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MINA BENTE OCHO NA LIHESLATURAN GUAHAN
(2006) Second Regular Session

Bill No. 317 (LS)

Introduced by:

B.J.F. CRUZ 

AN ACT TO REPEAL AND RE-ENACT CHAPTER 47,
TITLE 17 OF THE GUAM CODE ANNOTATED
RELEATIVE TO PRE -MEDICAL PROGRAMS AND
FELLOWSHIPS BY AMENDING SECTIONS 47103,
47104.1, 47104.2, 47104.3, 41705.8, AND 47105.11; TO
ADD NEW SECTIONS 47104.3.1 AND 47104.3.2; AND
TO AUTHORIZE THE SUM OF FIVE HUNDRED
THOUSAND DOLLARS (\$500,000) FROM THE
HEALTHY FUTURES FUND TO THE ACCESS TO
MEDICAL TRAINING AND EDUCATION (AMTE)
FELLOWSHIP FUND IN CARE OF THE UNIVERSITY
OF GUAM

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Re-enactment of Pre-Medical Programs and
3 Fellowships. Chapter 47 of Title 17 of the Guam Code Annotated is
4 hereby repealed and reenacted as follows:

5	" CHAPTER 47	
6	PRE-MEDICAL PROGRAMS AND FELLOWSHIPS	
7	§ 47101.	Name of Chapter
8	§ 47102.	Legislative Findings.
9	§ 47103.	High School Pre-Medical Program.

1	§ 47104.1.	Pre-Medical Program at the University
2		of Guam.
3	§ 47104.2	AMTE Fellowship Council.
4	§ 47104.3.	Members of AMTE Council.
5	§ 47104.3.1	<u>Council Officers</u>
6	§ 47104.3.2	<u>Council Quorum</u>
7	§ 47104.4.	Personnel.
8	§ 47104.5.	Administrator of the AMTE Council.
9	§ 47104.6.	Financial Assistance Eligibility.
10	§ 47104.6.1.	Continued Eligibility.
11	§ 47104.7.	Obligations.
12	§ 47104.8.	Financial Assistance.
13	§ 47105.	Doctor of Medicine Fellowship
14		Program.
15	§ 47105.1.	Administration.
16	§ 47105.2.	Fund.
17	§ 47105.2.1.	Investment.
18	§ 47105.3.	Regulations.
19	§ 47105.4.	Submission of Names.
20	§ 47105.5.	Application Forms and Notices.
21	§ 47105.6.	Prohibition.
22	§ 47105.7.	Discharge of Fellowship Obligations
23		Upon Death or Disability.
24	§ 47105.8.	Award of Physician Fellowship:
25		Selection.
26	§ 47105.8.1 .	Physician Fellowship Eligibility.
27	§ 47105.8.2.	Physician Fellowship Benefits.
28	§ 47105.9.	Physician Fellowship Obligations:
29	§ 47105.10.	Obligations of the Government of
30		Guam.
31	§ 47105.11.	Budget and Compensation.
32	§ 47106.	Service on Guam After Employment
33		with the Government of Guam.
34	§ 47107.	Definition of Physician.

1 § 47108. Reevaluation.

2 § 47109. Severability.

3
4 **§47101. Name of Chapter.** This chapter shall be referred
5 to as the *Access to Medical Training and Education Act* or AMTE.

6 **§47102. Legislative Findings.** The Legislature finds that
7 there continues to be an urgent need for physicians to serve
8 Guam and the region. The Guam Memorial Hospital and other
9 health organizations on the island continue to find it very
10 difficult to hire physicians to serve the health needs of the
11 people of Guam. In order to meet the demands of health care
12 for the island, the Legislature believes that it is most effective to
13 identify potential physician candidates during their high school
14 years so that the necessary support for the candidate's success
15 in a pre-medical program and in the application to a school of
16 medicine can be enhanced. Therefore, the Legislature herein
17 establishes the following AMTE programs: a High School Pre-
18 Medical Program at the Guam Public School System, a Pre-
19 Medical Program at the University of Guam, and a Doctor of
20 Medicine Fellowship at the University of Guam.

