



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

JAN 05 2003

The Honorable Joanne M. S. Brown  
Legislative Secretary  
I Mina'Bente Singko na Liheslaturan Guåhan  
Twenty-Fifth Guam Legislature  
Suite 200  
130 Aspinal Street  
Hagåtña, Guam 96910

Dear Legislative Secretary Brown:

Enclosed please find Substitute Bill No. 424 (COR), "AN ACT TO *ADD* § 86108(6) TO TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE CREATION OF AN ACCOUNT FOR THE CHILD MENTAL HEALTH INITIATIVE PROGRAM, A FEDERALLY FUNDED PROGRAM OF THE DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE, AND FOR OTHER PURPOSES", which was **signed** into law as **Public Law No. 26-170**.

Very truly yours,

Carl T. C. Gutierrez  
I Maga'Lahen Guåhan  
Governor of Guam

Attachment: copy attached for signed bill or overridden bill  
original attached for vetoed bill

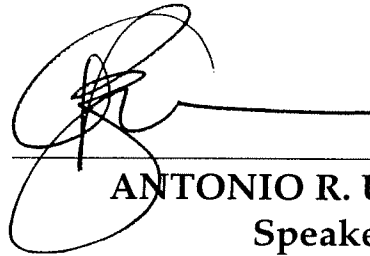
cc: The Honorable Antonio R. Unpingco  
Speaker

012

MINA'BENTE SAIS NA LIHESLATURAN GUAHAN  
2002 (SECOND) Regular Session

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

This is to certify that Substitute Bill No. 424 (COR), "AN ACT TO ADD § 86108(6) TO TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE CREATION OF AN ACCOUNT FOR THE CHILD MENTAL HEALTH INITIATIVE PROGRAM, A FEDERALLY FUNDED PROGRAM OF THE DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE, AND FOR OTHER PURPOSES," was on the 30<sup>th</sup> day of December, 2002, duly and regularly passed.



---

ANTONIO R. UNPINGCO  
Speaker


Attested:



---

JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by *I Maga'lahaen Guahan* this 31<sup>st</sup> day of December, 2002,  
at 2:30 o'clock P.M.



---

Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:



---

CARL T. C. GUTIERREZ  
*I Maga'lahaen Guahan*

Date: 1-5-03

Public Law No. 26-170

**MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN**  
**2002 (SECOND) Regular Session**

**Bill No. 424 (COR)**

As substituted by the Committee  
on Public Works, Health and Human Services  
and amended.

Introduced by:

E. B. Calvo  
A. R. Unpingco  
L. F. Kasperbauer  
J. F. Ada  
T. C. Ada  
F. B. Aguon, Jr.  
J. M.S. Brown  
F. P. Camacho  
M. C. Charfauros  
Mark Forbes  
L. A. Leon Guerrero  
K. S. Moylan  
V. C. Pangelinan  
A. L. G. Santos  
J. T. Won Pat

**AN ACT TO ADD § 86108(6) TO TITLE 10 OF THE  
GUAM CODE ANNOTATED, RELATIVE TO THE  
CREATION OF AN ACCOUNT FOR THE CHILD  
MENTAL HEALTH INITIATIVE PROGRAM, A  
FEDERALLY FUNDED PROGRAM OF THE  
DEPARTMENT OF MENTAL HEALTH AND  
SUBSTANCE ABUSE, AND FOR OTHER  
PURPOSES.**

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

2        **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*  
3 finds that the Department of Mental Health and Substance Abuse

1 ('DMH&SA') is the single state authority and agency for mental health and  
2 substance abuse services.

3 DMH&SA has applied competitively for the Child Mental Health  
4 Initiative Grant from the United States Department of Health and Human  
5 Services, Substance Abuse and Mental Health Services Administration  
6 ('SAMHSA'), and was awarded Nine Million Five Hundred Thousand Dollars  
7 (\$9,500,000) for a period of six (6) years, to administer the Child Mental  
8 Health Initiative Program.

9 Under the leadership of SAMHSA, over forty-four (44) grants have been  
10 awarded to sites across the United States, and now Guam, who applied for  
11 funds to improve systems of care for children. SAMHSA has a clear directive  
12 to Child Mental Health Initiative sites that they implement family-provider  
13 collaboration within their systems of care. This directive provides a unique  
14 opportunity for Guam to work in collaboration when offering services to  
15 children with emotional, behavioral, and mental disorders and their families.

16 As the Federal grant guidelines state, successful implementation of  
17 systems of care at the Child Mental Health Initiative sites depends upon "the  
18 full involvement and partnership of families in: (1) the planning,  
19 development, implementation, management and evaluation of the local  
20 service system (agencies such as DMH&SA, DYA, DISID, DPH&SS, DOE, and  
21 the family court of the Superior Court of Guam); *and* (2) the care of their  
22 children and adolescents. DMH&SA hopes that there will be a range of  
23 participants in a wide variety of systems of care who are looking for strategies  
24 to increase family participation and expand family-provider collaboration.

25 Included with this Act are measures relative to the Child Mental Health

1 Initiative Program creating a fund to secure grant monies anticipated by  
2 DMH&SA through quarterly allotments from SAMHSA. Additionally, this  
3 Act allows for DMH&SA to secure the necessary positions required under the  
4 grant award through unclassified recruitment.

5 **Section 2. Child Mental Health Initiative Program Grant Fund.**

6 (a) There is created, separate and apart from any other funds of  
7 the government of Guam, under the administration and control of  
8 DMH&SA, Child-Adolescent Services Division, the Child Mental Health  
9 Initiative Grant Fund.

