


TWELFTH GUAM LEGISLATURE
1974 (SECOND) Regular Session

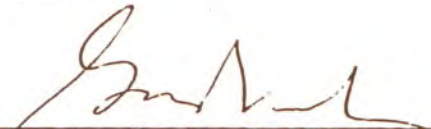
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CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 347, "An Act to add Chapter XII to Title X of the Government Code of Guam to provide for the license and regulation of nursing homes; providing certain requirements with respect to the operation thereof; providing for standards, rules, and regulations with respect thereto, and for related purposes", was on the 12th day of January, 1975, duly and regularly passed.


F. T. RAMIREZ
Speaker

ATTESTED:


G. M. BAMBA
Legislative Secretary

This Act was received by the Governor this 13th day
of January, 1975 at 12:05 o'clock P. M.

/s/ RICHARD D. MAGEE

RICHARD D. MAGEE, Acting
Attorney General of Guam

APPROVED:

131

RICARDO J. BORDALLO
Governor of Guam

DATED: 1-21-75

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TWELFTH GUAM LEGISLATURE
1973 (FIRST) Regular Session

Bill No. 347
Substitute Bill by
Committee on Health and
Welfare

Introduced by G. M. Bamba

AN ACT TO ADD CHAPTER XII TO TITLE X OF
THE GOVERNMENT CODE OF GUAM TO PROVIDE FOR
THE LICENSE AND REGULATION OF NURSING
HOMES; PROVIDING CERTAIN REQUIREMENTS WITH
RESPECT TO THE OPERATION THEREOF; PROVIDING
FOR STANDARDS, RULES, AND REGULATIONS WITH
RESPECT THERETO, AND FOR RELATED PURPOSES.

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

2 Section 1. Chapter XII is hereby added to Title X of the
3 Government Code of Guam to read as follows:

4 "CHAPTER XII
5 Nursing Homes

6 Section 9955. Declaration of policy. It is the policy
7 of this territory to encourage and promote measures and the
8 development and utilization of resources to insure the
9 effective care and treatment of persons who are convalescing
10 or whose physical or mental condition requires them to
11 receive a degree of nursing and/or related health care
12 greater than that necessary for well individuals, but not
13 so acute as to require hospitalization. Such care and
14 treatment requires a living environment for them which, to
15 the extent practicable, will approximate a normal home
16 environment. To this end, the guiding principle for the
17 administration of the laws of this territory is that such
18 persons shall be encouraged and assisted in securing
19 necessary care and treatment in noninstitutional surroundings.
20 Recognizing that for many persons effective care and
21 treatment can only be secured from proprietary, voluntary
22 and governmental nursing homes, it is the policy of this
23 territory to encourage, promote and require the maintenance
24 of institutions other than hospitals offering nursing
25 and/or related health care so as to insure protection of
26 those using the services of such facilities.

27 Section 9955.1. Definitions. As used in this Act,
28 unless the context requires a different meaning:

1 (a) 'Nursing home' means an institution, private home,
2 other place, or part or unit thereof, however named,
3 whether for profit or not, including facilities operated
4 by the government of Guam, which is advertised, offered,
5 maintained or operated for the express or implied purpose
6 of providing accommodations, nursing and/or related health
7 care for two or more individuals not related to the owner
8 or administrator by blood or marriage within the third
9 degree of consanguinity, which accommodations and care for
10 a period of twenty-four or more consecutive hours, but
11 shall not include any place providing care and treatment
12 primarily for the acutely ill;

13 (b) 'Administrator of a nursing home' means the indivi-
14 dual in general administrative charge of the nursing home;
15 and

16 (c) 'Person' means any individual, corporation,
17 partnership, association, territory, or agency of the
18 territory or any other entity.

19 Section 9955.2. License required. (a) No person shall
20 operate a nursing home unless the Department of Public
21 Health and Social Services has issued, and there is in
22 force, a license authorizing such operation; and

23 (b) No license to operate a hospital or other facility
24 for the care and treatment of the physically or mentally
25 ill shall authorize the operation of a nursing home or
26 nursing home part of such hospital or facility. The
27 operation of a nursing home in conjunction with, or under
28 the same management as a hospital or other facility, shall
29 require such nursing home or nursing home part to be
30 separately licensed as a nursing home pursuant to this Act.

