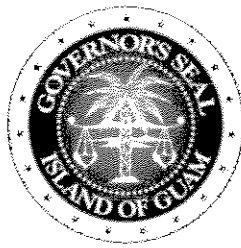


I Mina'Trentai Dos Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
284-32 (COR), P.L. 32-185	Dennis 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.	3/4/14	03/04/14	Committee on General Governmental Operations and Cultural Affairs	3/18/14 9:00 a.m	09/26/14 3:13 p.m.	Fiscal Note Request 03/05/14 Fiscal Note 10/1/14
	DATE PASSED	TITLE	TRANSMITTED		DUE DATE	<small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small>	PUBLIC LAW NO.	NOTES
	10/3/2014	AN ACT TO ADD A NEW § 3109 TO ARTICLE 1, CHAPTER 3, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE POSITION OF MEDICAL DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES, AND TO PROVIDE FOR COLLATERAL DUTY AS THE MEDICAL DIRECTOR OF THE BUREAU OF COMMUNICABLE DISEASE CONTROL.	10/6/14	6:32 p.m.	10/17/14	10/13/2014	32-185	As substituted by the Committee on General Government Operations and Cultural Affairs; and amended on the Floor.



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

OCT 16 2014

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Dos Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

32-14-2133
Office of the Speaker
Judith T. Won Pat, Ed.D

OCT 17 PM 4:52
KAYNOA

Date: 10/17/14
Time: 4:01 PM
Received By: [Signature]

Dear Madame Speaker:

Transmitted herewith is Bill No. 284-32 (COR) "AN ACT TO ADD A NEW § 3109 TO ARTICLE 1, CHAPTER 3, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE POSITION OF MEDICAL DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES, AND TO PROVIDE FOR COLLATERAL DUTY AS THE MEDICAL DIRECTOR OF THE BUREAU OF COMMUNICABLE DISEASE CONTROL," which I signed into law on October 13, 2014 as **Public Law 32-185**.

Senseramente,

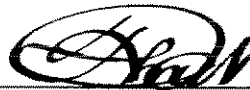
EDDIE BAZA CALVO

2133

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that Substitute Bill No. 284-32 (COR), "AN ACT TO ADD A NEW § 3109 TO ARTICLE 1, CHAPTER 3, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE POSITION OF MEDICAL DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES, AND TO PROVIDE FOR COLLATERAL DUTY AS THE MEDICAL DIRECTOR OF THE BUREAU OF COMMUNICABLE DISEASE CONTROL," was on the 3rd day of October, 2014, duly and regularly passed.




Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 6 day of Oct,
2014, at 6:32 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: OCT 13 2014

Public Law No. 32-185

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 284-32 (COR)

As substituted by the Committee on
General Government Operations and Cultural Affairs;
and amended on the Floor.

Introduced by:

Dennis G. Rodriguez, Jr.

T. C. Ada

V. Anthony Ada

FRANK B. AGUON, JR.

B. J.F. Cruz

Chris M. Dueñas

Michael T. Limtiaco

Brant T. McCreadie

Tommy Morrison

T. R. Muña Barnes

R. J. Respicio

Michael F. Q. San Nicolas

Aline A. Yamashita, Ph.D.

Judith T. Won Pat, Ed.D.

**AN ACT TO ADD A NEW § 3109 TO ARTICLE 1,
CHAPTER 3, TITLE 10, GUAM CODE ANNOTATED,
RELATIVE TO ESTABLISHING THE POSITION OF
MEDICAL DIRECTOR OF THE DEPARTMENT OF
PUBLIC HEALTH AND SOCIAL SERVICES, AND TO
PROVIDE FOR COLLATERAL DUTY AS THE
MEDICAL DIRECTOR OF THE BUREAU OF
COMMUNICABLE DISEASE CONTROL.**

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 Medical Director of the Department of Public Health
4 and Social Services is an *acting* position, and is *not* formally established in law,

1 rule or regulation. The position of a Medical Director is responsible for, but is *not*
2 limited to, the overall management, coordination and oversight of all
3 administrative duties and functions performed by the Department for clinical and
4 non-clinical medical services, the provision of healthcare coverage (Medicaid and
5 Medically Indigent Program), and communicable/non-communicable disease
6 control, for the Department.

7 *I Liheslaturan Guåhan* takes due note that public health organizations are
8 concerned with protecting the health of entire populations. These populations can
9 be as small as a local neighborhood, or as big as an entire state, or territory. Public
10 health medical professionals serving as chief medical directors try to prevent
11 problems from happening or re-occurring through implementing educational
12 programs, developing policies, administering services, and conducting research.
13 They do, as well, and especially in medically underserved rural areas, perform non-
14 administrative collateral duty and directly provide clinical medical services treating
15 individuals after they become sick or injured.

16 *I Liheslaturan Guåhan* takes due notice that the request to establish the
17 position of Medical Director comes with the recent retirement of the acting
18 Medical Director, and that there is an urgent need to permanently resolve the issue
19 with the establishment of the position formally in statute. This is a particularly
20 difficult position to fill, in that most practitioners are only found at facilities or
21 programs operated by the U.S. Center for Disease Control, or its state equivalent.

22 It is, therefore, the intent of *I Liheslaturan Guåhan* to add a new § 3109 to
23 Article 1 of Chapter 3, Title 10, Guam Code Annotated, to provide for the
24 establishment of the position, and duties of a Medical Director, who *shall*
25 preferably be a board certified physician specialist in a needed public health
26 medical field, or, depending on availability, may be a board eligible physician
27 specialist, who *shall* have the requisite training and experience that meets the

1 mandates and needs of the Department of Public Health and Social Services.

2 It is, further, the intent of *I Liheslaturan Guåhan* to provide for the
3 performance of collateral duty by the Medical Director who *shall* be an existing
4 physician specialist employed by the department and appointed by the director.

5 **Section 2.** A new § 3109 is hereby *added* to Article 1 of Chapter 3
6 (Division of Public Health), of Title 10, Guam Code Annotated, to read:

7 “§ 3109. **Medical Director; Establishment.** The Director *shall*
8 appoint one of the classified physician specialists as Medical Director, to
9 perform collateral administrative and clinical medical duties for the
10 Department. The Medical Director should be a physician specialist
11 preferably in a field of practice or multiple specialties required by the
12 Department, and an experienced public healthcare services administrator.
13 The Medical Director *shall* serve at the pleasure of the Director and *shall*,
14 upon the termination of appointment as Medical Director, remain in the
15 classified position which said person held prior to appointment as Medical
16 Director. Said person *shall* retain all accrued benefits and leave, and *shall*
17 be entitled to advancement in pay range and step to which that person is
18 entitled in the position of physician specialist.

19 (a) Duties. The duties of the Medical Director may include,
20 but are *not* necessarily limited to, the overall development,
21 management and coordination of administrative policy and support for
22 clinical medical services, public healthcare coverage, clinical and non-
23 clinical communicable disease control, and other clinical or non-
24 clinical medical services provided by the respective Bureaus and
25 programs of the Department.

26 (b) Compensation. The Director of the Department of Public
27 Health and Social Services is authorized, pursuant to negotiations, to

1 add an additional incentive bonus to the base salary of an existing
2 physician specialist who is appointed to directly perform
3 administrative and clinical collateral duty as the Medical Director of
4 the Department, up to a maximum amount *not to exceed* Fifty
5 Thousand Dollars (\$50,000), subject to the availability of funds.”

6 **Section 3. Appropriation.**

7 (a) The unexpended available balance of the FY 2014 budget of the
8 Department of Public Health and Social Services, as provided pursuant to
9 P.L. 32-68 and currently designated by the Department for currently funding
10 the position of acting Medical Director, *shall* be available until fully
11 expended, and *shall* be utilized to compensate the Medical Director, as
12 established and provided pursuant to this Act. The difference for any
13 shortfall in the remaining available balance currently identified and
14 earmarked for the position from the FY 2014 budget, *shall* be supplemented
15 and funded from the FY 2015 General Fund appropriation for the
16 Department.

17 (b) The Director of the Department of Public Health and Social
18 Services *shall* annually include a specific item request for compensation of
19 the Medical Director in the proposed fiscal year executive branch budget
20 request.

21 **Section 4. Severability.** *If* any provision of this law or its application to
22 any person or circumstance is found to be invalid or contrary to law, such
23 invalidity *shall not* affect other provisions or applications of this law which can be
24 given effect without the invalid provisions or application, and to this end the
25 provisions of this law are severable.

26 **Section 5. Effective Date.** This Act *shall* become effective upon
27 enactment.



