of existing mandates, rules and regulations.
- Training and mentoring enhancement of staff skills for cross training intended to increase efficiency and productivity, continued CDC exploration for leadership training and mentoring to build local management; mid management capacity and skill set development, and management training programs for current and new managers; develop a fiscal team responsible for tracking of planned and unplanned acquisitions and develop a grants management tracking team.
- In terms of preparedness implement scheduled training to respond to today's and tomorrow's public health crisis to be prepared for another surge or pandemic; to review and revisit its plan in order to properly respond to the evolving public health emergency today.
- Pursue funding with the CDC partners for the development of Guam's Public Health Laboratory.
- Continue dialogue with the CDC, to assist with technical assistance for the proper management of grants, to ensure compliance and performance standards are achieved to include proper accounting of plan acquisitions and related expenses; and to assess to improve welfare program application determination and processing and providers claims processing.
- Continued assessment of Department operations to identify staff levels required for efficient and effective operations; assess where possible to automate Department processes to be efficient and user friendly; such as setting up call in systems to request documents from the Office of Vital Statistics, to minimize face to face interaction for everyone's protection, amongst other efforts.
- In response to questions from Chairperson Therese Terlaje, on how he would handle both political and community pressures, especially considering the current pandemic, Mr. San Agustin stated the following:

*"I can't say that there will be no political or community pressure. I believe that comes with a job, but I think I've demonstrated in the last two months that I've been able to balance the pressures both from the political front and from the community. What I look for is, I look for my team, I look for their input, their*



*guidance. I lean on them. We lean on each other. There are many subject matter experts within Public Health and Social Services. So definitely it may one day look like I'm taking sides with a political agenda or a community side, but it's not done without due process and review of information before me."*

The Committee on Health, Tourism, Historic Preservation, Land and Justice hereby reports on the appointment of **Arthur U. San Agustin** to serve as the Director of the Department of Public Health and Social Services, with the recommendation

**To Report Out Only.**

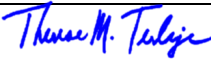


## SENATOR THERESE M. TERLAJE

Committee on Health, Tourism, Historic Preservation, Land and Justice  
*I Mina' trentai Singko na Libeslaturan Guåhan*  
35<sup>th</sup> Guam Legislature

### COMMITTEE VOTE SHEET

Nomination of  
Arthur U. San Agustin  
to serve as Director, Department of Public Health and Social Services  
at the pleasure of the Governor of Guam

	SIGNATURE	TO DO CONFIRM	TO NOT CONFIRM	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
<b>Senator Therese M. Terlaje</b> Chairperson	 10/13/2020			✓		
<b>Senator Sabina Flores Perez</b> Vice Chairperson	E-Vote 10/13/2020	✓				
<b>Senator Kelly G. Marsh (Taitano), Ph.D.</b> Member						
<b>Senator James C. Moylan</b> Member	E-Vote 10/13/2020			✓		
<b>Senator Louise B. Muña</b> Member	E-Vote 10/13/2020	✓				
<b>Vice Speaker Telen C. Nelson</b> Member						
<b>Senator Joe S. San Agustin</b> Member						
<b>Senator Amanda L. Shelton</b> Member	E-Vote 10/13/2020	✓				
<b>Senator Mary Camacho Torres</b> Member						

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Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt;

**Re: REQUEST FOR E-VOTE: Arthur U. San Agustin to serve as the Director,  
Department of Public Health and Social Services**

1 message

**James Moylan** <senatormoylan@guamlegislature.org>  
To: Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Tue, Oct 13, 2020 at 4:12 PM

To report out only.

SYM.

--

**JIM C. MOYLAN**

Office of Senator James "Jim" C. Moylan  
I Mina'trentai Singko na Liheslaturan Guåhan  
35th Guam Legislature  
DNA Bldg. Ste. 407 | 238 Archbishop FC Flores St, | Hagatna, GU 96910  
T: (671) 922/979 - MORE (6673)

On Tue, Oct 13, 2020 at 4:08 PM Senator Therese Terlaje <senatorterlajeguam@gmail.com> wrote:  
Hafa Adai Committee Members:

Please see attached Committee Report for Arthur U. San Agustin as the **Director** of the **Department of Public Health and Social Services**

Please indicate your preferred action, based on the following options:

- To Do Confirm;
- To Not Confirm;
- To Report Out Only;
- To Abstain; or
- To Place in Inactive File.

Please submit your response as soon as possible. Your responses will be logged into the Committee Report Vote Sheet for Arthur U. San Agustin, which will be filed with the Committee on Rules.

