



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

Office of the Speaker
ANTONIO R. UNPINGCO

Date: 8/17/98

Time: 11:15

Rec'd by: AKR

Print Name: Laura

Refer to
Legislative Secretary

AUG 14 1998

The Honorable Antonio R. Unpingco
Speaker
Mina'Bente Kuattro na Liheslaturan Guåhan
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>Proaria</u>
Time	<u>8:45 am</u>
Date	<u>8/18/98</u>

Dear Speaker Unpingco:

Enclosed please find Bill No. 693 (COR), "AN ACT TO ADD ARTICLE 8 TO CHAPTER 3, DIVISION 1, PART 1 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO CREATING COMMUNITY HEALTH CENTERS, INCLUDING URGENT CARE SERVICES, IN THE NORTHERN AND SOUTHERN REGIONS PLUS OTHER REGIONS, AND TO CITE THE ACT AS, "THE COMMUNITY HEALTH CENTERS ACT OF 1998", which I have signed into law today as **Public Law No. 24-248**.

This legislation creates statutory authority for the Department of Public Health and Social Services to create community health centers in the Northern, Central, and Southern regions, as well as other regions as designated by the Director. At this time, community health centers are established by Executive Order.

The legislation states that the community health centers are to be supervised by the Chief Public Health Officer of the Division of Public Health operating through a "Bureau of Primary Care Services" to provide a community health center program. The services to be provided are those wherein the private clinics are unable to meet the demand or the service is unavailable in the areas of pediatric care, prenatal care, infectious disease care, urgent care and other areas, as designated by the Director of Public Health. The urgent care services shall initially be provided 5 days a week,

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in the evening hours, and be offered for conditions which, although acute, do not result in the loss of life or limb if not treated immediately.

The Department of Public Health and Social Services is authorized to create an initial set of fees for health care services, which are to be later changed through the Administrative Adjudication Law.

The Department of Public Health and Social Services may enter into contracts with health providers for payments.

This legislation creates an Advisory Council on Community Health Centers for each region, consisting of 7 appointed members which includes a Village Mayor from the region and a member of a municipal planning council from the region.

The following items in the legislation still need to be addressed:

a) Page 2, line 14, "Moreso" should read "More so".

b) Page 6, line 22, states that the Bureau of Primary Care Services shall obtain a listing of all persons with health insurance coverage from respective health insurance companies. Does this mean every person residing on Guam, or every person receiving services from the community health centers?

c) Page 8, line 16, the phrase "the beneficiaries" needs to be deleted, or the sentence restructured, to indicate that the agreements are to be made with health service providers, not beneficiaries, who are the patients.

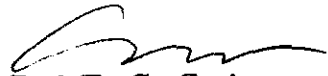
d) Page 8, line 22, "Center" should be plural: "Centers".

e) Page 10, line 6, the name of the auditor is "Public Auditor" and "Internal" needs to be deleted.

f) Page 10, lines 7 and 19, which council referred to is not designated; need clarification that "council" is either the Guam Health Planning and Development Council or the Advisory Council of Health Centers, since both are mentioned in the legislation.

g) Page 10, line 25, needs to clarify what provision of "this Act" is repealed upon submittal of fee schedules according to the Administrative Adjudication Law. If the sentence "The Department is hereby authorized to implement a fee schedule" is to be repealed upon a later occurrence (submission of a fee schedule), this needs to be so stated.