I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
THIRTY-SECOND GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

October 6, 2014

The Honorable Edward J.B. Calvo
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 42-32 (COR), 136-32 (COR), 213-32 (COR), 284-32 (COR), 287-32 (COR), 292-32 (COR), 294-32 (COR), 295-32 (COR), 299-32 (COR), 300-32 (COR), 303-32 (COR), 324-32 (COR), 325-32 (COR), 327-32 (COR), 337-32 (COR), 347-32 (COR), 348-32 (COR), 349-32 (COR), 352-32 (LS), 354-32 (LS), 362-32 (COR), 384-32 (COR), 388-32 (LS) and 393-32 (COR) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on October 3, 2014.

Sincerely,

A handwritten signature in black ink, appearing to read "Tina Rose Muña Barnes", is written over a large, light-colored checkmark or scribble.

TINA ROSE MUÑA BARNES
Legislative Secretary

Enclosures (24)

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

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

This is to certify that Substitute Bill No. 284-32 (COR), "AN ACT TO ADD A NEW § 3109 TO ARTICLE 1, CHAPTER 3, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE POSITION OF MEDICAL DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES, AND TO PROVIDE FOR COLLATERAL DUTY AS THE MEDICAL DIRECTOR OF THE BUREAU OF COMMUNICABLE DISEASE CONTROL," was on the 3rd day of October, 2014, duly and regularly passed.




Judith T. Won Pat, Ed.D.
Speaker

Attested:


Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 6 day of Oct,
2014, at 6:32 o'clock P.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 284-32 (COR)

As substituted by the Committee on
General Government Operations and Cultural Affairs;
and amended on the Floor.

Introduced by:

Dennis G. Rodriguez, Jr.

T. C. Ada

V. Anthony Ada

FRANK B. AGUON, JR.

B. J.F. Cruz

Chris M. Dueñas

Michael T. Limtiaco

Brant T. McCreadie

Tommy Morrison

T. R. Muña Barnes

R. J. Respicio

Michael F. Q. San Nicolas

Aline A. Yamashita, Ph.D.

Judith T. Won Pat, Ed.D.

**AN ACT TO ADD A NEW § 3109 TO ARTICLE 1,
CHAPTER 3, TITLE 10, GUAM CODE ANNOTATED,
RELATIVE TO ESTABLISHING THE POSITION OF
MEDICAL DIRECTOR OF THE DEPARTMENT OF
PUBLIC HEALTH AND SOCIAL SERVICES, AND TO
PROVIDE FOR COLLATERAL DUTY AS THE
MEDICAL DIRECTOR OF THE BUREAU OF
COMMUNICABLE DISEASE CONTROL.**

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3 that the current position of Medical Director of the Department of Public Health
4 and Social Services is an *acting* position, and is *not* formally established in law,

1 rule or regulation. The position of a Medical Director is responsible for, but is *not*
2 limited to, the overall management, coordination and oversight of all
3 administrative duties and functions performed by the Department for clinical and
4 non-clinical medical services, the provision of healthcare coverage (Medicaid and
5 Medically Indigent Program), and communicable/non-communicable disease
6 control, for the Department.

7 *I Liheslaturan Guåhan* takes due note that public health organizations are
8 concerned with protecting the health of entire populations. These populations can
9 be as small as a local neighborhood, or as big as an entire state, or territory. Public
10 health medical professionals serving as chief medical directors try to prevent
11 problems from happening or re-occurring through implementing educational
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14 administrative collateral duty and directly provide clinical medical services treating
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18 Medical Director, and that there is an urgent need to permanently resolve the issue
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20 difficult position to fill, in that most practitioners are only found at facilities or
21 programs operated by the U.S. Center for Disease Control, or its state equivalent.

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23 Article 1 of Chapter 3, Title 10, Guam Code Annotated, to provide for the
24 establishment of the position, and duties of a Medical Director, who *shall*
25 preferably be a board certified physician specialist in a needed public health
26 medical field, or, depending on availability, may be a board eligible physician
27 specialist, who *shall* have the requisite training and experience that meets the

1 mandates and needs of the Department of Public Health and Social Services.

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3 performance of collateral duty by the Medical Director who *shall* be an existing
4 physician specialist employed by the department and appointed by the director.

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6 (Division of Public Health), of Title 10, Guam Code Annotated, to read:

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8 appoint one of the classified physician specialists as Medical Director, to
9 perform collateral administrative and clinical medical duties for the
10 Department. The Medical Director should be a physician specialist
11 preferably in a field of practice or multiple specialties required by the
12 Department, and an experienced public healthcare services administrator.
13 The Medical Director *shall* serve at the pleasure of the Director and *shall*,
14 upon the termination of appointment as Medical Director, remain in the
15 classified position which said person held prior to appointment as Medical
16 Director. Said person *shall* retain all accrued benefits and leave, and *shall*
17 be entitled to advancement in pay range and step to which that person is
18 entitled in the position of physician specialist.

19 (a) Duties. The duties of the Medical Director may include,
20 but are *not* necessarily limited to, the overall development,
21 management and coordination of administrative policy and support for
22 clinical medical services, public healthcare coverage, clinical and non-
23 clinical communicable disease control, and other clinical or non-
24 clinical medical services provided by the respective Bureaus and
25 programs of the Department.

26 (b) Compensation. The Director of the Department of Public
27 Health and Social Services is authorized, pursuant to negotiations, to

1 add an additional incentive bonus to the base salary of an existing
2 physician specialist who is appointed to directly perform
3 administrative and clinical collateral duty as the Medical Director of
4 the Department, up to a maximum amount *not to exceed* Fifty
5 Thousand Dollars (\$50,000), subject to the availability of funds.”

6 **Section 3. Appropriation.**

7 (a) The unexpended available balance of the FY 2014 budget of the
8 Department of Public Health and Social Services, as provided pursuant to
9 P.L. 32-68 and currently designated by the Department for currently funding
10 the position of acting Medical Director, *shall* be available until fully
11 expended, and *shall* be utilized to compensate the Medical Director, as
12 established and provided pursuant to this Act. The difference for any
13 shortfall in the remaining available balance currently identified and
14 earmarked for the position from the FY 2014 budget, *shall* be supplemented
15 and funded from the FY 2015 General Fund appropriation for the
16 Department.

17 (b) The Director of the Department of Public Health and Social
18 Services *shall* annually include a specific item request for compensation of
19 the Medical Director in the proposed fiscal year executive branch budget
20 request.

21 **Section 4. Severability.** *If* any provision of this law or its application to
22 any person or circumstance is found to be invalid or contrary to law, such
23 invalidity *shall not* affect other provisions or applications of this law which can be
24 given effect without the invalid provisions or application, and to this end the
25 provisions of this law are severable.

26 **Section 5. Effective Date.** This Act *shall* become effective upon
27 enactment.

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2014 (SECOND) Regular Session

Voting Sheet

Bill No. 284-32 (COR)

As substituted by the Committee on
General Government Operations and Cultural Affairs
and further amended on the Floor.

Speaker Antonio R. Unipingo Legislative Session Hall
October 3, 2014

<u>NAME</u>	<u>Yea</u>	<u>Nay</u>	<u>Not Voting/ Abstained</u>	<u>Out During Roll Call</u>	<u>Absent</u>
Senator Thomas "Tom" C. ADA	✓	I			
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				

TOTAL

14

Yea

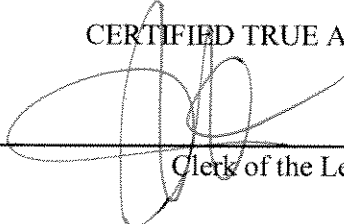
Nay

Not Voting/
Abstained

Out During
Roll Call

Absent

CERTIFIED TRUE AND CORRECT:



 Clerk of the Legislature

I = Pass



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

October 1, 2014

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Memorandum

Speaker
Judith T.P. Won Pat, Ed.D.
Member

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

Senator
Dennis G. Rodriguez, Jr.
Member

From: **Senator Rory J. Respicio**
Majority Leader & Rules Chair

Vice-Speaker
Benjamin J.F. Cruz
Member

Subject: **Fiscal Notes**

Legislative Secretary
Tina Rose Muña Barnes
Member

Hafa Adai!

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes are issued on the bills as introduced.

Senator
Frank Blas Aguon, Jr.
Member

FISCAL NOTE:

Bill No. 284-32 (COR)

Bill No. 362-32 (COR)

Bill No. 393-32 (COR)

Senator
Michael F.Q. San Nicolas
Member

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Senator
V. Anthony Ada
Member
MINORITY LEADER

Si Yu'os ma'åse'!

Senator
Aline Yamashita
Member

2014 OCT -1 PM 3:16 PM

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 284-32 (COR)**

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.

