

I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
248-36 (COR)	Therese M. Terlaje	AN ACT TO <i>AMEND</i> § 81109, RENUMBER §81112 AS §81113, AND <i>ADD</i> A NEW §81112, ALL TO CHAPTER 81, TITLE 10, GUAM CODE ANNOTATED, AND TO <i>AMEND</i> CHAPTER 20, DIVISION 3, OF TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO AUTHORIZING THE COMMISSION ON POST-MORTEM EXAMINATIONS TO CREATE A FEE SCHEDULE FOR SERVICES, AND ESTABLISHING THE "OFFICE OF POST-MORTEM EXAMINATIONS OPERATIONS REVOLVING FUND".	2/2/22 4:06 p.m.						

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session

Bill No. 248-36 (COR)

Introduced by:

Therese M. Terlaje *Tmt*

AN ACT TO AMEND § 81109, RENUMBER §81112 AS §81113, AND ADD A NEW §81112, ALL TO CHAPTER 81, TITLE 10, GUAM CODE ANNOTATED, AND TO *AMEND* CHAPTER 20, DIVISION 3, OF TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO AUTHORIZING THE COMMISSION ON POST-MORTEM EXAMINATIONS TO CREATE A FEE SCHEDULE FOR SERVICES, AND ESTABLISHING THE “OFFICE OF POST-MORTEM EXAMINATIONS OPERATIONS REVOLVING FUND”.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. *I Liheslaturan Guåhan* finds that the Commission on Post-Mortem Examinations (the Commission) needs statutory authorization to impose fees for services provided by the Office of Post-Mortem Examinations, also referred to as the Office of the Chief Medical Examiner (OCME). Fees charged would generate funding to cover a portion of the operational expenses of the OPME/OCME.

It is therefore the intent of *I Liheslaturan Guåhan* to authorize the Commission to create a fee schedule for services in accordance with the Administrative Adjudication Law.

1 *I Liheslaturan Guåhan* further intends to create the Office of Post-Mortem
2 Examinations Operations Revolving Fund (Fund) and to direct that fees received
3 be deposited into this Fund, which is to be maintained separate and apart from
4 other government funds.

5 **Section 2.** § 81109 of Chapter 81, Title 10, Guam Code Annotated is
6 *amended* to read:

7 “§ 81109. **Rules and Regulations.** Subject to the Administrative
8 Adjudication Act, the Commission may promulgate fees, rules and regulations
9 necessary or appropriate to carry out effectively the provision of this Chapter.”

10 **Section 3.** Existing §81112, titled “Severability” is hereby renumbered as
11 §81113.

12 **Section 4. Authorization to Impose Fees.** A new §81112 is hereby *added*
13 to read:

14 “§81112. **Fees; Fund; Annual Audit.**

15 (a) **Fees.** The Commission is authorized to impose fees reasonably
16 necessary for the Office of the Post-Mortem Examinations to carry out its
17 duties and responsibilities as required or authorized by this Act or rules and
18 regulations adopted under this Act. The Commission is further authorized to
19 amend any adopted fees through the Administrative Adjudication Law, Rule
20 Making Procedures of Article 3, Chapter 9, Title 5, Guam Code Annotated.
21 Fees shall be paid to the Treasurer of Guam.

22 (b) **Fund.** There is hereby established a special fund known as the Office
23 of Post-Mortem Examinations Operations Fund (“Fund”), specifically for
24 use by the Office of Post-Mortem Examinations for its operations. The Fund
25 shall be maintained separate and apart from other funds of the government
26 of Guam and independent records and accounts shall be maintained in
27 connection therewith. All fees paid to the Treasurer of Guam shall be

1 deposited into the Fund. Monies in the Fund *shall* be appropriated
2 continuously and *shall not* be subject to any transfer authority of *I*
3 *Maga'hågan Guåhan*.

4 **(c) Annual Audit.** The Office of Public Accountability, or its equivalent,
5 *shall* audit the Fund annually with reports to be submitted to *I Maga'hågan*
6 *Guåhan* and the Speaker of *I Liheslaturan Guåhan*.

7 **Section 5. Approval of Amendment to the Commission's Rules and**
8 **Regulations.** The amendments to Chapter 20, Division 3, Title 26, Guam
9 Administrative Rules and Regulations, relative to the services for which fees may
10 be imposed and collected, are attached as Exhibit "A" and are hereby approved.

11 **Section 6. Effective Date.** This Act *shall* be effective upon enactment.

EXHIBIT “A”

Amendments to Chapter 20, Division 3, Title 26, Guam Administrative Rules and Regulations, Relative to Chargeable services of the Office of Post-Mortem Examinations

A new § 201113 shall be added to Chapter 20, Division 3, Title 26, Guam Administrative Rules and Regulations, to read:

§20113. Fees for Services Provided by the Office of Post-Mortem Examinations. Fees for services provided by the Office of Post-Mortem Examinations, also referred to as the Office of Chief Medical Examiner (OCME), shall be charged pursuant to an established fee schedule which may be amended from time to time as provided by the Administrative Adjudication Law.

- (a) **Body Storage:** storage of human remains within a refrigeration unit monitored and maintained by the OCME, morgue attendant, and Guam Memorial Hospital Authority Facility Maintenance Section.
 - (1) Charges will begin after 24 hours notification of release either to the legal next of kin or assigned funeral home.
 - (2) All accrued charges must be paid in full before release of human remains.
- (b) **Morgue Processing:** processing of human remains and all belongings for intake and/release from the OCME facility as well as maintenance of refrigeration unit .
 - (1) Fee is a one-time flat rate charge.
 - (2) Fees must be paid in full before release of human remains and any personal belongings not considered evidence.
- (c) **Human Body Transport:** transportation of human remains from the location of death directly to OCME Morgue.

- (1) Transportation of human remains is presently managed by the Guam Fire Department.
- (2) At such time as the OCME becomes equipped and staffed, transportation of human remains shall be charged at a flat rate fee per case.

(d) **Issuance of Post-Mortem Examination Reports and Other Related Examination Reports.**

- (1) The first copy of Autopsy or Non-autopsy Report including any toxicology and/or histology reports is free of charge to the legal next of kin, the investigating law enforcement department, the Office of Attorney General, and the government defense agencies (i.e. the Public Defender Services Corporation).
- (2) Additional copies of an Autopsy Report including all other relevant reports shall be provided at a fixed rate per copy.
- (3) Additional copies of Non-autopsy report including all other relevant reports shall be provided at a fixed rate per copy.
- (4) Electronic files (e.g., compact discs, USB flash drives, etc.) containing an Autopsy or Non-autopsy Report including all other relevant reports shall be provided at a fixed rate per device.
- (5) Off-island requests for Autopsy or Non-autopsy Reports must be accompanied by a post-paid self-addressed envelope or a written authorization to transmit records by facsimile or electronically.
- (6) All Post-Mortem Examination Reports must be completed prior to release. No preliminary reports and/or incomplete reports shall be released.

(e) **Issuance of Verifications, Certifications, and Other Documents
Related to a Deceased Person.**

(1) Verification of deaths, certifications of non-communicable disease, and/or physician's certification requested by, and issued to, the legal next of kin or appointed person shall be provided at a fixed rate per original document.

(2) Additional copies of such documents shall be charged a fix rate per original document.

(f) **Utilization of Photocopier Machine within OCME.** In-house usage of a photocopy machine to copy and print additional sheets of a document shall be charged per page copied or printed.