

*I Mina'Trentai Kuáttro Na Liheslaturan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
55-34 (COR)	Dennis G. Rodriguez, Jr. Joe S. San Agustin	AN ACT TO ADD A NEW SECTION § 90.26 (a) AND (b) TO CHAPTER 90 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE CORRECTIONAL MEDICAL AND DENTAL OUTPATIENT CLINIC, AND THE CORRECTIONAL BEHAVIORAL HEALTH CLINIC, ADD A NEW SECTION § 80126 TO TITLE 10, CHAPTER 80, MANDATING GMHA TO OPERATE A CORRECTIONAL MEDICAL HEALTH CLINIC, AND ADD A NEW SECTION § 86105(e) TO TITLE 10, CHAPTER 86 OF THE GUAM CODE ANNOTATED, MANDATING THE GUAM BEHAVIORAL HEALTH AND WELLNESS CENTER TO OPERATE A CORRECTIONAL BEHAVIORAL HEALTH CLINIC.	3/28/17 4:02 p.m.						

I MINA' TRENTAI KUÁTRO NA LIHESLATURAN GUÁHAN  
2017 (FIRST) REGULAR SESSION

Bill No. 55 - 34 (COR)

Introduced by:

Dennis G. Rodriguez, Jr.  
Joe S. San Agustin

AN ACT TO ADD A NEW SECTION § 90.26 (a) AND (b) TO CHAPTER 90 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE CORRECTIONAL MEDICAL AND DENTAL OUTPATIENT CLINIC, AND THE CORRECTIONAL BEHAVIORAL HEALTH CLINIC, ADD A NEW SECTION § 80126 TO TITLE 10, CHAPTER 80, MANDATING GMHA TO OPERATE A CORRECTIONAL MEDICAL HEALTH CLINIC, AND ADD A NEW SECTION § 86105(e) TO TITLE 10, CHAPTER 86 OF THE GUAM CODE ANNOTATED, MANDATING THE GUAM BEHAVIORAL HEALTH AND WELLNESS CENTER TO OPERATE A CORRECTIONAL BEHAVIORAL HEALTH CLINIC.

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

2 **Section 1. *Legislative Findings and Intent.*** In 1986, the Government of  
3 Guam was sued by the United States in regards to prison conditions at the  
4 Department of Corrections in *United States of America v. Territory of Guam*,  
5 District Court of Guam Civil Case No. 91- 00020. In 1991, the parties entered  
6 into a Stipulated Agreement wherein the Government of Guam agreed to take  
7 corrective action to resolve prison deficiencies with regard to facilities,  
8 medical, dental, and mental health issues of inmates and detainees. This case is  
9 nearing closure and dismissal based on significant compliance to orders of the  
10 District Court of Guam by the Calvo-Tenorio Administration and the Office of  
11 the Attorney General of Guam under the tenure of General Elizabeth Barrett-  
12 Anderson. In order to assure the future sustainability of correctional medical,

1 dental, and mental health for all inmates and detainees, it is the intent of the  
2 Legislature that such efforts as have been attained pursuant to the Stipulated  
3 Agreement be solidified statutorily in recognition of the continuing  
4 constitutional rights of inmates and detainees within Guam’s correctional  
5 system.

6 **Section 2.** A *new* Section 90.26 is added to Chapter 90 of Title 9, Guam Code  
7 Annotated, to read as follows:

8 **“§ 90.26. (a). Correctional Outpatient Clinics.** There are hereby established  
9 facilities within the Department of Corrections (DOC) designated as the  
10 “Correctional Medical Clinic” and “Correctional Behavioral Health Clinic” to  
11 address and respond to the medical, dental and mental health needs of all inmates  
12 and detainees within the prison population based on standards and procedures  
13 recognized by the National Commission on Correctional Health Care and  
14 consistent with community standards of care to further ensure the constitutional  
15 rights of inmates and detainees to proper health care.

16 All outpatient medical and dental clinical operations at the Correctional  
17 Medical Clinic shall be under the general cognizance and authority of the Guam  
18 Memorial Hospital Authority (GMHA) to ensure delivery of services including,  
19 but not limited to providing a medical director; physician and nurse practitioner  
20 services; nursing services; clinic staff; pharmaceutical services; medical records  
21 services; medical supplies; and training, to the extent necessary to satisfy those  
22 services set forth in a cooperative agreement between GMHA and DOC.