Department/Agency Appropriation Information	
Dept./Agency Affected: Public Health & Social Services	Dept./Agency Head: James W. Gillan
Department's General Fund (GF) appropriation(s) to date:	53,618,000
Department's Other Fund (Specify) appropriation(s) to date: Healthy Futures Fund, Environmental Health Fund, Sanitary Inspection Revolving Fund and Unappropriated Fund Balance of the Sanitary Inspection Revolving Fund	5,988,209
Total Department/Agency Appropriation(s) to date:	59,606,209

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2013 Unreserved Fund Balance		\$0	\$0
FY 2014 Adopted Revenues	\$0	\$0	\$0
FY 2014 Appro. (P.L. 32-68 through P.L. 32-189)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2014 (if applicable)	FY 2015	FY 2016	FY 2017	FY 2018
General Fund	\$0	\$0	1/	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	1/	\$0	\$0	\$0

- 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? \$ _____ // N/A
- Does the Bill establish a new program/agency? // Yes /x/ No
If yes, will the program duplicate existing programs/agencies? // N/A // Yes /x/ 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: Orlinda J. Guerrero Date: 9/20/14 Director: Jose S. Calvo, Acting Director Date: SEP 30 2014

Footnotes:
1/ The proposed legislation seeks to create the position of the Chief Medical Director within the Department of Public Health & Social Services with an established base salary which shall be at a minimum of not less than Two Hundred Thousand Dollars (\$200,000) and up to a maximum amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000). In addition, there is an incentive bonus to the base salary which shall be up to a maximum amount not to exceed Fifty Thousand Dollars (\$50,000). Section 3 of the proposed measure states that the unexpended balance of the FY2014 Budget pursuant to P.L. 32-68 (the law referenced in the Bill reads P.L. 68-32) which currently funds the acting Medical Director shall be available until fully expended and be utilized to fund the position of the Chief Medical Director. Per information from the department's ASO (Tommy Taitague), the Physician Specialist, Dr. Annakutty Mathews, served in the acting capacity as the Medical Director who retired from the department and thus, there is no balance available due to the lump sum payment of the employee. The department's FY2015 staffing pattern had budgeted a total cost of \$240,477 (salary-\$178,030 & benefits-\$62,447) for the Physician Specialist position and therefore the difference of the cost in the department's budgeted staffing to the proposed maximum amount of \$250,000 (base salary) of \$127,442 (salary & benefits) will have to be absorbed from within the department's appropriation level.



SEP 26 2014

The Honorable Judith T. Won Pat
Speaker
I Mina'trentai Dos Na Liheslaturan Guahan
32nd Guam Legislature
155 Hesler Place
Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: **Committee Report on Bill No. 284-32 (COR), As Substituted**


Dear Speaker Won Pat:

Transmitted herewith is the Report of the Committee on General Government Operations and Cultural Affairs on Bill No. 284-32 (COR), As Substituted - D.G. Rodriguez, Jr. - An act to establish the position of 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 §3109 to Article 1 (Division of Public Health), Chapter 3, Title 10, Guam Code Annotated.

Committee votes are as follows:

4 TO DO PASS
0 TO NOT PASS
4 TO REPORT OUT ONLY
0 TO ABSTAIN
0 TO PLACE IN INACTIVE FILE

Sincerely,


BENJAMIN J.F. CRUZ
Chairperson

2014 SEP 26 PM 3:13
SC



COMMITTEE REPORT

Bill No. 284-32 (COR), As Substituted by the Committee

An act to establish the position of 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 §3109 to Article 1 (Division of Public Health), Chapter 3, Title 10, Guam Code Annotated.



SEP 26 2014

MEMORANDUM

TO: All Members
FROM: Vice Speaker Benjamin J.F. Cruz
Committee on General Government Operations and Cultural Affairs

SUBJECT: Committee Report on Bill No. 284-32 (COR), As Substituted

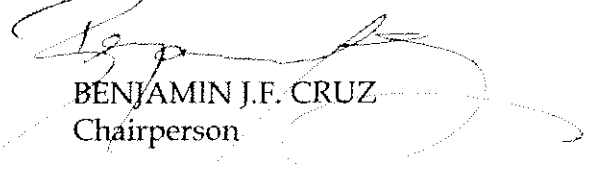
Transmitted herewith for your consideration is the Committee Report on Bill No. 284-32 (COR), As Substituted – D.G. Rodriguez, Jr. – An act to establish the position of Medical Director, Department of Public Health & Social Services; and to provide for collateral duty as Medical Director, Bureau of Communicable Disease Control, by adding a new §3109 to Article 1 (Division of Public Health), Chapter 3, Title 10, Guam Code Annotated.

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Bill No. 284-32 (COR), As Introduced
- Bill No. 284-32 (COR), As Substituted
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- COR Referral of Bill No. 284-32 (COR)
- Fiscal Note Requirement
- Notices of Public Hearing
- Public Hearing Agenda
- Related News Reports

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,


BENJAMIN J.F. CRUZ
Chairperson



COMMITTEE VOTING SHEET

Substitute Bill No. 284-32 (COR) - D.G. Rodriguez, Jr. - An act to establish the position of 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 §3109 to Article 1 (Division of Public Health), Chapter 3, Title 10, Guam Code Annotated.

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
CRUZ, BENJAMIN J.F. Chairperson		<input checked="" type="checkbox"/>				
MUÑA BARNES, TINA ROSE Vice-Chairperson						
WON PAT, JUDITH T. Speaker and Ex-Officio Member				9-26-14		
ADA, THOMAS C. Member						
RESPICIO, RORY J. Member		9-26-14				
RODRIGUEZ, DENNIS G. JR. Member		9/26				
SAN NICOLAS, MICHAEL, F.Q. Member				<input checked="" type="checkbox"/>		
AGUON, Jr., FRANK B. Member				<input checked="" type="checkbox"/>		
ADA, V. ANTHONY Member		<input checked="" type="checkbox"/>				
Morrison, Thomas Member						
McCreadie, Brant Member				<input checked="" type="checkbox"/>		
YAMASHITA, ALINE Member						



COMMITTEE REPORT DIGEST

Bill No. 284-32 (COR), As Substituted: An act to establish the position of 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 §3109 to Article 1 (Division of Public Health), Chapter 3, Title 10, Guam Code Annotated.

I. OVERVIEW

Bill No. 284-32 (COR) was introduced by Vice Speaker Benjamin J.F. Cruz on March 4, 2014, and subsequently referred to the Committee on General Government Operations and Cultural Affairs on the same day.

The Committee on General Government Operations and Cultural Affairs convened a public hearing on Tuesday, March 18, 2014, at 9:00AM in the Guam Legislature Public Hearing Room.

Public Notice Requirements

All legal requirements for public notices were met, with requests for publication sent to all media and all Senators on March 11, 2014, and March 16, 2014, via email. Copies of the hearing notices are appended to the report.

Senators Present

Vice Speaker Benjamin J.F. Cruz, Committee Chairperson
Senator Thomas C. Ada, Committee Member
Senator Frank B. Aguon, Jr., Committee Member
Senator Dennis G. Rodriguez, Jr., Committee Member
Senator Michael F.Q. San Nicolas, Committee Member
Senator Brant T. McCreadie, Committee Member
Senator Thomas Morrison, Committee Member
Senator V. Anthony Ada, Committee Member
Senator Christopher M. Duenas

Appeared before the Committee

Mr. James W. Gillan, Director, Department of Public Health and Social Services

Submitted Written Testimonies

Mr. James W. Gillan, Director, Department of Public Health and Social Services

II. TESTIMONY & DISCUSSION

Chairperson Benjamin J.F. Cruz announced Bill No. 284-32 (COR) and invited Senator Dennis G. Rodriguez, Jr. to provide his sponsor statement.

Senator Dennis G. Rodriguez, Jr. thanked Chairperson Cruz and also thanked Mr. James W. Gillan for his attendance before he proceeded to provide his statement:

“Bill No. 284-32 (COR) is an act to establish the position of Chief Medical Director (CMD), Department of Public Health and Social Services; and to provide for collateral duty as Medical Director, Bureau of Communicable Disease Control. This comes as a result at the request from the department to, number one, officially establish the Chief Medical Director position, which is tasked with a lot of critical responsibilities. Number two, [this bill] also establishes an interim salary compensation for this position. As an important side note, the implementation of the Guam Competitive Wage Act of 2014 highlighted a big disparity. It has eliminated the health pay plan of certain positions at the department. At the time when we are trying to recruit certified physicians, this elimination of the pay scale was really a big blow. This legislation does not address that. However, it addresses a position that is needed. I know Mr. Gillan would share those needs with us here. If you look at the intent of the legislation, it paints that picture of the need and responsibilities of a Chief Medical Director. Thank you, Mr. Chair.”

Chairperson Cruz thanked Senator Rodriguez and gestured for Mr. Gillan to proceed with his oral testimony.

