

MINA' BENTE O CHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) REGULAR SESSION

Bill No. 213 (RC)

Introduced by:


Committee on Calendar
By request of I Maga'laha
Guåhan in accordance with
the Organic Act of Guam .

**AN ACT TO CREATE A NEW DIVISION 9,
CHAPTER 92, 5 GCA FOR THE PURPOSE OF
ESTABLISHING THE DEPARTMENT OF HEALTH
AND HUMAN SERVICES; TO REORGANIZE AND
TO CONSOLIDATE SEVERAL GOVERNMENT OF
GUAM AGENCIES; AND TO CITE THE ACT AS
THE *“HEALTH AND HUMAN SERVICES
CONSOLIDATION ACT OF 2005”***

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Division 9, Chapter 92 is added to 5 GCA to read as follows:

“Chapter 92

Department of Health and Human Services

Section 92101. Short Title.

This Act may be cited as the “Health and Human Services Consolidation Act of 2005”.

Section 92102. Legislative Findings.

I Liheslaturan Guåhan finds that it is in the public interest to create a Department of Health and Human Services (“DHHS”), to consolidate the activities of the Department of Public Health and Social Services, the Guam

Memorial Hospital Administration, the Department of Mental Health and Substance Abuse, the Guam Medical Referral Office and the Department of Integrated Services for Individuals with Disabilities, and to vest said new department with such powers as have heretofore been exercised by the respective former departments and agencies, or portions thereof.

It is the intent of *I Liheslaturan Guåhan* that this Act shall *not* relieve said departments and agencies of or modify in any way other than as expressly set forth herein any of the respective existing rights, duties or obligations of the departments or agencies and that such respective rights, duties and obligations shall continue uninterrupted, inclusive of, but *not* limited to, any financial obligations of said departments and agencies.

Section 92103. Creation of the Department of Health and Human Services.

There is created the Department of Health and Human Services (hereinafter referred to as the “DHHS” or “the Department”), a department within the Executive Branch of the government of Guam.

Section 92104. Director and Director Functions.

(a) **Department Head.** The Department of Health and Human Services shall be headed by a Director of Health and Human Services (hereafter referred to as “the Director”) who shall be appointed by *I Maga’lahen Guåhan* with the advice and consent of *I Liheslaturan Guåhan*. All functions of all officers, employees, and organizational units of the Department are vested in the Secretary.

(b) **Functions and Delegation Authority.** Except as otherwise provided by this Act, the Director may delegate any of the Director functions to an

Administrator. The Director shall have the authority to enter into contracts, grants, and cooperative agreements, and to enter into agreements with other executive agencies, as may be necessary and proper to carry out the Director's other responsibilities under this Act or otherwise provided by law. The Director shall take reasonable steps to ensure that information systems and databases of the Department are compatible with each other and with appropriate databases of other Departments.

Section 92105. Divisions of the Department.

The Department shall be comprised of the three primary units with functions, powers and responsibilities as provided in this Chapter. They are the following:

- (a) Guam Memorial Hospital
- (b) Mental Health and Substance Abuse
- (c) Public Health and Social Services

Section 92106. Other Officers and functions

(a) **Officers.** *I Maga'l ahen Guåhan* shall appoint three Administrators to head the respective Divisions within the department. The Administrator shall have direction, authority and control over their respective Division. *I Maga'l ahen Guåhan* shall appoint the following:

- (1) Administrator for the Division of Guam Memorial Hospital
- (2) Administrator for the Division of Mental Health and Substance Abuse
- (3) Administrator for the Division of the Public Health and Social Services

(b) Functions vested in the Administrators. All functions of all officers, employees, and organizational units under the respective Division are vested in the Administrator. The Administrator shall be responsible for:

- (1) Carrying out any and all directions and guidance provided by the Director with regards to the Department;
- (2) Acting, representing, and/or carrying out, as directed by the Director or the identified goals and objectives;
- (3) Advising the Director on the impact of the Department's policies, regulations, processes and practice.

(c) Performance of Specific Functions. Subject to the provisions of this Act, Administrator of the Division shall perform the functions specified by law for the official's office or prescribed by the Director.

Section 92107. Transfer of responsibilities of the Guam Memorial Hospital Administration to the Department of Health and Human Services.

Except as provided in this act, all programs, mandates, responsibilities and duties of the Guam Memorial Hospital Administration, as detailed in Division 4, Chapter 80, 10 GCA, or in other laws of Guam, are transferred to the Department of Health and Human Services, such duties, programs, mandates and responsibilities to be assumed by the division of the Department designated as the Guam Memorial Hospital.

Section 92108. Maintenance of effort of federally-funded programs in the Guam Memorial Hospital Administration.

The Department of Health and Human Services shall undertake and ensure full continuance, operation and maintenance of effort for such programs currently established under the purview of the Guam Memorial

Hospital Administration for which federal funding or support has been attained, and shall meet all reporting or other requirements pursuant to such assistance or funding.

Section 92109. Transfer of funds and assets of the Guam Memorial Hospital.

The balance of all funds appropriated to the Guam Memorial Hospital Administration, and all balances held in revolving funds, and all funds available to the Guam Memorial Hospital Administration shall be transferred to the Department of Health and Human Services. All real property under the management of the Guam Memorial Hospital Administration shall be transferred to the management of the Department of Health Services. All supplies, equipment and all material assets of the Guam Memorial Hospital Administration shall be transferred to the Department of Health and Human Services.

Section 92110. Transfer of responsibilities of the Department of Mental Health and Substance Abuse to the Department of Health and Human Services.