31 Section 9955.3. Homes operated by territory. Notwith-
32 standing any provision of this Act no license pursuant to
33 Section 9955.2 hereof shall be required as a condition of
34 the establishment or operation of any nursing home by this
35 territory or any agency thereof. All other provisions and
36 requirements of this Act and standards, rules and regulations

1 in force pursuant thereto shall apply to any such homes,
2 and the Department of Public Health and Social Services
3 shall have powers of supervision with respect thereto.

4 Section 9955.4. Application for the issuance of license
5 to operate nursing home. (a) Any person proposing to operate
6 a nursing home shall, prior to the commencement of such
7 operation, make application to the Department of Public
8 Health and Social Services for a license by the Department
9 of Public Health and Social Services, which shall contain
10 the following information:

11 (1) The name and address of the person making
12 application;

13 (2) The name and address of the individual
14 designated by the applicant as the administrator of
15 the nursing home, and such additional information
16 concerning such individual as the Department of Public
17 Health and Social Services, may require;

18 (3) The address of the premises which are to
19 constitute the nursing home, together with a description
20 of all structures and facilities forming a part thereof,
21 in such detail as the Department of Public Health
22 and Social Services may require;

23 (4) The name by which the nursing home is to be
24 known;

25 (5) The identity of the owner or owners of the
26 nursing home and, if the owner is a corporation, the
27 names of the officers and principal stockholders thereof;

28 (6) The bed capacity of the nursing home;

29 (7) A description of the programs and services
30 to be furnished and of the means available to the
31 applicant for providing the same, and for meeting
32 requirements for staffing, equipping and operating
33 the nursing home, with particular reference to the
34 professional requirements of Section 9955.9 of this
35 Act;

36 (8) Proof that the premises are in conformity

1 with all applicable state and local health, safety,
2 zoning and subdivision laws or ordinances, and
3 building codes, and that any necessary permits for
4 occupancy have been issued by the appropriate
5 territorial authorities and are in full force; and

6 (9) Such other information as the Department of
7 Public Health and Social Services may require in order
8 to permit the Department of Public Health and Social
9 Services to ascertain whether the applicant is in a
10 position to operate a nursing home in conformity with
11 the provisions of this Act.

12 (b) Within sixty (60) days of receipt of a completed
13 application, the Department of Public Health and Social
14 Services shall issue a nursing home license to the applicant,
15 valid for one (1) year from date of issue and covering the
16 premises identified in the application, unless it finds the
17 representation made in the application to be materially
18 incorrect or insufficient, or unless it finds that the
19 applicant, the premises, and the designated administrator
20 of the nursing home do not meet all requirements of law
21 for entitlement thereto.

22 (c) The name of the administrator of the nursing home
23 shall appear on the nursing home license. Any change of
24 such administrator shall require the surrender and cancel-
25 lation of the nursing home license and the issuance of a
26 new license bearing the name of the new administrator.
27 Unless a change of administrators occurs at the time of
28 renewal of a nursing home license, such change shall not
29 of itself require the Department of Public Health and Social
30 Services to pass upon any matter other than whether the
31 newly-designated administrator meets applicable require-
32 ments of law. Any license issued solely by reason of a
33 change in the designated administrator shall bear the same
34 expiration date as the license which it replaces. If the
35 holder of a nursing home license is required to secure
36 a new administrator on inadequate notice or under emergency

1 conditions, he may, upon prompt notice to the Department
2 of Public Health and Social Services and in accordance
3 with rules and regulations thereof place the nursing home
4 in charge of an acting administrator for such limited
5 time as may be necessary to permit the securing of a
6 proper administrator but in no case shall such time be in
7 excess of 120 days.

8 (d) No change in a nursing home, its operation, program
9 or services of a degree or character affecting continuing
10 licenseability shall be made prior to approval thereof by
11 the Department of Public Health and Social Services. The
12 Department of Public Health and Social Services by rule or
13 regulation may determine the types of changes which may
14 not be made without its prior approval.

15 Section 9955.5. Renewal and revocation of nursing
16 home license; provisional license. (a) Sixty (60) days
17 prior to the expiration date of a nursing home license,
18 an application for a renewal thereof shall be submitted
19 to the Department of Public Health and Social Services
20 on a form approved by it. Upon receipt and review of
21 the application and determination of compliance with
22 the requirements of this Act and any standards, rules
23 and regulations in force pursuant thereto, the Department
24 of Public Health and Social Services shall renew such
25 license for a period of one (1) year, unless it finds that
26 there are specific and sufficient grounds for denying the
27 application for renewal.

28 (b) The Department of Public Health and Social Services
29 shall have the authority to revoke a nursing home license at
30 any time that it finds that there has been a failure to
31 comply with the provisions of this Act or any standards,
32 rule or regulation in force pursuant thereto.