Mr. James W. Gillan, Director, Department of Public and Social Services (DPHSS), thanked Chairperson Cruz, introduced himself, and declared that he was in support of most of Bill No. 284-32 (COR). Mr. Gillan stated that the department had recently lost its public health physician, who retired after 23 years of service. He explained that this physician (Dr. Annakutty Joseph Mathew) had taken a special interest in infectious diseases and she ran the agency’s tuberculosis (TB) and sexually transmitted diseases (STD) programs as well as volunteered with the tasks of Medical Director, which entailed signing off on protocols and developing a quarantine bill. He further emphasized that Guam’s potential for infectious disease—as evidenced by the emergence of cases of mosquito-transmitted viral diseases, multiple resistant strains of TB and other diseases that have not been seen in Guam in 30 years—threaten public health and underscore a special need for a physician with particular skills. He stated that he is still unsure if it is necessary to use the term “Chief Medical Director” since the department’s public health facility has a medical director for each of its two community health centers and that the CMD will be doing almost the same tasks as these individuals—an issue that should be addressed during a markup session. He also stated that pay scales must be established for classified physicians who have an interest in public health, specifically with the infectious diseases program; he said that current

salaries prevent recruitment. He added that the salary could be kept at a reasonable rate since many positions do not entail hospital duty – though he said that he believes they should eventually. He warns that without remedy over 50,000 people in the Medicaid program and Medically Indigent Program (MIP) will be left without any continuity at the hospital, as has been a common complaint with the physicians. He said that several solutions exist, considering the agency has a robust health information system that enables the flow of patient info between the hospital and the public health facilities. He mentioned that one of the short-term solutions has been to move doctors from the community health center to the TB and Hanson’s disease programs twice a week, but that approach takes away eight hours a week from the community center. He reiterated that improving salaries should facilitate in finding suitable candidates but added that salary ranges are negotiable and require more work; he mentioned that positions that offer \$54,000 per annum are typically for private physicians who work four to five hours a day and provide certain services not provided by DPHSS. He stressed the need for stronger commitment to public health, increased salaries to improve professional recruitment, and established category of committed classified board-certified public health physicians who are licensed in Guam. He concluded that while Guam has one of the most restrictive licensing activities in the United States to ensure the island gets the best available physicians, it has to be able to offer adequate compensation.

Chairperson Cruz thanked Mr. Gillan and asked Senator Rodriguez if he had any questions.

Senator Rodriguez thanked Chairperson Cruz for holding the public hearing and requested a markup session for Bill No. 284-32 (COR). He added that he wishes to work with the Committee to make changes to address concerns he had anticipated after introducing the bill.

Chairperson Cruz said that the Committee would conduct a markup and work with Senator Rodriguez’s office to clean up the bill. The Chairperson acknowledged the immense loss to Guam with Dr. Mathew’s retirement, and recalled that she was the only physician on island who specialized in infectious diseases for at least two decades. He added that there might be a number of private physicians who can provide specialized services but not with the kind of credentials she carried. Chairperson Cruz invited questions from other members of the Committee.

Senator Vicente C. Pangelinan thanked the Chairperson and addressed Mr. Gillan:

“I am reading the bill and the duties seem to be all over the place. I am a little concerned about that. It seems like we are asking for a ‘super doctor’ – we want him to be [in charge of] clinical and administrative duties, planning plus execution and program management. I understand the need to fill in all of those functions, but then you want this person to have a [master’s degree] or higher in public health administration? So in addition to the [Doctor of Medicine degree] (MD), you want someone with an advanced degree in public health?”

Mr. Gillan replied that the ideal candidate would have an MD with a [Master of Public Health degree] (MPH).

Senator Pangelinan asked for clarification on the requirement of either or both degrees.

Mr. Gillan replied that a concession could be done during the markup and further added:

“The ideal would be ‘and’, but [with] equivalencies and experiences in other public health departments. What we are finding in a lot of medical schools recently [the lack of] public health modules. A lot of doctors coming out had no clue on population health. At least they are beginning to have that. All of the physicians in the states and territories all have MPHs and run public health departments. So, of course, that is the ideal.”

Senator Pangelinan said that the items he mentioned were some of the issues that can be clarified during the markup.

Senator Frank B. Aguon, Jr. thanked Chairperson Cruz and addressed Mr. Gillan:

“I know you alluded to outside employment. Now, this individual is going to be brought in, would that be restricted to some extent?”

Mr. Gillan replied that if the government is able to offer a reasonable salary, then the restriction of outside employment is one of the things they are going to do.

Senator Aguon continued:

“That’s why I was inquiring about that particular issue because if we are going to pay an individual a salary that is being proposed, that individual should really, more or less be dedicated to providing services within your department and particular agency. Another aspect is, I noticed by just reading the component salary, it says, ‘The Director shall have the authority to fill the position at an above step.’ Now traditionally in the past, what had been done was that the agency would recruit. If it was a hard-to-fill position and it was limited to only one application then at that starting salary, the individual would not take the job. This is the first time that I have seen an above-step decision made by the director. Traditionally, there would be a secondary [party]. The justification can be forwarded to the administration in this case. Would you have any issue, if in fact there’s a requirement to compensate the individual [based] on the difficulty to fill [said position], [if] we would rather give the authority to the Director of Administration? Only so you can justify your decision on a secondary party so that decision can be ultimately made. Would you possibly be amenable to [giving that authority to the] Director of Administration in this case?”

Mr. Gillan replied:

"If there is an assurance that we can get a timely response, then yes. We have all had experiences with these processes and sometimes [they are] inefficient. We can find a good physician, and again the physician can be licensed on Guam, if they generally have all the credentials that you want. Getting one with the specialty that we need along with the public health background, and then going to the Director of Administration for permission to hire above-step, I don't really have a problem with [that] and I guess that [would be] more transparent."

Senator Aguon added:

"Keep in mind that you would have your base salary. It is not taking away the authority in terms of hiring; it is just that you have a secondary party to review the credentials."

Mr. Gillan replied that the authorizing official is a non-issue as long as the hiring is done expeditiously.

Senator Aguon continued his line of questioning and asked if Mr. Gillan would consider the CMD position to be a hard-to-fill position, based on the parameters of this legislation.

Mr. Gillan answered affirmatively, adding that the position would be impossible to fill especially with the current Hay structure.

Senator Aguon concurred with Mr. Gillan, and asked if the adjustments that are being provided in this legislation would affect the difficulty of filling the position.

Mr. Gillan replied that hiring would remain difficult but not impossible.

Senator Michael F.Q. San Nicolas thanked Chairperson Cruz and made an observation:

"I noticed throughout the legislation that we did not set any minimum qualifications. I would prefer that we set minimum qualifications for the position because it is not in here. For example, on page five [of the bill] it says that it shall 'preferably be'. There's a lot of 'preferably' and 'may' and I do want at least a minimum established. So that in the future, when there's a new director, we set a minimum standard. Since we are re-codifying the position, I think we should re-codify the minimum."

Mr. Gillan said that he agrees as long as the agency sets the minimum because he has "seen a lot of things get stuck."

Senator Rodriguez addressed Chairperson Cruz:

"Mr. Chair, if I may, these are all initial recommendations so the legislation has the provisions. Would we require [the Department of Administration] to work

with [DPHSS] to officially establish the salary and qualifications?"

Chairperson Cruz said that the Guam Board of Medical Examiners has even stricter rules. Absent additional questions from the Committee, Chairperson Cruz thanked Mr. Gillan and considered Bill No. 284-32 (COR) heard.

III. FINDINGS AND RECOMMENDATIONS

Based on testimony provided at the Public Hearing and the recommendations of the author, the Committee has adopted the following changes to 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 §3109 ~~§1104~~, ~~§1105~~ AND ~~§1106~~ TO ARTICLE 1 (DIVISION OF PUBLIC HEALTH ADMINISTRATION), CHAPTER ~~3-1~~ ADMINISTRATION, TITLE 10, GUAM CODE ANNOTATED.

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

I Liheslaturan Guåhan takes due note that public health organizations are concerned with protecting the health of entire populations. These populations can be as small as a local neighborhood, or as big as an entire state, or territory. Public health medical professional's serving as chief medical director's try to prevent problems from happening or re-occurring through implementing educational programs, developing policies, administering services, and conducting research. They do, as well, and especially in medically underserved rural areas, perform non-administrative collateral duty and directly provide clinical medical services treating individuals after they become sick or injured.