21 **§47103. High School Pre-Medical Program.** (a) The
22 Guam Public School System shall develop and implement a
23 Pre-Medical Program curriculum for the island's public high
24 schools. Such program shall include the following:

- 1 1. Identifying and recruiting students who show interest in
2 science and health-related fields;
- 3 2. Granting educational credits for course work during the
4 junior and senior years of high school;
- 5 3. Providing practicum experience for each student
6 participating in such program not only during the school
7 year but also in the summer months as a summer intern
8 at Guam Memorial Hospital or at Public Health facilities;
- 9 4. Providing awareness of the health care needs of Guam
10 and its neighbors; and
- 11 5. Providing guidance and counseling so that the student is
12 prepared to enroll in the Pre-Medical Program at the
13 University of Guam.

14 (b) The Director of Education shall no later than ~~three (3)~~
15 nine (9) months from the effective date of this chapter,
16 provide a written report to the Chairperson of the ~~Board of~~
17 ~~Education~~ Education Policy Board, the Governor of Guam,
18 and the Speaker of the Legislature on such Program's
19 curriculum which shall include a description of the
20 curriculum, financial requirements, and the date of
21 implementation of the Program within the public high
22 schools of Guam. In no event, however, shall the
23 implementation of the High School Pre-Medical Program in

1 the high schools of Guam be later than academic year 1994-
2 1995 2007-2008.

3 **§47104.1. Pre-Medical Program at the University of Guam.**

4 The University of Guam (the "University") shall develop and
5 implement a Pre-Medical Program curriculum. The
6 curriculum's objective shall be to prepare a student at the
7 University to meet all the requirements necessary to apply to
8 professional schools of medicine, to prepare for the
9 standardized medical school aptitude test, and to provide
10 opportunities for awareness of the health care needs of Guam
11 and the region. The University shall work in coordination with
12 the AMTE Council in developing and implementing such a Pre-
13 Medical Program curriculum at the University, which
14 curriculum shall be adopted by the University no later than
15 academic year ~~1994-1995~~ 2007-2008.

16 **§47104.2 AMTE Fellowship Council.** There is hereby
17 created the AMTE Fellowship Council (the "AMTE Council"),
18 the general purpose of which shall be to plan, develop,
19 implement and manage the Pre-Medical Programs and the
20 Doctor of Medicine Fellowship program as provided in this
21 chapter in order to attract, select, orient, and assist qualified
22 high school and college students to become physicians in
23 Guam. The AMTE Council shall convene within ~~thirty (30)~~

1 ninety (90) days of the enactment of this chapter to implement
2 its provisions.

3 **§47104.3. Members of AMTE Council.** The AMTE Council
4 shall be composed of the following:

5 (1) The Administrator of the Guam Memorial Hospital;

6 (2) The Director of Public Health and Social Services;

7 (3) The Chairman of the Board of Medical Examiners;

8 (4) The President of the Guam Medical Society or
9 his/her designee;

10 (5) The President of the University;

11 (6) The Director of Mental Health and Substance
12 Abuse; and

13 (7) The Chairman of the Legislative Committee with
14 oversight of Health

15 ~~(7) The Director of the Guam Health Planning and~~
16 ~~Development Agency.~~

17 **§47104.3.1. Council Officers.** The President of the
18 University of Guam shall serve as Chairperson of the
19 Council and shall convene all meetings. The Council shall
20 elect a Vice-Chairperson to act in absence of the chairperson
21 and any other officers, as needed.

22 **§47104.3.2. Council Quorum.** The Chairperson, or Vice-
23 Chairperson acting in the absence of the Chairperson, shall

1 call the Council to order if a quorum of four (4) members is
2 present. A simple majority of those present shall be required
3 for the approval of any action of the Council.

4 **§47104.4. Personnel.** The Office of the President of the
5 University shall provide logistics and personnel necessary for
6 the operation of the AMTE Council.

7 **§47104.5. Administrator of the AMTE Council.** There is
8 hereby established within the office of the President of the
9 University the AMTE Fellowship Administrator, full- or part-
10 time, if needed, who shall work in conjunction with the
11 President of the University in the administration of the Pre-
12 Medical Program at the University. The AMTE Administrator
13 shall work under the President of the University and the AMTE
14 Council to develop, organize, and administer the Pre-Medical
15 Program and the Doctor of Medicine Fellowship Program at the
16 University. The AMTE Fellowship Administrator shall work
17 closely with the President, the administrators, and the deans of
18 the University in the preparation of the curriculum, planning of
19 schedules, and assuring adequate instruction in the Program.
20 The AMTE Fellowship Administrator shall be entitled to
21 government of Guam benefits and shall serve at the pleasure of
22 the AMTE Council. The AMTE Council shall set the rate and

1 term of pay of such administrator and may provide the same by
2 contract.

