

*I Mina'trentai Sais Na Liheslaturan Guåhan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
6-36 (COR)	Telena Cruz Nelson	AN ACT TO ADD §§ 41806.1, §§ 41817.1, §§ 41823, AND §§ 41823.1, AMEND §§ 41806(b)(3), §§ 41809(a), §§ 41810(a)(d), OF ARTICLE 18, CHAPTER 4, DIVISION, TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATION, AMEND §§ 67.101, §§ 67.304(a)(5)(6)(7)(8), ADD §§ 67.308.1(j)(k) AND §§ 67.308.3 OF CHAPTER 67, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE REQUIRED REGISTRATION OF PRESCRIBERS TO THE GUAM PRESCRIPTION DRUG MONITORING PROGRAM (PDMP), THE IMPLEMENTATION OF PRACTITIONER PRESCRIPTION REPORT CARDS, MANDATORY USE OF PDMP DATABASE FOR PRESCRIBERS AND DISPENSERS PRIOR TO PRESCRIBING INITIAL PRESCRIPTIONS, LIMIT ON PRESCRIBING OPIOID CONTROLLED SUBSTANCE TO SEVEN DAYS FOR NON CHRONIC PAIN, ENFORCEMENT OF THE PATIENT UTILIZATION REPORT, THE REQUIRED DISCUSSION OF POTENTIAL RISKS TO PROVIDE AN OPTION TO FILL FOR AN ALTERNATIVE NON-OPIOID OPTION OR A LOWER QUANTITY PRESCRIPTION, AND THE ESTABLISHMENT OF A PRESCRIBER PATIENT AGREEMENT.	1/4/21 11:39 a.m.	1/13/21	Committee on Health, Land, Justice, and Culture			Request: 1/13/21  1/28/21	



Vice Speaker

**TINA ROSE MUÑA BARNES**

**CHAIRPERSON, COMMITTEE ON RULES**

*I Mina'trentai Sais Na Liheslaturan Guåhan*

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January 28, 2021

# MEMO

**To:** **Rennae Meno**  
Clerk of the Legislature

**From:** **Vice Speaker Tina Rose Muña Barnes**  
Chairperson, Committee on Rules

**Re:** **Fiscal Notes**

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*Buenas yan Håfa adai.*

Attached, please find the fiscal notes for the following bills:

**Bill No. 6-36 (COR)**  
**Bill No. 32-36 (COR)**  
**Bill No. 34-36 (COR)**  
**Bill No. 36-36 (COR)**

Please forward the same to Management Information Services (MIS) for posting on our website.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.



**Bureau of Budget & Management Research**  
**Fiscal Note of Bill No. 6-36 (COR)**

Bill No.6-36 (COR) AN ACT TO ADD §§ 41806.1, §§ 41817.1, §§ 41823, AND §§ 41823.1, AMEND §§ 41806(b)(3), §§ 41809(a), §§ 41810(a)(d), OF ARTICLE 18, CHAPTER 4, DIVISION, TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATION, AMEND §§ 67.101, §§ 67.304(a)(5)(6)(7)(8), ADD §§ 67.308.1(j)(k) AND §§ 67.308.3 OF CHAPTER 67, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE REQUIRED REGISTRATION OF PRESCRIBERS TO THE GUAM PRESCRIPTION DRUG MONITORING PROGRAM (PDMP), THE IMPLEMENTATION OF PRACTITIONER PRESCRIPTION REPORT CARDS, MANDATORY USE OF PDMP DATABASE FOR PRESCRIBERS AND DISPENSERS PRIOR TO PRESCRIBING INITIAL PRESCRIPTIONS, LIMIT ON PRESCRIBING OPIOID CONTROLLED SUBSTANCE TO SEVEN DAYS FOR NON CHRONIC PAIN, ENFORCEMENT OF THE PATIENT UTILIZATION REPORT, THE REQUIRED DISCUSSION OF POTENTIAL RISKS TO PROVIDE AN OPTION TO FILL FOR AN ALTERNATIVE NON-OPIOID OPTION OR A LOWER QUANTITY PRESCRIPTION, AND THE ESTABLISHMENT OF A PRESCRIBER PATIENT AGREEMENT.

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Public Health and Social Services	Dept./Agency Head: Arthur San Agustin, Director
Department's General Fund (GF) appropriation(s) to date:	26,478,618
Department's Other Fund (Specify) appropriation(s) to date: Environmental Health Fund - \$1,322,570, Healthy Futures Fund - \$12,147,547, Health Professional Licensing Office Revolving Fund - \$286,085, Office of Vital Statistics Revolving Fund - \$241,442, Sanitary Inspection Revolving Fund - \$85,425, Medically Indigent Program Payment Revolving Fund - \$14,438,056	<u>28,521,125</u>
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$54,999,743</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	Special Fund:	Total:
FY 2020 Unreserved Fund Balance	\$0	\$0	\$0
FY 2021 Adopted Revenues	\$0	0	0
FY 2021 Appro. (P.L. 35-99)	\$0	0	0
Sub-total:	\$0	0	0
Less appropriation in Bill	\$0	0	0
<b>Total:</b>	<b>\$0</b>	<b>0</b>	<b>0</b>

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2021 (if applicable)	FY 2022	FY 2023	FY 2024	FY 2025
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Special Fund	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