33 (c) If the Department of Public Health and Social
34 Services finds that the immediate interests of the patients
35 in a nursing home and of the general public would be best
36 served by affording such home the opportunity to correct

1 a condition forming the ground for revocation of, or
2 refusal to renew, a nursing home license, it may afford
3 such opportunity. For such purpose, it may suspend or
4 refuse to renew a nursing home license and issue a provisional
5 license which shall be valid for such period as the Depart-
6 ment of Public Health and Social Services may fix, but in
7 no case to exceed ninety (90) days. No provisional license
8 shall be renewed. A provisional license shall be replaced
9 by a restored or renewed license only if, within the period
10 for which the provisional license is effective, the licensee
11 has fully corrected all conditions constituting failure
12 to comply with the provisions of this Act and any standard,
13 rule or regulation in force pursuant thereto.

14 Section 9955.6. Submission of plan and consultation.
15 Any owner or administrator of a nursing home or proposed
16 nursing home may submit plans and specifications thereof, to
17 the Department of Public Health and Social Services for
18 advice concerning their suitability in the light of require-
19 ments of law. The Department of Public Health and Social
20 Services may consult with any such owner or owners with
21 respect to any such plans, provided that the Department of
22 Public Health and Social Services shall not draw, redraw, or
23 otherwise furnish construction plans or specifications,
24 except to the extent that the same may be contained in
25 its standards, rules and regulations issued pursuant to this
26 Act.

27 Section 9955.7. Powers. In administering this Act, the
28 Department of Public Health and Social Services shall, in
29 addition to powers otherwise conferred upon it, have power
30 to:

31 (a) Develop, issue, amend, and revise standards, rules
32 and regulations which shall implement this Act and shall
33 have the force of law;

34 (b) Provide by rules and regulations standards of
35 competence and suitability of administrators of nursing
36 homes, in accordance with the provision of Public Law 11-26;

1 (c) Make studies and investigations of nursing home
2 conditions and problems generally, and as they relate to
3 compliance with the provisions of this Act and standards,
4 rules and regulations issued pursuant thereto;

5 (d) Develop manuals and guides relating to any of the
6 several aspects of physical facilities and operation of
7 nursing homes and make such manuals and guides available,
8 with or without charge, to the owners and administrators of
9 nursing homes and to the general public;

10 (e) Consult with and otherwise assist owners and
11 administrators of nursing homes for the purpose of facili-
12 tating improvements to the extent and quality of care
13 available therein;

14 (f) Investigate conditions in and the operation of any
15 nursing home and the status and qualifications of any
16 personnel employed thereby or otherwise engaged in the
17 operation thereof; and

18 (g) Conduct hearings in aid of any of its functions
19 pursuant to this Act; require the production of evidence
20 in connection with any such hearing or any investigation
21 validly conducted pursuant to this Act, and take written
22 or oral testimony under oath, or otherwise.

23 Section 9955.8. Name of home. The words 'hospital',
24 'sanitarium', 'rehabilitation center', or any words conveying
25 a meaning substantially identical thereto, shall not be
26 used in the name of a nursing home. A nursing home shall
27 use the name as it appears on the nursing license for
28 its premises. The name of the nursing home shall not be
29 changed without notification to and written approval from
30 the Department of Public Health and Social Services.

31 Section 9955.9. Administration and management of
32 nursing homes. Every nursing home shall comply with all
33 applicable standards, rules and regulations of the Department
34 of Public Health and Social Services agency and shall:

35 (a) Be under the administrative direction and charge
36 of the person whose name appears on the nursing home

1 license as administrator of the nursing home;

2 (b) Have at least one (1) registered nurse duly
3 licensed to practice on Guam responsible for planning
4 and directing the nursing care, at least one (1) nurse
5 licensed by this territory on duty at all times, and such
6 additional registered and licensed practical nurses and
7 other para-professional personnel in its employ as the
8 size and regular patient care needs in the home may require;

9 (c) Provide for the access of its patients to dental
10 and other health related services, recreational services,
11 rehabilitative services, and social work services, appro-
12 priate to their needs and conditions and not directly
13 furnished by the nursing home;

14 (d) Keep drugs and medicine in a safe place specially
15 set aside for the purpose. No patient or other unauthorized
16 person shall be permitted access to such place and such
17 drugs and medicine. Nothing herein shall be construed to
18 authorize any person to keep or administer drugs or medicine
19 who is not otherwise legally authorized to keep or administer
20 such drugs or medicine;