Very truly yours,


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

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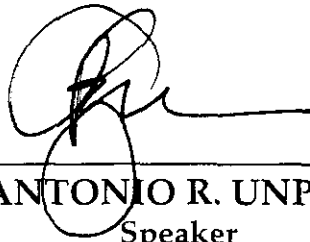
Attachment: copy attached for signed bill
 original attached for vetoed bill

cc: The Honorable Joanne M. S. Brown
 Legislative Secretary

MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session

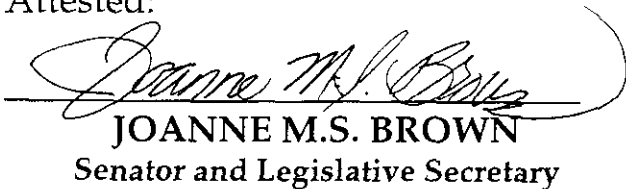
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Bill No. 693 (COR), "AN ACT TO ADD ARTICLE 8 TO CHAPTER 3, DIVISION 1, PART 1 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO CREATING COMMUNITY HEALTH CENTERS, INCLUDING URGENT CARE SERVICES, IN THE NORTHERN AND SOUTHERN REGIONS PLUS OTHER REGIONS, AND TO CITE THE ACT AS, 'THE COMMUNITY HEALTH CENTERS ACT OF 1998'," was on the 3rd day of August, 1998, duly and regularly passed.



ANTONIO R. UNPINGCO
Speaker

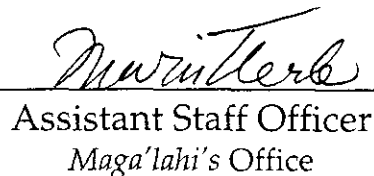
Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

.....

This Act was received by I Maga'lahaen Guahan this 14th day of August, 1998,
at 8:45 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: 8-14-98

Public Law No. 24-248

**MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session**

Bill No. 693 (COR)

As amended by the Author and
further amended on the Floor.

Introduced by:

E. J. Cruz
J. C. Salas
Felix P. Camacho
F. B. Aguon, Jr.
W. B.S.M. Flores
Francisco P. Camacho
T. C. Ada
A. C. Blaz
J. M.S. Brown
M. C. Charfauros
Mark Forbes
L. F. Kasperbauer
A. C. Lamorena, V
C. A. Leon Guerrero
L. A. Leon Guerrero
V. C. Pangelinan
A. L.G. Santos
F. E. Santos
A. R. Unpingco
J. Won Pat-Borja

**AN ACT TO ADD ARTICLE 8 TO CHAPTER 3,
DIVISION 1, PART 1 OF TITLE 10 OF THE GUAM
CODE ANNOTATED, RELATIVE TO CREATING
COMMUNITY HEALTH CENTERS, INCLUDING
URGENT CARE SERVICES, IN THE NORTHERN
AND SOUTHERN REGIONS PLUS OTHER
REGIONS, AND TO CITE THE ACT AS, "*THE
COMMUNITY HEALTH CENTERS ACT OF 1998.*"**

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

2 **Section 1. Legislative Findings.** *I Liheslaturan Guahan* finds that the
3 Southern Region Community Health Center ('SRCHC') was created to put
4 into operation clinical medical services serving the southern region of Guam
5 and assign such authority and responsibility to the Department of Public
6 Health and Social Services; and that the Northern Region Community Health
7 Center ('NRCHC'), serving the northern region of Guam, was likewise later
8 established. Furthermore, *I Liheslaturan Guahan* finds that the primary goal of
9 establishing community health centers is to reach out and provide quality
10 primary comprehensive health care services to the residents of Guam who
11 may find it not only inconvenient to obtain needed health care services from
12 the Central, main DPH&SS, Clinic but also may not afford the needed medical
13 service closest to them.

14 Moreso, during the latest legislative oversight hearing on the
15 Department of Public Health and Social Services, key issues and concerns
16 disclosed:

17 (1) that the Board of Directors of SRCHC has not been
18 reconstituted and is not functioning at present;

19 (2) that both SRCHC and NRCHC lack certain essential
20 services, i.e., pharmacy, laboratory and radiology (Pharmacy is only
21 provided for Southern by the Central on a part-time three (3) days a
22 week basis, and Northern not having any.);

23 (3) that NRCHC does not generate any revenue and has an
24 acute problem in its ventilation or air-conditioning;

