



Territory of Guam  
Territorio de Guam

OFFICE OF THE GOVERNOR  
LEFINAN I MAGALAH  
AGANA, GUAM 96910 U.S.A.

Jan 27 1992

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

*[Handwritten signature]*

Dear Mr. Speaker:

Transmitted herewith is Bill No. 595, which I have signed into  
law this date as Public Law No. 21-81.

Sincerely,

*[Handwritten signature of Joseph F. Ada]*  
JOSEPH F. ADA  
Governor

Attachment


210608



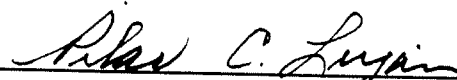
TWENTY-FIRST GUAM LEGISLATURE  
1992 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

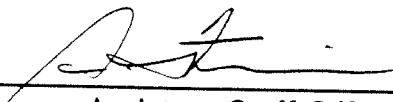
This is to certify that Substitute Bill No. 595 (COR), "AN ACT TO PROVIDE FOR TRANSFER OF ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000) FROM THE LAPSED FUNDS OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR THE PURCHASE OF PORTABLE HOME VENTILATOR EQUIPMENT AND SUPPLIES FOR LYTICO OR BODIG PATIENTS," was on the 10th day of January, 1992, duly and regularly passed.

  
\_\_\_\_\_  
JOE T. SAN AGUSTIN  
Speaker

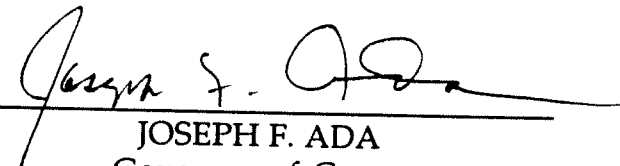
Attested:

  
\_\_\_\_\_  
PILAR C. LUJAN  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 15<sup>th</sup> day of January,  
1992, at 5:05 o'clock p.m.

  
\_\_\_\_\_  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
\_\_\_\_\_  
JOSEPH F. ADA  
Governor of Guam

Date: JAN 25 1992

Public Law No: 21-81

TWENTY-FIRST GUAM LEGISLATURE  
1991 (FIRST) Regular Session

Bill No. 595 (COR)

As substituted by the Committee  
on Rules

Introduced by:

D. L. G. Shimizu  
J. P. Aguon  
M. Z. Bordallo  
C. T. C. Gutierrez  
H. D. Dierking  
M. D. A. Manibusan  
E. P. Arriola  
J. G. Bamba  
A. C. Blaz  
D. F. Brooks  
E. R. Dueñas  
E. M. Espaldon  
P. C. Lujan  
G. Mailloux  
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 PROVIDE FOR TRANSFER OF ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000) FROM THE LAPSED FUNDS OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR THE PURCHASE OF PORTABLE HOME VENTILATOR EQUIPMENT AND SUPPLIES FOR LYTICO OR BODIG PATIENTS.

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

2           **Section 1. (a) Legislative findings and purpose.** The Legislature finds  
3 that **lytico** and **bodig** are degenerative diseases endemic to Guam and that the  
4 patient care in a home setting is a treatment favored over  
5 institutionalization. The Legislature also finds that numerous **lytico** or **bodig**  
6 patients are not cared for in a home setting only because proper medical  
7 equipment is not available. Further, the Legislature finds that with  
8 physician-prescribed treatment plan and accessibility to home ventilators,  
9 **lytico** or **bodig** patients who are presently hospitalized can be released for  
10 home care.

11           Recently, the Governor and Lieutenant Governor have called for cost-  
12 cutting to be implemented throughout the Departments of the government of  
13 Guam. At the present time, the Legislature finds that these procedures are  
14 desirable, and also finds that it is desirable to avoid making large  
15 appropriations unless they are of an urgently necessary nature. It is also the  
16 finding of the Legislature that the Department of Public Health and Social  
17 Services (the "Department") has received ample funding for Fiscal Year 1992,  
18 and that extra positions have been authorized and yet are not filled. For this  
19 reason, the Department has funding available for transfer to the purposes set  
20 out in this Act.

21           **(b) Transfer.** The Governor shall transfer One Hundred Twenty-  
22 Five Thousand Dollars (\$125,000) from the lapsed funds of the Department  
23 for the purchase of portable home ventilator equipment and supplies to be  
24 used by **lytico** and **bodig** patients.

25           **Section 2. Nurses.** As part of the requirement in the purchase of the

1 ventilator equipment, the Department shall explore the possibility of having  
2 nurses from the Department trained in the use and care of the equipment.

3       **Section 3. Rules.** The Department shall develop the necessary rules  
4 and regulations regarding the use of the equipment, and provide the  
5 Legislature within thirty (30) calendar days after the enactment of this Act  
6 with any additional requirements the Department may need.

# Twenty-First Guam Legislature

155 Hesler Street  
Pacific Arcade  
Agana, Guam 96910  
Telephone: (671) 472-3407/8/9  
FAX: (671) 477-3161



Chairman, Committee  
on Ways & Means

Vice-Chairman, Committee  
on Tourism & Transportation

**CARL T. C. GUTIERREZ**  
Senator

JAN 02 1992

Honorable Speaker Joe T. San Agustin  
Speaker  
Twenty-First Guam Legislature  
155 Hesler St.  
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Ways and Means wishes to report out its findings on **BILL NO. 595 AN ACT TO APPROPRIATE ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000) FOR THE PURCHASE OF PORTABLE HOME VENTILATOR EQUIPMENT AND SUPPLIES FOR LYTICO OR BODIG PATIENTS** to the full Legislature with the recommendation to do Pass as Introduced.

The Committee Voting Record is as follows:

TO PASS:	_____13_____
NOT TO PASS:	_____0_____
ABSTENTIONS:	_____0_____
INACTIVE FILE:	_____0_____

Copies of the Committee Report and all pertinent documents are attached for your information.

Sincerely,

  
CARL T.C. GUTIERREZ

VOTING SHEET

BILL NO.  
 595

AN ACT TO APPROPRIATE ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS  
 (\$125,000) FOR THE PURCHASE OF PORTABLE HOME VENTILATOR EQUIPMENT  
 AND SUPPLIES FOR LYTICO OR BODIG PATIENTS.

	TO PASS	NOT TO PASS	ABSTAIN	TO PLACE IN INACTIVE FILE
<i>C Gutierrez</i> Senator Carl T. C. GUTIERREZ Chairman	✓			
<i>H Dierking</i> Senator Herminia D. DIERKING Vice-Chairman	✓			
<i>J P Aguon</i> Senator John P. AGUON Member	✓			
<i>E Arriola</i> Senator Elizabeth P. ARRIOLA Member	✓			
<i>G Bamba</i> Senator George BAMBA Member	✓			
<i>A Blaz</i> Senator Anthony BLAZ Member	✓			
<i>D Brooks</i> Senator Doris F. BROOKS Member	✓			
<i>E Espaldon</i> Senator Ernesto M. ESPALDON Member				
<i>M Manibusan</i> Senator Marilyn MANIBUSAN Member	✓ 12/27/91 mdm			
<i>D Parkinson</i> Senator Don PARKINSON Member	✓			
<i>M Reidy</i> Senator Michael J. REIDY Member	✓			
<i>M Ruth</i> Senator Martha C. RUTH Member	✓ 12/31/91			
<i>D Shimizu</i> Senator David SHIMIZU Member	✓			
<i>J San Agustin</i> Speaker Joe T. SAN AGUSTIN Ex-Officio Member	✓			

COMMITTEE ON WAYS AND MEANS  
COMMITTEE REPORT

BILL NO. 595

**AN ACT TO APPROPRIATE ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000) FOR THE PURCHASE OF PORTABLE HOME VENTILATOR EQUIPMENT AND SUPPLIES FOR LYTICO OR BODIG PATIENTS.**

**PURPOSE AND ESSENTIAL ELEMENTS**

Bill No. 595 is an appropriation measure in order to allow the Department of Public Health and Social Services to purchase ventilator equipment and supplies for the Lytico and Bodig patients. This equipment is designed to be portable so that treatment is possible in the home setting as well as in institutions such as the hospital. The bill also provides for the possibility of nurses training in the use and care of the equipment. Department of Public Health and Social Services also is given authority to provide necessary rules and regulations for the use of the equipment.

**PUBLIC HEARING**

The Committee on Ways and Means conducted a public hearing on Tuesday, November 26, 1991, at 9:00 a.m. in the Legislative Public Hearing room to gather testimony on Bill No. 595. Present at the hearing were Senator Carl T.C. Gutierrez, Chairman of the Committee, who conducted the hearing, being joined by Senators H.D. Dierking, Anthony C. Blaz, Elizabeth P. Arriola, David L.G. Shimizu, Doris F. Brooks, Ernesto M. Espaldon, and John P. Aguon.

**TESTIMONY**

Dr. Leticia Espaldon, Director of the Department of Mental Health and Social Services read her written testimony into the record, and that written testimony is attached. In her testimony she summarized the number of Lytico/Bodig patients and their locations and that none currently require ventilation care, however she also pointed out that ventilation equipment and management in the home setting requires specially trained staff to continuously monitor the air pressures, volume, oxygen content, and cardiovascular function as well as to properly maintain the equipment. She also indicated back-up generators are a necessity. In her testimony she indicated that her department's role is to prevent disease and promote health in contrast to serving acute cases in the home setting. This would be a shift in the direction of the department's aims. Dr. Espaldon indicated that hospital-based home care services are more appropriately placed at Guam Memorial Hospital and to provide home-base services for these types of patients rather than the Department of



Public Health and Social Services. Assisting Dr. Espaldon in presenting her testimony was Ms. Lori Duenas.

Dr. John Steele, Neurologist, Director of the Skilled Nursing Facility at Guam Memorial Hospital gave oral testimony. Dr. Steele also indicated that he was representing the Lytico-Bodig Association of Guam. Dr. Steele indicated that respirators are an advanced life support system which are necessary for treating those with respiratory failure in a variety of situations. Dr. Steele indicated that the issue of respirators has been discussed within the last year at the hospital and that patients who are not in need of acute care on a respirator are not even admitted to the hospital. He felt that the technology and the island are not generally ready for accepting the level of responsibility necessary for home care of these types of patients. The health care capacity on the island is not in a position to support this type of home care. Dr. Steele represented that he was in favor of appropriating money for the feasibility study and that this should be directed to Dr. Duenas, who is a Pulmanologist.

The next person to testify was Mrs. Marlene McDonald Carbullido, the daughter of Charles McDonald who is presently a patient at the Guam Memorial Hospital and is in need of respirator care. She read a prepared statement on behalf of the family of Charles McDonald and is in favor of the bill. Mrs. Carbullido gave some historical background of her family and in particular her father, Charles, and indicated his very important role in the family. She indicated that the family was ready and willing to provide the respiratory care for him to pay back all the contributions that Charles McDonald had given to his family and to others throughout his life. She felt that the presence of her father with his family would be the greatest gift that could be given to him as he becomes very depressed during times when families get together such as birthdays, and holidays. Mr. Carbullido indicates the chest muscles had been affected in Charles McDonald's case of bodig and that he cannot survive without the respirator, although he is mentally alert. His mental state would be benefited by his home treatment rather than isolated treatment at the hospital. Mrs. Carbullido indicated that Dr. Taitano is Mr. McDonald's primary physician and that the family has begged to bring their father home in order to provide home care, yet the hospital is not willing to do this at this time. Mrs. Carbullido cited incidences of patients in Honolulu who are paralyzed from the neck down and yet are able to survive at home with portable ventilators. She hopes that Guam can adopt a program such as that provided in Hawaii. Mr. Carbullido also indicates that since Guam has a high incidence of related illnesses, this type of program is a must and a necessity. Mrs. Carbullido's prepared statement was signed by members of her family, Mrs. Lucia McDonald and the children of Charles McDonald, Mr. John McDonald, Delores Pangelinan, Mr. William McDonald, Mr. Paul McDonald, Mr. Kenneth McDonald, Mr. James McDonald, Mr. Gerald McDonald, Patricia McDonald, Clare McDonald, Mrs. Marlene McDonald Carbullido and Lucila McDonald.

The next person to testify was Ms. Eileen Santos, a nurse at Guam Memorial Hospital. She offered oral testimony in support of the bill and indicated that the hospital could get private agencies to maintain the machines and the programs rather than to provide all of the support system itself. She indicated that home ventilators for Mr. McDonald and Mr. John Cruz would be feasible. Ms. Santos also indicated that patients at the hospital suffered depressions frequently and she felt that if they could be treated in their homes that this would be alleviated.

The next person to offer testimony was Mr. John Cruz who indicated that he was testifying on behalf of his father, Mr. Jose Cruz who has been hospitalized from September 1989 to the present time. He feels that home ventilator would help not only the patient but the family members. He indicated that visitation has been limited at the hospital and that children below 14 years old cannot see their relative. Sometimes admission is denied even when the doctor has given permission as the staff indicates that the matter has to be referred to the hospital administrator. Mr. Cruz indicated that not only would the depression in the patient would be alleviated if the patient could be home but that the family also experiences depression which would be alleviated if they could have their relative under home care.

Senator Shimizu then discussed the issue and asked questions on those giving testimony. During the questioning it was brought out by Dr. Leticia Espaldon that the program was not to be moved from Guam Memorial Hospital to the Department of Public Health and Social Services but that the Guam Memorial Hospital and the Department of Public Health and Social Services are now brainstorming in their talks in order to decide on what services to be provided. Ms. Lori Duenas from DPH&SS indicated that a written proposal was made by her department but no feedback has yet been received from GMH. She indicated that acute care requires a registered nurse whereas home care needs are preventative care in nature and are not acute care. She indicated that there are only two (2) nurses providing preventative care now and that in order to provide acute care of patients needing respirators that the preventative care would have to be put to the side. She also indicated that persons needing ventilators are in jeopardy as an inhalation therapist and a pulmonologist is needed and that Department of Public Health and Social Services do not have these types of individuals on their staff but they only exist in private practice. The Guam Memorial Hospital has these people but the DPH&SS does not. She also indicated that the family must be well trained in order to provide ventilator care. Ms. Duenas indicated that at present thirty (30) people are home lytico-bodig patients and there is only a staff of two (2) nurses. Dr. Steele then indicated that in order to provide this type of care at home there would need to be coordination between Dr. Duenas, the Pulmanologist, Dr. K. Kallingal who provides care for Mr. Cruz of the Cruz family and Dr. Taitano who provides care for Mr. McDonald from the McDonald family.

Chairman Gutierrez then inquired whether it would be possible to provide home care for these two (2) patients for the present time on an introductory basis and to

work out a long range plan as time goes on. Dr. Steele indicated that this could be done and the hospital could order two (2) more ventilators in order to initiate the pilot program. Chairman Gutierrez also indicated that Guam Memorial Hospital could order five (5) ventilators now in order to start a pilot program while a more comprehensive program is being worked out and that the procedures for offering home care to the Cruz family and McDonald family should be worked out with the three (3) doctors mentioned by Dr. Steele.

Senator Espaldon indicated that there would be money needed for additional personnel for this program.

Written testimony was submitted by Trina Rosario-Sanchez and Therese Crisostomo Aquino, medical social workers, in support of Bill 595, and this testimony is attached.

### **COMMITTEE RECOMMENDATION**

The Committee on Ways and Means, after due consideration of the testimony offered in support of Bill 595, recommends that Bill 595 be reported out to the full Legislature to do Pass as Introduced.



DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES

GOVERNMENT OF GUAM

P. O. BOX 2816

AGANA, GUAM 96910



COMMENTS ON BILL 595  
AN ACT TO APPROPRIATE \$125,000 FOR THE PURCHASE OF  
PORTABLE HOME VENTILATION EQUIPMENT AND  
SUPPLIES FOR LYTICO-BODIG PATIENTS

I do agree and I am in full support of patient care in a home setting, when appropriate, in contrast to the more expensive alternative of institutionalized medical care.

To date the Medically Indigent Program (MIP) has a total of 75 lytico-bodig recipients. Six are at either GMH or St. Dominic's Senior Nursing Home because of the constant need for ventilator use and medical supervision and/or unavailability of family caretakers in the home setting. Forty-six lytico-bodig patients are served by public health under the Home Care Program. None of the current patients require ventilation care.

Ventilation equipment and management in the home setting requires, as the Bill has recognized, specially trained staff to continuously monitor air pressures, volume, oxygen content, and cardiovascular function as well as to properly maintain the equipment. For the service to be implemented by this Department, staff would need to be recruited and trained for this purpose. Back-up ventilator(s) and power generation capability would be a necessity.

The Department has recognized now that over the last several years, because of the efforts to reduce inpatient medical care costs, the Home Care Program is serving more and more acute cases requiring complex medical procedures. The provision of care to persons with acute medical conditions is in contrast to the Departments' role of health promotion, disease prevention, and primary health care services for which our staff have been trained. Because of this shift in medical care, we are pursuing with Guam Memorial Hospital the transfer of the Home Care Program to GMH to become a hospital-based program which is the model now seen in many of the states. Hospital-based Home Care services have evolved because hospitals are more appropriately staffed and equipped to provide home-based services for patients with acute conditions that may require intravenous drug therapy, ventilation, dialysis, and so forth.

For these reasons I therefore suggest that the placement of home-based ventilation service be further evaluated.

  
LETICIA V. ESPALDON, M.D.  
Director





# GUAM MEMORIAL HOSPITAL AUTHORITY

850 GOV. CARLOS G. CAMACHO ROAD  
OKA, TAMUNING, GUAM 96911  
TEL: 646-5801; 646-6876; 646-6711 thru 18  
TELEX 671-6227, FAX 671-649-0145



November 26, 1991

To: Senator David Shimizu  
Fr: Medical Social Workers  
RE: Bill 595

We submit this written testimony in support of Bill 595 which will appropriate funds for the purchase of portable home ventilators for the island's Lytico-Bodig patients.

We are each assigned to the cases of two patients with Lytico-Bodig presently on ventilators here at GMH and have been waiting for the introduction of this bill. Needless to say, our patients are anxious to return to their homes and families after being confined in the hospital-- one for two years, and the other for nearly a year.

By passing Bill 595, it will enable the two patients, and patients with similar, if not the same cases in the future, to return to a familiar environment and receive the long-term care from their families rather than from hospital staff. In addition to this, being cared for at home will provide them with the emotional support needed to reach their optimum level of health, and a probable independence from the ventilator.

Throughout our intervention with the patients as well as their families, we have seen their emotions fluctuate from excitement to near depression as we assisted in coordinating the procurement of the home ventilators through the resources we had, which to date, has been unsuccessful.

While we ~~are~~ in strong support of Bill 595 because the purchase of ventilators will mean a discharge to home for our patients, we are aware that other factors need to be considered to include: the training of staff to operate the machines (including liability), the actual teaching of the machine to patients and families, the maintenance of the machine and back-up units should the equipment fail.

We ask for careful consideration of Bill 595 with hopes that our patients will eventually be able to return to their homes and be reunited with their families.

*Trina Rosario-Sanchez, MSW*  
Trina Rosario-Sanchez

*Therese Crisostomo Aquino, MSW*  
Therese Crisostomo Aquino



receive  
10/23/91 3:38pm



Senator **HERMINIA D. DIERKING**

21st GUAM LEGISLATURE

**Committees:**

CHAIRPERSON:

**Rules**

**General  
Governmental  
Operations**

VICE CHAIRPERSON:

**Ways & Means**

**Energy  
Utilities and  
Consumer  
Protection**

MEMBER:

**Economic and  
Agricultural  
Development**

**Education**

**Health,  
Ecology and  
Welfare**

**Housing  
Community  
Development,  
Federal and  
Foreign Affairs**

**Judiciary  
and  
Criminal Justice**

**Tourism and  
Transportation**

**Youth, Senior  
Citizens, and  
Cultural Affairs**

October 23, 1991

MEMORANDUM

TO: Chairperson, Committee on Ways & Means  
FROM: Chairperson, Committee on Rules  
SUBJECT: Referral - Bill No. 595

The above Bill is referred to your Committee. Please note that the referral is subject to ratification by the Committee on Rules at its next meeting. It is recommended you schedule a public hearing at your earliest convenience.

  
HERMINIA D. DIERKING

Enclosure

cc: Committee on Health, Ecology and Welfare  
(For Information Only)

Twenty-First Guam Legislature  
1991 (First) Regular Session

Bill No. 595  
Introduced by:

D.L.G. Shimizu

JP Aguon

MZ Bordallo

C.T. Gutierrez

AN ACT TO APPROPRIATE ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000) FOR THE PURCHASE OF PORTABLE HOME VENTILATOR EQUIPMENT AND SUPPLIES FOR LYTICO OR BODIG PATIENTS.

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

- 1 Legislative Findings. The Legislature finds that lytico and  
2 bodig are degenerative diseases endemic to Guam and that the  
3 patient care in home setting is a treatment favored over  
4 institutionalization. The Legislature also finds that numerous  
5 lytico or bodig patients are not cared for in a home setting  
6 because proper medical equipment is not available. Further, the  
7 Legislature finds that with physician-prescribed treatment plan  
8 and accessibility to home ventilators, lytico or bodig patients  
9 who are presently hospitalized can be released for home care.
- 10 Section 1. There is hereby appropriated One Hundred Twenty-Five  
11 Thousand (\$125,000) from the General Fund to the Department of  
12 Public Health and Social Services' Medically Indigent Program  
13 for the purchase of ventilator equipment and supplies to be used  
14 by lytico or bodig patients.
- 15 Section 2. As part of the requirement in the purchase of the  
16 ventilator equipment, the Department of Public Health and Social  
17 Services shall explore the possibility of having nurses from the  
18 Department train in the use and care of the equipment.
- 19 Section 3. The Department of Public Health and Social Services  
20 shall develop the necessary rules and regulation regarding the  
21 use of the equipment, and provide the Legislature within thirty  
22 (30) calendar days after the enactment of this bill into law  
23 with any additional requirements the department may need.

Introduced

Twenty-First Guam Legislature  
1991 (First) Regular Session

NOV 05 '91

Bill No. 595 (COR)  
Introduced by:

D.L.G. Shimizu  
JP Aguon  
MZ Bordallo  
C.T. Gutierrez

AN ACT TO APPROPRIATE ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000) FOR THE PURCHASE OF PORTABLE HOME VENTILATOR EQUIPMENT AND SUPPLIES FOR LYTICO OR BODIG PATIENTS.

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