Except as provided in this act, all programs, mandates, responsibilities and duties of the Department of Mental Health and Substance Abuse ("DMH&SA"), as detailed in Section 3121, 5 GCA, Division 4, Chapter 86, 10 GCA or in other laws of Guam, are transferred to the Department of Health and Human Services, such duties, programs, mandates and responsibilities to be assumed by the division of the Department designated as Mental Health and Substance Abuse.

Section 92111. Maintenance of effort of federally-funded programs in the Department of Mental Health and Substance Abuse.

The Department of Health shall undertake and ensure full continuance, operation and maintenance of effort for such programs currently established under the purview of the DMH&SA for which federal funding or support has been attained, and shall meet all reporting or other requirements pursuant to such assistance or funding.

Section 92112. Transfer of funds and assets of the Department of Mental Health and Substance Abuse.

The balance of all funds appropriated to the DMH&SA, and all balances held in revolving funds, and all funds available to the DMH&SA shall be transferred to the Department of Health and Human Services. All real property under the management of the DMH&SA shall be transferred to the management of the Department of Health Services. All supplies, equipment and all material assets of the DMH&SA shall be transferred to the Department of Health and Human Services.

Section 92113. Transfer of responsibilities of the Department of Public Health and Social Services to the Department of Health Services.

Except as provided in this act, all programs, mandates, responsibilities and duties of the DPH&SS, as detailed in Section 3111, 5 GCA, Division 1, 10 GCA or in other laws of Guam, are transferred to the Department of Health and Human Services, such duties, programs, mandates and responsibilities to be assumed by the division of the Department designated as the Department of Health and Human Services.

Section 92114. Maintenance of effort of federally-funded programs in the Department of Public Health and Social Services.

The Department of Health and Human Services shall undertake and ensure full continuance, operation and maintenance of effort for such programs currently established under the purview of the DPH&SS for which federal funding or support has been attained, and shall meet all reporting or other requirements pursuant to such assistance or funding.

Section 92115. Transfer of funds and assets of the Department of Public Health and Social Services.

The balance of all funds appropriated to the DPH&SS, and all balances held in revolving funds, and all funds available to the DPH&SS shall be transferred to the Department of Health and Human Services. All real property under the management of the DPH&SS shall be transferred to the management of the Department of Health and Human Services. All supplies, equipment and all material assets of the DPH&SS shall be transferred to the Department of Health and Human Services.

Section 92116. Transfer of responsibilities of the Medical Referral Office to the Department of Health and Human Services.

Except as provided in this act, all programs, mandates, responsibilities and duties of the Medical Referral Office, as detailed in Division 1, Section 1103, 10 GCA, or in other laws of Guam, are transferred to the Department of Health and Human Services, such duties, programs, mandates and responsibilities to be assumed by the division of the Department designated as the Guam Memorial Hospital.

Section 92117. Transfer of funds and assets of the Medical Referral Office.

The balance of all funds appropriated to the Medical Referral Office, and all balances held in revolving funds, and all funds available to the Medical Referral Office shall be transferred to the Department of Health and Human Services. All real property under the management of the Medical Referral Office shall be transferred to the management of the Department of Health and Human Services. All supplies, equipment and all material assets of the Medical Referral Office shall be transferred to the Department of Health and Human Services.

Section 92118. Transfer of responsibilities of the Department of Integrated Services for Individuals with Disabilities to the Department of Health and Human Services.

Except as provided in this act, all programs, mandates, responsibilities and duties of the Department of Integrated Services for Individuals with Disabilities ("DISID"), as detailed in Division 5, 17 GCA, or in other laws of Guam, are transferred to the Department of Health and Human Services, such duties, programs, mandates and responsibilities to be assumed by the division of the Department designated as Public Health and Social Services.

Section 92119. Maintenance of effort of federally-funded programs in the Department of Integrated Services for Individuals with Disabilities.

The Department of Health and Human Services shall undertake and ensure full continuance, operation and maintenance of effort for such programs currently established under the purview of DISID for which federal

funding or support has been attained, and shall meet all reporting or other requirements pursuant to such assistance or funding.

Section 92120. Transfer of funds and assets of the Department of Integrated Services for Individuals with Disabilities.

The balance of all funds appropriated to DISID, and all balances held in revolving funds, and all funds available to DISID shall be transferred to the Department of Health and Human Services. All real property under the management of DISID shall be transferred to the management of the Department of Health and Human Services. All supplies, equipment and all material assets of DISID shall be transferred to the Department of Health and Human Services.

Section 92121. Internal Structure.

The Director of Health Services shall organize and arrange the work of the Department of Health and Human Services, and may establish such programs or offices as necessary within the Divisions of the Department of Health and Human Services established in Section 97103 of this Chapter.

Section 92122. Effective dates and transition period.

This act shall be effective one hundred twenty (120) days after its enactment into law. During this one hundred twenty (120) day transition period, the directors of such departments or agencies affected by this act shall undertake such activity as is necessary to effect the smooth transfer of employees, assets and funding pursuant to the provisions of this chapter.

Section 92123. References.

Upon the effective date of this act, all references in the laws of Guam and the rules and regulations of the government of Guam to the Department

of Public Health and Social Services, the Guam Memorial Hospital Administration, the Department of Mental Health and Substance Abuse, the Guam Medical Referral Office or the Department of Integrated Services for Individuals with Disabilities, and all references to the directors of each, shall be construed as referring to the Department of Health and Human Services and the Director of Health and Human Services respectively.

Section 92124. Except as provided in this Chapter, nothing herein shall be construed as amending or repealing any provision, section or part of the Guam Code Annotated.

Section 92125. Severability.

If any provision of this Law or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provisions or applications of this Law which can be given effect without the invalid provisions or application, and to this end the provisions of this Law are severable."