1 (4) that the Fees Schedule in effect is antiquated and is not
2 regularly updated;

3 (5) that in the absence of a business office, or equivalent,
4 SRCHC's billing and accounts receivable, including those owed by
5 Health Maintenance Organizations ("HMO's") and health insurance
6 providers are apparently not well-managed, as may be evidenced by the
7 growing and aging uncollected accounts;

8 (6) that in the absence of a regular governing body (Board of
9 Directors) as provided for in the By-Laws of SRCHC, essentially no
10 input from the community is provided to the Health Services
11 Administrator of the Bureau's over SRCHC operation (The Health
12 Services Administrator of the Bureau is likewise expected to do the
13 same to the other existing regional community health centers.); and

14 (7) the absence of enacted legislation for DPHSS to charge for
15 services rendered by the Community Health Centers is subject to legal
16 challenge which the present vested authority solely depends on an
17 executive order. *I Liheslaturan Guahan* also finds that a specific
18 provision in the Guam Code Annotated would provide the much
19 needed remedial actions to put the operation and maintenance of
20 Guam's regional community health centers in an ongoing, continuing
21 and progress-oriented business concern.

22 It is the intent of *I Liheslaturan Guahan* to provide permanent guidelines
23 to govern the creation, operation and maintenance of Guam's community
24 health centers for the purpose of providing basic quality health care to the

1 people of Guam in a joint partnership between government agencies and/or
2 private entities.

3 **Section 2.** Article 8 is hereby *added* to Chapter 3, Division 1, Part 1 of
4 Title 10 of the Guam Code Annotated to read as follows:

5 **"ARTICLE 8.**

6 **COMMUNITY HEALTH CENTERS PROGRAM.**

7	Section 3801.	Legislative Intent and Purpose.
8	Section 3802.	Title.
9	Section 3803.	Program.
10	Section 3804.	Personnel.
11	Section 3805.	General Duties.
12	Section 3806.	Federal Grants.
13	Section 3807.	Authority to Set Fees.
14	Section 3808.	Establishment of Regional
15		Community Health Centers.
16	Section 3809.	Continuing Service.
17	Section 3810.	Urgent Care Service.
18	Section 3811.	Revolving Fund.
19	Section 3812.	Fee Schedule.
20	Section 3813.	Advisory Council on Community
21		Health Centers.
22	Section 3814.	Duties of Council.
23	Section 3815.	Repeal.
24	Section 3816.	Effective Date.
25	Section 3817.	Severability.

1
2 **Section 3801. Legislative Intent and Purpose.** It is the intent
3 of *I Liheslaturan Guahan* to provide permanent guidelines to govern the
4 creation, operation and maintenance of Guam's community health
5 centers for the purpose of providing basic quality health care to the
6 people of Guam in a joint partnership between government agencies
7 and/or private entities.

8 **Section 3802. Title.** This Act shall be known as, '*The*
9 *Community Health Centers Act of 1998.*'

10 **Section 3803. Program.** There is hereby established within
11 the Department of Public Health and Social Services ('Department')
12 Bureau of Primary Care Services ('Bureau') a Community Health Center
13 Program ('Program') to be administered on a collateral duty basis by the
14 Health Services Administrator of the Bureau. The Program shall cover
15 three (3) regions of Guam (Northern, Central and Southern) plus other
16 designated area established by the Director.

17 **Section 3804. Personnel.** There shall be assigned sufficient
18 number of administrative personnel, as may be determined by the
19 Director of the Department, to provide *staff assistance on a full-time*
20 basis to the Division head and ensure that the general duties assigned to
21 the Division are adequately administered.

