



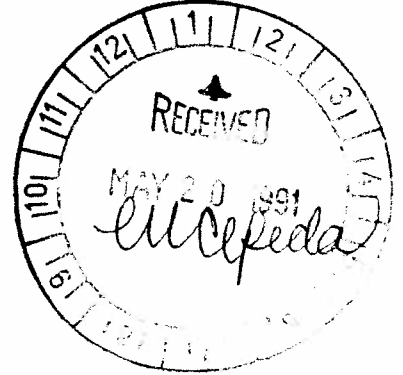
Territory of Guam
Territorio Guam

OFFICE OF THE GOVERNOR
UFISINAN I MAGA'LAHI
AGANA, GUAM 96910 U.S.A.

MAY 17 1991

REFER TO
LEGISLATIVE SECRETARY

A handwritten signature in black ink, appearing to be 'J. San Agustin', is written over the 'REFER TO LEGISLATIVE SECRETARY' stamp.



The Honorable Joe T. San Agustin
Speaker, Twenty-First Guam Legislature
155 Hessler Street
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 345, which has been signed into law this date as Public Law No. 21-33.

Sincerely,

A handwritten signature in black ink, appearing to be 'Frank F. Blas', is written over a horizontal line.

FRANK F. BLAS
Governor of Guam
Acting

Attachment

210281




Commonwealth Now!


TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

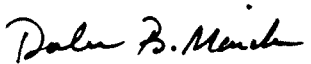
This is to certify that Bill No. 345(COR), "AN ACT TO AUTHORIZE A NURSE EXAMINATION PREPARATION PROGRAM AT THE UNIVERSITY OF GUAM AND TO ADD SIX FULL TIME EQUIVALENT EMPLOYEES TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES; TO ADD SUBSECTION (e) TO §4301, TITLE 4, GUAM CODE ANNOTATED, TO INCLUDE MAMMOGRAM BENEFITS IN HEALTH INSURANCE POLICIES; TO PROVIDE A MAMMOGRAM SCREENING PROGRAM IN THE MEDICALLY INDIGENT PROGRAM; TO AMEND §12205 OF TITLE 10, GUAM CODE ANNOTATED, TO ADD MEMBERS TO THE BOARD OF ALLIED HEALTH EXAMINERS; TO AMEND SUBSECTION (i) OF §12101, TITLE 10, GUAM CODE ANNOTATED, DEFINING THE PRACTICE OF MEDICINE; TO AMEND §12461 OF TITLE 10, GUAM CODE ANNOTATED, RAISING THE NUMBER OF CREDIT HOURS TO RENEW A DENTIST'S LICENSE; TO REPEAL AND REENACT §1229 OF TITLE 10, GUAM CODE ANNOTATED, TO ESTABLISH A REVOLVING FUND WITHIN THE HEALTH PROFESSIONAL LICENSING OFFICE; TO AMEND AND ADD CERTAIN SECTIONS OF PUBLIC LAW 19-54, THE ADULT PROTECTIVE SERVICES ACT; TO REQUIRE THE PUBLIC UTILITY AGENCY TO INSTALL AND MAINTAIN A FILTRATION SYSTEM AT POTABLE WATER WELLS; TO APPROPRIATE FUNDS TO THE UNIVERSITY OF GUAM AND THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES, FOR COMPUTER EQUIPMENT; FOR A NEW WATER FILTRATION SYSTEM; AND TO AMEND SUBSECTION 2 OF SUBPARAGRAPH (a) OF §8134, TITLE 4, GUAM CODE ANNOTATED, TO RAISE THE AGE LIMIT OF A MINOR CHILD WHO RECEIVES SURVIVOR ANNUITIES UNDER THE GOVERNMENT RETIREMENT BENEFITS," was on the 2nd day of May, 1991, duly and regularly passed.


JOE T. SAN AGUSTIN
Speaker

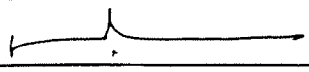
Attested:


PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 7th day of May,
1991, at 4:30 o'clock P.m.


Dolores B. Menich
Assistant Staff Officer
Governor's Office

APPROVED:


FRANK F. BLAS
Governor of Guam
Acting

Date: MAY 17 1991

Public Law No. 21-33

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

Bill No. 345(COR)
As substituted by the
Committee on Rules

Introduced by:

M. Z. Bordallo
D. L. G. Shimizu
J. P. Aguon
E. P. Arriola
J. G. Bamba
A. C. Blaz
D. F. Brooks
H. D. Dierking
E. R. Duenas
E. M. Espaldon
C. T. C. Gutierrez
P. C. Lujan
G. Mailloux
M. D. A. Manibusan
D. Parkinson
M. J. Reidy
M. C. Ruth
J. T. San Agustin
F. R. Santos
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO AUTHORIZE A NURSE EXAMINATION PREPARATION PROGRAM AT THE UNIVERSITY OF GUAM AND TO ADD SIX FULL TIME EQUIVALENT EMPLOYEES TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES; TO ADD SUBSECTION (e) TO §4301, TITLE 4, GUAM CODE ANNOTATED, TO INCLUDE MAMMOGRAM BENEFITS IN HEALTH INSURANCE POLICIES; TO PROVIDE A MAMMOGRAM SCREENING PROGRAM IN THE MEDICALLY INDIGENT PROGRAM; TO AMEND §12205 OF TITLE 10, GUAM CODE ANNOTATED, TO ADD MEMBERS TO THE BOARD OF ALLIED HEALTH EXAMINERS; TO AMEND SUBSECTION (i) OF §12101, TITLE 10, GUAM CODE ANNOTATED, DEFINING THE PRACTICE OF MEDICINE; TO AMEND

§12461 OF TITLE 10, GUAM CODE ANNOTATED, RAISING THE NUMBER OF CREDIT HOURS TO RENEW A DENTIST'S LICENSE; TO REPEAL AND REENACT §1229 OF TITLE 10, GUAM CODE ANNOTATED, TO ESTABLISH A REVOLVING FUND WITHIN THE HEALTH PROFESSIONAL LICENSING OFFICE; TO AMEND AND ADD CERTAIN SECTIONS OF PUBLIC LAW 19-54, THE ADULT PROTECTIVE SERVICES ACT; TO REQUIRE THE PUBLIC UTILITY AGENCY TO INSTALL AND MAINTAIN A FILTRATION SYSTEM AT POTABLE WATER WELLS; TO APPROPRIATE FUNDS TO THE UNIVERSITY OF GUAM AND THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES, FOR COMPUTER EQUIPMENT; FOR A NEW WATER FILTRATION SYSTEM; AND TO AMEND SUBSECTION 2 OF SUBPARAGRAPH (a) OF §8134, TITLE 4, GUAM CODE ANNOTATED, TO RAISE THE AGE LIMIT OF A MINOR CHILD WHO RECEIVES SURVIVOR ANNUITIES UNDER THE GOVERNMENT RETIREMENT BENEFITS.

