

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

OCT 16 2014

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

32-14-2133
Office of the Speaker
Judith T. Won Pat, Ed.D

RECEIVED
OCT 17 PM 4:52
KAYNOA

Date: 10/17/14
Time: 4:01 PM
Received By: [Signature]

Dear Madame Speaker:

Transmitted herewith is Bill No. 284-32 (COR) "AN ACT TO ADD A NEW § 3109 TO ARTICLE 1, CHAPTER 3, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE POSITION OF MEDICAL DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES, AND TO PROVIDE FOR COLLATERAL DUTY AS THE MEDICAL DIRECTOR OF THE BUREAU OF COMMUNICABLE DISEASE CONTROL," which I signed into law on October 13, 2014 as **Public Law 32-185**.

Senseramente,

EDDIE BAZA CALVO

2133

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

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

This is to certify that Substitute Bill No. 284-32 (COR), "AN ACT TO ADD A NEW § 3109 TO ARTICLE 1, CHAPTER 3, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE POSITION OF MEDICAL DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES, AND TO PROVIDE FOR COLLATERAL DUTY AS THE MEDICAL DIRECTOR OF THE BUREAU OF COMMUNICABLE DISEASE CONTROL," was on the 3rd day of October, 2014, 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'lahaen Guåhan* this 6 day of Oct,
2014, at 6:32 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: OCT 13 2014

Public Law No. 32-185

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 284-32 (COR)

As substituted by the Committee on
General Government Operations and Cultural Affairs;
and amended on the Floor.

Introduced by:

Dennis G. Rodriguez, Jr.

T. C. Ada

V. Anthony Ada

FRANK B. AGUON, JR.

B. J.F. Cruz

Chris M. Dueñas

Michael T. Limtiaco

Brant T. McCreadie

Tommy Morrison

T. R. Muña Barnes

R. J. Respicio

Michael F. Q. San Nicolas

Aline A. Yamashita, Ph.D.

Judith T. Won Pat, Ed.D.

**AN ACT TO ADD A NEW § 3109 TO ARTICLE 1,
CHAPTER 3, TITLE 10, GUAM CODE ANNOTATED,
RELATIVE TO ESTABLISHING THE POSITION OF
MEDICAL DIRECTOR OF THE DEPARTMENT OF
PUBLIC HEALTH AND SOCIAL SERVICES, AND TO
PROVIDE FOR COLLATERAL DUTY AS THE
MEDICAL DIRECTOR OF THE BUREAU OF
COMMUNICABLE DISEASE CONTROL.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the current position of Medical Director of the Department of Public Health
4 and Social Services is an *acting* position, and is *not* formally established in law,

1 rule or regulation. The position of a Medical Director is responsible for, but is *not*
2 limited to, the overall management, coordination and oversight of all
3 administrative duties and functions performed by the Department for clinical and
4 non-clinical medical services, the provision of healthcare coverage (Medicaid and
5 Medically Indigent Program), and communicable/non-communicable disease
6 control, for the Department.

7 *I Liheslaturan Guåhan* takes due note that public health organizations are
8 concerned with protecting the health of entire populations. These populations can
9 be as small as a local neighborhood, or as big as an entire state, or territory. Public
10 health medical professionals serving as chief medical directors try to prevent
11 problems from happening or re-occurring through implementing educational
12 programs, developing policies, administering services, and conducting research.
13 They do, as well, and especially in medically underserved rural areas, perform non-
14 administrative collateral duty and directly provide clinical medical services treating
15 individuals after they become sick or injured.

16 *I Liheslaturan Guåhan* takes due notice that the request to establish the
17 position of Medical Director comes with the recent retirement of the acting
18 Medical Director, and that there is an urgent need to permanently resolve the issue
19 with the establishment of the position formally in statute. This is a particularly
20 difficult position to fill, in that most practitioners are only found at facilities or
21 programs operated by the U.S. Center for Disease Control, or its state equivalent.

22 It is, therefore, the intent of *I Liheslaturan Guåhan* to add a new § 3109 to
23 Article 1 of Chapter 3, Title 10, Guam Code Annotated, to provide for the
24 establishment of the position, and duties of a Medical Director, who *shall*
25 preferably be a board certified physician specialist in a needed public health
26 medical field, or, depending on availability, may be a board eligible physician
27 specialist, who *shall* have the requisite training and experience that meets the

1 mandates and needs of the Department of Public Health and Social Services.

2 It is, further, the intent of *I Liheslaturan Guåhan* to provide for the
3 performance of collateral duty by the Medical Director who *shall* be an existing
4 physician specialist employed by the department and appointed by the director.

5 **Section 2.** A new § 3109 is hereby *added* to Article 1 of Chapter 3
6 (Division of Public Health), of Title 10, Guam Code Annotated, to read:

7 “§ 3109. **Medical Director; Establishment.** The Director *shall*
8 appoint one of the classified physician specialists as Medical Director, to
9 perform collateral administrative and clinical medical duties for the
10 Department. The Medical Director should be a physician specialist
11 preferably in a field of practice or multiple specialties required by the
12 Department, and an experienced public healthcare services administrator.
13 The Medical Director *shall* serve at the pleasure of the Director and *shall*,
14 upon the termination of appointment as Medical Director, remain in the
15 classified position which said person held prior to appointment as Medical
16 Director. Said person *shall* retain all accrued benefits and leave, and *shall*
17 be entitled to advancement in pay range and step to which that person is
18 entitled in the position of physician specialist.

19 (a) Duties. The duties of the Medical Director may include,
20 but are *not* necessarily limited to, the overall development,
21 management and coordination of administrative policy and support for
22 clinical medical services, public healthcare coverage, clinical and non-
23 clinical communicable disease control, and other clinical or non-
24 clinical medical services provided by the respective Bureaus and
25 programs of the Department.

26 (b) Compensation. The Director of the Department of Public
27 Health and Social Services is authorized, pursuant to negotiations, to

1 add an additional incentive bonus to the base salary of an existing
2 physician specialist who is appointed to directly perform
3 administrative and clinical collateral duty as the Medical Director of
4 the Department, up to a maximum amount *not to exceed* Fifty
5 Thousand Dollars (\$50,000), subject to the availability of funds.”

6 **Section 3. Appropriation.**

7 (a) The unexpended available balance of the FY 2014 budget of the
8 Department of Public Health and Social Services, as provided pursuant to
9 P.L. 32-68 and currently designated by the Department for currently funding
10 the position of acting Medical Director, *shall* be available until fully
11 expended, and *shall* be utilized to compensate the Medical Director, as
12 established and provided pursuant to this Act. The difference for any
13 shortfall in the remaining available balance currently identified and
14 earmarked for the position from the FY 2014 budget, *shall* be supplemented
15 and funded from the FY 2015 General Fund appropriation for the
16 Department.

17 (b) The Director of the Department of Public Health and Social
18 Services *shall* annually include a specific item request for compensation of
19 the Medical Director in the proposed fiscal year executive branch budget
20 request.

21 **Section 4. Severability.** *If* any provision of this law or its application to
22 any person or circumstance is found to be invalid or contrary to law, such
23 invalidity *shall not* affect other provisions or applications of this law which can be
24 given effect without the invalid provisions or application, and to this end the
25 provisions of this law are severable.

26 **Section 5. Effective Date.** This Act *shall* become effective upon
27 enactment.