22 **Section 3805. General Duties.** The general duties of the
23 Bureau for the Program are:

1 (a) to oversee the maintenance and operation of all existing
2 community health centers and implement measures approved and
3 promulgated by the Advisory Council on Community Health Centers;

4 (b) to maintain and initiate the updating of Fees Schedule in
5 effect;

6 (c) to initiate the budgetary requirements, for both Federal and
7 local funding, of the Program;

8 (d) to account for all generated revenues and prepare periodic
9 reports required;

10 (e) to administer the Community Health Center Revolving
11 Fund for the Director of the Department and initiate the required
12 periodic Statement of Condition of such Fund;

13 (f) to provide administrative support and refer matters needing
14 advice to the Advisory Council on Community Health Centers;

15 (g) to establish additional community health centers and
16 services required by the community for basic medical care that private
17 clinics are either saturated or not meeting the demand of the community
18 or unavailable in the area of pediatric care, prenatal care, infectious
19 disease care, urgent care and to other areas that the Director designates
20 as a community requirement, but are inadequately being provided to
21 the community;

22 (h) to obtain a listing of all persons with health insurance
23 coverage from their respective health insurance company or providers;
24 and

1 (i) to perform other duties as may be assigned by the Director
2 of the Department.

3 **Section 3806. Federal Grants.** The Bureau shall comply
4 with all Federal requirements and procedures necessary for the
5 administration of grant programs. The Director shall have the authority
6 to apply for Federal Grants.

7 **Section 3807. Authority to Set Fees.** The Director is
8 authorized to establish fees for health care services in accordance with
9 the Administrative Adjudication Law and as may be required to qualify
10 for grant programs. The fees shall not be deterrent to receiving health
11 care. The fees shall be no less than the Medicare Regional Fees
12 established under Title XVIII of the Social Security Act.

13 **Section 3808. Establishment of Regional Community Health**
14 **Centers.** The following Regional Community Health Centers
15 established in the past by virtue of Executive Orders specifically issued
16 for the purpose shall hereafter be governed by the provisions of this Act:

17 (a) the Southern Regional Community Health Center
18 ('SRCHC'), located in the village of Inarajan, which is tasked to provide
19 quality comprehensive primary health care services to the residents of
20 the Southern villages of Guam;

21 (b) the Northern Regional Community Health Center
22 ('NRCHC'), located in the Village of Dededo, which is tasked to provide
23 quality comprehensive primary health care services to the residents of
24 the Northern villages of Guam; and

1 (c) such other regional community health centers that may later
2 be established by the Director for similar purpose.

3 The administrative rules and regulations that may be
4 promulgated to improve the operation and maintenance of all regional
5 community health centers on Guam shall be in conformance with the
6 provisions of this Article. In case of conflict, the provisions of this
7 Article shall prevail. The overall management, budgeting, cash and
8 property accounting, and operating oversight of all regional community
9 health centers shall be exercised by the Director of the Department of
10 Public Health and Social Services to whom the Bureau head reports to,
11 namely, the Chief Public Health Officer of the Division of Public Health.

12 **Section 3809. Contractual Service.** The Director may enter
13 into a contractual agreement with other government agencies or health
14 care provider(s) to provide either, totally or partially, Community
15 Health Center services. The Director shall also negotiate contractual
16 agreement for reimbursement of services by the beneficiaries of Health
17 Insurance Providers or Health Maintenance Organization or other
18 entities providing health benefits, or shall allow those government
19 agencies or health care providers to seek reimbursement for their
20 services rendered in the Community Health Centers.

21 **Section 3810. Urgent Care Service.** The Community Health
22 Center shall provide urgent care service based on the unavailability of
23 such service in the community and shall enter into a contractual
24 agreement with the Guam Memorial Hospital Authority or other health

1 care providers to provide such service. The urgent care service must be
2 adequate to meet the following medical care:

3 (a) conditions that are non-emergency in nature (Emergency
4 conditions are those illness that may result in the loss of life or limb if
5 not treated immediately.);

6 (b) services are competent to manage and treat patients of all
7 ages;

8 (c) the facility shall have at least basic pharmacy, radiology,
9 laboratory and patient transport to move cases that require a higher
10 level of patient care management;