10 (b) The Child Mental Health Initiative Grant Fund shall be held  
11 in an account, or accounts, at any Guam financial institution, or  
12 institutions, separate and apart from all other accounts and funds of the  
13 government of Guam, and shall *not* be subject to the transfer authority  
14 of *I Maga'lahaen Guåhan*. All monies deposited into this account are  
15 hereby appropriated to DMH&SA, Child-Adolescent Services Division.  
16 One hundred percent (100%) of the funds in the Child Mental Health  
17 Initiative Program Grant Fund shall be utilized by DMH&SA, Child-  
18 Adolescent Services Division, for the administration, management and  
19 operations of the Child Mental Health Initiative Program.

20 (c) All funds received by DMH&SA from SAMHSA of the  
21 United States Department of Health and Human Services for the Child  
22 Mental Health Initiative Program shall be deposited into the Child  
23 Mental Health Initiative Grant Fund.

24 (d) All local matching fund appropriations and budget  
25 allotments for the Child Mental Health Initiative Program shall be

1 deposited into the Child Mental Health Initiative Grant Fund.

2 (e) Any in-kind monetary, philanthropic contribution or any  
3 program income generated from direct or tertiary services of the Child  
4 Mental Health Initiative Program shall be deposited into the Child  
5 Mental Health Initiative Grant Fund. Such deposits shall be used  
6 towards the local matching requirements for the benefit and use of the  
7 Child Mental Health Initiative Program.

8 (f) All interest accrued by the Child Mental Health Initiative  
9 Grant Fund shall be transferred bi-annually into the DMH&SA,  
10 Auxiliary Fund (*specifically* for C.M.H.I. services), as created by § 86106  
11 of Chapter 86 of Title 10 of the Guam Code Annotated.

12 (g) The Child Mental Health Initiative Grant Fund shall be  
13 audited by the Guam Public Auditor annually, meeting the single audit  
14 requirements of the United States Office of Management Budget,  
15 Circular A-133. A copy of the audit shall be forwarded to *I Maga'lahen*  
16 *Guåhan* and *I Liheslaturan Guåhan* upon completion.

17 **Section 3. Use of General Fund.** Notwithstanding any other provision  
18 of law, the Child Mental Health Initiative Program is authorized to use in the  
19 interim the General Fund to *temporarily* incur the Federal matching allocations  
20 approved by SAMHSA of the United States Department of Health and  
21 Human Services. The *interim* use of funds is hereby appropriated from the  
22 General Fund; provided:

23 (a) any funds used are subject to reimbursement by the Federal  
24 government; *and*

1 (b) reimbursed funds shall be returned to the General Fund  
2 upon receipt.

3 **Section 4. Authorization to Hire.** DMH&SA is hereby authorized to  
4 hire the necessary unclassified administrative, technical, professional and  
5 licensed personnel to carry out the work of the Child Mental Health Initiative  
6 Program; provided, that the position is one hundred percent (100%) Federally  
7 funded, and is an approved position by SAMHSA of the United States  
8 Department of Health and Human Services, *only* under C.M.H.I.  
9 comprehensive agreement. These unclassified positions are as follows:

10 Clinical Director/Training Coordinator

11 Project Director

12 Key Family Contact

13 Youth Coordinator

14 Social Marketing/Communication Manager

15 Technical Assistance Coordinator

16 Care Coordinator (SW1)

17 Care Coordinator (SW1+3)

18 Care Coordinator (SW2+3)

19 Care Coordinator (SW3+5)

20 Administrative Officer

21 Data/Administrative Clerk

22 Allocation of pay grades for the unclassified positions shall be slotted by  
23 the Civil Service Commission (CSC) using the Hay Guide Chart profile. These  
24 actions are subject to audit by the CSC.

25 **Section 5.** Section 86108(6) of Chapter 86, Division 4 of Title 10 of the

1 Guam Code Annotated is hereby *added* to read as follows:

2           “(6) Perform such acts as may be reasonably necessary to  
3 accomplish the purpose for which it was formed, subject, however, to  
4 the following conditions:

5           (a) Adopt such rules and regulations pursuant to the  
6 Administrative Adjudication Law as may be necessary for the  
7 exercise of the Department’s powers, performance of its duties  
8 and administration of its operations.

9           (b) Set fees, pursuant to the Administrative Adjudication  
10 Law, for appropriate types of services, appropriate types of  
11 medication formulary, and appropriate types of supplies, *except* in  
12 so doing, such fees shall *not* be retroactive as to services,  
13 medications and supplies furnished *prior* to the effective date of  
14 the enactment of such fees.

15           The schedule of fees shall be sufficient to recover the  
16 operating costs and fixed costs and to generate such revenue as is  
17 necessary to make the Department quasi-self-sustaining. The  
18 costs of any medical care and services rendered to any person  
19 under a medically indigent or assistance program as defined  
20 within Chapter 2 of this Title and/or Medicaid/medicare, shall be  
21 paid by the Department of Public Health and Social Services.

22           (c) **Annual Analysis Report to *I Liheslaturan Guåhan*.**

23           As a means of assuring the People of Guam that the Department is  
24 cost effective in the delivery and performance of healthcare



1 services mandated by law, the Council will establish monitors to  
2 measure the quality and appropriateness of services rendered, and  
3 the productivity and financial performance of the Department.  
4 The results of this measure shall be submitted to *I Liheslaturan*  
5 *Guåhan* concurrently with any fee adjustments.

6 (d) The Council shall submit to *I Liheslaturan Guåhan*, for  
7 approval, a budget for the use of any funds collected through the  
8 implementation of a fee schedule."

9 **Section 6. Effective Date.** The provisions of § 5 of this Act shall be  
10 effective on June 1, 2003.

11 **Section 7. Effective Date of Act.** The provisions of this Act shall  
12 become effective *immediately* upon enactment, *unless* specified otherwise.

13 **Section 8. Severability.** *If* any provision of this Law or its  
14 application to any person or circumstance is found to be invalid or contrary to  
15 law, such invalidity shall *not* affect other provisions or applications of this  
16 Law which can be given effect without the invalid provisions or application,  
17 and to this end the provisions of this Law are severable.

