

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
98-32 (LS), P.L. 32-073	D.G. Rodriguez, Jr.	AN ACT TO MANDATE THE ESTABLISHMENT OF A GUAM IMMUNIZATION REGISTRY, AND TO PROVIDE FOR THE COORDINATED SUBMISSION OF OTHER STATISTICAL DATA FOR COMPILATION AND REPORTING BY THE OFFICE OF VITAL STATISTICS, BY ADDING A NEW §3210.1 AND AMENDING §3218, ALL OF ARTICLE 2 OF CHAPTER 3, 10 GCA.	04/25/13 9:08 a.m.	04/25/13	Committee on Health & Human Services, Health Insurance Reform, Economic Development, and Senior Citizens	05/06/13 9:00 a.m.	10/28/13 11:43 a.m.	Fiscal Note Requested 04/30/13 Fiscal Note Received 11/22/13
	DATE PASSED	TITLE	TRANSMITTED		DUE DATE	<small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small>	PUBLIC LAW NO.	NOTES
	11/12/2013	AN ACT TO ADD A NEW § 3210.1 AND AMEND § 3218 OF ARTICLE 2 OF CHAPTER 3, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE ESTABLISHMENT OF A GUAM IMMUNIZATION REGISTRY, AND TO PROVIDE FOR THE COORDINATED SUBMISSION OF OTHER STATISTICAL DATA FOR COMPILATION AND REPORTING BY THE OFFICE OF VITAL STATISTICS.	11/15/13	11:28 a.m.	11/27/2013	11/27/2013	32-073	As substituted by the Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens.

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

NOV 27 2013

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

32-13-1040
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 11-29-13
Time 9:53am
Received by [Signature]

2013 NOV 29 AM 11:13

Dear Madame Speaker:

Transmitted herewith is Bill No. 98-32 (LS) "AN ACT TO ADD A NEW § 3210.1 AND AMEND § 3218 OF ARTICLE 2 OF CHAPTER 3, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE ESTABLISHMENT OF A GUAM IMMUNIZATION REGISTRY, AND TO PROVIDE FOR THE COORDINATED SUBMISSION OF OTHER STATISTICAL DATA FOR COMPILATION AND REPORTING BY THE OFFICE OF VITAL STATISTICS" which I signed into law on November 27, 2013 as Public Law 32-073.

Senseramente,


EDDIE BAZA CALVO



I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

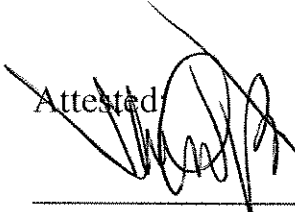
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Substitute Bill No. 98-32 (LS), "AN ACT TO ADD A NEW § 3210.1 AND AMEND § 3218 OF ARTICLE 2 OF CHAPTER 3, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE ESTABLISHMENT OF A GUAM IMMUNIZATION REGISTRY, AND TO PROVIDE FOR THE COORDINATED SUBMISSION OF OTHER STATISTICAL DATA FOR COMPILATION AND REPORTING BY THE OFFICE OF VITAL STATISTICS"**, was on the 12th day of November 2013, 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 15th day of Nw.,
2013, at 11:28 o'clock A.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: NOV 27 2013

Public Law No. 32-073

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 98-32 (LS)

As substituted by the Committee on Health & Human Services,
Health Insurance Reform, Economic Development
and Senior Citizens.

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
Vicente (ben) C. Pangelinan
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 § 3210.1 AND *AMEND* § 3218
OF ARTICLE 2 OF CHAPTER 3, TITLE 10, GUAM
CODE ANNOTATED, RELATIVE TO MANDATING THE
ESTABLISHMENT OF A GUAM IMMUNIZATION
REGISTRY, AND TO PROVIDE FOR THE
COORDINATED SUBMISSION OF OTHER
STATISTICAL DATA FOR COMPILATION AND
REPORTING BY THE OFFICE OF VITAL STATISTICS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Mina'Trentai Dos Na*
3 *Liheslaturan Guåhan* finds that there is a significant need for the coordinated

collection of immunization records as a means of improving and ensuring proper preventative health care, and the protection of the public's safety from contracting communicable diseases. The compilation and tracking of immunization records from birth to adulthood is crucial towards facilitating the Department of Public Health and Social Services' (Department) mandate to ensure that those required to have mandatory vaccinations are in fact up to date, and that they have been properly administered. Currently, the Department is working under a process, not supported by law, whereby the voluntary signed consent of the patient, or in the case of a minor, the parent or guardian, is required to allow the physician or health care provider to report any vaccination information for input in a Guam Immunization Registry. This "opt-in" system creates an administrative burden for health care providers. By mandating the submission of immunization information, and changing the process of obtaining records to an "opt-out" process, there will no longer be a need to obtain the signed consent of the patient, or the patient's parent or guardian, in order to be entered into a registry.

It is the intent of *I Liheslaturan Guåhan* to establish and maintain a single island-wide repository of immunization records needed to aid, coordinate, and help promote efficient and cost-effective disease screening, prevention and control measures from early age to adulthood. It *shall* be known as the "*Guam Immunization Registry*". The information to be compiled will allow the Department to assess immunization status, and identify any areas of concern or deficiency that need to be addressed. An efficient mandatory process will also ensure the accuracy of data collected.