Si Yu'os Ma'åse'!

**Office of Senator Therese M. Terlaje****Committee on Health, Tourism, Historic Preservation, Land and Justice***I Mina'trentai Singko na Liheslaturan Guåhan*

35th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, [173 Aspinall Avenue](#), Hagåtña, Guam 96910Mailing address: Guam Congress Building, [163 Chalan Santo Papa](#), Hagåtña, Guam 96910T: (671) 472-3586 F: (671) 989-3590 Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com)website: [www.senatorterlaje.com](http://www.senatorterlaje.com)

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Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt;

## Re: REQUEST FOR E-VOTE: Arthur U. San Agustin to serve as the Director, Department of Public Health and Social Services

1 message

Office of Senator Shelton Guam Legislature

Tue, Oct 13, 2020 at 4:16

&lt;officeofsenatorshelton@guamlegislature.org&gt;

PM

To: Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt;

Cc: Senator Sabina Perez &lt;office@senatorperez.org&gt;, "Office of Senator Kelly Marsh (Taitano), PhD."

&lt;office.senatorkelly@guamlegislature.org&gt;, James Moylan &lt;senatormoylan@guamlegislature.org&gt;, Senator Louise Borja

Muna &lt;senatorlouise@gmail.com&gt;, Senator Telen Cruz Nelson &lt;senatortcnelson@guamlegislature.org&gt;, "Senator Joe

S. San Agustin" &lt;senatorjoessanagustin@gmail.com&gt;, "Mary C. Torres" &lt;senatormary@guamlegislature.org&gt;

To do confirm

On Tue, Oct 13, 2020 at 4:08 PM Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt; wrote:

Hafa Adai Committee Members:

Please see attached Committee Report for Arthur U. San Agustin as the **Director** of the **Department of Public Health and Social Services**

Please indicate your preferred action, based on the following options:

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Si Yu'os Ma'åse'!

### Office of Senator Therese M. Terlaje

Committee on Health, Tourism, Historic Preservation, Land and Justice

*I Mina'trentai Singko na Liheslaturan Guåhan*

35th Guam Legislature

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--



*Si Yu'os Ma'åse,*

**Office of the People • Senator Amanda L. Shelton**

Legislative Secretary & Chairwoman of the Committee on Higher Education and the Advancement of Women, Youth, and Senior Citizens

35th Guam Legislature

*I Mina'trentai Singko na Liheslaturan Guåhan*



Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt;

**Re: REQUEST FOR E-VOTE: Arthur U. San Agustin to serve as the Director,  
Department of Public Health and Social Services**

1 message

**Office of Senator Sabina Perez** <office@senatorperez.org>  
To: Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Tue, Oct 13, 2020 at 4:20 PM

To do confirm

On Tue, Oct 13, 2020 at 4:08 PM Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt; wrote:

Hafa Adai Committee Members:

Please see attached Committee Report for Arthur U. San Agustin as the **Director** of the **Department of Public Health and Social Services**

Please indicate your preferred action, based on the following options:

- To Do Confirm;
- To Not Confirm;
- To Report Out Only;
- To Abstain; or
- To Place in Inactive File.

Please submit your response as soon as possible. Your responses will be logged into the Committee Report Vote Sheet for Arthur U. San Agustin, which will be filed with the Committee on Rules.

Si Yu'os Ma'åse'!

**Office of Senator Therese M. Terlaje**

Committee on Health, Tourism, Historic Preservation, Land and Justice

*I Mina'trentai Singko na Liheslaturan Guåhan*

35th Guam Legislature

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--

**Office of Senator Sabina Flores Perez**

Committee on the Environment, Revenue &amp; Taxation, and Procurement

*I Mina'trentai Singko na Liheslaturan Guåhan*

35th Guam Legislature

O: 194 Hernan Cortez Avenue, First Floor, Terlaje Professional Building, Hagåtña, Guam 96910

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Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt;

**Re: REQUEST FOR E-VOTE: Arthur U. San Agustin to serve as the Director,  
Department of Public Health and Social Services**

1 message

**Louise Muna** <senatorlouise@gmail.com>  
To: Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Tue, Oct 13, 2020 at 5:11 PM

Hafa Adai,

To Do Confirm.

On Tue, Oct 13, 2020, 4:08 PM Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt; wrote:

Hafa Adai Committee Members:

Please see attached Committee Report for Arthur U. San Agustin as the **Director** of the **Department of Public Health and Social Services**

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Si Yu'os Ma'åse'!

**Office of Senator Therese M. Terlaje**

Committee on Health, Tourism, Historic Preservation, Land and Justice

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35th Guam Legislature

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