EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

JUN 1 5 2015

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Tres Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

2015 JUN 15 PM 4:42

Dear Madame Speaker:

Transmitted herewith is Bill No. 70-33 (COR) **"AN ACT TO *ADD* A NEW § 72109 TO CHAPTER 72 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE CREATION OF AN EMERGENCY ON-LINE REGISTRY FOR INDIVIDUALS WITH SPECIAL NEEDS; AND TO APPROPRIATE UP TO ONE HUNDRED FIFTY THOUSAND DOLLARS ($150,000) FROM THE FISCAL YEAR 2015 UNAPPROPRIATED FUND BALANCE OF THE ENHANCED 911 EMERGENCY REPORTING SYSTEM FUND TO THE GUAM FIRE DEPARTMENT AS A START-UP COST"** which lapsed into law on June 13, 2015, as **Public Law 33-54.**

Senseramente,

EDDIE BAZA CALVO

33-15-0544
Office of the Speaker
Judith T. Won Pat, Ed.D

Date: 06-15-15
Time: 4:15pm
Received By: [illegible]

0544

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I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Substitute Bill No. 70-33 (COR), "AN ACT TO *ADD* A NEW § 72109 TO CHAPTER 72 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE CREATION OF AN EMERGENCY ON-LINE REGISTRY FOR INDIVIDUALS WITH SPECIAL NEEDS; AND TO APPROPRIATE UP TO ONE HUNDRED FIFTY THOUSAND DOLLARS ($150,000) FROM THE FISCAL YEAR 2015 UNAPPROPRIATED FUND BALANCE OF THE ENHANCED 911 EMERGENCY REPORTING SYSTEM FUND TO THE GUAM FIRE DEPARTMENT AS A START-UP COST,"** was on the 29th day of May 2015, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 1st day of June, 2015, at 5:20 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: JUN 13 2015

Public Law No. 33-54

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

Bill No. 70-33 (COR)
As substituted by the Committee on Appropriations
and Adjudication; and further substituted
and amended on the Floor.

Introduced by:

N. B. Underwood, Ph.D.
R. J. Respicio
T. C. Ada
V. Anthony Ada
Frank F. Blas, Jr.
FRANK B. AGUON, JR.
B. J.F. Cruz
James V. Espaldon
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
Dennis G. Rodriguez, Jr.
Michael F.Q. San Nicolas
Mary Camacho Torres
Judith T. Won Pat, Ed.D.

AN ACT TO *ADD* A NEW § 72109 TO CHAPTER 72 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE CREATION OF AN EMERGENCY ON-LINE REGISTRY FOR INDIVIDUALS WITH SPECIAL NEEDS; AND TO APPROPRIATE UP TO ONE HUNDRED FIFTY THOUSAND DOLLARS ($150,000) FROM THE FISCAL YEAR 2015 UNAPPROPRIATED FUND BALANCE OF THE ENHANCED 911 EMERGENCY REPORTING SYSTEM FUND TO THE GUAM FIRE DEPARTMENT AS A START-UP COST.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that there is a need to better enhance the current systems in place to effectively

address the needs of individuals with special needs in emergency situations, or in situations where immediate action is to be performed by law enforcement personnel and first responders. *I Liheslaturan Guåhan* recognizes that community support for individuals with special needs includes treatment that is fair, respectful and mindful of the specific needs of these individuals, especially during interactions with law enforcement personnel and first responders. The ability of law enforcement personnel and first responders to understand certain characteristics and requirements of these individuals will not only allow them to interact appropriately with individuals with special needs, but will ensure that the critical needs of the individual with special needs are addressed in a timely manner.

The Guam Department of Education (GDOE) Division of Special Education reports that in the program School Year 2013-2014, approximately one thousand seven hundred sixty-eight (1,768) students received numerous services relating to their disability. According to the U.S. Census, one in five people suffer some form of disability or special need. These children and adults would certainly benefit from some form of registry in the event of an emergency.

Therefore, it is the intent of *I Liheslaturan Guåhan* to promote communication between law enforcement personnel, first responders and individuals with special needs and their families, and to further improve services to individuals with special needs by creating an Emergency Registry for Individuals with Special Needs.

Section 2. A new § 72109 is hereby *added* to Chapter 72 of Title 10, Guam Code Annotated, to read:

"**§ 72109. Emergency On-Line Registry for Individuals with Special Needs.**

(a) Definitions.

(1) *Confidential information* means any and all non-public, medical, financial and personal information in whatever form (written, oral, visual or electronic) possessed or obtained by either party. Confidential information *shall* include all information which:

(A) either party has labeled in writing as confidential;

(B) is identified at the time of disclosure as confidential;

(C) is commonly regarded as confidential in the health care industry; or

(D) is Protected Health Information as defined by the Health Insurance Portability Accountability Act.

(2) *First responders* means an employee of an emergency service who is likely to be among the first people to arrive at and assist at the scene of an emergency, such as an accident, natural disaster, or terrorist attack. First responders typically include police, firefighters, paramedics, and emergency medical technicians.