~~As has historically been the case within the Department, the dedicated Medical Director's have, of necessity and from a perspective and desire to serve~~

~~their community to the fullest extent of their personal ability and professional medical training, directly provided clinical medical services within the respective Bureau's and Programs, so as to support and further ensure the availability of quality medical care. These clinical medical services provided are in addition to their extensive administrative responsibilities. I Liheslaturan Guåhan finds that this collateral responsibility and burden of inescapable administrative and clinical duties will likely continue. What is needed, at a minimum, is the equitable adjustment of the health professional pay scale for public health practitioners, which is inadequately addressed, incorrectly addressed, or glaringly missing from the Government of Guam Competitive Wage Act of 2014.~~

~~I Liheslaturan Guåhan takes due notice that the request to establish the position of Chief Medical Director comes with the recent retirement of the acting Chief Medical Director, and that there is an urgent need to permanently resolve the establishment of the position formally in statute. The retiring acting Chief Medical Director additionally served as the Medical Director of the Bureau of Communicable Disease Control, a critical administrative and clinical position. This is a particularly difficult position to fill, in that most practitioners are only found at facilities or programs operated by the U.S. Center for Disease Control, or its state equivalent.~~

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

~~It is, therefore, the intent of I Liheslaturan Guåhan to add new § 3109 §§ 1104, 1105 and 1106 to Article 1 of Chapter 3 4, Title 10, Guam Code Annotated, providing for the establishment of the position, duties and competitive salary of a Chief Medical Director, who shall preferably be a board certified physician specialist in a needed public health medical field, or, depending on availability, may be a board eligible physician specialist, who shall have the requisite training and experience that meets the mandates and needs of the Department of Public Health and Social Services.~~

~~It is further, the intent of I Liheslaturan Guåhan to provide for the performance of collateral duty by the Chief Medical Director who may additionally serve as the Medical Director of the Bureau of Communicable Disease Control shall be an existing physician specialist employed by the~~

~~department and appointed by the director shall be an existing physician specialist employed by the department and appointed by the director.~~

Section 2. A NEW § 3109 ~~§ 1104, § 1105 and § 1106~~ is hereby *added* to Article 1 of Chapter 3 (Division of Public Health) ~~1 - Administration~~, of Title 10, Guam Code Annotated, to read:

“§ 3109. Medical Director; Establishment. There is established the position of Medical Director within the Department. The position shall be filled by an existing physician specialist appointed by the Director to perform collateral administrative and clinical medical duties for the Department.

(a) **Duties.** The duties of the Medical Director may include, but are not necessarily limited to, the overall development, management and coordination of administrative policy and support for clinical medical services, public healthcare coverage, clinical and non-clinical communicable disease control, and other clinical or non-clinical medical services provided by the respective Bureaus and programs of the Department. The Medical Director should preferably be a physician specialist in a field of practice or multiple specialties required by the Department, and is an experienced public healthcare services administrator.

At the discretion of the Director, the Medical Director may be tasked to directly perform collateral duty as the Medical Director of the Bureau of Communicable Disease Control, as well as provide clinical medical services as needed.

The Director shall be authorized to add an additional incentive bonus to the base salary of a physician specialist who assumes collateral duties of a Medical Director, pursuant to the incentive bonus amount indicated in this Act.

~~§ 1104. Chief Medical Director; Establishment.~~ There is hereby established the position of Chief Medical Director within the Department. The position may be established and offered as a full-time equivalent position as a classified service of the government of Guam; provided, however, and at the discretion of the Director, the position may be alternatively offered pursuant to a 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.

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

The Chief Medical Director shall, as is appropriate and to the extent necessary and practicable, directly support the clinical health-care services of the respective Bureaus and Programs of the Department. The scope of responsibility and functions required in the performance of these non-administrative collateral duties shall include, but are not limited to, directly providing clinical medical

services. For the purposes of this Section, the clinical medical duties of the Chief Medical Director shall be in addition to administrative responsibilities, and shall be deemed an essential requisite function.

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

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

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

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

The Department of Administration shall, notwithstanding the pay grade and step currently being utilized for the acting Chief Medical Director or the pay grade established by the Government of Guam Competitive Wage Act of 2014, immediately establish a base salary and step range which is in conformance with and, at a minimum, equal to the national standard for a state public health department's chief medical director; and which is most appropriately applied to the position so as to enable the Department to competitively recruit qualified candidates. The position shall be deemed a hard to fill position, vital to the public health and safety of the people of Guam.

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

Section 3. Appropriation. (a) The unexpended available balance of the FY-2014 budget of the Department of Public Health and Social Services, as provided pursuant to P.L. 68-32 and currently designated by the Department for currently funding the position of *acting Medical Director*, shall be available until fully expended and shall be utilized to fund the position Medical Director, as established and provided pursuant to this Act. The difference for any shortfall in the remaining available balance currently identified and earmarked for the position from the FY-2014 budget, shall be supplemented and funded from the FY 2015 General Fund appropriation for the Department.

(b) The Director, Department of Public Health and Social Services, shall annually include a specific item request for funding the position of Medical Director in the proposed fiscal year Executive Branch budget request.

Section 4. Incentive Bonus Pay. The Director of the department is authorized, pursuant to negotiations add to the base salary of an existing physician specialist who is appointed to directly perform administrative and clinical collateral duty, as the Medical Director of the department, up to a maximum amount not to exceed Fifty Thousand Dollars (\$50,000.00), subject to the availability of funds.

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

~~(b) Adoption of Exhibit. Notwithstanding any other provision of law, rule, regulation and Executive Order, the initial, interim salary hereby established for the position of Chief Medical Director, and attached hereto as Exhibit "A", is hereby adopted by *I Mina'trentai Dos Na Liheslaturan Guåhan*. The salary adopted shall be utilized until such time as a salary based upon a national standard which is found to be appropriate and acceptable is developed and mutually adopted by the Department.~~

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

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

The Committee on General Government Operations and Cultural Affairs to which was referred "Bill No. 284-32 (COR) - D.G. Rodriguez, Jr. - An act to establish the position of 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 §3109 to Article 1 (Division of Public Health), Chapter 3, Title 10, Guam Code Annotated" hereby submits these findings to *I Mina'trentai Dos Na Liheslaturan Guåhan* and reports out Bill No. 284-32 (COR), as Substituted, with a recommendation
TO REPORT OUT ONLY

**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.**

2014 M.P. - J.F. PM 8:58 

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

I Liheslaturan Guåhan takes due note that public health organizations are concerned with protecting the health of entire populations. These populations can be as small as a local neighborhood, or as big as an entire state, or territory. Public 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 Guâhan*. 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)**.

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

Bill No. 284-32 (COR)

***As Substituted by the Committee on
General Government Operations and Cultural Affairs**

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 § 3109 §
~~1104, § 1105 AND § 1106 TO ARTICLE 1 (DIVISION~~
~~OF PUBLIC HEALTH ADMINISTRATION),~~
~~CHAPTER 3-1-1 ADMINISTRATION, TITLE 10,~~
GUAM CODE ANNOTATED.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

I Liheslaturan Guåhan takes due note that public health organizations are concerned with protecting the health of entire populations. These populations can be as small as a local neighborhood, or as big as an entire state, or territory. Public health medical professional²s serving as chief medical director²s 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
25 found at facilities or programs operated by the U.S. Center for Disease Control, or
26 its state equivalent.

27 ~~Further, there is a need to address the glaring disparity in the current salary~~

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

13 It is, therefore, the intent of *I Liheslaturan Guåhan* to add new § 3109 §§
14 ~~1104, 1105 and 1106~~ to Article 1 of Chapter 3 4, Title 10, Guam Code Annotated,
15 providing for the establishment of the position, duties and ~~competitive~~ salary of a
16 Chief Medical Director, who *shall* preferably be a board certified physician
17 specialist in a needed public health medical field, or, depending on availability,
18 may be a board eligible physician specialist, who *shall* have the requisite training
19 and experience that meets the mandates and needs of the Department of Public
20 Health and Social Services.

21 It is further, the intent of *I Liheslaturan Guåhan* to provide for the
22 performance of collateral duty by the Chief Medical Director who ~~may additionally~~
23 ~~serve as the Medical Director of the Bureau of Communicable Disease Control~~
24 ~~shall be an existing physician specialist employed by the department and appointed~~
25 ~~by the director shall be an existing physician specialist employed by the~~
26 ~~department and appointed by the director.~~

27 **Section 2.** A *NEW* § 3109 § 1104, ~~§ 1105 and § 1106~~ is hereby *added* to

1 Article 1 of Chapter 3 (Division of Public Health) – Administration, of Title 10,
2 Guam Code Annotated, to read:

3 “§ 3109. Medical Director; Establishment. There is established the
4 position of Medical Director within the Department. The position shall be filled
5 by an existing physician specialist appointed by the Director to perform collateral
6 administrative and clinical medical duties for the Department.

7 (a) Duties. The duties of the Medical Director may include, but are not
8 necessarily limited to, the overall development, management and coordination of
9 administrative policy and support for clinical medical services, public healthcare
10 coverage, clinical and non-clinical communicable disease control, and other
11 clinical or non-clinical medical services provided by the respective Bureaus and
12 programs of the Department. The Medical Director should preferably be a
13 physician specialist in a field of practice or multiple specialties required by the
14 Department, and is an experienced public healthcare services administrator.

15 At the discretion of the Director, the Medical Director may be tasked to
16 directly perform collateral duty as the Medical Director of the Bureau of
17 Communicable Disease Control, as well as provide clinical medical services as
18 needed.

19 The Director shall be authorized to add an additional incentive bonus to the
20 base salary of a physician specialist who assumes collateral duties of a Medical
21 Director, pursuant to the incentive bonus amount indicated in this Act.

22 ~~§ 1104. Chief Medical Director; Establishment.~~ There is hereby
23 ~~established the position of Chief Medical Director within the Department. The~~
24 ~~position may be established and offered as a full-time equivalent position as a~~
25 ~~classified service of the government of Guam; provided, however, and at the~~
26 ~~discretion of the Director, the position may be alternatively offered pursuant to a~~
27 ~~negotiated contract.~~

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

4 ~~§ 1105. Duties.~~ ~~The primary duties of the Chief Medical Director shall~~
5 ~~include, but shall not be limited to, the overall development, management and~~
6 ~~coordination of administrative policy and support for clinical primary care medical~~
7 ~~services, public healthcare coverage, communicable and non-clinical~~
8 ~~communicable disease control, and other clinical or non-clinical medical services~~
9 ~~provided by the respective Bureau's and program's of the Department.~~

10 ~~The Chief Medical Director shall, as is appropriate and to the extent~~
11 ~~necessary and practicable, directly support the clinical health care services of the~~
12 ~~respective Bureaus and Programs of the Department. The scope of responsibility~~
13 ~~and functions required in the performance of these non-administrative collateral~~
14 ~~duties shall include, but are not limited to, directly providing clinical medical~~
15 ~~services. For the purposes of this Section, the clinical medical duties of the Chief~~
16 ~~Medical Director shall be in addition to administrative responsibilities, and shall be~~
17 ~~deemed an essential requisite function.~~

18 ~~The Chief Medical Director shall preferably be a board certified physician~~
19 ~~specialist in a medical field deemed to be an appropriate, requisite field of practice,~~
20 ~~or multiple field specialties, as is necessary to best meet the mandates and needs of~~
21 ~~s the Department.~~

22 ~~§1106. Salary.~~ ~~The salary grade and step range of the Chief Medical~~
23 ~~Director shall be based upon the national standard for the position, as is~~
24 ~~determined to be applicable and appropriate for chief medical directors in State~~
25 ~~operated public health organizations.~~

26 ~~The Director shall have the authority to fill the position at an above step~~
27 ~~salary based upon demand, the availability of qualified practitioners, education and~~

1 ~~experience, and as is determined to be most appropriate and necessary to~~
2 ~~accomplish the requisite mandates and program requirements of the Department.~~

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

7 ~~The Department of Administration shall, notwithstanding the pay grade and~~
8 ~~step currently being utilized for the acting Chief Medical Director or the pay grade~~
9 ~~established by the Government of Guam Competitive Wage Act of 2014,~~
10 ~~immediately establish a base salary and step range which is in conformance with~~
11 ~~and, at a minimum, equal to the national standard for a state public health~~
12 ~~department's chief medical director; and which is most appropriately applied to the~~
13 ~~position so as to enable the Department to competitively recruit qualified~~
14 ~~candidates. The position shall be deemed a hard-to-fill position, vital to the public~~
15 ~~health and safety of the people of Guam.~~

16 ~~The Director shall, at his discretion, have the authority to designate the~~
17 ~~Chief Medical Director to directly perform on collateral duty basis as the Medical~~
18 ~~Director of the Bureau of Communicable Disease Control, and pursuant to which,~~
19 ~~the Director shall, at his discretion, be authorized to add an additional incentive~~
20 ~~bonus to the base salary of a Chief Medical Director tasked to administer the~~
21 ~~Bureau.”~~

22 **Section 3. Appropriation.** (a) The unexpended available balance of the
23 FY-2014 budget of the Department of Public Health and Social Services, as
24 provided pursuant to P.L. 68-32 and currently designated by the Department for
25 currently funding the position of *acting Medical Director*, shall be available until
26 fully expended and shall be utilized to fund the position *Medical Director*, as
27 established and provided pursuant to this Act. The difference for any shortfall in

1 the remaining available balance currently identified and earmarked for the position
2 from the FY-2014 budget, *shall* be supplemented and funded from the FY 2015
3 General Fund appropriation for the Department.

4 (b) The Director, Department of Public Health and Social Services, *shall*
5 annually include a specific item request for funding the position of Medical
6 Director in the proposed fiscal year Executive Branch budget request.

7 **Section 4. Incentive Bonus Pay.** The Director of the department is
8 authorized, pursuant to negotiations add to the base salary of an existing physician
9 specialist who is appointed to directly perform administrative and clinical
10 collateral duty, as the Medical Director of the department, up to a maximum
11 amount not to exceed Fifty Thousand Dollars (\$50,000.00), subject to the
12 availability of funds.

13 ~~**Initial Salary, Position of Chief Medical Director.** (a) The initial base~~
14 ~~salary and high range for the position of Chief Medical Director, Department of~~
15 ~~Public Health and Social Services, shall be initially established, as provided~~
16 ~~pursuant to Exhibit "A" of this Act.~~

17 ~~(b) Adoption of Exhibit. Notwithstanding any other provision of law, rule,~~
18 ~~regulation and Executive Order, the initial, interim salary hereby established for~~
19 ~~the position of Chief Medical Director, and attached hereto as Exhibit "A", is~~
20 ~~hereby adopted by I Mina'trentai Dos Na Liheslaturan Guåhan. The salary~~
21 ~~adopted shall be utilized until such time as a salary based upon a national standard~~
22 ~~which is found to be appropriate and acceptable is developed and mutually adopted~~
23 ~~by the Department.~~

24 **Section 5. Severability.** If any provision of this law or its application to
25 any person or circumstance is found to be invalid or contrary to law, such
26 invalidity *shall not* affect other provisions or applications of this law which can be
27 given effect without the invalid provisions or application, and to this end the

1 provisions of this law are severable.

2 **Section 6. Effective Date.** This Act *shall* become immediately effective
3 upon enactment.

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER
 Chairman, Committee on General Government Operations
 and Cultural Affairs
 Web Address: www.senatorbjcruz.com



I MINA 'TRENIAI DOS NA LIHESLA TURAN GUAHAN
 The 32nd Guam Legislature • senator@senatorbjcruz.com
 155 Hessler Place, Hagåtña, Guam 96910
 Telephone: (671) 477-25201 • Fax: (671) 477-2522

PUBLIC HEARING SIGN-IN SHEET

Tuesday, March 18, 2014 - 9:00AM

Guam Legislature Public Hearing Room • Hagåtña, Guam

Bill No. 284-32 (COR) – 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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		SUPPORT	OPPOSE	WRITTEN	ORAL		
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GOVERNMENT OF GUAM
DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT



EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR



JAMES W. GILLAN
DIRECTOR

LEO G. CASIL
DEPUTY DIRECTOR

March 18, 2014

Honorable Benjamin J.F Cruz
Vice Speaker
Chairperson: Committee on Procurement, Cultural
Affairs, Public Broadcasting, Youth and General
Governmental Operation
32nd Guam Legislature (Second) Regular Session

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

Dear Vice Speaker Cruz:

Thank you for arranging for this hearing on the above referenced bill. I want to thank Senator Dennis Rodriguez Jr. and his staff for their quick response to our request for this very necessary legislation.

The Department of Public Health and Social Services recently lost its remaining full time physician specialist at Central Public Health upon the retirement of Dr. Annakutty Mathew on February 21, 2014. She had been the sole physician at Central Public Health since 2006. In her capacity as the sole physician specialist on staff, she also assumed the collateral duties of the Medical Director. Her salary upon retirement, after 23 years of dedicated service to the Government of Guam, was \$175,000. This is below the national average and well below the salaries physicians are making in the private sector which is the reason why DPHSS has a difficult time recruiting physicians.

Prior to the implementation of the Competitive Wage Act of 2014, the salaries of physicians, dentists and pharmacists were based on the Health Professional Pay Scale. Under this pay scale, the salaries for a Physician Specialist Board Eligible ranged from \$108,727-\$167,704

GOVERNMENT OF GUAM
DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT

and for a Physician Specialist Board Certified from \$116,179-177,517 (Steps 1-18). DPHSS had a difficult time recruiting medical providers with these salaries and were going to request for a salary adjustment.