3 **§47104.6. Financial Assistance Eligibility.** Financial
4 assistance may be awarded by the AMTE Council to eligible
5 students enrolled in the Pre-Medical Program at the University
6 who are:

- 7 (a) Bona fide residents of Guam for at least ten (10)
8 years;
- 9 (b) Citizens or permanent residents of the United
10 States;
- 11 (c) Seniors or graduates of an accredited high school
12 with an overall grade point average of not less
13 than 3.0 on a 4.0 scale;
- 14 (d) Admitted to the University of Guam in
15 accordance with its admission policies, including
16 advance placement for high school students;
- 17 (e) Agreed and bound to return to Guam to practice
18 medicine or work in a health service field after
19 successfully completing his or her medical
20 training.

21 **§47104.6.1. Continued Eligibility.** To be eligible to
22 continue to receive financial assistance under such program,

1 the student must remain in good academic standing for each
2 academic year given assistance under such program.

3 **§47104.7. Obligations.** (a) A student who for any reason
4 is terminated from the Pre-Medical Program shall repay to the
5 AMTE Medical Fund as established in this chapter an amount
6 equal to the total financial assistance received by the student
7 within five (5) years of such termination from the Program with
8 interest at the rate of twelve (12%) percent per annum.

9 (b) A student who does complete the Pre-Medical Program
10 but is not selected for the Doctor of Medicine Fellowship
11 Program as established therein or does not pursue for any
12 reason application into the Doctor of Medicine Fellowship
13 Program shall repay to the AMTE Medical Fund an
14 amount equal to the total financial assistance received by
15 the student. In the alternative, in lieu of monetary
16 repayment, a student may satisfy his financial obligations
17 herein by employment with the government of Guam at
18 the rate of one (1) year of employment for each academic
19 year or fraction thereof that the student received financial
20 assistance.

21 **§47104.8. Financial Assistance.** (a) Students in the Pre-
22 Medical School Program at the University must complete an

1 application form provided by the AMTE Council and satisfy all
2 the requirements set out in § 47103.6 of this chapter.

3 (b) Students enrolled in the Pre-Medical School Program
4 and selected for financial assistance by the AMTE
5 Council shall be entitled to the following benefits:

- 6 1. All costs of tuition, fees and books for a period of
7 not more than four (4) academic years;
- 8 2. (2) A monthly stipend according to the following
9 schedule: Freshmen, two hundred dollars (\$200) per
10 month; sophomores, three hundred dollars (\$300)
11 per month; juniors, four hundred dollars (\$400) per
12 month; and seniors, five hundred dollars (\$500) per
13 month.

14 (c) As a condition for continuing full entitlement to the
15 benefits provided in this section, the recipient must
16 maintain full-time enrollment with a minimum of
17 twelve (12) semester credits per semester, not
18 including the summer session, and good academic
19 standing with an overall grade point average of 3.0 or
20 better for each academic year. No student may receive
21 benefits beyond four (4) academic years.

1 **§47105. Doctor of Medicine Fellowship Program.** There
2 is hereby established a Doctor of Medicine Fellowship Program
3 under the AMTE Council for the following purposes:

4 (1) To provide physicians for Guam Memorial Hospital,
5 the Department of Public Health and Social Services,
6 the Department of Mental Health and Substance
7 Abuse, and other health organizations in Guam and in
8 the region;

9 (2) To develop local medical personnel who are sensitive
10 to Guam's cultural diversity.

11 **§47105.1. Administration.** The Fellowship Program shall
12 be administered by the AMTE Council, and all such fellowships
13 shall be granted by the AMTE Council.