11 (d) the facility shall be certifiable by either the Joint Commission
12 of Accreditation of Health Organization or Health Care Financing
13 Administration, or equivalent certifying health care organization
14 acceptable by the Health Planning Council of the Division of Health
15 Planning of DISID; and

16 (e) the urgent care service shall consider initially opening at
17 least five (5) days a week between the hours of 6:00 p.m., to 11:00 p.m.,
18 and extend the hours and/or days as the demand arises and availability
19 of resources. The Director shall evaluate at least annually the service
20 hours and/or days and make necessary adjustment based on the
21 community needs and availability of resources in consultation with the
22 Council.

23 **Section 3811. Revolving Fund. (a) Community Health**
24 **Center Revolving Fund.** There is hereby established a Community

1 Health Center Revolving Fund ('Fund') to be maintained and
2 administered by the Director of the Department.

3 **(b) Independent Records and Accounts.** The Fund shall be
4 maintained separate and apart from all other government funds; have
5 an independent records and accounts concerning the Fund; and audited
6 by the Public Internal Auditor or the Department of Interior for each
7 fiscal year and shall provide *I Maga'lahaen Guahan* and the Council a copy
8 of the audited report.

9 **(c) Deposits.** All monies collected by the Department for
10 medical services rendered at the community health centers shall be
11 deposited into the Fund and applied to the expenses of the community
12 centers.

13 **(d) Application.** All monies deposited in the Fund shall be
14 applied to the expenses of the community center allowable by Federal
15 regulations and guidelines as the non-Federal share of project costs in
16 accordance with the Department's grant from the U.S. Department of
17 Health and Human Services.

18 **(e) Accounts Receivables.** The Director, in consultation
19 with the Council, is hereby authorized to pursue accounts receivables
20 payment in whatever manner allowable by law, including contractual
21 services for collection. The Director shall promulgate rules and
22 regulations through the Administrative Adjudication Law governing
23 collection and reduction of uncollectable accounts receivables.

24 **Section 3812. Fee Schedule.** The Department is hereby
25 authorized to implement a fee schedule. The provision of this Act shall

1 be repealed upon subsequent submission and approval of the fee
2 schedule through the Administrative Adjudication Law. The fee
3 schedule must give discounts accordingly to the Federal Income Poverty
4 Guideline.

5 Individuals or families whose income falls below the Federal
6 poverty guidelines shall apply for subsidized medical services through
7 the Medically Indigent Program or other medically subsidized program.

8 **Section 3813. Advisory Council on Community Health**
9 **Centers. (a) Council Established.** There shall be established
10 within the Bureau an Advisory Council on Community Health Centers
11 (“Council”) to serve in an advisory capacity for each Region. The
12 Council shall consist of seven (7) members appointed by *I Maga’lahen*
13 *Guahan*. Members of the Council shall include a Village Mayor from the
14 Region of the Community Health Center and one (1) of the Municipal
15 Planning Council member from the Region, other than the Mayor or the
16 Mayor’s staff, which shall serve their term as long as they are serving in
17 their respective positions. The other members of the Council shall serve
18 for four (4) years; provided that, of the members first appointed two (2)
19 shall serve for two (2) years and three (3) shall serve for four (4) years.

20 **(b) Officers; Meeting Requirements.** The Council shall
21 annually elect a Chairperson, Vice-Chairperson and Recorder from
22 among its membership. The Council shall meet at least quarterly at
23 such time and place as the Chairperson may designate. Meetings shall
24 be well publicized and shall be open to the public. The Director or the
25 Division Head, or both, shall be present on all Council meetings.

1 Executive sessions are permitted only in accordance with the Open
2 Government Law. Four (4) members shall constitute a quorum of the
3 Council for the transaction of business. The concurrence of a majority of
4 the members present shall constitute official action of the Council.