With the implementation of the Hay Study, medical professionals were lumped into the General Pay Plan with everyone else with the exception of the nurses, educators, attorneys, law enforcement officers and executives. Now, salaries for a Physician Specialist Board Eligible range from \$81,522-\$143,682 and for a Physician Specialist Board Certified from \$86,820-\$153,020 (Step 1-18). The department will never be able to recruit another physician again with these types of salaries especially since Guam is already having a hard time getting physicians to move here. The department would like to have the Health Professional Pay Scale reinstated, with the appropriate adjustments to meet current needs, in future legislation.

To address the department's immediate need to have a physician work at Central Public Health, one of the physicians from the Southern Region Community Health Center (SRCHC) has agreed to divide her time between the CHC and Central Public Health so that patients with communicable diseases, like tuberculosis, and infectious diseases, like Hansen's Disease, Sexually Transmitted Diseases (STDs) and HIV can be seen at Central Public Health. The disadvantage with this arrangement is that now less patients can be seen at the Inarajan facility.

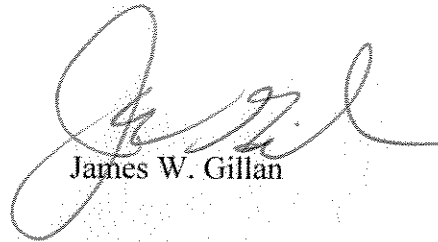
Physicians who work at the CHCs are easier to recruit because the department can offer them salaries that are above step because salaries are from Program Income funds. Salaries at Central Public Health are from the General Fund. There are currently six full time and seven part-time physicians working at the CHCs. Their heavy workload and their areas of specialty prevent them from working at the Communicable Disease Control (CDC) Clinics at Central Public Health. The CHCs see over a hundred patients a day.

The department's inability to recruit full time, and even part time, physicians has compromised the ability of DPHSS to provide essential medical services to patients on a consistent basis. This is especially important for patients with Tuberculosis who require long term treatment. DPHSS not only helps alleviate the number of patients going to the Guam Memorial Hospital emergency room for nonlife threatening medical problems but also keeps medical costs down. The more patients who can be seen at DPHSS, and fewer patients for GMH. Medical problems can be treated or prevented at DPHSS before they become serious or chronic conditions, leading to more expensive interventions and treatment.

DPHSS supports the intent of Bill 284-32 but the department would like to see some revisions made. While it is important to have a Medical Director manage the clinic and staff, it is more important to have physicians treating patients in the clinics. The department would like to see the salaries of health professionals adjusted to reflect current needs. The starting salary for a Physician Specialist Board Eligible should be at least \$150,000 and for a Physician Specialist Board Certified at least \$175,000. Physicians who possess specialized skills and training, like for infectious diseases, would be paid more. The Director of Public Health and Social Services should have the authority to negotiate a higher entry salary in these instances.

GOVERNMENT OF GUAM
DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT

For assuming the duties of a Medical Director, an incentive pay of \$50,000 should be offered. The Medical Director is tasked with reviewing all the protocols in the different clinics, attending meetings needing physician input and participating in disaster drill exercises.



James W. Gillan



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.E. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

October 1, 2014

MEMORANDUM

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

From: **Senator Rory J. Respicio**

Subject: **Fiscal Note for Committee Report
Bill No. 284-32(COR)**

Hafa Adai!

Please include this memo and the attachment as a "Supplemental" to the Committee Report on Bill No. 284-32 (COR).

Please make the appropriate indication in your records; and forward to MIS for posting on our website. I also request that the same be forwarded to all Senators of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Si Yu'os Ma'ase'!

cc: Legal Counsel
Clerk of the Legislature
Sergeant-at-Arms
MIS

2014 OCT -1 PM 3:17 OF

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 284-32 (COR)**

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.

Department/Agency Appropriation Information	
Dept./Agency Affected: Public Health & Social Services	Dept./Agency Head: James W. Gillan
Department's General Fund (GF) appropriation(s) to date:	53,618,080
Department's Other Fund (Specify) appropriation(s) to date: Healthy Futures Fund, Environmental Health Fund, Sanitary Inspection Revolving Fund and Unappropriated Fund Balance of the Sanitary Inspection Revolving Fund	5,980,209
Total Department/Agency Appropriation(s) to date:	559,598,289

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2013 Unreserved Fund Balance		\$0	\$0
FY 2014 Adopted Revenues	\$0	\$0	\$0
FY 2014 Appro. (P.L. 32-68 through P.L. 32-180)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2014 (if applicable)	FY 2015	FY 2016	FY 2017	FY 2018
General Fund	\$0	\$0	1/	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	1/	\$0	\$0	\$0

- 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? \$ _____ // N/A
- Does the Bill establish a new program/agency? // Yes /x/ No
If yes, will the program duplicate existing programs/agencies? // N/A // Yes /x/ 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: Orlida J. Guerrero Date: 9/20/14 Director: Jose S. Calvo, Acting Director Date: SEP 20 2014

Footnotes:

1/ The proposed legislation seeks to create the position of the Chief Medical Director within the Department of Public Health & Social Services with an established base salary which shall be at a minimum of not less than Two Hundred Thousand Dollars (\$200,000) and up to a maximum amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000). In addition, there is an incentive bonus to the base salary which shall be up to a maximum amount not to exceed Fifty Thousand Dollars (\$50,000). Section 3 of the proposed measure states that the unexpended balance of the FY2014 Budget pursuant to P.L. 32-68 (the law referenced in the Bill reads P.L. 68-32) which currently funds the acting Medical Director shall be available until fully expended and be utilized to fund the position of the Chief Medical Director. Per information from the department's ASO (Tommy Taitague), the Physician Specialist, Dr. Annakutty Mathews, served in the acting capacity as the Medical Director who retired from the department and thus, there is no balance available due to the lump sum payment of the employee. The department's FY2015 staffing pattern had budgeted a total cost of \$240,477 (salary-\$178,030 & benefits-\$62,447) for the Physician Specialist position and therefore the difference of the cost in the department's budgeted staffing to the proposed maximum amount of \$250,000 (base salary) of \$127,442 (salary & benefits) will have to be absorbed from within the department's appropriation



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Speaker
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Member

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Senator
V. Anthony Ada
Member
MINORITY LEADER

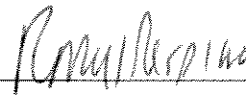
Senator
Aline Yamashita
Member

Certification of Waiver of Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **BILL NO. 284-32 (COR) – Dennis 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..”** – on March 5, 2014. COR hereby certifies that BBMR confirmed receipt of this request March 5, 2014 at 12:38 P.M.

COR further certifies that a response to this request was not received. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 284-32 (COR) to be included in the committee report on said bill, is hereby waived.**

Certified by:



Senator Rory J. Respicio
Chairperson, Committee on Rules

September 26, 2014

Date



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
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Senator
Aline Yamashita
Member

March 5, 2014

VIA E-MAIL
john.rios@bbmr.guam.gov

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Notes– Bill Nos. 282-32 (COR) through 284-32(COR)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson of the Committee on Rules

Attachment (I)

Cc: Clerk of the Legislature

Bill Nos.	Sponsors	Title
282-32 (COR)	Brant T. McCreadie	AN ACT TO AMEND §§ 37.10 AND 37.20 OF CHAPTER 37, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO THE CRIME OF BURGLARY IN SCHOOLS, WHICH MAY BE CITED AS THE "SAFER SCHOOLS ACT OF 2014"
283-32 (COR)	T.C. Ada Rory J. Respicio	AN ACT TO APPROVE AND ADOPT THE JOSE D. LEON GUERRERO COMMERCIAL PORT AUTHORITY OF GUAM (PORT) MASTER PLAN UPDATE 2013 REPORT.
284-32 (COR)	Dennis 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.



COMMITTEE ON RULES

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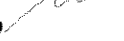
Senator
Aline Yamashita
Member

March 4, 2014

MEMORANDUM

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

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio** 
Chairperson of the Committee on Rules

Subject: **Referral of Bill No. 284-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 284-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I Mina Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
284-32 (COR)	Dennis 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.	3/4/14	03/04/14	Committee on General Governmental Operations and Cultural Affairs			



FIRST NOTICE of Public Hearings – March 18, 2014

Cheerful Catunao <cheerful@senatorbjcruz.com>
To: phnotice@guamlegislature.org
Cc: clerks@guamlegislature.org, mis@guamlegislature.org

Tue, Mar 11, 2014 at 8:00 AM

March 11, 2014

MEMORANDUM

To: All Members / All Senators
From: Vice Speaker Benjamin J.F. Cruz, Chairman
Re: FIRST NOTICE of Public Hearings – March 18, 2014

Håfa Adai! The Committee on General Government Operations and Cultural Affairs will conduct Public Hearing of Bills beginning at **9:00AM** on **Tuesday, March 18, 2014**, in the / *Liheslatura* Public Hearing Room with the following agenda:

9:00AM

- **Bill No. 289-32 (COR)** – B.J.F. Cruz – “An act to amend subsection 5121(e) of Part C, Article 2, Chapter 5, Title 5 of the Guam Code Annotated relative to permitting alternative dispute resolution in contracts approved by the Government of Guam Retirement Fund.”
- **Bill No. 262-32 (COR)** – B.T. McCreddie – “An act to amend §77107 and to add a new §77135 to Chapter 77, Title 10, Guam Code Annotated relative to establishing a public-private partnership for vehicle impoundment.”
- **Bill No. 284-32 (COR)** – 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.”
- **Bill No. 286-32 (COR)** – T. Morrison / V.A. Ada / C.M. Duenas / F.B. Aguon, Jr. / B.T. McCreddie – “An act to amend §1001 of 1GCA relative to establishing Guam History and Chamorro Heritage Day as a legal holiday on Guam.”