14 **§47105.2. Fund.** There is hereby established a Physician
15 Fellowship and Scholarship Fund, hereinafter referred to as the
16 *AMTE Fellowship Fund* from which fellowships and financial
17 assistance granted pursuant to this chapter as well as the cost
18 for administering the Programs shall be funded. However, no
19 less than Eighty Percent (80%) of all funds received from the
20 government of Guam not including any grant matching funds,
21 shall be exclusively used for AMTE financial assistance and
22 fellowships. The AMTE Fellowship Fund shall be kept separate
23 and apart from any other fund and shall be administered by the

1 AMTE Council, which is authorized to accept gifts, devises,
2 bequests, donations, grants, and all other kinds of contributions
3 for the use of the AMTE Fellowship Fund. The AMTE
4 Fellowship Fund shall be funded by annual appropriations by
5 the Legislature to the extent made necessary by the financial
6 assistance and fellowships granted pursuant to this chapter.
7 The funds shall be administered by the AMTE Council and all
8 monies appropriated for financial assistance and fellowships
9 pursuant to this chapter and all repayment of such financial
10 assistance and fellowships given under this chapter shall be
11 paid directly to the AMTE Fellowship Fund.

12 Within one hundred twenty (120) days after the close of its
13 fiscal year, the AMTE Council shall transmit to the Governor,
14 the Speaker of the Legislature, and the President of the
15 University an annual report of the expenditures of the AMTE
16 Fellowship Fund, including, but not limited to, a balance sheet,
17 a statement of receipts and expenses, a general description of
18 the income sources and the expenses of the AMTE Fellowship
19 Fund.

20 **§47105.2.1. Investment.** Reserves of the AMTE Fellowship
21 Fund in excess of requirements for current operations may be
22 invested and reinvested by the AMTE Council. At its discretion,
23 the AMTE Council may designate its Chairman or an

1 investment committee consisting of two (2) or more AMTE
2 Council members to supervise this function. The AMTE
3 Council shall have full power to manage the investments as in
4 its considered judgment seems most appropriate to the
5 requirements and objectives of the Fund. All proceeds and
6 income from investments, of whatever nature, shall be credited
7 to the account of the AMTE Fellowship Fund.

8 **§47105.3. Regulations.** The AMTE Council, subject to the
9 provisions of the Administrative Adjudication Law, shall
10 promulgate regulations pursuant to and not inconsistent with
11 the provisions of this chapter.

12 **§47105.4. Submission of Names.** The names of all
13 students granted fellowships under this chapter shall be
14 submitted to the Governor, the Speaker of the Legislature, and
15 the President of the University no later than January 15th of
16 each calendar year.

17 **§47105.5. Application Forms and Notices.** The AMTE
18 Council shall prescribe by regulation necessary application
19 forms and procedures for all financial assistance fellowships
20 authorized by this chapter.

21 **§47105.6. Prohibition.** No money may be expended for
22 awards under this chapter unless such awards are authorized
23 by the AMTE Council by resolution. Any person who disburses

1 or certifies any expenditure from the AMTE Fellowship Fund
2 without such authorization shall be personally liable for the
3 restitution of such expenditure to the AMTE Fellowship Fund.

4 **§47105.7. Discharge of Fellowship Obligations Upon**
5 **Death or Disability.** The AMTE Council may, upon the death
6 or disability of a student who has received any financial
7 assistance under the provisions of this chapter, discharge in full
8 or in part all such student's obligations for the repayment of
9 such assistance.

10 **§47105.8. Award of Physician Fellowship: Selection.** The
11 AMTE Council may select up to five (5) applicants per
12 academic year for fellowship awards. The names shall be
13 submitted to the Governor, the Speaker of the Legislature, and
14 President of the University no later than January 15th of each
15 year. With the submission of the names to the Legislature, the
16 AMTE Council shall also request the necessary appropriation to
17 fully fund the fellowships granted for the academic year.

18 **§47105.8.1. Physician Fellowship Eligibility.** An
19 applicant for a fellowship must:

- 20 (a) Be a bona fide resident of Guam for at least ten (10) years or
21 a person born on Guam;
22 (b) Be a citizen of the United States or a permanent resident;

1 (c) Provide proof of acceptance into a school of medicine at an
2 accredited institution of higher education in the United States;
3 An applicant need not have gone through the High School Pre-
4 Medical Program or the Pre-Medical Program as provided in
5 this chapter to be eligible for a physician fellowship; provided,
6 however, that a student who has enrolled in and successfully
7 completed the High School Pre-Medical Program or Pre-
8 Medical Program or both shall be given preference over other
9 applicants.