5 (c) **Compensation.** The compensation that members of the
6 Advisory Council may receive shall be the compensation provided by
7 Guam law.

8 **Section 3814. Duties of Council.** The Council shall review
9 and approve the plans and programs of the Community Health Center
10 by the Bureau and for that purpose shall perform the following duties:

11 (1) review and make recommendation of the Bureau's
12 annual budget for the Community Health Center;

13 (2) review and make recommendation of the Bureau's
14 three (3) - year Plan and its annual update for the Community
15 Health Center;

16 (3) periodically review available and needed services
17 provided by the Center;

18 (4) promote the utilization and assistance of interested
19 persons, including recovered clients, volunteering their service to
20 the patients of the Center in whatever qualified service they can
21 provide; and

22 (5) review and comment on all new and renewed Federal
23 grants application.

1 **Section 3815. Repeal.** Executive Order Nos. 70-25 and 86-05
2 pertaining to the Southern Regional Community Health Center are
3 hereby *repealed*.

4 **Section 3816. Effective Date.** The provisions contained in
5 this Act shall take effect upon enactment.

6 **Section 3817. Severability.** If any of the provisions of this
7 Act or the application thereof to any person or circumstance are held
8 invalid, such invalidity shall not affect any other provision or
9 application of this Act, which can be given effect without the invalid
10 provision or application, and to this end the provisions of this Act are
11 severable.”



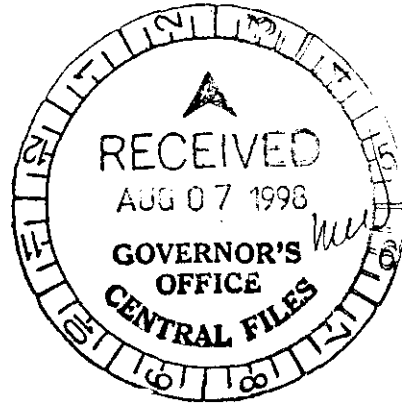
MINA' BENTE KUATTRO NA LIHESLATURAN GUAHAN
TWENTY • FOURTH GUAM LEGISLATURE

155 Hesler Street, Agana, Guam 96910

COPY

August 7, 1998


Honorable Carl T.C. Gutierrez
I Maga'lahen Guahan
Office of *I Maga'lahi*
Hagåtña, Guam 96910



Dear *Maga'lahi* Gutierrez:

Transmitted herewith are Substitute Bill Nos. 547 (COR), 604 (COR), 606 (COR), 645 (COR), and Bill Nos. 654 (LS), 688 (COR), and 693 (COR), which were passed by *I MINA' BENTE KUATTRO NA LIHESLATURAN GUAHAN* on August 3, 1998.

Sincerely,


JOANNE M.S. BROWN
Legislative Secretary

Enclosure: (7)

I MINA' BENTE KUATTRO NA LIHESLATURAN GUAHAN

1998 (SECOND) Regular Session

Date: 8/3/98

VOTING SHEET

Bill No. 693

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, Frank B., Jr.	✓			
BARRETT-ANDERSON, Elizabeth				
BLAZ, Anthony C.	✓			
BROWN, Joanne M. S.	✓			
CAMACHO, Felix P.	✓			
CAMACHO, Francisco P.	✓			
CHARFAUROS, Mark C.	✓			
CRUZ, Edwardo J.	✓			
FLORES, William B.S.M.	✓			
FORBES, Mark	✓			
KASPERBAUER, Lawrence F.	✓			
LAMORENA, Alberto C., V	✓			
LEON GUERRERO, Carlotta A.	✓			
LEON GUERRERO, Lou	✓			
PANGELINAN, Vicente C.	✓			
SALAS, John C.	✓			
SANTOS, Angel L.G.	✓			
SANTOS, Francis E.	✓			
UNPINGCO, Antonio R.	✓			
WON PAT-BORJA, Judith	✓			

TOTAL

20

— 0 —

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature