

**MINA' TRENTAI DOS NA LIHESLATURAN GUAHAN
2014 (SECOND) Regular Session**

Bill No. 284-32 (COR)

Introduced by:

D.G. RODRIGUEZ, JR. 

**AN ACT TO ESTABLISH THE POSITION OF
CHIEF MEDICAL DIRECTOR, DEPARTMENT OF
PUBLIC HEALTH & SOCIAL SERVICES; AND
TO PROVIDE FOR COLLATERAL DUTY AS
MEDICAL DIRECTOR, BUREAU OF
COMMUNICABLE DISEASE CONTROL, BY
ADDING A NEW §1104, §1105 AND §1106 TO
CHAPTER 1 – ADMINISTRATION, TITLE 10,
GUAM CODE ANNOTATED.**

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

2 **Section 1. Legislative Findings and Intent:** *I Liheslaturan Guåhan* finds
3 that the current position of Chief Medical Director for the Department of Public
4 Health and Social Services is an *acting* position, and is not formally established in
5 law, rule or regulation. The position of a Chief Medical Director is responsible for,
6 but is not limited to, the overall management, coordination and oversight of all
7 administrative duties and functions performed by the Department for clinical and
8 non-clinical medical services, the provision of healthcare coverage (Medicaid and
9 Medically Indigent Program), and communicable / non-communicable disease
10 control, for the Department.

11 *I Liheslaturan Guåhan* takes due note that public health organizations are
12 concerned with protecting the health of entire populations. These populations can
13 be as small as a local neighborhood, or as big as an entire state, or territory. Public
14 health medical professional's serving as chief medical director's try to prevent

1 problems from happening or re-occurring through implementing educational
2 programs, developing policies, administering services, and conducting research.
3 They do, as well, and especially in medically underserved rural areas, perform non-
4 administrative collateral duty and directly provide clinical medical services treating
5 individuals after they become sick or injured.

6 As has historically been the case within the Department, the dedicated
7 Medical Director's have, of necessity and from a perspective and desire to serve
8 their community to the fullest extent of their personal ability and professional
9 medical training , directly provided clinical medical services within the respective
10 Bureau's and Programs, so as to support and further ensure the availability of
11 quality medical care. These clinical medical services provided are in addition to
12 their extensive administrative responsibilities. *I Liheslaturan Guåhan* finds that
13 this collateral responsibility and burden of inescapable administrative and clinical
14 duties will likely continue. What is needed, at a minimum, is the equitable
15 adjustment of the health professional pay scale for public health practitioners,
16 which is inadequately addressed, incorrectly addressed, or glaringly missing from
17 the *Government of Guam Competitive Wage Act of 2014*.

18 *I Liheslaturan Guåhan* takes due notice that the request to establish the
19 position of Chief Medical Director comes with the recent retirement of the *acting*
20 Chief Medical Director, and that there is an urgent need to permanently resolve the
21 establishment of the position formally in statute. The retiring acting Chief Medical
22 Director additionally served as the Medical Director of the Bureau of
23 Communicable Disease Control, a critical administrative and clinical position.
24 This is a particularly difficult position to fill, in that most practitioners are only

1 found at facilities or programs operated by the U.S. Center for Disease Control, or
2 its state equivalent.

3 Further, there is a need to address the glaring disparity in the current salary
4 scale of a Guam public health physician specialist, versus the competitive national
5 standard. And, that the *Government of Guam Competitive Wage Act of 2014*
6 actually reduces the already non-competitive low entry salary for the position of
7 physician specialist (Class code: 8.420-board eligible and 8.421-board certified) to
8 an amount significantly lower than that established by the Civil Service
9 Commission in January of 2005. The entry level salary is reduced from
10 \$108,726.00 for Class code 8.420 (board eligible) to \$81,522.00, and from
11 \$116,178.00 for Class code 8.421 (board certified) to \$86,820.00. A negative
12 difference of \$27,204.00 and \$29,358.00, respectively. The salary reduction is
13 being implemented, as opposed to actually raising it to a competitive national
14 level, will have a serious negative impact upon the Department's ability to
15 competitively recruit physicians.

16 It is, therefore, the *intent of I Liheslaturan Guåhan* to add new §§1104, 1105
17 and 1106 to Chapter 1, Title 10, Guam Code Annotated, providing for the
18 establishment of the position, duties and competitive salary of a Chief Medical
19 Director, who shall preferably be a board certified physician specialist in a needed
20 public health medical field, or, depending on availability, may be a board eligible
21 physician specialist, who shall have the requisite training and experience that
22 meets the mandates and needs of the Department of Public Health and Social
23 Services.

1 It is further, the *intent* of *I Liheslaturan Guåhan* to provide for the
2 performance of collateral duty by the Chief Medical Director who may additionally
3 serve as the Medical Director of the Bureau of Communicable Disease Control.

4 **Section 2.** A *NEW* §1104, §1105 and §1106 is hereby *added* to Chapter 1 –
5 Administration, of Title 10, Guam Code Annotated, to read:

6 **“§ 1104. Chief Medical Director; Establishment.** There is hereby
7 established the position of *Chief Medical Director* within the Department. The
8 position *may* be established and offered as a full-time-equivalent position as a
9 classified services of the government of Guam; provided, however, and at the
10 discretion of the Director, the position *may* be alternatively offered pursuant to a
11 negotiated contract.

At the discretion of the Director, the Chief Medical Director may be tasked
to directly perform collateral duty as the Medical Director of the Bureau of
Communicable Disease Control.

12 **§ 1105. Duties.** The primary duties of the Chief Medical Director *shall*
13 include, but *shall not* be limited to, the overall development, management and
14 coordination of administrative policy and support for clinical primary care medical
15 services, public healthcare coverage, communicable and non-clinical
16 communicable disease control, and other clinical or non-clinical medical services
17 provided by the respective Bureau’s and program’s of the Department.

18 The Chief Medical Director *shall*, as is appropriate and to the extent
19 necessary and practicable, directly support the clinical health care services of the
20 respective Bureau’s and Program’s of the Department. The scope of responsibility
21 and functions required in the performance of these non-administrative collateral

1 duties shall include, but are not limited to, directly providing clinical medical
2 services. For the purposes of this Section, the clinical medical duties of the Chief
3 Medical Director shall be in addition to administrative responsibilities, and shall
4 be deemed an essential requisite function.

5 The Chief Medical Director shall preferably be a board certified physician
6 specialist in a medical field deemed to be an appropriate, requisite field of practice,
7 or multiple field specialties, as is necessary to best meet the mandates and needs of
8 the Department.

9 **§1106. Salary.** The salary grade and step range of the Chief Medical
10 Director shall be based upon the national standard for the position, as is
11 determined to be applicable and appropriate for chief medical directors' in State
12 operated public health organizations.

13 The Director shall have the authority to fill the position at an above step
14 salary based upon demand, the availability of qualified practitioners, education and
15 experience, and as is determined to be most appropriate and necessary to
16 accomplish the requisite mandates and program requirements of the Department.

17 Preferable consideration for recruitment and selection as the Chief Medical
18 Director may be given to a board certified or board eligible physician specializing
19 in communicable disease control, and who holds an M.A. or higher degree in
20 public health administration, or comparable field deemed appropriate.

21 The Department of Administration shall, notwithstanding the pay grade and
22 step currently being utilized for the acting Chief Medical Director or the pay grade
23 established by the Government of Guam Competitive Wage Act of 2014,
24 immediately establish a base salary and step range which is in conformance with

1 and, at a minimum, equal to the national standard for a state public health
2 department's chief medical director; and which is most appropriately applied to
3 the position so as to enable the Department to competitively recruit qualified
4 candidates. The position shall be deemed a *hard-to-fill position*, vital to the public
5 health and safety of the people of Guam.

6 The Director *shall*, at his discretion, have the authority to designate the
7 Chief Medical Director to directly perform on collateral duty basis as the Medical
8 Director of the Bureau of Communicable Disease Control, and pursuant to which,
9 the Director shall, at his discretion, be authorized to add an additional *incentive*
10 *bonus* to the base salary of a Chief Medical Director tasked to administer the
11 Bureau.”

12 **Section 3. Appropriation.** (a) The unexpended available balance of the
13 FY-2014 budget of the Department of Public Health and Social Services, as
14 provided pursuant to P.L. 68-32 and currently designated by the Department for
15 currently funding the position of *acting Medical Director*, shall be available until
16 fully expended and shall be utilized to fund the position Chief Medical Director, as
17 established and provided pursuant to this Act. The difference for any shortfall in
18 the remaining available balance currently identified and earmarked for the position
19 from the FY-2014 budget, shall be supplemented and funded from the General
20 Fund appropriation for the Department.

21 (b) The Director, Department of Public Health and Social Services, shall
22 include a specific item request for funding the position of Chief Medical Director
23 in the proposed FY-2015 Executive Branch budget request.

1 **Section 4. Initial Salary, Position of Chief Medical Director.** (a) The
2 *initial* base salary and high range for the position of Chief Medical Director,
3 Department of Public Health and Social Services, *shall* be initially established, as
4 provided pursuant to Exhibit “A” of this Act.

5 **(b) Adoption of Exhibit.** Notwithstanding any other provision of law, rule,
6 regulation and Executive Order, the initial, interim salary hereby established for
7 the position of Chief Medical Director, and attached hereto as Exhibit “A”, is
8 hereby adopted by *I Mina’Trentai Dos Na Liheslaturan Guåhan*. The salary
9 adopted *shall* be utilized until such time as a salary based upon a national standard
10 which is found to be appropriate and acceptable is developed and mutually adopted
11 by the Department of Administration and the Department of Public Health &
12 Social Services.

13 **Section 5. Severability.** *If* any provision of this law or its application to
14 any person or circumstance is found to be invalid or contrary to law, such
15 invalidity *shall not* affect other provisions or applications of this law which can be
16 given effect without the invalid provisions or application, and to this end the
17 provisions of this law are severable.

18 **Section 6. Effective Date.** This Act shall become immediately effective
19 upon enactment.

20

EXHIBIT "A"

Chief Medical Director

Department of Public Health and Social Services

Section 1. Establishment of *Interim* Salary Range for the Position of Chief Medical Director. The salary range for the position of Chief Medical Director is hereby established, and may be adjusted, accordingly, so as to maintain the corresponding national standard for the position as may be determined to be appropriate.

(a) The **Base salary** of a Chief Medical Director, Department of Public Health and Social Services, as *shall* be determined appropriate at the discretion of the Director, *shall* be a minimum of not less than **Two Hundred Thousand Dollars (\$200,000.00)**, up to a maximum amount not to exceed **Two Hundred Fifty Thousand Dollars (\$250,000.00)**, depending on qualifications pursuant requisite criteria established by the Department.

(b) **Incentive Bonus** to the base salary of a Chief Medical Director who is tasked to directly perform collateral duty as the Medical Director of the Bureau of Communicable Disease Control, *shall* be up to a maximum amount not to **exceed Fifty Thousand Dollars (\$50,000.00)**.