21 (e) Maintain its premises and equipment and conduct its
22 operations in a safe and sanitary manner;

23 (f) Provide a wholesome and nourishing diet sufficient
24 to meet generally accepted standards of proper nutrition for
25 its patients, and provide such therapeutic diets as may
26 be prescribed for individual patients. In making rules and
27 regulations to implement this subsection, the Department of
28 Public Health and Social Services shall be guided by
29 standards recommended by nationally recognized professional
30 groups and associations with knowledge of dietetics;

31 (g) Keep full records of patient admission, discharges
32 medical and general health status, including medical records,
33 personal and social history, and identity and address of
34 next of kin or other persons who may have responsibility
35 for the affairs of the patient; and

36 (h) Keep such fiscal records of its operations and

1 conditions as may be necessary to provide information
2 pursuant to this Act as may be required by rules and
3 regulations of the Department of Public Health and Social
4 Services.

5 Section 9955.10. Contracts. (a) The presence of each
6 patient in a nursing home shall be covered by a contract
7 executed at the time of admission or prior thereto by the
8 patient or his legal representative and the nursing home.
9 Each party to such a contract shall be entitled to a
10 duplicate original thereof and the nursing home shall
11 keep on file all contracts which it has with patients.
12 The nursing home shall not destroy or otherwise dispose
13 of any such contract until one (1) year after its expiration
14 or such longer period as may be provided in the rules
15 and regulations of the Department of Public Health and
16 Social Services.

17 (b) Each contract to which this section applies shall
18 contain express provision specifically setting forth the
19 following:

20 (1) The term of the contract;

21 (2) The services and accommodations to be
22 provided by the nursing home and the rate or charge
23 therefor;

24 (3) Specification of any rights, duties and
25 obligations of the parties in addition to those
26 required by operation of law; and

27 (4) Any other matters which the parties deem
28 appropriate.

29 (c) No contract or any provision thereof shall be
30 construed to relieve any nursing home of any requirement or
31 obligation imposed upon it by this Act or any standards,
32 rules or regulations in force pursuant thereto.

33 Section 9955.11. Classification of homes; administrators
34 and nurses. (a) The Department of Public Health and Social
35 Services shall classify nursing homes according to
36 character, size and range of services provided. Wherever

1 it considers distinction to its standards, rules and
2 regulations to be appropriate as among different classes
3 of nursing homes, it may make such distinctions.

4 (b) No administrator of a nursing home, and no regis-
5 tered nurse who plans and directs the nursing care in a
6 home, shall function as either administrator or one who
7 plans and directs the nursing care for more than one nursing
8 home, unless the homes involved are of a class or classes
9 found by the Department of Public Health and Social Services
10 to be of a character, size and type of operation making it
11 reasonable for a single administrator or registered nurse
12 to perform such functions effectively for more than one (1)
13 nursing home. As part of the classifications made pursuant
14 to this section, the Department of Public Health and Social
15 Services shall determine and fix specific limits on the
16 number of homes of particular classes which may be served
17 by the same individual acting as administrator or registered
18 nurse responsible for planning and directing nursing care.
19 No such administrator or nurse shall accept employment in
20 violation of such limitations; nor shall the owner or
21 administrator of a nursing home knowingly employ any person
22 in violation thereof. The Department of Public Health and
23 Social Services shall not issue or renew any nursing home
24 license bearing the name of an administrator, if the name
25 of such administrator already appears on the maximum number
26 of nursing home licenses permitted by its standards, rules
27 and regulations.

28 Section 9955.12. Property and personal affairs of
29 patients. (a) The Admission of a patient to a nursing home
30 and his presence therein shall not confer on such nursing
31 home or its owner, administrator, employees or representa-
32 tives an authority to manage, use or dispose of any
33 property of such patient; nor shall such admission or
34 presence confer on any of the aforementioned persons any
35 authority or responsibility for the personal affairs of
36 the patient, except what may be necessary for the safety

1 and orderly management of the nursing home.

2 (b) No nursing home, and no owner, administrator,
3 employee or representative thereof shall act as guardian,
4 trustee or conservator for any patient of such nursing
5 home or any of such patient's property.

6 (c) A nursing home shall provide for the safekeeping
7 of personal effects, funds and other property of the
8 patient in the home: provided that whenever necessary for
9 the protection of valuables or in order to avoid
10 unreasonable responsibility therefor, the nursing home
11 may require that they be excluded or removed from the
12 home and kept at some place not subject to the control
13 of the home.