# I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2002 (SECOND) Regular Session

Date: 12/30/02

## VOTING SHEET

5 Bill No. 424 (COR)

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Joseph F.	✓				
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M. S.	✓				
CALVO, Eddie B.	✓				
CAMACHO, Felix P.					✓
CHARFAUROS, Mark C.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LEON GUERRERO, Lourdes A.	✓				
MOYLAN, Kaleo S.					✓
PANGELINAN, Vicente C.	✓				
SANTOS, Angel L.G.					✓
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

12   0   0   0   3

CERTIFIED TRUE AND CORRECT:

\_\_\_\_\_  
Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence

DEC 24 2002

Speaker Antonio R. Unpingco  
I Mina' Bente Sais Na Liheslaturan Guåhan  
155 Hesler Street  
Hagåtña, Guam 96910

Dear Mr. Speaker:

The Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs, to which Bill No. 424, was referred, wishes to report its findings and recommendations **TO DO PASS BILL NO. 424, as substituted:** "AN ACT TO REPEAL AND REENACT SECTION 6123 OF CHAPTER 6, DIVISION 1, OF TITLE 11 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE YOUTH TOBACCO EDUCATION AND PREVENTION FUND, THE CREATION OF FUND ACCOUNTS FOR THE CHILD MENTAL HEALTH INITIATIVE PROGRAM, A FEDERALLY FUNDED GRANT OF THE DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE AND FOR OTHER PUPOSES."

The voting record is as follows:

<b>TO PASS</b>	<u>6</u>
<b>NOT TO PASS</b>	<u>0</u>
<b>ABSTAIN</b>	<u>0</u>
<b>TO PLACE IN INACTIVE FILE</b>	<u>0</u>
<b>TO REPORT OUT</b>	<u>2</u>

Copies of the Committee Report and other pertinent documents are attached. Thank you and si Yu'os ma'ase for your attention to this matter.



**MARK FORBES**

Attachments

DEC 24 2002

**MEMORANDUM**

**TO:** Committee Members

**FROM:** Chairman

**SUBJECT:** Committee Report- BILL NO. 424, as substituted : “An Act To Repeal And Reenact Section 6123 Of Chapter 6, Divison 1, Of Title 11 Of The Guam Code Annotated, Relative To The Youth Tobacco Education And Prevention Fund, The Creation Of Fund Accounts For The Child Mental Health Initiative Program, A Federally Funded Grant Of The Department Of Mental Health And Substance Abuse And For Other Puposos.”

Transmitted herewith for your information and action is the report on Bill No. 424, as substituted, from the Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Bill No.424, as substituted
4. Public Hearing Sign-in Sheet
5. Fiscal Note/Fiscal Note Waiver

Please take the appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated.

Should you have any questions regarding the report or accompanying documents, please do not hesitate to contact me.

Thank you and si Yu'os ma'ase.

**MARK FORBES**


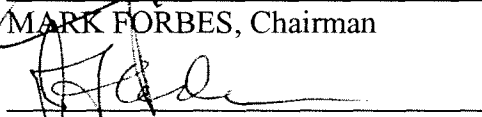
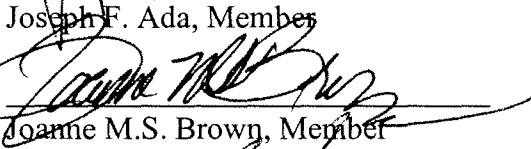
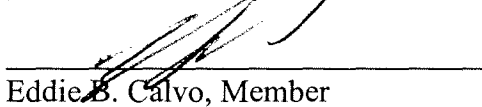
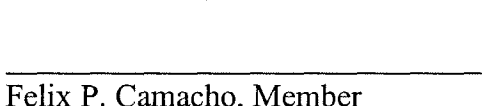
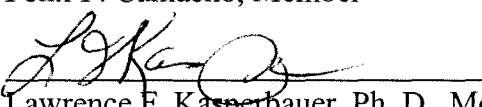
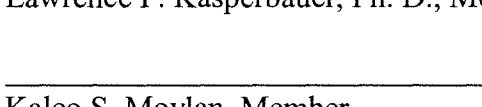
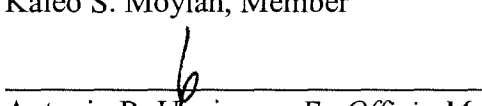
Attachments

**Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal,  
Foreign and General Affairs**  
**I Mina' Bente Sais Na Liheslaturan Guåhan**

*As substituted*

**Voting Record**

BILL NO. 424: "An Act To Repeal And Reenact Section 6123 Of Chapter 6, Divison 1, Of Title 11 Of The Guam Code Annotated, Relative To The Youth Tobacco Education And Prevention Fund, The Creation Of Fund Accounts For The Child Mental Health Initiative Program, A Federally Funded Grant Of The Department Of Mental Health And Substance Abuse And For Other Puposos."

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>TO ABSTAIN</u>	<u>INACTIVE FILE</u>	<u>REPORT OUT</u>
 MARK FORBES, Chairman	✓				
 Joseph F. Ada, Member	✓				
 Joanne M.S. Brown, Member					✓
 Eddie B. Calvo, Member	✓				
Felix P. Camacho, Member					
 Lawrence F. Kasperbauer, Ph. D., Member	✗				
Kaleo S. Moylan, Member					
 Antonio R. Unpingco, <i>Ex-Officio Member</i>	✓				
 Thomas C. Ada, Member	✓				
 Lou A. Leon Guerrero, Member					✓
Vicente C. Pangelinan, Member					

12/27/02 3rd p.l. 26-170  
12/27/02

**MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN  
2002 (SECOND) Regular Session**

**Bill No. 424 (COR)**

\* As Substituted by the Committee  
on Public Works, Health and Human Services  
and amended.