I Liheslaturan Guåhan also finds that the compilation and reporting of a partial birth abortion, or an abortion, is currently the responsibility of the Guam Memorial Hospital Authority. The Guam Memorial Hospital Authority does not, however, generally perform abortions as a generally available health care service

under normal circumstances. Further, this responsibility places an unnecessary burden upon GMHA. The responsibility of data collection and compilation would be better coordinated if the responsibility is transferred to the Office of Vital Statistics under the Department of Public Health and Social Services. It is the intent of *I Liheslaturan Guåhan* to transfer this responsibility to the Department of Public Health and Social Services; provided, however, that all mandatory reporting content required, aside from the Department to which the reporting *shall* be reported, *shall* remain the same.

Section 2. A new §3210.1 is *added* to Article 2, Chapter 3, Title 10, Guam Code Annotated, to read:

“§ 3210.1. Guam Immunization Registry.

(a) All health care providers performing immunizations to children and adults *shall* submit immunization reports to the Department of Public Health and Social Services (Department) in a manner compliant with the guidelines for submissions issued by the Department, which *shall*, at a minimum, indicate the name, date, age, and gender, and specific immunization received by the patient.

(1) All immunization records and reports made for the purposes of compliance with this Section that directly or indirectly identify a person *shall* be kept confidential and *shall not* be disclosed, *except* under the following conditions:

(A) the person identified, the person’s legal guardian, or in the case of a minor, the minor’s parent or legal guardian consents;

(B) disclosure is deemed necessary by the Director of the Department to carry out the purposes and intent of this Chapter;

1 (C) a court directs upon its determination that
2 disclosure is necessary for the conduct of proceedings before it;

3 (D) the disclosure is made between the person's
4 healthcare provider and payer to obtain reimbursement for
5 services rendered to the person; provided, that disclosure *shall*
6 be made only if the provider informs the person that a
7 reimbursement claim will be made to the person's payer, the
8 person is afforded an opportunity to pay the reimbursement
9 directly, and the person *does not* pay; or

10 (E) the Department of Public Health and Social
11 Services releases aggregate immunization information that *does*
12 *not* disclose any identifying information of persons whose
13 information is maintained in the registry.

14 (2) Registry information *shall* be limited to patient name,
15 demographic information, and contact information; information
16 specific to immunizations or medication received by the patient,
17 including types, manufacturers, lots numbers, expiration dates,
18 anatomical sites of administration, routes of administration, vaccine
19 information statement publication dates, doses, dates administered, the
20 patient's history of vaccine, preventable diseases, and
21 contraindications, precautions, adverse reactions to, or comments
22 regarding immunization or medications; and the name and contact
23 information of the vaccination administrator or medication provider
24 and the patient's healthcare provider.

25 (3) The Department of Public Health and Social Services
26 *shall* adopt administrative, physical, and technical measures to ensure
27 the security of the registry; protect the confidentiality, integrity, and

availability of registry data; and prevent unauthorized access to registry information.

(b) Purpose for Access to Registry Information; Access not Disclosure.

(1) Notwithstanding Subsection (a)(1), it *shall not* be a disclosure for the persons listed in Paragraphs (2), (3), (4) and (5) of this Subsection to have limited access to registry information for the purposes specified in each Subsection.

(2) Registry information regarding specific individuals in the registry may be accessed by authorized healthcare providers who are treating, have treated, or have been assigned to treat those individuals; by authorized employees of these healthcare providers; and, by authorized DPHSS health personnel assigned to monitor the immunization or health status of those individuals for the purposes of:

(A) recording the administration of any vaccination, including the pandemic influenza vaccine;

(B) determining the immunization history of a patient to deliver healthcare treatment accordingly;

(C) notifying individuals or parents or legal guardians of the need to schedule a visit for an immunization;

(D) generating official immunization records;

(E) ensuring compliance with mandatory immunization requirements;

(F) recording the distribution of the prophylactic and treatment medications administered or dispensed in preparation for, and in response to, a potentially catastrophic disease threat; or

(G) complying with the Guam Immunization Program.

(3) Registry information regarding specific individuals in the registry may be accessed by school and post-secondary school personnel authorized by the Director of Public Health and Social Services, the Superintendent of the Guam Department of Education, or the administrator of a private or post-secondary school for the purpose of ensuring compliance with mandatory student immunization requirements.

(4) Registry information regarding specific individuals in the registry may be accessed by authorized health organizations that have been contracted to provide health insurance or health plan coverage for those individuals; provided, that access is limited to *only* the enrollees, members, subscribers, and insured of the authorized health organization, and for the purpose of producing an immunization assessment report by the authorized health organization.

(5) Registry information regarding specific individuals in the registry may be accessed by the Department, or agents of the Department, for the purposes of:

(A) ensuring compliance with mandatory immunization requirements;

(B) performing immunization related quality improvement or quality assessment activities;

(C) complying with Guam Vaccines for Children and/or other provided vaccine programs, vaccine ordering and accountability policies and procedures;

(D) producing aggregate immunization assessment reports to monitor and improve public health;

(E) supporting efforts to prevent and manage outbreaks of vaccine-preventable diseases, including pandemic influenza;

(F) assisting the Department in the event of a public health emergency; or

(G) managing and maintaining the Guam Immunization Registry system.

(6) The use of the registry information accessed pursuant to this Section *shall* be limited to an authorized vendor for registry development, maintenance and support.

(c) Registry Record Requirements.

(1) The establishment of an individual's record in the registry *shall not* require the prior consent of a patient, the consent of the legal guardian of a patient, or the consent of a patient's parent or legal guardian in the case of a minor or dependent. The Department *shall* make available to the patient or patient's parent or legal guardian in the case of a minor or dependent, via the patient's health care provider or birthing hospital, a written description of the purpose and benefits of the Guam Immunization Registry, as well as the procedure for refusing inclusion in the registry."