14 (d) A nursing home shall keep complete and accurate
15 records of all funds and other effects and property of
16 its patients received by it for safekeeping.

17 (e) Any funds or other property belonging or due to
18 a patient or expendable for his account which are received
19 by a nursing home shall be trust funds, shall be kept
20 separate from the funds and property of the nursing home
21 and other patients, or specifically credited to such
22 patient, and shall be used or otherwise expended only
23 for the account of the patient. Upon request, but,
24 except upon order of a court of competent jurisdiction,
25 not more often than once every three (3) months, the
26 nursing home shall furnish the patient and the guardian,
27 trustee or conservator, (if any is available for such
28 patient) a complete and verified statement of all funds
29 and other property to which this subsection applies,
30 detailing the amounts and items received, together with
31 their sources and disposition. In any event, the nursing
32 home shall furnish such a statement annually and upon
33 the discharge or transfer of a patient. Any governmental
34 agency or private charitable agency contributing funds
35 or other property on account of a patient, also shall be
36 entitled to receive such statement annually and upon

1 discharge or transfer and such other reports as it may
2 require pursuant to law.

3 Section 9955.13. Health of personnel. No nursing home
4 shall employ or otherwise permit any person to serve
5 there in any capacity, if such person has a communicable
6 or contagious disease or other disease or condition
7 which would make him dangerous to the health or welfare
8 of patients therein. Except in homes exempt from medical
9 requirements as provided in Section 9955.17 of this Act,
10 the appropriate state agency shall require annual medical
11 examinations for all such personnel and shall require
12 them to have and, upon demand, to present satisfactory
13 evidence of such examination.

14 Section 9955.14. Exclusion from nursing home. (a) No
15 person shall be admitted to or be permitted to remain in
16 a nursing home as a patient if:

17 (1) He is dangerous to himself or other
18 patients;

19 (2) His condition or conduct is such that he
20 would be unduly disturbing to other patients;

21 (3) He is in need of medical procedures which
22 cannot be carried out in the nursing home; and

23 (4) Upon certification of a physician that such
24 person would no longer benefit from or be in need of
25 a nursing home.

26 (b) Except in emergencies, a patient shall be
27 transferred out of a nursing home or discharged for any
28 reason, only after prior notification to the next of
29 kin, legal representative or agency acting on the patient's
30 behalf. If the next of kin or person or agency acting
31 on the patient's behalf cannot be reached or refuses
32 to cooperate, proper arrangements shall be made by the
33 home for the patient's welfare before transfer or dis-
34 charge.

35 Section 9955.15. Rebating prohibited. No owner,
36 administrator, employee or representative of a nursing

1 home shall pay any commission, bonus, fee or gratuity
2 in any form whatsoever to any physician, surgeon,
3 organization, agency, or to any person either directly
4 or indirectly, for patients referred.

5 Section 9955.16. Closing of nursing home. (a) When-
6 ever a nursing home discontinues operation, and during
7 the period when it is preparing for such discontinuance,
8 the home shall inform the Department of Public Health
9 and Social Services of the impending discontinuance of
10 operation. The home also shall inform the patient, the
11 next of kin, legal representative or agency acting on
12 the patient's behalf of the fact and the proposed time of
13 such discontinuance with sufficient notice so that suitable
14 arrangements may be made for the transfer and care of
15 such patient. In the case of any patient who has no such
16 person, the home shall be responsible for securing a
17 suitable transfer of the patient prior to the discon-
18 tinuance of operation.

19 (b) Immediately upon discontinuance of operation
20 of a nursing home, the owner shall surrender the license
21 therefor to the Department of Public Health and Social
22 Services and such license shall be cancelled.

23 Section 9955.17. Act not applicable. (a) The
24 requirements of this Act, or of any standard, rule or
25 regulation pursuant thereto, for medical and nursing
26 services shall not apply to any home operated by or
27 exclusively for the members of a religious order or
28 denomination whose tenets forbid subjection of the
29 person to the ministrations of practitioners of medicine
30 or related nursing care, or include reliance on spiritual
31 means alone through prayer for healing. All other pro-
32 visions of this Act and of any such standards, rules and
33 regulations shall be fully applicable to such nursing
34 homes.

35 (b) Any nursing home which considers itself eligible
36 for the exemptions provided in this section shall so

1 state on its application for a nursing home license, and
2 on any application for renewal thereof; and shall inform
3 each applicant for admission to patient status therein
4 of the auspices under which the home is operated and
5 of the meaning thereof with respect to the availability
6 of medical and nursing services.

