

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
168-36 (LS)	Telena Cruz Nelson	AN ACT TO ADD NEW §§ 41806 AND AMEND §§ 41810 OF ARTICLE 18, CHAPTER 4, DIVISION 1, TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO THE REQUIRED REGISTRATION OF PRESCRIBERS TO THE GUAM PRESCRIPTION MONITORING PROGRAM (PDMP).	8/4/21 1:32 p.m.	8/9/21	Committee on Health, Land, Justice, and Culture			Request: 8/10/21 8/18/21	



Vice Speaker

TINA ROSE MUÑA BARNES

CHAIRPERSON, COMMITTEE ON RULES

I Mina'trentai Sais Na Liheslaturan Guåhan

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August 18, 2021

MEMO

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

From: **Senator Amanda L. Shelton**
Acting Chairperson, Committee on Rules

Re: **Fiscal Notes on Bill Nos. 168-36 (LS) and 172-36 (LS)**

Håfa adai,

Attached, please find the fiscal notes for the following bills:

Bill No. 168-36 (LS)

Bill No. 172-36 (LS)

Please forward the same to Management Information Services (MIS) for posting on our website.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.



Bureau of Budget & Management Research
Fiscal Note of Bill No. 168-36 (LS)

Bill No.168-36 (LS) "AN ACT TO ADD NEW §§ 41806 AND AMEND §§ 41810 OF ARTICLE 18, CHAPTER 4, DIVISION 1, TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO THE REQUIRED REGISTRATION OF PRESCRIBERS TO THE GUAM PRESCRIPTION MONITORING PROGRAM (PDMP)."

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Public Health and Social Services	Dept./Agency Head: Arthur San Agustin, Director
Department's General Fund (GF) appropriation(s) to date:	27,913,328
Department's Other Fund (Specify) appropriation(s) to date: Environmental Health Fund - \$1,322,570, Healthy Futures Fund - \$16,837,923, Health Professional Licensing Office Revolving Fund - \$286,085, Office of Vital Statistics Revolving Fund - \$241,442, Sanitary Inspection Revolving Fund - \$85,425, Medically Indigent Program Payment Revolving Fund - \$14,438,056	33,211,501
Total Department/Agency Appropriation(s) to date:	\$61,124,829

Fund Source Information of Proposed Appropriation			
	General Fund:	Special Fund:	Total:
FY 2020 Unreserved Fund Balance	\$0	\$0	\$0
FY 2021 Adopted Revenues	\$0	0	0
FY 2021 Appro. (P.L. 35-99)	\$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 2021 (if applicable)	FY 2022	FY 2023	FY 2024	FY 2025
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Special Fund	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

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|---|----------|---------|--------|
| 1. Does the bill contain "revenue generating" provisions?
If Yes, see attachment | // N/A | // Yes | /X/ No |
| 2. Is amount appropriated adequate to fund the intent of the appropriation?
If no, what is the additional amount required? \$ _____ | /X/ N/A | // Yes | // No |
| 3. Does the Bill establish a new program/agency?
If yes, will the program duplicate existing programs/agencies?
Is there a federal mandate to establish the program/agency? | // N/A | // Yes | /X/ No |
| 4. Will the enactment of this Bill require new physical facilities? | // N/A | // Yes | /X/ No |
| 5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason:
/X/ Requested agency comments not received by due date: | // Other | /X/ Yes | // No |

Analyst: <u>Mikel S. Espiritu</u>	Date: <u>08/17/2021</u>	Director: <u>Lester L. Carlson, Jr., Director</u>	Date: <u>AUG 18 2021</u>
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Notes:
1/ Please see attachment

Bureau of Budget & Management Research
Comments on Bill No. 168-36 (LS)

1/: The intent of Bill No.168-36 (LS) is to require any practitioner on Guam who engages in the practice of dispensing, prescribing, or administering a controlled substance to be registered in the Guam PDMP. Dispensers and prescribers shall be required to utilize the PDMP and obtain any prescription information insofar as the information relates to the patient under the purview of the dispenser or prescriber.

The proposed legislation will add a new Section 41806.1 to Article 18 of Chapter 4, Division 1, Title 26, Guam Administrative Rules and Regulations which states, "Any person or practitioner on Guam who intends to engage in the practice of dispensing, prescribing, or administering of a controlled substance within Guam shall be registered in the Guam Prescription Drug Monitoring Program." In addition, the proposed legislation amends Section 41810 (d) of Article 18, Chapter 4, Division 1, Title 26. A prescriber must obtain a patient utilization report regarding the patient for the preceding (12) months from the computerized program established by the Department (DPHSS) if: 1) the patient is a new patient of the prescriber, or 2) the patient has not received any prescription for a controlled substance.

The proposed legislation, Bill 168-36, is related to the prior proposed legislation, Bill 6-36 in regards to the Guam PDMP. Bill 6-36 notes that any person or practitioner on Guam who intends to engage in the practice of dispensing, prescribing, or administering of a controlled substance within Guam shall be registered in the Guam Prescription Drug Monitoring Program. Section 6 of Bill 6-36 states that the Department (DPHSS) shall develop and maintain as part of the Guam Prescription Monitoring Program a system to provide prescription report cards to practitioners to inform the practitioners about certain prescribing trends.

As per prior correspondence from DPHSS in regards to the fiscal impact of Bill 6-36, DPHSS stated that the implementation of the Prescription Drug Monitoring Program would pose a significant financial impact as the program is funded via Federal Grants. DPHSS estimates that the Cost per- fiscal year to manage the Prescription Drug Monitoring Program would be approximately \$299,171.37. No local funding has been appropriated to support the staff salary, database, and the implementation of report cards, and mandatory compliance tracking. The current grant expires on September 30, 2021; however, funding for the new implementation of the report card feature and Mandatory Compliance Tool is not appropriated in the current grant.

If the proposed legislation (Bill 168-36) were to be enacted, the DPHSS's most likely next course of action would be to apply for a federal grant to provide funding for the implementation of the PDMP Program.