10 §47105.8.2. Physician Fellowship Benefits. Students
11 awarded a physician fellowship pursuant to this chapter shall
12 receive the following benefits:

- 13 (a) All costs of tuition, fees, and books for a period of
14 not more than four (4) academic years;
- 15 (b) A monthly stipend of up to Two Thousand Dollars
16 (\$2,000) as determined by the Council for a period
17 of not more than four (4) academic years;
- 18 (c) Transportation from Guam to the student's school
19 of medicine, Return transportation to Guam will be
20 paid for the student after the successful completion
21 of the student's medical training.

22 §47105.9. Physician Fellowship Obligations: (a) A fellow
23 who attends medical school under the physician fellowship

1 program shall agree to return to work for the government of
2 Guam within three (3) months after the completion of the
3 course of studies for which the fellowship was granted;
4 provided, however, that if the fellow continues in a residency
5 or internship program or in an area of specialty, then the AMTE
6 Council may defer the fellow's obligations until three (3)
7 months after said residency, internship, or specialty training is
8 completed.

9 (b) A fellow will lose entitlement to the fellowship if he or
10 she fails to maintain good standing as a full time
11 student in the approved medical school.

12 (c) A fellow who does not successfully complete his or her
13 medical education within four (4) academic years shall
14 pay back all monies expended on his or her behalf to
15 the Physicians Medical Fund with interest at twelve
16 percent (12%) per annum within five (5) years of his or
17 her termination from the medical program.

18 (d) Upon the successful completion of medical school and
19 any area of specialty training as approved by the
20 AMTE Council, fellows are required to return to Guam
21 within three (3) months of completion of said medical
22 training and are required to provide two (2) years of
23 service to the government of Guam for each year of

1 fellowship. This obligation shall be in addition to any
2 other obligations under the Pre-Medical Program.

3 **§47105.10. Obligations of the Government of Guam.** The
4 government of Guam shall make available a position at the
5 Guam Memorial Hospital, the Department of Public Health and
6 Social Service, or any other government health-related facility
7 to a returning fellow within three (3) months of the completion
8 of his or her medical training as determined by the AMTE
9 Council. The Administrator of the AMTE Council shall be
10 responsible for coordinating the availability of returning
11 fellows and openings within the government of Guam in the
12 area of the returning fellow's medical training for placement in
13 the government of Guam. The failure of the government of
14 Guam to make available a medical position within the
15 government of Guam to a returning fellow shall relieve the
16 fellow of any and all financial obligations and service
17 commitment to the government of Guam.

18 **§47105.11. Budget and Compensation.** The budget for
19 financial assistance, salaries, stipend, travel and operational
20 requirements of the AMTE Council as provided in this chapter
21 shall be submitted for the Fiscal Year ~~1994~~ 2007 and annually
22 thereafter by the AMTE Council for approval by the
23 Legislature. The Legislature shall appropriate funds to the

1 AMTE Council which shall disburse them pursuant to its
2 directives and policies. Unexpended funds shall be maintained
3 in a continuing budget appropriation for use by the AMTE
4 Council in succeeding budget cycles.

5 **§47106. Service on Guam After Employment with the**
6 **Government of Guam.** In meeting the obligation to repay the
7 financial assistance given in the Pre-Medical and Fellowship
8 Programs established in this chapter, the following rules shall
9 apply: For each year of the Pre-Medical Program, one (1) year's
10 service on Guam; for each year of the Fellowship Program, two
11 (2) years' service on Guam. Repayment by service on Guam
12 shall require that the first two (2) years shall be with the
13 government of Guam and thereafter may be in another medical
14 facility or activity on Guam.

15 **§47107. Definition of Physician.** For purposes of this
16 chapter, *physician* means the holder of a doctor of medicine
17 (M.D.) degree.

18 **§47108. Reevaluation.** The AMTE Council shall
19 reevaluate the continued need for the provisions of this chapter
20 within ten (10) years of the date of its enactment and shall
21 report in writing its findings and recommendations to the
22 Legislature.

1 **§47109. Severability.** If any provision of this chapter is
2 found to be illegal or invalid, said finding shall be severable
3 and shall not affect the validity of the remaining provisions of
4 this chapter.”

5 **Section 2. Authorization.** The Sum of Five Hundred Thousand
6 Dollars (\$500,000) is hereby authorized to be expended from the
7 Health Futures Fund to the Access to Medical Training and
8 Education (AMTE) Fellowship Fund administered by the University
9 of Guam for the purpose of implementing the Pre-Medical Programs
10 and Fellowships Program authorized in Chapter 47, Title 17 of the
11 Guam Code Annotated.