Section 3. §3218 of Article 2, Chapter 3, Title 10, Guam Code Annotated, is *amended* to read:

"§ 3218. Partial-Birth Abortion and Abortion Report.

(a) An individual abortion report for each abortion *shall* be completed by the mother's attending physician, and *shall* be transmitted directly to the Office of Vital Statistics of the Department of Public Health

and Social Services. The report *shall* be confidential and it *shall not* contain the name of the mother involved. This report *shall* include:

- (1) patient number;
- (2) name and address of the abortion facility or hospital;
- (3) date of the abortion;
- (4) zip code or other residential identification of the pregnant woman;
- (5) age of the pregnant woman;
- (6) ethnic origin of the pregnant woman;
- (7) marital status of the pregnant woman;
- (8) number of previous pregnancies;
- (9) number of years of education of the pregnant woman;
- (10) number of living children;
- (11) number of previous induced abortions;
- (12) date of the last induced abortion;
- (13) date of the last live birth;
- (14) method of contraception used, if any, at the time of conception;
- (15) date of the beginning of the last menstrual period;
- (16) medical condition of the pregnant woman at the time of abortion;
- (17) RH type of the pregnant woman;
- (18) type of abortion procedure used;
- (19) complications, if any;
- (20) type of procedure done after the abortion;
- (21) type of family planning recommended;
- (22) type of additional counseling given, if any;

(23) signature of attending physician; and

(24) certification provided for in this Section.

(b) An individual complication report for any post-abortion care performed upon a woman *shall* be completed by the physician providing such post-abortion care. This report *shall* include:

(1) date of the abortion;

(2) name and the address of the medical facility, abortion facility or hospital where the abortion was performed; and

(3) nature of the abortion complication diagnosed or treated.

(c) All abortion reports *shall* be signed by the attending physician and *shall* be submitted to the Office of Vital Statistics within thirty (30) days from the date of the abortion. All complication reports *shall* be signed by the physician providing the post-abortion care and submitted to the Office of Vital Statistics within thirty (30) days from the date of the post-abortion care.

(d) A copy of the abortion report *shall* be made a part of the medical record of the patient in the facility or hospital in which the abortion was performed.

(e) The Office of Vital Statistics *shall* be responsible for collecting all abortion reports and complication reports, and collating and evaluating all data gathered therefrom, and *shall* annually publish a statistical report based on such data from abortions performed in the previous calendar year.

(f) The Office of Vital Statistics *shall* make available to physicians performing abortions on Guam, forms for both abortion reports and post-abortion care reports, as provided in Subsections (a) and (b) of this Section.

(g) All information in abortion reports and post-abortion care reports and the reports themselves *shall* be confidential. Information and

records may be disclosed *only* in communications between qualified professional persons in the provision of services or in statistical form for research purposes as required by Subsection (e) of this Section.

(h) Any person who releases confidential information in violation of Subsection (g) of this Section *shall* be guilty of a misdemeanor.

(i) Any person may bring an action against an individual who has willfully and knowingly released confidential information about such person in violation of Subsection (g) of this Section for the greater of the following amounts:

(1) Five Hundred Dollars (\$500); or

(2) Three (3) times the amount of actual damages, *if* any, sustained by the plaintiff, reasonable attorney's fees and the costs of the action. It is *not* a prerequisite to an action under this Subsection that the plaintiff suffer or be threatened with actual damages.

(j) *If* a physician performs a partial-birth abortion on the woman, the physician *shall* report such determination and the reasons for such determination in writing to the medical care facility in which the abortion is performed for inclusion in the report of the medical care facility to the Office of Vital Statistics and to the Guam Board of Medical Examiners, *or if* the abortion is *not* performed in a medical care facility, the physician *shall* report the reasons for such determination in writing to the Office of Vital Statistics and to the Guam Board of Medical Examiners as part of the written report made by the physician to the Office of Vital Statistics and to the Guam Board of Medical Examiners. The physician *shall* retain a copy of the written reports required under this Section for *not less than* five (5) years.

(k) Failure to report under this Section will subject physicians to a fine of *no less than* Ten Thousand Dollars (\$10,000) but *no more than* One Hundred Thousand Dollars (\$100,000) per offense.

(l) Subsection (k) *does not* preclude sanctions, or disciplinary action, or any other appropriate action by the Guam Board of Medical Examiners.

(m) The Office of Vital Statistics *shall* compile and retain all partial-birth abortion reports it receives under this Section and collate and evaluate all data gathered therefrom, and *shall* annually publish a statistical report based on such data from partial-birth abortions performed in the previous calendar year *no later than* January 31st of the following calendar year.

(n) The Office of Vital Statistics *shall* make available to physicians performing partial-birth abortions on Guam and the Guam Board of Medical Examiners forms for partial-birth abortion reports.

(o) All information in partial-birth abortion reports the Office of Vital Statistics receives *shall* be confidential. Information and reports may be disclosed *only* in communications between qualified professional persons in the provisions of services, or in statistical form for research purposes.

(p) Any person who releases confidential information in violation of Subsection (o) of this Section *shall* be guilty of a misdemeanor.”

Section 4. 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 applications, and to this end the provisions of this law are severable.

1 **Section 5. Effective Date.** This Act *shall* be effective upon enactment;
2 provided, *however*, that for the purposes of providing the Office of Vital Statistics,
3 Department of Public Health and Social Services, with adequate time for the
4 development and preparation of, but *not* limited to, guidelines, forms, other
5 requisite documentation and procedures required for implementation, the
6 mandatory reporting provisions pursuant to this Act *shall* be effective ninety (90)
7 days after enactment, and during which time the current reporting requirements
8 *shall* continue so as to ensure the uninterrupted collection of data.