- Does the bill contain "revenue generating" provisions? // Yes      /X/ No  
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A      // Yes      // No  
If no, what is the additional amount required? \$ \_\_\_\_\_ /X/ N/A
- Does the Bill establish a new program/agency? / / Yes      /X/ No  
If yes, will the program duplicate existing programs/agencies? /X/ N/A      // Yes      // No  
Is there a federal mandate to establish the program/agency? / / Yes      /X/ No
- Will the enactment of this Bill require new physical facilities? / / Yes      /X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /X/ Yes      // No  
// Requested agency comments not received by due date: / / Other

Analyst: <u>Mikel S. Espiritu</u>	Date: <u>01/27/2021</u>	Director: <u>Lester L. Carlson, Jr.</u>	Date: <u>JAN 28 2021</u>
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Notes:  
1/ Please see attachment

## Bureau of Budget & Management Research Comments on Bill No. 6-36 (COR)

The proposed legislation is an act to add §§ 41806.1, §§ 41817.1, §§ 41823, and §§ 41823.1, amend §§ 41806(b)(3), §§ 41809(a), §§ 41810(a)(d), of Article 18, Chapter 4, Division, Title 26, Guam Administrative Rules and Regulation, amend §§ 67.101, §§ 67.304(a)(5)(6)(7)(8), add §§ 67.308.1(j)(k) and §§ 67.308.3 of Chapter 67, Title 9, Guam Code Annotated, relative to the required registration of prescribers to the Guam Prescription Drug Monitoring Program (PDMP), the implementation of Practitioner Prescription Report Cards, mandatory use of PDMP database for prescribers and dispensers prior to prescribing initial prescriptions, limit on prescribing opioid controlled substance to seven days for non-chronic pain, enforcement of the patient utilization report, the required discussion of potential risks to provide an option to fill for an alternative non-opioid option or a lower quantity prescription, and the establishment of a Prescriber Patient Agreement.

The proposed legislation notes that any person or practitioner on Guam who intends to engage in the practice of dispensing, prescribing, or administering of a controlled substance within Guam shall be registered in the Guam Prescription Drug Monitoring Program. Section 3 § 41806(b)(3) notes that each dispenser shall submit reported information within one (1) working day after the medication is released to the patient.

Section 6 of the proposed legislation states that the Department (DPHSS) shall develop and maintain as part of the Guam Prescription Monitoring Program a system to provide prescription report cards to practitioners to inform the practitioners about certain prescribing trends. §§ 41823(b) reads, "The Department shall coordinate with the Guam Board of Medical Examiners and other professional boards as part of the development and implementation of a prescription report card program. The department may contract with another agency or with a private vendor, as necessary, to ensure effective operation of the report card program, as provided in §§ 41823.1, and may apply for public or private grants or other funding to develop, implement, and maintain the program.

The Bureau has received correspondence from a member of the pharmacist community regarding the proposed legislation. Contents of the communication is outlined as follows:

- The Prescription Drug Monitoring Program (PDMP) is currently being utilized on the Island of Guam, as it gives Prescribers a means of referencing a Patient's controlled-substance prescription history.
- The PDMP is beneficial for providers as it allows them to print 6 months or more of a patient's controlled-substance (cs) usage and enter it into their medical history or attach it to their Practitioner Patient Agreement (PPA).
- The proposed legislation would require all pharmacies to enter their Daily controlled substance prescriptions into the PDMP. This would provide for a much-needed real time data base.

Concerns presented by the member of the Pharmacist community in regards to the potential impact of the proposed legislation is as follows.

- Section 41806 (Reporting Requirements for Dispensers) of the proposed bill requires that each dispenser shall submit the reported information within one (1) working day after the medication is released to the Patient. This reporting requirement was expressed to be overly extensive and detailed in its nature.

- Without the proper type of software to compute all the information required, the reporting requirements of the proposed bill would pose too great a burden upon a provider's practice.
- There are no pain management specialists on island. The Island of Guam does not have the medical specialists needed for cases of extensive restorative surgery, such as major back surgery.
- There is a significant number of patients who are already dependent/ addicted to controlled substances. Patients are often caught in a "catch-22" scenario. They cannot afford to quit their jobs, fly to the States and still be able to pay for said surgeries. In addition, there are a number of residents of Guam who cannot afford Health Insurance.
- Issue with newcomers to the Island. It is not uncommon to have a newly arrived individual with the only ID they have is from another state/ jurisdiction and a prescription for a C-II controlled substance from a local provider. It would not be hard to fool a provider into providing a prescription under that particular circumstance.

DPHSS notes that the proposed legislation of Bill No. 6-36 (COR) would pose a significant financial impact as the program is funded via Federal Grants. DPHSS estimates that the Cost per- fiscal year to manage the Prescription Drug Monitoring Program would be approximately \$299,171.37. No local funding has been appropriated to support the staff salary, database, and the implementation of report cards, and mandatory compliance tracking. The current grant expires on September 30, 2021; however, funding for the new implementation of the report card feature and Mandatory Compliance Tool is not appropriated in the current grant. If the proposed legislation were to be enacted, the DPHSS's most likely next course of action would be to apply for a federal grant to provide funding for the implementation of the PDMP Program.