Testimonies may be submitted via hand delivery to the Office of Vice Speaker Benjamin J.F Cruz at the Guam Legislature; via postal mail to 155 Hesler Street, Hagåtña Guam 96910; via facsimile to 477-2522; or via e-mail to senator@senatorbjcruz.com. Please submit testimonies at least one day prior to the date of the hearing.

All government activities, programs, and services are accessible for people with disabilities in compliance with Title II of the Americans with Disabilities Act (ADA). Should you or interested parties require assistance or special accommodations to fully participate in this public hearing, please contact Mr. Carlo J. Branch at the Office of the Vice Speaker at 477-2521 or via e-mail at carlo.branch@senatorbjcruz.com.

We look forward to your attendance and participation.

cc: Clerks
COR

MIS
Media

2 attachments

 **FIRST NOTICE Memo PH 03182014.pdf**
161K

 **FIRST NOTICE PR PH 03182014.pdf**
144K



March 11, 2014

MEMORANDUM

To: All Members / All Senators
From: Vice Speaker Benjamin J.F. Cruz, Chairman

Re: **FIRST NOTICE of Public Hearings – March 18, 2014**

Håfa Adai! The Committee on General Government Operations and Cultural Affairs will conduct Public Hearing of Bills beginning at 9:00AM on **Tuesday, March 18, 2014**, in the *I Liheslatura Public Hearing Room* with the following agenda:

9:00AM

- **Bill No. 289-32 (COR)** – B.J.F. Cruz – “An act to amend subsection 5121(e) of Part C, Article 2, Chapter 5, Title 5 of the Guam Code Annotated relative to permitting alternative dispute resolution in contracts approved by the Government of Guam Retirement Fund.”
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We look forward to your attendance and participation.



FOR IMMEDIATE RELEASE
March 11, 2014

FIRST NOTICE OF PUBLIC HEARING

In accordance with the Open Government Law, P.L. 24-109, relative to notice for public meetings, let this release serve as five (5) days' notice for Public Hearings by the *Committee on General Government Operations and Cultural Affairs* scheduled on **Tuesday, March 18, 2014**, in the Guam Legislature Hearing Room in Hagatña, on the following:

9:00AM

- **Bill No. 289-32 (COR)** - B.J.F. Cruz - "An act to amend subsection 5121(e) of Part C, Article 2, Chapter 5, Title 5 of the Guam Code Annotated relative to permitting alternative dispute resolution in contracts approved by the Government of Guam Retirement Fund."
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Individuals requiring assistance or special accommodations should contact Mr. Carlo J. Branch at the Office of the Vice Speaker at 477-2521, or by e-mail at carlo.branch@senatorbjcruz.com.

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SECOND NOTICE of Public Hearing – March 18, 2014

Cheerful Catunao <cheerful@senatorbjcruz.com>

Sun, Mar 16, 2014 at 8:30 AM

To: phnotice@guamlegislature.org

Cc: mis@guamlegislature.org, clerks@guamlegislature.org

March 16, 2014

MEMORANDUM

To: All Members / All Senators

From: Vice Speaker Benjamin J.F. Cruz, Chairman

Re: SECOND NOTICE of Public Hearing – March 18, 2014

Håfa Adai! The Committee on General Government Operations and Cultural Affairs will conduct Public Hearing of Bills beginning at **9:00AM** on **Tuesday, March 18, 2014**, in the / *Liheslatura* Public Hearing Room with the following agenda:

9:00AM

- **Bill No. 289-32 (COR)** – B.J.F. Cruz – “An act to amend subsection 5121(e) of Part C, Article 2, Chapter 5, Title 5 of the Guam Code Annotated relative to permitting alternative dispute resolution in contracts approved by the Government of Guam Retirement Fund.”
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We look forward to your attendance and participation.

cc: Clerks
COR
MIS

Media

2 attachments

 **SECOND NOTICE Memo Cmte Reporting Req 03182014.pdf**
161K

 **SECOND NOTICE PR Cmte Reporting Req 03182014.pdf**
145K



March 16, 2014

MEMORANDUM

To: All Members / All Senators
From: Vice Speaker Benjamin J.F. Cruz, Chairman

Re: SECOND NOTICE of Public Hearing – March 18, 2014

Håfa Adai! The Committee on General Government Operations and Cultural Affairs will conduct Public Hearing of Bills beginning at 9:00AM on **Tuesday, March 18, 2014**, in the *I Liheslatura* Public Hearing Room with the following agenda:

9:00AM

- **Bill No. 289-32 (COR)** – B.J.F. Cruz – “An act to amend subsection 5121(e) of Part C, Article 2, Chapter 5, Title 5 of the Guam Code Annotated relative to permitting alternative dispute resolution in contracts approved by the Government of Guam Retirement Fund.”
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We look forward to your attendance and participation.



FOR IMMEDIATE RELEASE
March 16, 2014

SECOND NOTICE OF PUBLIC HEARING

In accordance with the Open Government Law, P.L. 24-109, relative to notice for public meetings, let this release serve as forty-eight (48) hours' notice for Public Hearings by the *Committee on General Government Operations and Cultural Affairs* scheduled on **Tuesday, March 18, 2014**, in the Guam Legislature Hearing Room in Hagåtña, on the following:

9:00AM

- **Bill No. 289-32 (COR)** – B.J.F. Cruz – “An act to amend subsection 5121(e) of Part C, Article 2, Chapter 5, Title 5 of the Guam Code Annotated relative to permitting alternative dispute resolution in contracts approved by the Government of Guam Retirement Fund.”
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###

**Listserv: phnotice@guamlegislature.org
As of March 13, 2014**

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PUBLIC HEARING AGENDA

Tuesday, March 18, 2014

Guam Legislature Public Hearing Room • Hagåtña, Guam

9:00AM

Bill No. 289-32 (COR) - B.J.F. Cruz - "An act to amend subsection 5121(e) of Part C, Article 2, Chapter 5, Title 5 of the Guam Code Annotated relative to permitting alternative dispute resolution in contracts approved by the Government of Guam Retirement Fund."

Bill No. 262-32 (COR) - B.T. McCreadie - "An act to amend §77107 and to add a new §77135 to Chapter 77, Title 10, Guam Code Annotated relative to establishing a public-private partnership for vehicle impoundment."

Bill No. 284-32 (COR) - 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."

Bill No. 286-32 (COR) - T. Morrison / V.A. Ada / C.M. Duenas / F.B. Aguon, Jr. / B.T. McCreadie - "An act to amend §1001 of 1GCA relative to establishing Guam History and Chamorro Heritage Day as a legal holiday on Guam."



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
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VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

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Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
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Senator
V. Anthony Ada
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MINORITY LEADER

Senator
Aline Yamashita
Member

March 5, 2014

VIA E-MAIL

john.rios@bbmr.guam.gov

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Notes– Bill Nos. 282-32 (COR) through 284-32(COR)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson of the Committee on Rules

Attachment (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsors	Title
282-32 (COR)	Brant T. McCreddie	AN ACT TO AMEND §§ 37.10 AND 37.20 OF CHAPTER 37, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO THE CRIME OF BURGLARY IN SCHOOLS, WHICH MAY BE CITED AS THE “SAFER SCHOOLS ACT OF 2014”
283-32 (COR)	T.C. Ada Rory J. Respicio	AN ACT TO APPROVE AND ADOPT THE JOSE D. LEON GUERRERO COMMERCIAL PORT AUTHORITY OF GUAM (PORT) MASTER PLAN UPDATE 2013 REPORT.
284-32 (COR)	Dennis 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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Member

March 4, 2014

MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Chairperson of the Committee on Rules

Subject: Referral of Bill No. 284-32(COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 284-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment


**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.**

2014 MAR -17 PM 8: 58 

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)**.