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

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

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

November 22, 2013

MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

From: Senator Rory J. Respicio

Subject: Fiscal Notes & Waivers

Hafa Adai!

Transmitted herewith are fiscal notes received from BBMR on the following Bill Nos. 91-32(COR), 98-32(LS), 116-32(COR), 153-32(COR), 176-32(COR), 181-32(COR), 194-32(COR), 195-32(COR), 202-32(COR), 209-32(COR), 211-32(COR) and Fiscal Note Waivers on the following Bill Nos. 94-32(COR), 165-32(COR), 170-32(COR), 189-32(COR), 193-32(COR), 210-32(COR).

Please include fiscal notes and waivers with their respective Committee Reports.

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'!

2013 NOV 22 PM 4:46

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR

Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR**JOHN A. RIOS**
DIRECTOR**RAY TENORIO**
LIEUTENANT GOVERNOR**OCT 30 2013**

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 98-32(LS), 153-32(COR), 195-32(COR) and Fiscal Note Waiver on the following Bill Nos.: 165-32(COR), 189-32(COR), and 193-32(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

JOHN A. RIOS
Director

Enclosures
cc: Senator Vicente (ben) Pangelinan

Bureau of Budget & Management Research
Fiscal Note of Bill No. 98-32(LS)

AN ACT TO MANDATE THE ESTABLISHMENT OF A GUAM IMMUNIZATION REGISTRY, AND TO PROVIDE FOR THE COORDINATED SUBMISSION OF OTHER STATISTICAL DATA FOR COMPILATION AND REPORTING BY THE OFFICE OF VITAL STATISTICS, BY ADDING A NEW §3210.1 AND AMENDING §3218, ALL OF ARTICLE 2 OF CHAPTER 3, 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 & Unappropriated Fund Balance of the Sanitary Inspection Revolving Fund	5,980,209
Total Department/Agency Appropriation(s) to date:	\$59,598,289

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance ¹		\$0	\$0
FY 2014 Adopted Revenues	\$0	\$0	\$0
FY 2014 Appro. (Bill No. 1(4-S))	\$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 2013 (if applicable)	FY 2014	FY 2015	FY 2016	FY 2017
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0	\$0

1. Does the bill contain "revenue generating" provisions?
 If Yes, see attachment / / Yes /x/ No
2. 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
3. Does the Bill establish a new program/agency?
 If yes, will the program duplicate existing programs/agencies? / / Yes /x/ No
 Is there a federal mandate to establish the program/agency? / / Yes / / No
4. Will the enactment of this Bill require new physical facilities? / / Yes /x/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / / Yes /x/ No
 /X/ Requested agency comments not received by due date / / Other:

Analyst: Orilda J. Guerrero Date: 10/25/13 Director: John A. Rios Date: OCT 30 2013

Footnotes:

1/ See attached comments.

Comments on Bill No. 98-32(LS)

The intent of the proposed measure, per the *I Liheslatura Guåhan*'s findings, is the need to establish and maintain a single island-wide repository of immunization records (Guam Immunization Information System) as a means of improving and ensuring proper preventive health care and protection of the public's safety from contracting communicable diseases. The tracking of immunization records from birth to adulthood will ensure that those required to have mandatory vaccinations are up to date and have been properly administered. An Immunization Information System (IIS) is an important tool to increase and sustain high vaccination coverage by consolidating vaccination records of children and adults from multiple providers, forecasting next doses, past due, and next due and to help ensure that children get only the vaccinations they need. Moreover, the Guam Memorial Hospital (GMH) Medical Records Section currently compiles and reports partial birth abortion, however, it is also the intent of the proposed Bill that this responsibility be transferred to the Office of Vital Statistics under the Department of Public Health and Social Services (DPHSS).

The Office of Vital Statistics (OVS), under the Division of Public Health, Chief Public Health Office Section, is mandated to register, certify and maintain records of vital events that occur on Guam which includes, process and issue marriage licenses, birth certificates, death certificates, adoptions, affidavits and court orders. There is currently a Territorial Registrar, Program Coordinator IV, two (2) Vital Statistic Technicians and a Medical Records Clerk. The proposed legislation may require additional staff (ie. Vital Statistics Technician, G-1/\$18,723 and/or Vital Statistics Clerk, E-1/\$15,840), at a minimum of approximately \$45,000 (salary and benefits) to input data, tabulate, analyze, compile and maintain the Information System as well as the additional duties transferred from the GMH Medical Records Section to the DPHSS, OVS. The Bureau has contacted the Department of Public Health & Social Services for information on the proposed measure; however, information has not been received as of these comments.



FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN

THIRTY-SECOND GUAM LEGISLATURE

155 Hesler Place, Hagåtña, Guam 96910

November 13, 2013

The Honorable Edward J.B. Calvo

I Maga'lahren Guåhan

Ufisinan I Maga'lahi

Hagåtña, Guam 96910

OFFICE OF THE GOVERNOR
CENTRAL FILES

J. Dela Rosa

RECEIVED BY
TIME 11:28 AM DATE 11/15/13

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 35-32(COR), 74-32(LS), 75-32(LS), 91-32(COR), 94-32(COR), 98-32(LS), 99-32(LS), 108-32(COR), 112-32(COR), 116-32(COR), 133-32(COR), 134-32(COR), 140-32(COR), 141-32(COR), 143-32(COR), 145-32(LS), 150-32(COR), 153-32(COR), 154-32(COR), 156-32(COR), 157-32(COR), 158-32(COR), 160-32(COR), 161-32(COR), 162-32(LS), 165-32(COR), 170-32(LS), 176-32(COR), 189-32(COR), 193-32(COR), 194-32(COR), 195-32(COR), 196-32(COR), 200-32(COR), 205-32(COR), 210-32(COR), 211-32(COR) and 217-32(LS) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on November 12, 2013.

Sincerely,

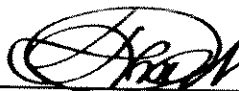
Tina Rose Muña Barnes
Legislative Secretary

Enclosures (38)

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

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

This is to certify that **Substitute Bill No. 98-32 (LS), "AN ACT TO ADD A NEW § 3210.1 AND AMEND § 3218 OF ARTICLE 2 OF CHAPTER 3, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE ESTABLISHMENT OF A GUAM IMMUNIZATION REGISTRY, AND TO PROVIDE FOR THE COORDINATED SUBMISSION OF OTHER STATISTICAL DATA FOR COMPILATION AND REPORTING BY THE OFFICE OF VITAL STATISTICS"**, was on the 12th day of November 2013, 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'laken Guåhan* this 15th day of Nov,
2013, at 11:28 o'clock A.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'laken Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 98-32 (LS)

As substituted by the Committee on Health & Human Services,
Health Insurance Reform, Economic Development
and Senior Citizens.

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. McCreddie
Tommy Morrison
T. R. Muña Barnes
Vicente (ben) C. Pangelinan
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 § 3210.1 AND *AMEND* § 3218
OF ARTICLE 2 OF CHAPTER 3, TITLE 10, GUAM
CODE ANNOTATED, RELATIVE TO MANDATING THE
ESTABLISHMENT OF A GUAM IMMUNIZATION
REGISTRY, AND TO PROVIDE FOR THE
COORDINATED SUBMISSION OF OTHER
STATISTICAL DATA FOR COMPILATION AND
REPORTING BY THE OFFICE OF VITAL STATISTICS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Mina'Trentai Dos Na*
3 *Liheslaturan Guåhan* finds that there is a significant need for the coordinated

1 collection of immunization records as a means of improving and ensuring proper
2 preventative health care, and the protection of the public's safety from contracting
3 communicable diseases. The compilation and tracking of immunization records
4 from birth to adulthood is crucial towards facilitating the Department of Public
5 Health and Social Services' (Department) mandate to ensure that those required to
6 have mandatory vaccinations are in fact up to date, and that they have been
7 properly administered. Currently, the Department is working under a process, not
8 supported by law, whereby the voluntary signed consent of the patient, or in the
9 case of a minor, the parent or guardian, is required to allow the physician or health
10 care provider to report any vaccination information for input in a Guam
11 Immunization Registry. This "opt-in" system creates an administrative burden for
12 health care providers. By mandating the submission of immunization information,
13 and changing the process of obtaining records to an "opt-out" process, there will
14 no longer be a need to obtain the signed consent of the patient, or the patient's
15 parent or guardian, in order to be entered into a registry.

16 It is the intent of *I Liheslaturan Guåhan* to establish and maintain a single
17 island-wide repository of immunization records needed to aid, coordinate, and help
18 promote efficient and cost-effective disease screening, prevention and control
19 measures from early age to adulthood. It *shall* be known as the "*Guam*
20 *Immunization Registry*". The information to be compiled will allow the
21 Department to assess immunization status, and identify any areas of concern or
22 deficiency that need to be addressed. An efficient mandatory process will also
23 ensure the accuracy of data collected.

24 *I Liheslaturan Guåhan* also finds that the compilation and reporting of a
25 partial birth abortion, or an abortion, is currently the responsibility of the Guam
26 Memorial Hospital Authority. The Guam Memorial Hospital Authority does not,
27 however, generally perform abortions as a generally available health care service

1 under normal circumstances. Further, this responsibility places an unnecessary
2 burden upon GMHA. The responsibility of data collection and compilation would
3 be better coordinated if the responsibility is transferred to the Office of Vital
4 Statistics under the Department of Public Health and Social Services. It is the
5 intent of *I Liheslaturan Guåhan* to transfer this responsibility to the Department of
6 Public Health and Social Services; provided, however, that all mandatory reporting
7 content required, aside from the Department to which the reporting *shall* be
8 reported, *shall* remain the same.

9 **Section 2.** A new §3210.1 is *added* to Article 2, Chapter 3, Title 10, Guam
10 Code Annotated, to read:

11 **“§ 3210.1. Guam Immunization Registry.**

12 (a) All health care providers performing immunizations to children
13 and adults *shall* submit immunization reports to the Department of Public
14 Health and Social Services (Department) in a manner compliant with the
15 guidelines for submissions issued by the Department, which *shall*, at a
16 minimum, indicate the name, date, age, and gender, and specific
17 immunization received by the patient.