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

2 Section 1. (a) The School of Nursing and Allied Health, University of
3 Guam (the "University"), shall design and offer a review and training program
4 to prepare Guam resident graduates of nursing schools to pass written
5 examinations required for full licensure by the Guam Board of Nurse
6 Examiners (the "Board"). The nurse examination preparation program (the
7 "program") may be conducted at the Guam Memorial Hospital or other
8 appropriate sites by cooperative agreement. The University may establish
9 minimum eligibility requirements, application procedures, tuition and fees;
10 provided, that a portion of tuition and fees may be deferred for any student
11 on the basis of ability to pay, and who enters into a contract to serve as a full-
12 time licensed nurse on Guam for a period of not less than twelve (12) months.
13 A committee comprised of the Guam Memorial Hospital Nursing
14 Administrator, the nursing staff administrator of the Department of Public
15 Health and Social Services, the nursing staff director of the Department of
16 Mental Health and Substance Abuse, and a representative of the Guam Nurses
17 Association shall review and comment on the proposed curriculum, course
18 design and selection criteria prior to submittal to the Board as provided by
19 law. The program may operate for five years from date of approval by the

1 Board, and be included in annual and supplemental budget requests of the
2 University of Guam.

3 (b) The Guam Memorial Hospital Authority, Department of Public
4 Health and Social Services, Department of Mental Health and Substance
5 Abuse, and other government agencies which employ persons who are
6 eligible to participate in the program shall encourage and facilitate such
7 participation, including granting administrative or educational leave with pay,
8 when such participation does not curtail health program services. Any
9 agency which employs program participants shall report to the Governor at
10 least quarterly on the manpower and budgetary impact of the program.

11 Section 2. The Bureau of Community Health and Nursing Services of
12 the Department of Public Health and Social Services is authorized an
13 additional six (6) full time equivalent ("FTE") employees for its Home Nursing
14 Services division, as follows: Two (2) Community Health Nurse II, one (1)
15 Licensed Practical Nurse II, one (1) Licensed Practical Nurse II, one (1) Nurse
16 Aide II, one (1) Social Worker II and one (1) Administrative Assistant.

17 Section 3. The Department of Public Health and Social Services shall
18 promulgate within one hundred twenty (120) days a schedule of fees for all
19 services available through the Home Nursing Services program, in accordance
20 with the Administrative Adjudication Law.

21 Section 4. Subsection (e) is added to §4301, Title 4, Guam Code
22 Annotated, to read:

23 "(e). Mammogram to be included as benefit in every health insurance
24 policy. Every policy of health insurance issued to a female resident of Guam
25 on or after July 1, 1991, except a policy that provides coverage only for
26 specified and limited benefits, shall provide coverage for screening by low-
27 dose mammography for occult breast cancer as follows:

28 (i) For women 35 to 39 years of age, one baseline mammogram;

29 (ii) For women 40 to 49 years of age, a mammogram every two years;

30 (iii) For women 50 years of age and older, an annual mammogram;

31 and

32 (iv) For a woman of any age with a history of breast cancer or whose
33 mother or sister has experienced breast cancer, a mammogram upon the
34 recommendation of the woman's physician.

1 The services provided in this subparagraph (e) are subject to any
2 coinsurance provisions which may be in force in such policies, contracts, plans
3 or agreements. The Director, with the advice of the Director of Public Health
4 and Social Services, shall annually review the age and frequency guidelines
5 for mammographic screening recommended by the American Cancer Society,
6 and shall accordingly adjust the age and frequency requirements under
7 subitems (i) through (iv), by rule, if necessary.

8 For purposes of this subparagraph (e), the term 'low-dose
9 mammography' means the x-ray examination of the breast using equipment
10 dedicated specifically for mammography, including but not limited to the x-
11 ray tube, filter, compression device, screens, films, and cassettes, with an
12 average radiation exposure delivery of less than one rad mid-breast, with two
13 views for each breast. An insurer may provide the services required by this
14 subparagraph (e) through contracts with providers; provided, that the
15 contract is determined to be a cost-effective means of delivering the services
16 without sacrifice of quality and meets the approval of the Director of Public
17 Health and Social Services."

18 Section 5. §291352.01 is added to Title 10, Guam Code Annotated, to
19 read:

20 "§291352.01. Mammogram Screening. The Department shall make
21 available a mammogram screening program that provides coverage for
22 screening by low-dose mammography for occult breast cancer as follows:

23 (a) For women 35 to 39 years of age, one baseline
24 mammograph;

25 (b) For women 40 to 49 years of age, a mammogram every two
26 years;

27 (c) For women 50 years of age and older, an annual
28 mammogram; and

29 (d) For a woman of any age with a history of breast cancer or
30 whose mother or sister has experienced breast cancer, a mammogram
31 upon the recommendation of the woman's physician.

32 Notwithstanding any other provision of law, the Catastrophic Illness
33 Assistance Program within the Department of Public Health and Social
34 Services shall provide mammograph screening to those female residents of

1 Guam who do not have health insurance or do not qualify for coverage under
2 the Medically Indigent Program.

3 The Director of Public Health and Social Services shall annually review
4 the age and frequency guidelines for mammographic screening recommended
5 by the American Cancer Society, and shall accordingly adjust the age and
6 frequency requirements under subparagraphs (a) through (c) by rule, if
7 necessary.

8 For purposes of this section, the term 'low-dose mammography' means
9 the x-ray examination of the breast using equipment dedicated specifically
10 for mammography, including but not limited to the x-ray tube, filter,
11 compression device, screens, films, and cassettes, with an average radiation
12 exposure delivery of less than one rad mid-breast, with two views for each
13 breast."

14 Section 6. §12205 of Title 10, Guam Code Annotated, is amended to
15 read:

16 "§12205. Board of Examiners. The Governor shall appoint members of
17 the Board of Examiners as follows: (a) a Board of Medical Examiners, (b) a
18 Board of Allied Health Examiners, and (c) such other Boards of Examiners as
19 the Commissioner deems necessary because of the number of licenses in the
20 profession. Each Board of Examiners shall consist of five (5) members, except
21 for the Board of Allied Health Examiners, which shall have nine (9) members.
22 The Governor shall appoint as a member of any such board a person who is a
23 citizen or permanent resident of Guam for at least one (1) year immediately
24 preceding his appointment.

25 The Board of Allied Health Examiners shall examine applicants for
26 licensure in fields not having separate Boards of Examiners, except
27 Osteopathic Physicians and Surgeons, who shall be examined by the Board of
28 Medical Examiners.

29 Each examining board shall elect a chairman and a secretary and may
30 make such rules regarding the discharge of its duties as the Commission may
31 approve. Each board shall conduct the examination and make reports as
32 required by law and by the rules of the Commission.

33 Licenses issued to osteopathic physicians and/or surgeons by the Board
34 of Allied Health Examiners which are current as of the effective date of this

1 Section shall be recognized as valid by the Board of Medical Examiners, and
2 shall remain in effect until the Commission on Licensure has acted on
3 applications submitted by licensed osteopaths, in accordance with duly
4 promulgated rules and regulations governing osteopaths."

5 Section 7. Subsection (i) of §12101 of Title 10, Guam Code Annotated, is
6 amended to read:

7 "(i) The Practice of Medicine means the diagnosis, correction and
8 treatment in any manner or by any means, methods, devices or
9 instrumentalities of any disease, illness, pain, wound, fracture, infirmity,
10 deformity, defect, or abnormal, physical and mental condition including
11 physician assistants under the supervision of a licensed physician of medicine
12 but does not include the practice of dentistry, podiatry, nursing, optometry,
13 psychology, chiropractic or pharmacy by a person licensed under the
14 provisions of this Chapter."

15 Section 8. §12461 of Title 10, Guam Code Annotated, is amended to
16 read:

17 "§12461. Continuing Dental Education and Licensure Renewal.

18 Prior to renewal of a license, a dentist must submit evidence of having
19 completed or attended a total of sixty-five (65) credit hours of Continuing
20 Dental Education in both Category I and Category II, of which not less than
21 twenty (20) hours shall be from Category II, at the end of every two (2) years
22 before being allowed to pay his annual renewal fee.

23 (a) One Credit Unit is equivalent of one (1) hour attendance of
24 Category I courses.

25 (b) Credit Unit equivalency of Category II courses, lectures, seminars,
26 scientific papers, journals or audiovisual materials shall be evaluated by the
27 Board.

28 (c) A dentist licensed by the territory of Guam who is also a licensed
29 dentist in another jurisdiction and who has completed Continuing Dental
30 Education credit unit hours under the category in the jurisdiction in which he
31 is licensed may apply those Continuing Dental Education units towards his
32 licensure renewal in the territory of Guam.

33 (d) Under certain unusual circumstances, such as illness or temporary
34 disability of a licensed dentist, which makes it impossible for him or her to

1 complete the Continuing Dental Education requirements, the Board may waive
2 the Continuing Dental Education requirement for the dentist for that
3 particular year."

4 Section 9. §12229 of Title 10, Guam Code Annotated, is repealed and
5 reenacted to read:

6 §12229. Revolving Fund. There is created a Revolving Fund within the
7 Health Professional Licensing Office, into which all money payable under the
8 provisions of this Chapter and Chapter V of Title XVII, Government Code of
9 Guam, shall be deposited. The revolving fund shall be used solely to defray
10 the cost of obtaining standardized examination materials and services for the
11 healing arts and cosmetology licensure and the cost of proctoring examination
12 at the testing site. Tests for licensure of all the healing arts and cosmetology
13 shall be given at least every six (6) months."

14 Section 10. §2951, Title 10, Guam Code Annotated, is amended by
15 adding the following definition immediately after definition of "Substantiated
16 Report":

17 "Unsubstantiated Report means a report made pursuant to this Chapter
18 if an investigation by the Adult Protective Services Unit determines that
19 there is inconclusive evidence of abuse but existence of the abuse cannot be
20 disproved to the satisfaction of the Unit."

21 Section 11. Item 1 of Subsection D of §2952, Title 10, Guam Code
22 Annotated, is amended to read:

23 "1. The name of the person making the report and where he or she can
24 be reached. The identity of the person making the report shall be
25 confidential, but made available to an agency contracted by Adult Protective
26 Services to provide case investigation."

27 Section 12. A new Subsection E is added to §2952 of Title 10, Guam
28 Code Annotated, to read:

29 "E. Reports of elderly or disabled adult abuse may be made
30 anonymously under this Chapter."

31 Section 13. §2955 of Title 10, Guam Code Annotated, is amended to
32 read:

33 "§2955. Adult Protective Services. The Division of Senior Citizens of the
34 Department of Public Health and Social Services, (the 'Department') shall

1 establish an Adult Protective Services Unit, (the 'Unit') which shall have
2 sufficient staff to fulfill the purposes of this Article and organized in such a
3 way as to maximize the continuity of responsibility, care and services of
4 individual workers toward individual adults and families. The Unit shall be
5 the sole unit responsible for receiving and investigating all reports of elderly
6 or disabled abuse made pursuant to this Article, specifically including but not
7 limited to reports of abuse in facilities operated by the Department and other
8 public or private agencies and in private residences. The Unit shall have
9 authority to delegate to other social service agencies the responsibility of
10 investigating reports of abuse, but shall monitor the investigations conducted
11 by such other authorized agencies."

12 Section 14. Subsection C of §2956, Title 10, Guam Code Annotated, is
13 amended to read:

14 "C. Determine within sixty (60) days whether the report is
15 substantiated or unsubstantiated. If the assessment results in determination
16 that the elderly or disabled adult has suffered serious abuse, report such
17 determination to the Attorney General within forty-eight (48) hours. The
18 Attorney General may investigate and decide whether to initiate criminal
19 proceedings."

20 Section 15. A new Subsection F is added to §2956, Title 10, Guam Code
21 Annotated, to read:

22 "F. Appoint a multi-disciplinary team which may include, but is not
23 limited to, representatives from the Department of Mental Health and
24 Substance Abuse, the Guam Medical Society, Guam Legal Services
25 Corporation, the Advocacy Office, the Catholic Archdiocese of Guam, the Guam
26 Ministerial Association and the Mayors' Council. Such members shall receive
27 Forty-Five Dollars (\$45) as compensation for attendance at any meetings of
28 the team, but such compensation shall not apply to more than two (2)
29 meetings in any one (1) calendar month. No member shall receive any other
30 compensation, but shall be reimbursed for actual travel, subsistence and out-
31 of-pocket expenses incurred in the discharge of such member's
32 responsibilities, including authorized attendance at meetings held away from
33 Guam.

34 Section 16. Subsection B of §2958, Title 10, Guam Code Annotated, is

1 repealed and reenacted to read:

2 "B. Both substantial and unsubstantiated reports of elderly or disabled
3 adult abuse shall be placed and maintained in the central registry for a period
4 of ten (10) years."

5 Section 17. Item 1 of Subsection B, of §2959, Title 10, Guam Code
6 Annotated, is amended to read:

7 "1. Any agency or individual, authorized, contracted or licensed through
8 the Unit to care for, protect or provide services to an elderly or disabled adult
9 who is a victim of abuse, which agency or individual shall share information
10 related to the abuse with the Unit."

11 Section 18. Subsection E of §2959, Title 10, Guam Code Annotated, is
12 redesignated as Subsection F, and amended to read:

13 "F. Any person who willfully releases or permits the release of any
14 information or records is in violation of this Section and shall be guilty of a
15 misdemeanor."

16 Section 19. A new Subsection E is added to §2959 of Title 10, Guam
17 Code Annotated, to read:

18 "E. Students authorized by the Director of the Department may be
19 permitted access to Adult Protective Service ('APS') files for the purpose of
20 research and to gather statistical information. Such authorized students,
21 under supervision, may be permitted to receive APS referrals and participate
22 in APS intake, interviews and case management assignments. Such
23 authorized students shall be registered in a field placement, practicum
24 internship, or block placement with an accredited college or university. Such
25 students will be under the direct supervision of a social services supervisor
26 and subject to all conditions of this Chapter and government of Guam policies,
27 procedures and guidelines. Such students shall not disseminate any
28 information beyond the scope of the program objectives."

29 Section 20. The Public Utility Agency of Guam (the "Agency") shall
30 install and maintain an effective filtration system at the wellhead of potable
31 water wells operated by the Agency in areas where chemical substances and
32 compounds harmful to the health of humans are known to exist or are
33 detected in regular sampling of such wells. The Guam Environmental
34 Protection Agency shall determine the most effective and efficient filtration

1 system for use, and shall establish operational standards by regulation for
2 Agency compliance with applicable federal laws and regulations.

3 Section 21. One Hundred Fifty Thousand Dollars (\$150,000) are
4 appropriated from the General Fund to the University of Guam to accomplish
5 the purposes of Section 1 of this Act.

6 Section 22. Seventy-Five Thousand Dollars (\$75,000) are appropriated
7 from the General Fund to the Department of Public Health and Social Services,
8 to accomplish the purposes of Section 2 of this Act in fiscal year 1991.

9 Section 23. Fifty Thousand Dollars (\$50,000) are appropriated from the
10 General Fund to the Department of Public Health and Social Services, to
11 purchase and install computer equipment and software for the Health
12 Professional Licensing Office, and for its staff training.

13 Section 24. One Hundred Thousand Dollars (\$100,000) are appropriated
14 from the General Fund to the Public Utility Agency of Guam to accomplish the
15 purposes of Section 20 of this Act. Priority shall be given to Agency well sites
16 adjacent to the Dededo solid waste transfer station.

17 Section 25. Section 3 of Chapter V, Public Law 21-03 is amended to
18 read:

19 "Section 3. Notwithstanding any other provision of law, the FTE
20 restrictions imposed by this Act shall not be applicable to persons practicing
21 the healing arts as defined in Subsection (b) of 10 GCA §12101 for the
22 Department of Public Health and Social Services and the Guam Memorial
23 Hospital Authority (the "Authority"), or to certified or registered ancillary
24 service personnel in the following position areas with the Authority:
25 Pharmacy, Physical Therapy, Medical Laboratory, Radiology, Cardio-
26 pulmonary, and Dietary, and the Authority is authorized to hire personnel to
27 fill positions in such areas in Fiscal Year 1991."

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

Date: 5/2/91

VOTING SHEET

Bill No. 345

Resolution No. _____

Question: _____

	<u>AYE</u>	<u>NO</u>	<u>NOT VOTING</u>	<u>ABSENT/ OUT DURING ROLL CALL</u>
<u>AGUON, John P.</u>	✓			
<u>ARRIOLA, Elizabeth P.</u>	✓			
<u>BAMBA, J. George</u>	✓			
<u>BLAZ, Anthony C.</u>	✓			
<u>BORDALLO, Madeleine Z.</u>	✓			
<u>BROOKS, Doris F.</u>	✓			
<u>DIERKING, Herminia D.</u>	✓			
<u>DUENAS, Edward R.</u>	✓			
<u>ESPALDON, Ernesto M.</u>	✓			
<u>GUTIERREZ, Carl T.C.</u>	✓			
<u>LUJAN, Pilar C.</u>	✓			
<u>MAILLOUX, Gordon</u>	✓			
<u>MANIBUSAN, Marilyn D.A.</u>	✓			
<u>PARKINSON, Don</u>	✓			
<u>REIDY, Michael J.</u>	✓			
<u>RUTH, Martha C.</u>	✓			
<u>SAN AGUSTIN, Joe T.</u>	✓			
<u>SANTOS, Francisco R.</u>	✓			
<u>SHIMIZU, David L.G.</u>	✓			
<u>TANAKA, Thomas V.C.</u>	✓			
<u>UNPINGCO, Antonio R.</u>	✓			

Bill No. 375 (LS)

APR 30 '91
M. Z. BORDALLO

Introduced by:

AN ACT TO AUTHORIZE A NURSE EXAMINATION PREPARATION PROGRAM AT THE UNIVERSITY OF GUAM AND TO ADD SIX FULL TIME EQUIVALENT EMPLOYEES TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES; TO ADD SUBSECTION (e) TO §4301, TITLE 4, GUAM CODE ANNOTATED, TO INCLUDE MAMMOGRAM BENEFITS IN HEALTH INSURANCE POLICIES; TO PROVIDE A MAMMOGRAM SCREENING PROGRAM IN THE MEDICALLY INDIGENT PROGRAM; TO AMEND §12205 OF TITLE 10, GUAM CODE ANNOTATED, TO ADD MEMBERS TO THE BOARD OF ALLIED HEALTH EXAMINERS; TO AMEND SUBSECTION (i) OF §12101, TITLE 10, GUAM CODE ANNOTATED, DEFINING THE PRACTICE OF MEDICINE; TO AMEND §12461 OF TITLE 10, GUAM CODE ANNOTATED, RAISING THE NUMBER OF CREDIT HOURS TO RENEW A DENTIST'S LICENSE; TO REPEAL AND REENACT §1229 OF TITLE 10, GUAM CODE ANNOTATED, TO ESTABLISH A REVOLVING FUND WITHIN THE HEALTH PROFESSIONAL LICENSING OFFICE; TO AMEND AND ADD CERTAIN SECTIONS OF PUBLIC LAW 19-54, THE ADULT PROTECTIVE SERVICES ACT; TO REQUIRE THE PUBLIC UTILITY AGENCY TO INSTALL AND MAINTAIN A FILTRATION SYSTEM AT POTABLE WATER WELLS; TO APPROPRIATE FUNDS TO THE UNIVERSITY OF GUAM AND THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES, FOR OPERATIONAL NEEDS OF THE HEMODIALYSIS UNIT, TO OPERATE THE MARY CLAIRE HOME, FOR COMPUTER EQUIPMENT, FOR THE NEW MENTAL HEALTH BUILDING, FOR A NEW WATER FILTRATION SYSTEM; TO REPEAL AND REENACT §23105 OF TITLE 5, GUAM CODE ANNOTATED, TO PROVIDE A MILEAGE ALLOWANCE FOR GOVERNMENT EMPLOYEES WHO USE PERSONAL VEHICLES FOR OFFICIAL BUSINESS; TO AMEND SUBSECTION 2 OF SUBPARAGRAPH (a) OF §8134, TITLE 4, GUAM CODE ANNOTATED, TO RAISE THE AGE LIMIT OF A MINOR CHILD WHO RECEIVES SURVIVOR ANNUITIES UNDER THE GOVERNMENT RETIREMENT BENEFITS; TO REPEAL AND REENACT SUBSECTION (b) OF §4301 OF TITLE 4, GUAM CODE ANNOTATED, ESTABLISHING CLASSES OF EMPLOYEES FOR HEALTH INSURANCE; AND TO APPROPRIATE FUNDS FOR THE FAMILY COMMUNITY LEADERSHIP DEVELOPMENT PROJECT.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
2 Section 1. (a) The School of Nursing and Allied Health, University of
3 Guam (the "University"), shall design and offer a review and training program
4 to prepare Guam resident graduates of nursing schools to pass written
5 examinations required for full licensure by the Guam Board of Nurse
6 Examiners (the "Board"). The nurse examination preparation program (the
7 "program") may be conducted at the Guam Memorial Hospital or other
8 appropriate sites by cooperative agreement. The University may establish

1 minimum eligibility requirements, application procedures, tuition and fees;
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3 on the basis of ability to pay, and who enters into a contract to serve as a full-
4 time licensed nurse on Guam for a period of not less than twelve (12) months.
5 A committee comprised of the Guam Memorial Hospital Nursing
6 Administrator, the nursing staff administrator of the Department of Public
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11 law. The program may operate for five years from date of approval by the
12 Board, and be included in annual and supplemental budget requests of the
13 University of Guam.

14 (b) The Guam Memorial Hospital Authority, Department of Public
15 Health and Social Services, Department of Mental Health and Substance
16 Abuse, and other government agencies which employ persons who are
17 eligible to participate in the program shall encourage and facilitate such
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19 when such participation does not curtail health program services. Any
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21 least quarterly on the manpower and budgetary impact of the program.

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23 the Department of Public Health and Social Services is authorized an
24 additional six (6) full time equivalent ("FTE") employees for its Home Nursing
25 Services division, as follows: Two (2) Community Health Nurse II, one (1)
26 Licensed Practical Nurse II, one (1) Licensed Practical Nurse II, one (1) Nurse
27 Aide II, one (1) Social Worker II and one (1) Administrative Assistant.

28 Section 3. The Department of Public Health and Social Services shall
29 promulgate within one hundred twenty (120) days a schedule of fees for all
30 services available through the Home Nursing Services program, in accordance
31 with the Administrative Adjudication Law.

32 Section 4. Subsection (e) is added to §4301, Title 4, Guam Code
33 Annotated, to read:

1 (a) For women 35 to 39 years of age, one baseline
2 mammograph;

3 (b) For women 40 to 49 years of age, a mammogram every two
4 years;

5 (c) For women 50 years of age and older, an annual
6 mammogram; and

7 (d) For a woman of any age with a history of breast cancer or
8 whose mother or sister has experienced breast cancer, a mammogram
9 upon the recommendation of the woman's physician.

10 Notwithstanding any other provision of law, the Catastrophic Illness
11 Assistance Program within the Department of Public Health and Social
12 Services shall provide mammograph screening to those female residents of
13 Guam who do not have health insurance or do not qualify for coverage under
14 the Medically Indigent Program.

15 The Director of Public Health and Social Services shall annually review
16 the age and frequency guidelines for mammographic screening recommended
17 by the American Cancer Society, and shall accordingly adjust the age and
18 frequency requirements under subparagraphs (a) through (c) by rule, if
19 necessary.

20 For purposes of this section, the term 'low-dose mammography' means
21 the x-ray examination of the breast using equipment dedicated specifically
22 for mammography, including but not limited to the x-ray tube, filter,
23 compression device, screens, films, and cassettes, with an average radiation
24 exposure delivery of less than one rad mid-breast, with two views for each
25 breast."

26 Section 6. §12205 of Title 10, Guam Code Annotated, is amended to
27 read:

28 "§12205. Board of Examiners. The Governor shall appoint members of
29 the Board of Examiners as follows: (a) a Board of Medical Examiners, (b) a
30 Board of Allied Health Examiners, and (c) such other Boards of Examiners as
31 the Commissioner deems necessary because of the number of licenses in the
32 profession. Each Board of Examiners shall consist of five (5) members, except
33 for the Board of Allied Health Examiners, which shall have nine (9) members.
34 The Governor shall appoint as a member of any such board a person who is a

1 citizen or permanent resident of Guam for at least one (1) year immediately
2 preceding his appointment.

3 The Board of Allied Health Examiners shall examine applicants for
4 licensure in fields not having separate Boards of Examiners, except
5 Osteopathic Physicians and Surgeons, who shall be examined by the Board of
6 Medical Examiners.

7 Each examining board shall elect a chairman and a secretary and may
8 make such rules regarding the discharge of its duties as the Commission may
9 approve. Each board shall conduct the examination and make reports as
10 required by law and by the rules of the Commission.

11 Licenses issued to osteopathic physicians and/or surgeons by the Board
12 of Allied Health Examiners which are current as of the effective date of this
13 Section shall be recognized as valid by the Board of Medical Examiners, and
14 shall remain in effect until the Commission on Licensure has acted on
15 applications submitted by licensed osteopaths, in accordance with duly
16 promulgated rules and regulations governing osteopaths."

17 Section 7. Subsection (i) of §12101 of Title 10, Guam Code Annotated, is
18 amended to read:

19 "(i) The Practice of Medicine means the diagnosis, correction and
20 treatment in any manner or by any means, methods, devices or
21 instrumentalities of any disease, illness, pain, wound, fracture, infirmity,
22 deformity, defect, or abnormal, physical and mental condition including
23 physician assistants under the supervision of a licensed physician of medicine
24 but does not include the practice of dentistry, podiatry, nursing, optometry,
25 psychology, chiropractic or pharmacy by a person licensed under the
26 provisions of this Chapter."

27 Section 8. §12461 of Title 10, Guam Code Annotated, is amended to
28 read:

29 "§12461. Continuing Dental Education and Licensure Renewal.

30 Prior to renewal of a license, a dentist must submit evidence of having
31 completed or attended a total of sixty-five (65) credit hours of Continuing
32 Dental Education in both Category I and Category II, of which not less than
33 twenty (20) hours shall be from Category II, at the end of every two (2) years
34 before being allowed to pay his annual renewal fee.

1 (a) One Credit Unit is equivalent of one (1) hour attendance of
2 Category I courses.

3 (b) Credit Unit equivalency of Category II courses, lectures, seminars,
4 scientific papers, journals or audiovisual materials shall be evaluated by the
5 Board.

6 (c) A dentist licensed by the territory of Guam who is also a licensed
7 dentist in another jurisdiction and who has completed Continuing Dental
8 Education credit unit hours under the category in the jurisdiction in which he
9 is licensed may apply those Continuing Dental Education units towards his
10 licensure renewal in the territory of Guam.

11 (d) Under certain unusual circumstances, such as illness or temporary
12 disability of a licensed dentist, which makes it impossible for him or her to
13 complete the Continuing Dental Education requirements, the Board may waive
14 the Continuing Dental Education requirement for the dentist for that
15 particular year."

16 Section 9. §12229 of Title 10, Guam Code Annotated, is repealed and
17 reenacted to read:

18 §12229. Revolving Fund. There is created a Revolving Fund within the
19 Health Professional Licensing Office, into which all money payable under the
20 provisions of this Chapter and Chapter V of Title XVII, Government Code of
21 Guam, shall be deposited. The revolving fund shall be used solely to defray
22 the cost of obtaining standardized examination materials and services for the
23 healing arts and cosmetology licensure and the cost of proctoring examination
24 at the testing site. Tests for licensure of all the healing arts and cosmetology
25 shall be given at least every six (6) months."

26 Section 10. §2951, Title 10, Guam Code Annotated, is amended by
27 adding the following definition immediately after definition of "Substantiated
28 Report":

29 "Unsubstantiated Report means a report made pursuant to this Chapter
30 if an investigation by the Adult Protective Services Unit determines that
31 there is inconclusive evidence of abuse but existence of the abuse cannot be
32 disproved to the satisfaction of the Unit."

33 Section 11. Item 1 of Subsection D of §2952, Title 10, Guam Code
34 Annotated, is amended to read:

1 "1. The name of the person making the report and where he or she can
2 be reached. The identity of the person making the report shall be
3 confidential, but made available to an agency contracted by Adult Protective
4 Services to provide case investigation."

5 Section 12. A new Subsection E is added to §2952 of Title 10, Guam
6 Code Annotated, to read:

7 "E. Reports of elderly or disabled adult abuse may be made
8 anonymously under this Chapter."

9 Section 13. §2955 of Title 10, Guam Code Annotated, is amended to
10 read:

11 "§2955. Adult Protective Services. The Division of Senior Citizens of the
12 Department of Public Health and Social Services, (the 'Department') shall
13 establish an Adult Protective Services Unit, (the 'Unit') which shall have
14 sufficient staff to fulfill the purposes of this Article and organized in such a
15 way as to maximize the continuity of responsibility, care and services of
16 individual workers toward individual adults and families. The Unit shall be
17 the sole unit responsible for receiving and investigating all reports of elderly
18 or disabled abuse made pursuant to this Article, specifically including but not
19 limited to reports of abuse in facilities operated by the Department and other
20 public or private agencies and in private residences. The Unit shall have
21 authority to delegate to other social service agencies the responsibility of
22 investigating reports of abuse, but shall monitor the investigations conducted
23 by such other authorized agencies."

24 Section 14. Subsection C of §2956, Title 10, Guam Code Annotated, is
25 amended to read:

26 "C. Determine within sixty (60) days whether the report is
27 substantiated or unsubstantiated. If the assessment results in determination
28 that the elderly or disabled adult has suffered serious abuse, report such
29 determination to the Attorney General within forty-eight (48) hours. The
30 Attorney General may investigate and decide whether to initiate criminal
31 proceedings."

32 Section 15. A new Subsection F is added to §2956, Title 10, Guam Code
33 Annotated, to read:

1 "F. Appoint a multi-disciplinary team which may include, but is not
2 limited to, representatives from the Department of Mental Health and
3 Substance Abuse, the Guam Medical Society, Guam Legal Services
4 Corporation, the Advocacy Office, the Catholic Archdiocese of Guam, the Guam
5 Ministerial Association and the Mayors' Council. Such members shall receive
6 Forty-Five Dollars (\$45) as compensation for attendance at any meetings of
7 the team, but such compensation shall not apply to more than two (2)
8 meetings in any one (1) calendar month. No member shall receive any other
9 compensation, but shall be reimbursed for actual travel, subsistence and out-
10 of-pocket expenses incurred in the discharge of such member's
11 responsibilities, including authorized attendance at meetings held away from
12 Guam.

13 Section 16. Subsection B of §2958, Title 10, Guam Code Annotated, is
14 repealed and reenacted to read:

15 "B. Both substantial and unsubstantiated reports of elderly or disabled
16 adult abuse shall be placed and maintained in the central registry for a period
17 of ten (10) years."

18 Section 17. Item 1 of Subsection B, of §2959, Title 10, Guam Code
19 Annotated, is amended to read:

20 "1. Any agency or individual, authorized, contracted or licensed through
21 the Unit to care for, protect or provide services to an elderly or disabled adult
22 who is a victim of abuse, which agency or individual shall share information
23 related to the abuse with the Unit."

24 Section 18. Subsection E of §2959, Title 10, Guam Code Annotated, is
25 redesignated as Subsection F, and amended to read:

26 "F. Any person who willfully releases or permits the release of any
27 information or records is in violation of this Section and shall be guilty of a
28 misdemeanor."

29 Section 19. A new Subsection E is added to §2959 of Title 10, Guam
30 Code Annotated, to read:

31 "E. Students authorized by the Director of the Department may be
32 permitted access to Adult Protective Service ('APS') files for the purpose of
33 research and to gather statistical information. Such authorized students,
34 under supervision, may be permitted to receive APS referrals and participate

1 in APS intake, interviews and case management assignments. Such
2 authorized students shall be registered in a field placement, practicum
3 internship, or block placement with an accredited college or university. Such
4 students will be under the direct supervision of a social services supervisor
5 and subject to all conditions of this Chapter and government of Guam policies,
6 procedures and guidelines. Such students shall not disseminate any
7 information beyond the scope of the program objectives."

8 Section 20. The Public Utility Agency of Guam (the "Agency") shall
9 install and maintain an effective filtration system at the wellhead of potable
10 water wells operated by the Agency in areas where chemical substances and
11 compounds harmful to the health of humans are known to exist or are
12 detected in regular sampling of such wells. The Guam Environmental
13 Protection Agency shall determine the most effective and efficient filtration
14 system for use, and shall establish operational standards by regulation for
15 Agency compliance with applicable federal laws and regulations.

16 Section 21. One Hundred Fifty Thousand Dollars (\$150,000) are
17 appropriated from the General Fund to the University of Guam to accomplish
18 the purposes of Section 1 of this Act.

19 Section 22. Seventy-Five Thousand Dollars (\$75,000) are appropriated
20 from the General Fund to the Department of Public Health and Social Services,
21 to accomplish the purposes of Section 2 of this Act in fiscal year 1991.

22 Section 23. Thirty Thousand Dollars (\$30,000) are appropriated from
23 the General Fund to the Department of Public Health and Social Services, to
24 purchase and install computer equipment and software for the Health
25 Professional Licensing Office, and for its staff training.

26 Section 24. Five Hundred Eight Thousand Six Hundred and Seventy
27 Dollars (\$508,670) are hereby appropriated from the General Fund to Guam
28 Memorial Hospital Authority for the following operational needs of the
29 Hemodialysis Unit for Fiscal Year 1991:

30 I. EQUIPMENT

- 31 1. High efficiency dialysis machines,
32 Three (3) units at \$25,000 per unit: \$105,000
33 2. Dialysis machine replacements for
34 C2R_x unit with accessories.

1	Six (6) units at \$13,695 per unit:	84,000
2	3. Reverse osmosis unit for for C2R _x	
3	acute care patients-inpatients,	
4	Two (2) units at \$12,212 per unit:	24,425
5	4. Equipment parts and maintenance:	30,000
6	5. Reverse osmosis system	
7	(water purifier):	15,000
8	6. Test equipment calibration:	5,000
9	7. Dialysis recliner chairs	
10	Fourteen (14) units at \$1,200 per unit:	<u>16,800</u>
11	EQUIPMENT SUBTOTAL	\$280,870

12
13 **II. MEDICATION**

14	1. Renal maintenance medications:	75,000
15	2. Immunosuppressant drugs (Cyclosporine)	
16	for prevention of transplant rejection:	<u>46,800</u>
17	MEDICATIONS SUBTOTAL	\$121,800

18 **III. RENAL DIET**

19	1. Renal diet at \$7.00 per meal:	75,000
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20 **IV. NEPHROLOGY CONSULTANTS:** 6,000

21 **V. TRAINING AND DEVELOPMENT:** 25,000

22 **SUBTOTAL** \$106,000

23 **GRAND TOTAL** \$508,670

24 Section 25. Five Million Three Hundred Eighty Five Thousand Eight
25 Hundred Dollars (\$5,385,800) are appropriated from the General Fund to the
26 Department of Public Works to supplement funds appropriated in Sections 1
27 and 2 of Public Law 20-56, for construction of a new building for the
28 Department of Mental Health and Substance Abuse inpatient-outpatient and
29 administrative services, for construction management, and for the purchase of
30 collateral equipment, and art work as mandated by law. Funds appropriated
31 in Public Law 20-56 and in this Section shall remain available until expended.

32 Section 26. Three Hundred Thousand Dollars (\$300,000) are
33 appropriated from the General Fund to the Department of Mental Health and
34 Substance Abuse, for contractual expenses in the second program year to

1 operate the group home for mentally-retarded adults with behavioral
2 problems, known as the "Mary Claire Home".

3 Section 27. Southern Regional Community Health Center. (a)
4 Notwithstanding the reversion clauses included in Sections 8 and 9 of Public
5 Law 20-183, the unexpected balance of such appropriations for personnel,
6 supplies, equipment, and capital outlay for the Department of Public Health
7 and Social Services Southern Regional Community Health Clinics in Santa Rita
8 and Inarajan shall remain available until expended.

9 (b) One Hundred Fifty-One Thousand Dollars (\$151,000) are
10 appropriated from the General Fund to the Department of Public Health and
11 Social Services for the completion of the Southern Regional Community Health
12 Center.

13 Section 28. One Hundred Thousand Dollars (\$100,000) are appropriated
14 from the General Fund to the Public Utility Agency of Guam to accomplish the
15 purposes of Section 20 of this Act. Priority shall be given to Agency well sites
16 adjacent to the Dededo solid waste transfer station.

17 Section 29. (a) Legislative intent. The Legislature has been apprised
18 that there has been an increasing use by government employees of their
19 personal vehicles for official business primarily because of the non-
20 availability of official government vehicles. With the extreme rise in the cost
21 of operating a vehicle, inclusive of the increase in the cost of gasoline and oil,
22 vehicle maintenance and vehicle insurance, the Legislature deems it unjust
23 that these employees are not eligible for a fair and reasonable reimbursement
24 of their personal expenses for operating and maintaining their vehicles when
25 such vehicles are being used for the benefit of the government of Guam. The
26 Legislature, therefore, seeks to establish a just and reasonable level of
27 reimbursement for the use of personal vehicles for official government of
28 Guam business and purposes.

29 (b) Mileage Allowance. Effective thirty (30) days after the enactment
30 of this Act, §23105 of Title 5, Guam Code Annotated, is hereby repealed and
31 reenacted to read:

32 "§23105. Mileage Allowance. Persons authorized to travel at
33 government expense shall, in accordance with regulations and whenever such
34 mode of transportation is authorized or approved as more advantageous to

1 the government, be paid in lieu of transportation Sixty Cents (\$.60) per mile
2 for the use of a privately owned four-wheeled passenger motor vehicle, when
3 engaged on official business."

4 Section 30. Subsection (2) of subparagraph (a) of §8134 of Chapter 8,
5 Title 4, Guam Code Annotated, is amended to read:

6 "(2). If both the surviving spouse and minor children under age
7 eighteen (18) survive the member, an annuity shall begin immediately upon
8 death of the member. The allowance for a minor child shall be payable until
9 the child's attainment of age eighteen (18), or age twenty-three (23) if the
10 child is a full-time student."

11 Section 31. (a). Legislative finding. The Legislature finds that
12 government of Guam employees, both active and retired, are entitled to
13 benefits comparable to those of other workers or retirees, it being in the best
14 interest of the people of Guam to attract and retain qualified employees for
15 public service. Since the cost of health care continues to rise more rapidly
16 than the Consumer Price Index, and premiums for health insurance also rise
17 to meet the spiraling costs for medical care, it is reasonable and just to assign
18 the costs of those benefits on an equitable basis. Since the cost of benefits
19 utilized by active employees compared to retirees is an accurate depiction of
20 benefit utilization; since lower cost to the active employees for such benefits
21 is a means of keeping qualified employees; since the people of Guam
22 recognize the debt owed to retired government employees for their years of
23 valued services and wish to assure the retirees that increases in the cost of
24 their medical benefits will have a minimal impact on their hard earned
25 annuities; and since previous efforts to achieve these goals and intentions
26 have been found unclear; it is the finding of the Legislature that the following
27 legislation is necessary.

28 (b) Subsection (b) of §4301 of Title 4, Guam Code Annotated, is hereby
29 repealed and reenacted to read:

30 "(b) All participation by employees in such contracts of insurance
31 shall be on a voluntary basis. Effective October 1, 1991 for Fiscal Year 1992
32 and for each fiscal year thereafter, the government's contributions for health
33 and dental insurance shall be determined by using a level of percentage of
34 the cost of providing the benefits for each class of employees by family status

1 and by active versus retiree status as set forth herein below, except that the
2 government shall increase the contribution it makes on behalf of retired
3 employees or survivor(s) of retired employees (Classes IV through VIII,
4 below) so that retired employees or the survivors of retired employees
5 contribute no more than active employees who are otherwise similarly
6 situated except for being active and not retired.

7 The government's contribution shall not be less than fifty percent
8 (50%) of the lowest premium for a single employee and shall be the same
9 dollar amount for all companies providing health benefits to government of
10 Guam employees, dependents, retirees and survivors. Classes of employees
11 for all contracts of health insurance shall be:

<u>CLASS</u>	<u>DESCRIPTION</u>
I	Active employees with no dependents,
II	Active employees with dependent(s),
III	Active employee with dependent(s) including a spouse who is an active employee,
IV	Retired employee with no dependent(s),
V	Retired employee with dependent(s),
VI	Retired employee with dependent(s) including a spouse who is an active or retired employee,
VII	Survivor of a retired or active employee with no dependent(s),
VIII	Survivor of a retired or active employee with dependent(s), none of whom is an active or retired employee."

26 Section 32. (a) Legislative intent. The Legislature expressed its
27 support for Guam's continued participation in the Family Community
28 Leadership project by appropriating funds in Public Law 20-41, which
29 appropriation was not included in the budget that was automatically
30 reappropriated for the current fiscal year, and therefore a new appropriation
31 for continued operation of the project is necessary in fiscal year 1991, and to
32 defray the cost of a scheduled audit.

33 (b) Fifty-Five Thousand Dollars (\$55,000) are appropriated from the
34 General Fund to the University of Guam, for continued participation of the

1 College of Agriculture and Life Sciences in the Family Community Leadership
2 project, and for the costs of all office staff positions for such project.