Introduced by:

- E. B. Calvo
- A. R. Unpingco
- L. F. Kasperbauer
- J. F. Ada
- T. C. Ada
- F. B. Aguon, Jr.
- J. M.S. Brown
- F. P. Camacho
- M. C. Charfauros
- Mark Forbes
- L. A. Leon Guerrero
- K. S. Moylan
- V. C. Pangelinan
- A. L. G. Santos
- J. T. Won Pat

**AN ACT RELATIVE TO THE CREATION OF AN  
ACCOUNT FOR THE CHILD MENTAL HEALTH  
INITIATIVE PROGRAM, A FEDERALLY FUNDED  
PROGRAM OF THE DEPARTMENT OF MENTAL  
HEALTH AND SUBSTANCE ABUSE AND FOR  
OTHER PURPOSES.**

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

2           **Section 1. Legislative Findings and Intent.**    *I Liheslaturan Guåhan*

3 finds that the Department of Mental Health and Substance Abuse  
4 ('DMH&SA') is the single state authority and agency for mental health and  
5 substance abuse services.

6           The Department of Mental Health and Substance Abuse has applied  
7 competitively for the Child Mental Health initiative Grant from the United  
8 States Department of Health and Human Services, Substance Abuse and  
9 Mental Health Services Administration (SAMHSA), and was awarded nine  
10 million five hundred thousand dollars (\$9,500,000) for a period of six (6)  
11 years, to administer the Child Mental Health Initiative Program.

12           Under the leadership of SAMHSA, over 44 grants have been awarded to  
13 sites across the United States and now Guam who has applied for funds to  
14 improve systems of care for children. SAMHSA has a clear directive to Child  
15 Mental Health Initiative sites that they implement family-provider  
16 collaboration within their systems of care. This directive provides a unique  
17 opportunity for Guam to work in collaboration when offering services to  
18 children with emotional, behavioral, and mental disorders and their families.

19           As the federal grant guidelines state, successful implementation of  
20 systems of care at the Child Mental Health Initiative sites depends on "the full  
21 involvement and partnership of families in: (1) the planning, development,  
22 implementation, management and evaluation of the local service system  
23 (agencies such as DMH&SA, DYA, DISID, DPH&SS, DOE, family court of the

1 Superior Court of Guam); and (2) the care of their children and adolescents.  
2 The Department of Mental Health and Substance Abuse hope that there will  
3 be a range of participants in a wide variety of systems of care who are looking  
4 for strategies to increase family participation and expand family-provider  
5 collaboration.

6 Included with this Act are measures relative to the Child Mental Health  
7 Initiative Program creating a fund to secure grant monies anticipated by the  
8 Department through quarterly allotments from SAMHSA. Additionally, this  
9 Act allows for the Department to secure the necessary positions required  
10 under the grant award through unclassified recruitment.

11 **Section 2. Child Mental Health Initiative Program Grant Fund.**

12 (a) There is created, separate and apart from any other funds of  
13 the government of Guam, under the administration and control of the  
14 Department of Mental Health and Substance Abuse, Child-Adolescent  
15 Services Division, the Child Mental Health Initiative Grant Fund.

16 (b) The Child Mental Health Initiative Grant Fund shall be held  
17 in an account or accounts at any Guam financial institution, or  
18 institutions, separate and apart from all other accounts and funds of the  
19 government of Guam, and shall not be subject to the transfer authority  
20 of *I Måga'lahen Guåhan*. All monies deposited in this account is hereby  
21 appropriated to the Department of Mental Health and Substance Abuse,  
22 Child-Adolescent Services Division. One hundred percent (100%) of the  
23 funds in the Child Mental Health Initiative Program Grant Fund shall  
24 be utilized by the Department of Mental Health and Substance Abuse,  
25 Child-Adolescent Services Division, for the administration,



1 management, and operations of the Child Mental Health Initiative  
2 Program.

3 (c) All funds received by the Department of Mental Health and  
4 Substance Abuse from the Substance Abuse and Mental Health Services  
5 Administration (SAMHSA) of the United States Department of Health  
6 and Human Services for the Child Mental Health Initiative Program  
7 shall be deposited in the Child Mental Health Initiative Grant Fund.

8 (d) All local matching fund appropriations and budget  
9 allotments for the Child Mental Health Initiative Program shall be  
10 deposited in the Child Mental Health Initiative Grant Fund.

11 (e) Any in-kind monetary, philanthropic contribution, or any  
12 program income generated from direct or tertiary services of the Child  
13 Mental Health Initiative Program shall be deposited in the Child Mental  
14 Health Initiative Grant Fund. Such deposits shall be used towards the  
15 local matching requirements for the benefit and use of the Child Mental  
16 Health Initiative Program.

17 (f) All interest accrued by the Child Mental Health Initiative  
18 Grant Fund shall be transferred bi-annually into the Department of  
19 Mental Health and Substance Abuse, Auxiliary Fund (specifically for  
20 C.M.H.I. services) as created by §86106 of Chapter 86, Title 10 Guam  
21 Code Annotated.

22 (g) The Child Mental Health Initiative Grant Fund shall be  
23 audited by the Guam Public Auditor annually meeting the single audit  
24 requirements of the United States Office of Management Budget,  
25 Circular A-133. A copy of the audit shall be forwarded to I Maga'lahen

1 Guåhan and I Liheslaturan Guåhan upon completion.

2 **Section 3. Use of General Fund to carry the Federal Matching Grants-**  
3 **in-Aid Interim Requirements of the Child Mental Health Initiative**  
4 **Program.**

5 (a) Notwithstanding any other provision of law, the Child  
6 Mental Health Initiative Program is authorized to use in the interim, the  
7 General Fund, to temporarily incur the federal matching allocations  
8 approved by the Substance Abuse and Mental Health Services  
9 Administration (SAMHSA) of the United States Department of Health  
10 and Human Services. The interim use of funds is hereby appropriated  
11 from the General Fund provided;

12 (b) any funds used are subject to reimbursement by the federal  
13 government; and

14 (c) reimbursed funds shall be returned to the General Fund  
15 upon receipt.