18 (1) All immunization records and reports made for the
19 purposes of compliance with this Section that directly or indirectly
20 identify a person *shall* be kept confidential and *shall not* be disclosed,
21 *except* under the following conditions:

22 (A) the person identified, the person’s legal guardian,
23 or in the case of a minor, the minor’s parent or legal guardian
24 consents;

25 (B) disclosure is deemed necessary by the Director of
26 the Department to carry out the purposes and intent of this
27 Chapter;

1 (C) a court directs upon its determination that
2 disclosure is necessary for the conduct of proceedings before it;

3 (D) the disclosure is made between the person's
4 healthcare provider and payer to obtain reimbursement for
5 services rendered to the person; provided, that disclosure *shall*
6 be made only if the provider informs the person that a
7 reimbursement claim will be made to the person's payer, the
8 person is afforded an opportunity to pay the reimbursement
9 directly, and the person *does not* pay; or

10 (E) the Department of Public Health and Social
11 Services releases aggregate immunization information that *does*
12 *not* disclose any identifying information of persons whose
13 information is maintained in the registry.

14 (2) Registry information *shall* be limited to patient name,
15 demographic information, and contact information; information
16 specific to immunizations or medication received by the patient,
17 including types, manufacturers, lots numbers, expiration dates,
18 anatomical sites of administration, routes of administration, vaccine
19 information statement publication dates, doses, dates administered, the
20 patient's history of vaccine, preventable diseases, and
21 contraindications, precautions, adverse reactions to, or comments
22 regarding immunization or medications; and the name and contact
23 information of the vaccination administrator or medication provider
24 and the patient's healthcare provider.

25 (3) The Department of Public Health and Social Services
26 *shall* adopt administrative, physical, and technical measures to ensure
27 the security of the registry; protect the confidentiality, integrity, and

1 availability of registry data; and prevent unauthorized access to
2 registry information.

3 (b) Purpose for Access to Registry Information; Access not
4 Disclosure.

5 (1) Notwithstanding Subsection (a)(1), it *shall not* be a
6 disclosure for the persons listed in Paragraphs (2), (3), (4) and (5) of
7 this Subsection to have limited access to registry information for the
8 purposes specified in each Subsection.

9 (2) Registry information regarding specific individuals in the
10 registry may be accessed by authorized healthcare providers who are
11 treating, have treated, or have been assigned to treat those individuals;
12 by authorized employees of these healthcare providers; and, by
13 authorized DPHSS health personnel assigned to monitor the
14 immunization or health status of those individuals for the purposes of:

15 (A) recording the administration of any vaccination,
16 including the pandemic influenza vaccine;

17 (B) determining the immunization history of a patient
18 to deliver healthcare treatment accordingly;

19 (C) notifying individuals or parents or legal guardians
20 of the need to schedule a visit for an immunization;

21 (D) generating official immunization records;

22 (E) ensuring compliance with mandatory
23 immunization requirements;

24 (F) recording the distribution of the prophylactic and
25 treatment medications administered or dispensed in preparation
26 for, and in response to, a potentially catastrophic disease threat;
27 or

1 (G) complying with the Guam Immunization Program.

2 (3) Registry information regarding specific individuals in the
3 registry may be accessed by school and post-secondary school
4 personnel authorized by the Director of Public Health and Social
5 Services, the Superintendent of the Guam Department of Education,
6 or the administrator of a private or post-secondary school for the
7 purpose of ensuring compliance with mandatory student
8 immunization requirements.

9 (4) Registry information regarding specific individuals in the
10 registry may be accessed by authorized health organizations that have
11 been contracted to provide health insurance or health plan coverage
12 for those individuals; provided, that access is limited to *only* the
13 enrollees, members, subscribers, and insured of the authorized health
14 organization, and for the purpose of producing an immunization
15 assessment report by the authorized health organization.

16 (5) Registry information regarding specific individuals in the
17 registry may be accessed by the Department, or agents of the
18 Department, for the purposes of:

19 (A) ensuring compliance with mandatory
20 immunization requirements;

21 (B) performing immunization related quality
22 improvement or quality assessment activities;

23 (C) complying with Guam Vaccines for Children
24 and/or other provided vaccine programs, vaccine ordering and
25 accountability policies and procedures;

26 (D) producing aggregate immunization assessment
27 reports to monitor and improve public health;

1 (E) supporting efforts to prevent and manage
2 outbreaks of vaccine-preventable diseases, including pandemic
3 influenza;

4 (F) assisting the Department in the event of a public
5 health emergency; or

6 (G) managing and maintaining the Guam
7 Immunization Registry system.

8 (6) The use of the registry information accessed pursuant to
9 this Section *shall* be limited to an authorized vendor for registry
10 development, maintenance and support.

11 (c) Registry Record Requirements.

12 (1) The establishment of an individual's record in the
13 registry *shall not* require the prior consent of a patient, the consent of
14 the legal guardian of a patient, or the consent of a patient's parent or
15 legal guardian in the case of a minor or dependent. The Department
16 *shall* make available to the patient or patient's parent or legal guardian
17 in the case of a minor or dependent, via the patient's health care
18 provider or birthing hospital, a written description of the purpose and
19 benefits of the Guam Immunization Registry, as well as the procedure
20 for refusing inclusion in the registry."