23 All outpatient mental health services operations at the Correctional Behavioral  
24 Health Clinic shall be under the general cognizance and authority of Guam  
25 Behavioral Health & Wellness Center (GBHWC) to ensure delivery of services  
26 including, but not limited to providing a mental health director, psychiatric  
27 physician and clinical psychology services, nursing services; clinic staff; records

1 services; supplies; and training, to the extent necessary to satisfy those services  
2 set forth in a cooperative agreement between GBHWC and DOC.

3 (b) The DOC, GMHA, and GBHWC shall annually submit sufficient  
4 budgetary justification and appropriation requests to fund all operations pursuant  
5 the continuing cooperative agreements between the DOC and GMHA, and DOC  
6 and GBHWC. GMHA and GBHWC shall deliver health care services at the  
7 Correctional Medical Clinic and Correctional Behavioral Health Clinic,  
8 respectively, at the most economical costs, implement best practices, and  
9 promote financial accountability to DOC. GMHA and GBHWC shall provide  
10 written reports to DOC one month after each fiscal quarter detailing services  
11 rendered and supplies used during the previous quarter, including applicable  
12 costs and administrative fees. The system for payment by DOC to GMHA and  
13 GBHWC shall be established with the Governor's Office, the Bureau of Budget  
14 Management & Research (BBMR), and the Department of Administration  
15 (DOA) to ensure GMHA and GBHWC has a regular commitment of funding  
16 secured solely and exclusively for paying GMHA and GBHWC on time for  
17 health care services, medical supplies, and for the timely payment to  
18 pharmaceutical vendors to prevent any future risks of credit hold. Allotments  
19 shall be made to GMHA and GBHWC in advance of services rendered and  
20 medical and pharmaceutical supplies, based on the previous fiscal year budget,  
21 and adjusted for any under-utilization or over-utilization from the previous fiscal  
22 year. Quarterly allotments shall be released on October 1, January 1, April 1,  
23 and July 1, of each fiscal year. GMHA & GBHWC shall submit to DOC  
24 expenditures statements post fiscal year that certify funds were spent in  
25 accordance with actual allocations.”

1           **Section 3.** To simultaneously confer the obligations of GMHA to deliver the  
2 services contemplated hereunder, a *new* Section 80126 is added to Chapter 80 of  
3 Title 10, Guam Code Annotated, to read as follows:

4           “**§ 80126. Correctional Medical Clinic.** The Guam Memorial Hospital  
5 Authority shall operate the Correctional Medical Clinic, established pursuant to  
6 9 G.C.A. § 90.26, to ensure the health care needs of the Guam Department of  
7 Correction’s prisoners and detainees are met, consistent with community  
8 standards of care. All outpatient medical and dental operations shall be under  
9 the cognizance and authority of GHMA including, but not limited to providing  
10 a medical director; physician and nurse practitioner services; nursing services;  
11 clinic staff; pharmaceutical services; medical records services; medical supplies;  
12 and training to the extent necessary to satisfy those services set forth in a  
13 cooperative agreement between GMHA and the Guam Department of  
14 Corrections. GMHA and the Guam Department of Corrections shall annually  
15 submit sufficient budgetary justification and appropriation requests to fund all  
16 such operations pursuant to the continuing cooperative agreement between the  
17 GMHA and the Guam Department of Corrections. Reporting requirements and  
18 funding mechanisms shall be in accordance with 9 G.C.A. § 90.26(b).”

19           **Section 4.** To simultaneously confer the obligations of GBHWC to deliver  
20 the services contemplated hereunder, a *new* Section 86105(e) is added to Chapter  
21 86 of Title 10, Guam Code Annotated, to read as follows:

22           “**§ 86105(e). Correctional Behavioral Health Clinic.** The Guam Behavioral  
23 Health and Wellness Center shall operate the Correctional Behavioral Health  
24 Clinic, established pursuant to 9 G.C.A. § 90.26, to ensure the mental health care  
25 needs of the Guam Department of Corrections’ prisoners and detainees are met,  
26 consistent with community standards of care. All outpatient mental health  
27 services operations shall be under the cognizance and authority of GBHWC

1 including, but not limited to providing a mental health director, psychiatric  
2 physician and clinical psychology services, nursing services; clinic staff; records  
3 services; supplies; and training, to the extent necessary to satisfy those services  
4 set forth in a cooperative agreement between GBHWC and the Guam  
5 Department of Corrections. GBHWC and the Guam Department of Corrections  
6 shall annually submit sufficient budgetary justification and appropriation  
7 requests to fund all such operations pursuant to the continuing cooperative  
8 agreement between the GBHWC and the Guam Department of Corrections.  
9 Reporting requirements and funding mechanisms shall be in accordance with 9  
10 G.C.A. § 90.26(b).”