16 **Section 4. Authorization to Hire.** The Department of Mental Health  
17 and Substance Abuse is authorized the hiring of necessary unclassified  
18 administrative, technical, professional and licensed personnel to carry out the  
19 work of the Child Mental Health Initiative Program provided that the position  
20 is one hundred percent (100%) federally funded and is an approved position  
21 by the Substance Abuse and Mental Health Services Administration  
22 (SAMHSA) of the United States Department of Health and Human Services,  
23 only under C.M.H.I. comprehensive agreement. These unclassified positions  
24 are as follows:

25 Clinical Director/Training Coordinator

- 1 Project Director
- 2 Key Family Contact
- 3 Youth Coordinator
- 4 Social Marketing/Communication Manager
- 5 Technical Assistance Coordinator
- 6 Care Coordinator (SW1)
- 7 Care Coordinator (SW1+3)
- 8 Care Coordinator (SW2+3)
- 9 Care Coordinator (SW3+5)
- 10 Administrative Officer
- 11 Data/Administrative Clerk

12 Allocation of pay grades for the unclassified positions shall be slotted by  
13 CSC, using the Hay Guide Chart profile. These actions are subject to audit by  
14 CSC.

15 **Section 5.** Add Section 86108(6) of Chapter 86, Division 4, of Title 10 of  
16 the Guam Code Annotated, relative to the Council of Mental Health and  
17 Substance Abuse. Section 86108(6) of Chapter 86, Division 4, of Title 10 of the  
18 Guam Code Annotated is hereby added to read:

19 **§ 86107. Duties of Council.**

20 “(6) Perform such acts as may be reasonably necessary to  
21 accomplish the purpose for which it was formed, subject,  
22 however, to the following conditions:

23 (a) Adopt such rules and regulations pursuant to  
24 the Administrative Adjudication Act as may be necessary  
25 for the exercise of the department’s powers, performance of

1 its duties and administration of its operations;

2 (b) Set fees, pursuant to the Administrative  
3 Adjudication Act, for appropriate types of services,  
4 appropriate types of medication formulary , and appropriate  
5 types of supplies, except in so doing, such fees shall not be  
6 retroactive as to services, medications and supplies  
7 furnished prior to the effective date of the enactment of such  
8 fees. The schedule of fees shall be sufficient to recover the  
9 operating costs and fixed costs and to generate such revenue  
10 as is necessary to make the department quasi self sustaining.  
11 The costs of any medical care and services rendered to any  
12 person under a medically indigent or assistance program as  
13 defined within Chapter 2 of this Title and/or  
14 Medicaid/medicare, shall be paid by the Department of  
15 Public Health and Social Services.

16 (c) Annual Analysis Report to *I Liheslaturan Guahån*.  
17 As a means of assuring the people of Guam that the  
18 department is cost effective in the delivery and performance  
19 of healthcare services mandated by law, the Council will  
20 establish monitors to measure the quality and  
21 appropriateness of services rendered and the productivity  
22 and financial performance of the department. The results of  
23 this measures shall be submitted to *I Liheslaturan Guahån*  
24 concurrently with any fee adjustments.

25 (d) The Council shall submit to *I Liheslaturan*

1                    *Guahân*, for approval, a budget for the use of any funds  
2                    collected through the implementation of a fee schedule.”

3                    **Section 6. Effective Date.** The provisions of Section 5 of this Act  
4 shall be effective on June 1, 2003.

5                    **Section 7. Effective Date of Act.** The provisions of this Act shall  
6 become effective *immediately* upon enactment, unless specified otherwise.

7                    **Section 8. Severability.** If any provision of this Law or its  
8 application to any person or circumstance is found to be invalid or contrary to  
9 law, such invalidity shall not affect other provisions or applications of this  
10 Law which can be given effect without the invalid provisions or application,  
11 and to this end the provisions of this Law are severable.

**MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN**  
**2002 (SECOND) Regular Session**

Bill No. 424 (COR)

Introduced by:

E. B. Calvo *EB*

A.R. Unpingco

L.F. Kasperbauer

**AN ACT TO REPEAL AND REENACT SECTION 6123 OF  
CHAPTER 6, DIVISION 1, OF TITLE 11 OF THE GUAM  
CODE ANNOTATED, RELATIVE TO THE YOUTH  
TOBACCO EDUCATION AND PREVENTION FUND,  
THE CREATION OF FUND ACCOUNTS FOR THE  
CHILD MENTAL HEALTH INITIATIVE PROGRAM, A  
FEDERALLY FUNDED GRANT OF THE DEPARTMENT  
OF MENTAL HEALTH AND SUBSTANCE ABUSE AND  
FOR OTHER PURPOSES.**

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

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that Public Law Number 25-187, as amended, established the Youth Tobacco  
4 Education and Prevention Fund, which is subject to legislative appropriation with  
5 monies contained therein to be expended *exclusively* for the purpose of funding  
6 program expenditures at the Department of Mental Health and Substance Abuse  
7 Authority (“DMH&SA”).

1 Two (2) Sub-accounts were established on June 21, 2001 within the Youth  
2 Tobacco Education and Prevention Fund: the Series 2001A Sub-account, with a total  
3 of Nine Hundred Eighty-two Thousand Two Hundred Forty-seven and Twenty-six  
4 Cents (\$982,247.26) on deposit; and the Series 2001B Sub-account, with a total of One  
5 Million One Hundred Sixty-five Thousand Seven Hundred Forty-eight Dollars and  
6 Nine Cents (\$1,165,748.09).

7 *I Liheslaturan Guåhan* finds that the Department of Mental Health and  
8 Substance Abuse ('DMH&SA') is the state authority and agency for mental health  
9 services. Public Law Number 25-187, as amended, established the Youth Tobacco  
10 Education and Prevention Fund. The fund is to be expended *exclusively* for the  
11 purpose of funding programs DMH&SA. Furthermore, the Youth Tobacco Education  
12 and Prevention Fund, *subject* to legislative approval, may be invested or reinvested in  
13 bonds or in securities that are approved for the Retirement Fund, or according to  
14 modern investment practices of similar funds, as such appropriations are limited as set  
15 forth in Public Law Number 25-187, as amended, and by certain covenants of the  
16 government relating to the Bonds.

17 Two (2) Sub-accounts were established on June 21, 2001 within the Youth  
18 Tobacco Education and Prevention Fund: the Series 2001A Sub-account, with a total  
19 of Nine Hundred Eight-two Thousand Two Hundred Forty-seven and Twenty-six Cents

1 (\$982,247.26) on deposit; and the Series 2001B Sub-account, with a total of One  
2 Million One Hundred Sixty-five Thousand Seven Hundred Forty-eight Dollars and  
3 Nine Cents (\$1,165,748.09) on deposit. *I Liheslaturan Guåhan* further finds that all  
4 of the monies contained in the Series 2001A Sub-account may be used to fund  
5 operating expenses or capital expenses which has been similarly granted to the hospital  
6 in the use of their Tobacco Settlement Funds.

7 The Department of Mental Health and Substance Abuse has applied  
8 competitively for the Child Mental Health initiative Grant from the United States  
9 Department of Health and Human Services, Substance Abuse and Mental Health  
10 Services Administration (SAMHSA), and was awarded nine million five hundred  
11 thousand dollars (\$9,500,000) for a period of six (6) years, to administer the Child  
12 Mental Health Initiative Program.

13 Under the leadership of SAMHSA, over 44 grants have been awarded to sites  
14 across the United States and now Guam who has applied for funds to improve systems  
15 of care for children. SAMHSA has a clear directive to Child Mental Health Initiative  
16 sites that they implement family-provider collaboration within their systems of care.  
17 This directive provides a unique opportunity for Guam to work at collaboration when  
18 offering services to children with emotional, behavioral, and mental disorders and their  
19 families.



1           As the federal grant guidelines state, successful implementation of systems of  
2 care at the Child Mental Health Initiative sites depends on "the full involvement and  
3 partnership of families in: (1) the planning, development, implementation, management  
4 and evaluation of the local service system (agencies such as DMH&SA, GMH DISIT,  
5 DPH&SS); and (2) the care of their children and adolescents. The Department of  
6 Mental Health and Substance Abuse hope that there will be a range of participants in  
7 a wide variety of systems of care who are looking for strategies to increase family  
8 participation in systems of care and to expand family-provider collaboration

9           The approach of the Department of Mental Health and Substance Abuse is to  
10 create a **wrap around system** where the Department will take a lead coordination role  
11 with the Guam System of Care Council. This collaboration of services will simplify  
12 the need of a child requiring servicing through a single entity providing monitoring,  
13 coordination and execution of services. The grant award by SAMHSA funding the  
14 Child Mental Health Initiative Fund is utilized by the Child Services Division, for  
15 wraparound services facilitated by the care coordinators of the Child Mental Health  
16 Initiative Program, in the execution of individualized service plans for each child with  
17 a serious emotional disturbance and their family. The development of individualized  
18 service plans for each child and their families must be approved by the Guam System  
19 of Care Council where certain funds through outright grants are provided to these

1 families assuring the acquisition of necessary services or commodities facilitating each  
2 unique service plan designed for each child under the program. This grant is locally  
3 funded and is a part of Guam's earnest commitment to securing the grant.

4 It is therefore the intent of *I Liheslaturan Guåhan* to appropriate a sum of Two  
5 Hundred Fifty Thousand Dollars (\$250,000.00) from the Series 2001A Sub-account of  
6 the Youth Tobacco Education and Prevention Fund to be utilized as flex funds for the  
7 Children Mental Health Initiative Grant

8 Included with this Act are measures relative to the Child Mental Health Initiative  
9 Program creating a fund to secure the grant money's anticipated by the Department  
10 through quarterly allotments. Additionally, this Act allows for the Department to  
11 secure the necessary positions required under the grant award through unclassified  
12 recruitment.

13 **Section 2. Repeal and Reenactment of Section 6123 of Chapter 6, Division**  
14 **1, of Title 11 of The Guam Code Annotated.** Section 6123 of Chapter 6, Division  
15 1, of Title 11 of The Guam Code Annotated as amended by P.L. 25-187 is hereby  
16 repealed and reenacted to read:

17 **“§ 6123. Youth Tobacco Education and Prevention Fund.**

18 (a) There is created, separate and apart from any other  
19 funds of the government of Guam, under the administration

1 and control of the Department, the Youth Tobacco Education  
2 and Prevention Fund ('YTEPF'). YTEPF shall be held in an  
3 account or accounts at a Guam financial institution, or  
4 institutions, separate and apart from all other accounts and  
5 funds of the government of Guam, and shall not be subject  
6 to the transfer authority of *I Maga'lahaen Guåhan*. One  
7 hundred percent (100%) of the funds in the YTEPF shall be  
8 utilized by the Department of Mental Health and Substance  
9 Abuse for youth compliance monitoring; tobacco, drug  
10 prevention and education programs; operating expenses or  
11 capital expenses.

12 (b) YTEPF, subject to legislative approval, may be  
13 invested or reinvested in bonds or in securities that are  
14 approved for the Retirement Fund or according to modern  
15 investment practices of similar funds. The appropriations  
16 from the YTEPF received pursuant to, shall be limited to  
17 50% of the initial deposit from the proceeds of the sale for  
18 the first three years. Thereafter, expenditures shall be limited  
19 to 90% of the earnings of the Fund.”

1           **Section 3. Interest from the Series 2001B Sub-account of the Youth**  
2 **Tobacco Education and Prevention Fund to be redeposited into the Series 2001A**  
3 **Sub-account of the Youth Tobacco Education and Prevention Fund.** Provided  
4 that all bond covenant and tobacco settlement requirements and restrictions are  
5 satisfied, interest earned above the principal deposit of One Million One Hundred  
6 Sixty-five Thousand Seven Hundred Forty-eight Dollars and Nine Cents  
7 (\$1,165,748.09) of the Youth Tobacco Education and Prevention Fund, Series 2001B  
8 Sub-account shall be transferred into the Youth Tobacco Education and Prevention  
9 Fund, Series 2001A Sub-account forty-five days prior to end of each fiscal year. The  
10 transfer of funds shall continue until *I Liheslaturan Guahån* approves the investment  
11 of the Youth Tobacco Education and Prevention Fund, Series 2001A Sub-account, into  
12 bonds or in securities that are approved for the Retirement Fund or other investment  
13 practices yielding higher returns.

14           **Section 4. Child Mental Health Initiative Fund.** (a) There is created, separate  
15 and apart from any other funds of the government of Guam, under the administration  
16 and control of the Department of Mental Health and Substance Abuse, Child Services  
17 Division, the Child Mental Health Initiative Fund.

18           (b) The Child Mental Health Initiative Fund shall be held in an account or  
19 accounts at any Guam financial institution, or institutions, separate and apart from all

1 other accounts and funds of the government of Guam, and shall not be subject to the  
2 transfer authority of *I Maga'lahaen Guåhan*. All monies deposited in this account is  
3 hereby appropriated to the Department of Mental Health and Substance Abuse, Child  
4 Services Division. One hundred percent (100%) of the funds in the Child Mental  
5 Health Initiative Fund shall be utilized by the Child Services Division, for wraparound  
6 services facilitated by the care coordinators of the Child Mental Health Initiative  
7 Program, in the execution of individualized service plans for each child with a serious  
8 emotional disturbance and their family. The development of individualized service  
9 plans for each child and their families must be approved by the Guam System of Care  
10 Council.

11 (c) Disbursements made against the Child Mental Health Initiative Fund shall  
12 be approved by three fourths  $\frac{3}{4}$  vote of the total membership of the Council on Mental  
13 Health and Substance Abuse. Approved individualized service plans by the Guam  
14 System of Care Council shall be submitted to the Council on Mental Health and  
15 Substance Abuse and shall be treated as an outright grant exempt from the Procurement  
16 Laws of Guam. Disbursements shall only be used to support individualization of  
17 services for children and their families participating in the Child Mental Health  
18 Initiative Program.

1 (d) All interest earned by the Child Mental Health Initiative Fund shall remain  
2 within the fund and is appropriated for the purposes of facilitating individualized  
3 service plans for each child and their families under the program.

4 (e) The fund is capitated at Two Hundred Fifty Thousand Dollars  
5 (\$250,000.00).

6 (f) The Council on Mental Health and Substance Abuse shall not be made to  
7 waste in the determination of fund expenditures allowed in this appropriation in  
8 compliance with this Section. This fund shall not be used as a subsidy for any salaries,  
9 benefits or for the payment of any overtime salaries. The Guam Public Auditor is  
10 required to audit the fund annually and a report submitted to *I Maga'lahen Guåhan*  
11 and *I Liheslaturan Guåhan* within 120 days after the close of a fiscal year.

12 **Section 5. Appropriation for Child Mental Health Initiative Fund of the**  
13 **Department of Mental Health and Substance Abuse.** The sum of Two Hundred  
14 Fifty Thousand Dollars (\$250,000.00) is hereby appropriated from the Series 2001A  
15 Sub-account of the Youth Tobacco Education and Prevention Fund to the Child Mental  
16 Health Initiative Fund administered by the Department of Mental Health and Substance  
17 Abuse to be used *exclusively* for the Child Mental Health Initiative Program,  
18 wraparound flex fund for the purposes of facilitating individualized service plans for  
19 each child and their families under the program.

1           **Section 6. Appropriation to the Child Mental Health Initiative Fund from**  
2 **interest deposits into Series 2001A Sub-Account of the Youth Tobacco Education**  
3 **and Prevention Fund.** Deposits made pursuant to Section 3 of this Act shall be  
4 transferred and appropriated to the Child Mental Health Initiative Fund at the onset of  
5 each fiscal year commencing on Fiscal Year 2004. Funds transferred shall not exceed  
6 the capitation requirements set within Section 4(e) of this Act.

7           **Section 7. Reporting Requirement.** The Department of Mental Health and  
8 Substance Abuse shall submit a detailed report of the expenditures of the funds  
9 appropriated by Section 5 of this Act to the Speaker of *I Liheslaturan Guåhan*; to the  
10 Chairpersons of the Committee on Ways and Means; and to the Committee on Public  
11 Works, Health and Human Services of *I Liheslaturan Guåhan* within sixty (60) days  
12 following the close of each Fiscal Year. If any unused portion of the funds  
13 appropriated herein is carried over into Fiscal Year 2004 or any succeeding fiscal year,  
14 the provisions contained in this Section shall apply.

15           **Section 8. Child Mental Health Initiative Program Grant Fund.** (a) There  
16 is created, separate and apart from any other funds of the government of Guam, under  
17 the administration and control of the Department of Mental Health and Substance  
18 Abuse, Child Services Division, the Child Mental Health Initiative Grant Fund.

1 (b) The Child Mental Health Initiative Grant Fund shall be held in an account or  
2 accounts at any Guam financial institution, or institutions, separate and apart from all  
3 other accounts and funds of the government of Guam, and shall not be subject to the  
4 transfer authority of I Maga'lahren Guåhan. All monies deposited in this account is  
5 hereby appropriated to the Department of Mental Health and Substance Abuse, Child  
6 Services Division. One hundred percent (100%) of the funds in the Child Mental  
7 Health Initiative Program Grant Fund shall be utilized by the Department of Mental  
8 Health and Substance Abuse, Child Services Division, for the administration,  
9 management, and operations of the Child Mental Health Initiative Program.

10 (c) All funds received by the Department of Mental Health and Substance  
11 Abuse from the Substance Abuse and Mental Health Services Administration  
12 (SAMHSA) of the United States Department of Health and Human Services for the  
13 Child Mental Health Initiative Program shall be deposited in the Child Mental Health  
14 Initiative Grant Fund.

15 (d) All local matching fund appropriations and budget allotments for the Child  
16 Mental Health Initiative Program shall be deposited in the Child Mental Health  
17 Initiative Grant Fund.

18 (e) Any in-kind monetary, philanthropic contribution, or any program income  
19 generated from direct or tertiary services of the Child Mental Health Initiative Program



1 shall be deposited in the Child Mental Health Initiative Grant Fund. Such deposits  
2 shall be used towards the local matching requirements for the benefit and use of the  
3 Child Mental Health Initiative Program.

4 (e) All interest accrued by the Child Mental Health Initiative Grant Fund shall  
5 be transferred bi-annually into the Department of Mental Health and Substance Abuse,  
6 Auxiliary Fund as created by §86106 of Chapter 86, Title 10 Guam Code Annotated.

7 (d) The Child Mental Health Initiative Grant Fund shall be audited by the Guam  
8 Public Auditor annually meeting the single audit requirements of the United States  
9 Office of Management Budget, Circular A-133. A copy of the audit shall be forwarded  
10 to *I Maga'lahañ Guåhan* and *I Liheslaturan Guåhan* upon completion.

11 **Section 9. Use of General Fund to carry the Federal matching grants-in-aid**  
12 **interim requirements of the Child Mental Health Initiative Program. (a)**  
13 Notwithstanding any other provision of law, the Child Mental Health Initiative  
14 Program is authorized to use in the interim, the General Fund, to temporarily incur the  
15 federal matching allocations approved by the Substance Abuse and Mental Health  
16 Services Administration (SAMHSA) of the United States Department of Health and  
17 Human Services. The interim use of funds is hereby appropriated from the General  
18 Fund provided;

1 (b) any funds used are subject to reimbursement by the federal government;

2 and

3 (c) reimbursed funds shall be returned to the General Fund upon receipt.

4 **Section 10. Authorization to Hire.** The Department of Mental Health and

5 Substance Abuse is authorized the hiring of necessary unclassified administrative,

6 technical, professional and licensed personnel to carry out the work of the Child Mental

7 Health Initiative Program provided that the position is one hundred percent (100%)

8 federally funded and is an approved position by the Substance Abuse and Mental

9 Health Services Administration (SAMHSA) of the United States Department of Health

10 and Human Services. Within twenty-four (24) months upon enactment of this Act, the

11 Department of Mental Health and Substance Abuse shall submit to the Guam Civil

12 Service Commission a listing of unclassified positions to be admitted into classified

13 service of the government of Guam entitled to all rights, benefits and protections

14 accorded full time equivalent personnel within the classified services of the

15 government of Guam pursuant to law.

16 **Section 11. Add Section 86108(6) of Chapter 86, Division 4, of Title 10 of**

17 **the Guam Code Annotated, relative to the Council of Mental Health and**

18 **Substance Abuse.** Section 86108(6) of Chapter 86, Division 4, of Title 10 of the

19 Guam Code Annotated is hereby added to read:

1           **§ 86107. Duties of Council.**

2                           “(6) Perform such acts as may be reasonably necessary to  
3           accomplish the purpose for which it was formed, subject, however, to the  
4           following conditions:

5                           (a) Adopt such rules and regulations pursuant to the  
6           Administrative Adjudication Act as may be necessary for the  
7           exercise of the department’s powers, performance of its duties and  
8           administration of its operations;

9                           (b) Set fees, pursuant to the Administrative Adjudication  
10          Act, for new types of services, new types of medications, and new  
11          types of supplies, except in so doing, such fees shall not be  
12          retroactive as to services, medications and supplies furnished prior  
13          to the effective date of the enactment of such fees. The schedule of  
14          fees shall be sufficient to recover the operating costs and fixed  
15          costs and to generate such revenue as is necessary to make the  
16          department quasi self sustaining. The costs of any medical care  
17          and services rendered to any person under a medically indigent or  
18          assistance program as defined within Chapter 2 of this Title, shall  
19          be paid by the Department of Public Health and Social Services.

1 (c) Annual Analysis Report to *I Liheslaturan Guahån*. As  
2 a means of assuring the people of Guam that the department is cost  
3 effective in the delivery and performance of healthcare services  
4 mandated by law, the Council will establish monitors to measure  
5 the quality and appropriateness of services rendered and the  
6 productivity and financial performance of the department. The  
7 results of this measures shall be submitted to *I Liheslaturan*  
8 *Guahån* concurrently with any fee adjustments.

9 (d) The Council shall submit to *I Liheslaturan Guahån*, for  
10 approval, a budget for the use of any funds collected through the  
11 implementation of a fee schedule.”

12 **Section 12. Effective Date.** The provisions of this Act shall become effective  
13 *immediately* upon enactment, *unless* specified otherwise.

14 **Section 13. Severability.** *If* any provision of this Law or its application to  
15 any person or circumstance is found to be invalid or contrary to law, such invalidity  
16 shall *not* affect other provisions or applications of this Law which can be given effect  
17 without the invalid provisions or application, and to this end the provisions of this Law  
18 are severable.