21 **Section 3.** §3218 of Article 2, Chapter 3, Title 10, Guam Code Annotated,
22 *is amended* to read:

23 **"§ 3218. Partial-Birth Abortion and Abortion Report.**

24 (a) An individual abortion report for each abortion *shall* be
25 completed by the mother's attending physician, and *shall* be transmitted
26 directly to the Office of Vital Statistics of the Department of Public Health

1 and Social Services. The report *shall* be confidential and it *shall not* contain
2 the name of the mother involved. This report *shall* include:

- 3 (1) patient number;
- 4 (2) name and address of the abortion facility or hospital;
- 5 (3) date of the abortion;
- 6 (4) zip code or other residential identification of the pregnant
7 woman;
- 8 (5) age of the pregnant woman;
- 9 (6) ethnic origin of the pregnant woman;
- 10 (7) marital status of the pregnant woman;
- 11 (8) number of previous pregnancies;
- 12 (9) number of years of education of the pregnant woman;
- 13 (10) number of living children;
- 14 (11) number of previous induced abortions;
- 15 (12) date of the last induced abortion;
- 16 (13) date of the last live birth;
- 17 (14) method of contraception used, if any, at the time of
18 conception;
- 19 (15) date of the beginning of the last menstrual period;
- 20 (16) medical condition of the pregnant woman at the time of
21 abortion;
- 22 (17) RH type of the pregnant woman;
- 23 (18) type of abortion procedure used;
- 24 (19) complications, if any;
- 25 (20) type of procedure done after the abortion;
- 26 (21) type of family planning recommended;
- 27 (22) type of additional counseling given, if any;

1 (23) signature of attending physician; and

2 (24) certification provided for in this Section.

3 (b) An individual complication report for any post-abortion care
4 performed upon a woman *shall* be completed by the physician providing
5 such post-abortion care. This report *shall* include:

6 (1) date of the abortion;

7 (2) name and the address of the medical facility, abortion
8 facility or hospital where the abortion was performed; and

9 (3) nature of the abortion complication diagnosed or treated.

10 (c) All abortion reports *shall* be signed by the attending physician
11 and *shall* be submitted to the Office of Vital Statistics within thirty (30) days
12 from the date of the abortion. All complication reports *shall* be signed by the
13 physician providing the post-abortion care and submitted to the Office of
14 Vital Statistics within thirty (30) days from the date of the post-abortion
15 care.

16 (d) A copy of the abortion report *shall* be made a part of the
17 medical record of the patient in the facility or hospital in which the abortion
18 was performed.

19 (e) The Office of Vital Statistics *shall* be responsible for collecting
20 all abortion reports and complication reports, and collating and evaluating all
21 data gathered therefrom, and *shall* annually publish a statistical report based
22 on such data from abortions performed in the previous calendar year.

23 (f) The Office of Vital Statistics *shall* make available to physicians
24 performing abortions on Guam, forms for both abortion reports and post-
25 abortion care reports, as provided in Subsections (a) and (b) of this Section.

26 (g) All information in abortion reports and post-abortion care
27 reports and the reports themselves *shall* be confidential. Information and

1 records may be disclosed *only* in communications between qualified
2 professional persons in the provision of services or in statistical form for
3 research purposes as required by Subsection (e) of this Section.

4 (h) Any person who releases confidential information in violation
5 of Subsection (g) of this Section *shall* be guilty of a misdemeanor.

6 (i) Any person may bring an action against an individual who has
7 willfully and knowingly released confidential information about such person
8 in violation of Subsection (g) of this Section for the greater of the following
9 amounts:

10 (1) Five Hundred Dollars (\$500); or

11 (2) Three (3) times the amount of actual damages, *if* any,
12 sustained by the plaintiff, reasonable attorney's fees and the costs of
13 the action. It is *not* a prerequisite to an action under this Subsection
14 that the plaintiff suffer or be threatened with actual damages.

15 (j) *If* a physician performs a partial-birth abortion on the woman,
16 the physician *shall* report such determination and the reasons for such
17 determination in writing to the medical care facility in which the abortion is
18 performed for inclusion in the report of the medical care facility to the
19 Office of Vital Statistics and to the Guam Board of Medical Examiners, *or if*
20 the abortion is *not* performed in a medical care facility, the physician *shall*
21 report the reasons for such determination in writing to the Office of Vital
22 Statistics and to the Guam Board of Medical Examiners as part of the written
23 report made by the physician to the Office of Vital Statistics and to the
24 Guam Board of Medical Examiners. The physician *shall* retain a copy of the
25 written reports required under this Section for *not less than* five (5) years.

1 (k) Failure to report under this Section will subject physicians to a
2 fine of *no less than* Ten Thousand Dollars (\$10,000) but *no more than* One
3 Hundred Thousand Dollars (\$100,000) per offense.

4 (l) Subsection (k) *does not* preclude sanctions, or disciplinary
5 action, or any other appropriate action by the Guam Board of Medical
6 Examiners.

7 (m) The Office of Vital Statistics *shall* compile and retain all
8 partial-birth abortion reports it receives under this Section and collate and
9 evaluate all data gathered therefrom, and *shall* annually publish a statistical
10 report based on such data from partial-birth abortions performed in the
11 previous calendar year *no later than* January 31st of the following calendar
12 year.

13 (n) The Office of Vital Statistics *shall* make available to physicians
14 performing partial-birth abortions on Guam and the Guam Board of Medical
15 Examiners forms for partial-birth abortion reports.

16 (o) All information in partial-birth abortion reports the Office of
17 Vital Statistics receives *shall* be confidential. Information and reports may
18 be disclosed *only* in communications between qualified professional persons
19 in the provisions of services, or in statistical form for research purposes.

20 (p) Any person who releases confidential information in violation
21 of Subsection (o) of this Section *shall* be guilty of a misdemeanor.”

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

1 **Section 5. Effective Date.** This Act *shall* be effective upon enactment;
2 provided, *however*, that for the purposes of providing the Office of Vital Statistics,
3 Department of Public Health and Social Services, with adequate time for the
4 development and preparation of, but *not* limited to, guidelines, forms, other
5 requisite documentation and procedures required for implementation, the
6 mandatory reporting provisions pursuant to this Act *shall* be effective ninety (90)
7 days after enactment, and during which time the current reporting requirements
8 *shall* continue so as to ensure the uninterrupted collection of data.