7 Section 9955.18. Right of entry and inspection. The
8 Department of Public Health and Social Services and
9 any duly designated officer or employee thereof, shall
10 have the right to enter upon and into the premises of
11 any nursing home licensed pursuant to this Act at any
12 time in order to determine the state of compliance with
13 the provisions of this Act and any rules and regulations
14 in force pursuant thereto. Such right of entry and
15 inspection also shall extend to any premises which the
16 Department of Public Health and Social Services has
17 reason to believe is being operated or maintained as
18 a nursing home without a license, but no such entry or
19 inspection of any premises shall be made without the
20 permission of the owner or person in charge thereof,
21 unless a warrant is first obtained from the Island
22 Court of Guam authorizing the same. Any application for a
23 nursing home license made pursuant to Section 9955.4 of
24 this Act shall constitute permission for and complete
25 acquiescence in any entry or inspection of the premises
26 for which the license is sought in order to facilitate
27 verification of the information submitted on or in
28 connection with such application.

29 Section 9955.19. Public funds. (a) No department,
30 agency, or officer of this territory shall pay or
31 approve for payment from public funds any amount or
32 amounts to a nursing home under any program of government
33 aid in connection with services provided, or to be
34 provided, an actual or prospective patient in a nursing
35 home, unless the nursing home has a current nursing
36 home license issued by the Department of Public Health

1 and Social Services and meets such other requirements
2 as may be in force pursuant to law.

3 (b) Nothing in this section shall be construed to
4 apply to the payment of government aid for construction,
5 renovation or improvement of a nursing home or premises
6 intended to qualify as a nursing home upon completion of
7 such construction, renovation or improvement.

8 Section 9955.20. Fees. (a) Any application for a
9 nursing home license and an application for renewal
10 thereof shall be accompanied by a fee which shall, by
11 rules and regulations, be established by the Department
12 of Public Health and Social Services. The issuance of
13 a new nursing home license resulting solely from a
14 change in the designated administrator of the nursing
15 home shall be without fee.

16 (b) No fee required by this section shall be
17 returnable.

18 Section 9955.21. Penalties and remedies. (a) Any
19 person who violates any provision of this Act, or any
20 standard, rule or regulation in force pursuant thereto
21 shall be subject to a fine of not to exceed One Thousand
22 Dollars (\$1,000). If the violation consists in whole or
23 in part of operating a nursing home without a license in
24 force pursuant to this Act or of causing a nursing
25 home to be so operated, the violator shall be subject
26 either to such fine or to a term of imprisonment not
27 to exceed one (1) year, or both.

28 (b) The imposition of any fine or term of imprisonment
29 pursuant to Subsection (a) of this section shall be in
30 addition to any suspension, revocation or refusal to
31 renew a nursing home license which may result from the
32 violation..

33 (c) Action pursuant to other provisions of this
34 section shall not be a bar to enforcement of this Act
35 and standards, rules and regulations in force pursuant
36 thereto by injunction or other appropriate remedy,

1 and the Department of Public Health and Social Services
2 agency shall have power to institute and maintain
3 in the name of this territory any and all such enforcement
4 proceedings.

5 (d) Each day of violation shall constitute a separate
6 offense.

7 (e) Nothing in this Act shall be construed to make
8 any provision of the laws of Guam, otherwise applicable,
9 inapplicable to any act or omission done or omitted by
10 any person in connection with the operation of a nursing
11 home.

12 Section 9955.22. Hearings and judicial review. (a) No
13 nursing home license may be suspended, revoked, denied
14 or renewal denied without a hearing, if requested by
15 the licensee, on due notice, except that the Department
16 of Public Health and Social Services may suspend any
17 such license prior to hearing when it finds that the
18 health or safety of patients requires such action on
19 an emergency basis.

20 (b) Except for rules and regulations made to imple-
21 ment Subsection (c) of this section, no standards, rule,
22 regulation, amendment or revision thereof having the
23 force of law as provided in Section 8 of this Act shall
24 be issued prior to a public hearing thereon, held on
25 due notice, and consideration of the record of such
26 hearing by the Department of Public Health and Social
27 Services.

28 (c) Transcripts of such hearings shall be available
29 to those entitled to receive the same upon payment of
30 reasonable cost therefor in accordance with rules and
31 regulations of the Department of Public Health and
32 Social Services.

33 (d) Any action of the Department of Public Health
34 and Social Services taken pursuant to this Act shall be
35 reviewable as provided in the Administrative Adjudication
36 Law."