(3) *Special needs* means the phrase used in clinical diagnosis and functional development to describe individuals who require assistance for disabilities that may be medical, mental or psychological; and the needs of such individuals.

(b) The Guam Fire Department *shall* create and maintain a registry entitled, the "Emergency On-Line Registry for Individuals with Special Needs," herein referred to as "Registry," which *shall* be integrated into the Enhanced 911 Emergency Reporting System. Such Registry *shall* be referred to by and any relevant information is to be conveyed to the first emergency responders.

(1) The Registry *shall only* contain information voluntarily

disclosed by a registered individual with special needs, or his or her parent or legal guardian. Such information may include, but not be limited to, emergency contact information, relevant medical history, and a description of any special need deemed relevant by the registrant. All information within the registry *shall* be deemed confidential information that *shall only* be used for the purposes of the Registry. Any other disclosure may occur only upon the written authorization of the registrant.

(2) The Registry *shall* be voluntary and the individual with special needs, or the parents or legal guardian of the individual with special needs under the age of eighteen (18) may register with the Guam Fire Department. An option to attach a passport-style photo may be permitted. The Registry application form may be available at the Guam Fire Department.

(3) Once the registration has been received and processed, the Guam Fire Department or its designated agent *shall* officially respond by mail or email to the applicant confirming their inclusion on the Registry *no less than* seven (7) days from the date of the submission of the registration. An identification card *shall* be issued which may accompany the individual with special needs at all times, as deemed appropriate.

(c) Authorization. The Guam Fire Department is hereby authorized to enter into a Memorandum of Understanding with the Department of Integrated Services for Individuals with Disabilities and other departments and agencies, as determined by the Guam Fire Department to seek consultation and advice in the creation and maintenance of the Registry.

(d) The Guam Fire Department and the Department of Integrated

Services for Individuals with Disabilities and other departments and agencies as determined by the Guam Fire Department *shall* meet *at least* quarterly to report the activities of the registry and *shall* submit an annual report, beginning on January 1, 2017, to *I Maga'lahen Guåhan* and *I Liheslaturan Guåhan,* which *shall* include, but not be limited to:

(1) the number of individuals voluntarily registered;

(2) a comparative analysis on the number of individuals on the Registry that benefited from the Registry, their special needs, and the delivery of services received;

(2) incident reports filed by first responders when responding to an emergency with an individual on the Registry;

(3) a list of complaints, if any, from the individual on the registry; and

(4) any other strategy effectiveness related to the Registry.

(e) Evaluation. The Guam Fire Department *shall* conduct a yearly evaluation of the Registry, which *shall* include, but not be limited to:

(1) tracking the implementation process, to include any planned and/or unanticipated adaptations to the Registry that may affect the outcome of the findings;

(2) a comparative analysis on the number of individuals on the Registry that benefited from the Registry, their disability and the delivery of services received;

(3) assessment of the need for any adaptations to the strategy to meet the needs of the target population;

(4) input from first responders on their use of the Registry and its effectiveness; and

(5) recommendations, if any, to improve the effectiveness of

the Registry.

The Guam Fire Department may assign these duties to the Department of Integrated Services for Individuals with Disabilities as part of the Memorandum of Understanding as authorized in this Section.

(f) Training. The Guam Fire Department *shall* develop a training regimen for emergency responders specifically dedicated for individuals with special needs. The curriculum may be developed in collaboration with the Guam Community College and/or the University of Guam to supplement any existing programs or in-service training. The training *shall* be formulated to include new employees, as well as veteran employees who are defined as first responders in this Act and shall be conducted on a yearly basis. The training *shall* also include practical experience with individuals with special needs."

Section 3. Participation in National Registry. Nothing herein shall be interpreted to prevent the Guam Fire Department from participating in a national on-line registry, which meets the requirements set forth in this Act.

Section 4. The Guam Fire Department may seek and apply for federal grants and/or other grants available for funding opportunities to support the mandates of the Emergency On-Line Registry for Individuals with Special Needs.

Section 5. Appropriation. The sum of up to One Hundred Fifty Thousand Dollars (**$150,000**) is appropriated from the Fiscal Year 2015 unappropriated fund balance of the Enhanced 911 Emergency Reporting System Fund to the Guam Fire Department as a start-up cost for the Emergency On-Line Registry for Individuals with Special Needs. The Guam Fire Department may request in its budget for every fiscal year thereafter the funds necessary to maintain and support the mandates of the Emergency On-Line Registry for Individuals with Special Needs.

1 **Section 6. Effective Date.** The effective date for the implementation of
2 the Emergency On-Line Registry for Individuals with Special Needs is January 1,
3 2016. Development of the Registry *shall* commence upon enactment of this Act.
4 **Section 7. Severability.** If any provision of this Act or its application to
5 any person or circumstance is held invalid, the invalidity *shall not* affect other
6 provisions or applications of this Act which can be given effect without the invalid
7 provision or application and to this end the provisions of this Act are severable.