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2013 (FIRST) Regular Session

Voting Sheet

Bill No. 98-32 (LS)

As substituted by the Committee on Health &
Human Services, Health Insurance Reform,
Economic Development and Senior Citizens.

Speaker Antonio R. Unipingco Legislative Session Hall

November 12, 2013

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
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 Vicente (ben) Cabrera PANGELINAN	✓				
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓	1			
Senator Aline A. YAMASHITA, Ph.D.	✓				

TOTAL

15

Yea

Nay

Not Voting/
Abstained

Out During
Roll Call

Absent

CERTIFIED TRUE AND CORRECT:

I = Pass

Clerk of the Legislature



SENATOR DENNIS G. RODRIGUEZ, JR.

OCT 23 2013

Honorable Benjamin J.F. Cruz
Acting Speaker
I Mina'Trentai Dos Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

2013 OCT 28 AM 11:43

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

RE: Committee Report – Bill No. 98-32 (LS), as substituted

Dear Speaker Cruz:

- Transmitted herewith, for your consideration, is the **Committee Report on BILL 98-32 (LS)- An act to mandate the establishment of a Guam Immunization Registry, and to provide for the coordinated submission of other statistical data for compilation and reporting by the Office of Vital Statistics, by adding a new §3210.1 and amending §3218, all of Article 2 of Chapter 3, 10 GCA, as substituted;** Introduced by Sen. Dennis G. Rodriguez, Jr., and referred to the Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens. Bill No. 98-32 (LS) was publicly heard on May 6, 2013.

Committee votes are as follows:

<u>1</u>	TO PASS
<u>0</u>	NOT TO PASS
<u>0</u>	ABSTAIN
<u>2</u>	TO REPORT OUT ONLY
<u>0</u>	TO PLACE IN INACTIVE FILE

Senseramente,

Senator Dennis G. Rodriguez, Jr.
Chairman

Attachments



SENATOR DENNIS G. RODRIGUEZ, JR.

COMMITTEE REPORT ON

BILL NO. 98-32 (LS), as substituted

Sponsored by Senator Dennis G. Rodriguez, Jr.

BILL 98-32 (LS)- An act to mandate the establishment of a Guam Immunization Registry, and to provide for the coordinated submission of other statistical data for compilation and reporting by the Office of Vital Statistics, by adding a new §3210.1 and amending §3218, all of Article 2 of Chapter 3, 10 GCA




SENATOR DENNIS G. RODRIGUEZ, JR.

October 14, 2013

MEMORANDUM

To: **ALL MEMBERS**
Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens.

From: **Senator Dennis G. Rodriguez, Jr.** 
Committee Chairperson

Subject: **Committee Report on Bill no. 98-32 (LS), as substituted.**

- Transmitted herewith, for your consideration, is the **Committee Report on BILL 98-32 (LS)- An act to mandate the establishment of a Guam Immunization Registry, and to provide for the coordinated submission of other statistical data for compilation and reporting by the Office of Vital Statistics, by adding a new §3210.1 and amending §3218, all of Article 2 of Chapter 3, 10 GCA, as substituted;** Introduced by Sen. Dennis G. Rodriguez, Jr., referred to the Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens, and as substituted by the committee.

This report includes the following:

- Committee Voting Sheet
- Committee Report Narrative/Digest
- Copy of Bill No. 98-32 (LS)
- Copy of Bill No. 98-32(LS), as Substituted
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony and Supporting Documents
- Copy of COR Referral of Bill No. 98-32 (LS)
- Notices of Public Hearing (1st and 2nd)
- Copy of the Public Hearing Agenda
- Related News Articles (Public hearing publication of public notice)

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.

Si Yu'os Ma'åse'!

Attachments



SENATOR DENNIS G. RODRIGUEZ, JR.

COMMITTEE VOTING SHEET

BILL 98-32 (LS), as substituted- An act to mandate the establishment of a Guam Immunization Registry, and to provide for the coordinated submission of other statistical data for compilation and reporting by the Office of Vital Statistics, by adding a new §3210.1 and amending §3218, all of Article 2 of Chapter 3, 10 GCA; Introduced by Senator Dennis G. Rodriguez, Jr.

	SIGNATURE	TO PASS	NOT TO PASS	ABSTAIN	REPORT OUT ONLY	PLACE IN INACTIVE FILE
DENNIS G. RODRIGUEZ, Jr. Chairman		✓ 10/23				
V. ANTHONY ADA Vice Chairman		✓ 10/23				
BENJAMIN J. F. CRUZ Vice-Speaker						
TINA ROSE MUNA-BARNES Legislative Secretary		✓				
FRANK B. AGUON, Jr.						
VICENTE C. PANGELINAN						
RORY J. RESPICIO		Mr 10/23/13				
ALINE A. YAMASHITA, Ph.D.					10/23	
THOMAS MORRISON						
MICHAEL LIMTIACO					10/23	
BRANT T. MCCREADIE		✓				
CHRISTOPHER M. DUENAS	st	✓ 10/23				



SENATOR DENNIS G. RODRIGUEZ, JR.

COMMITTEE REPORT DIGEST

Bill No. 98-32 (LS)

- I. OVERVIEW:** The Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens conducted a public hearing on **May 6, 2013**. The hearing convened at 9:00AM in I Liheslatura's Public Hearing Room. Among the items on the agenda was the consideration of **BILL 98-32 (LS)- An act to mandate the establishment of a Guam Immunization Registry, and to provide for the coordinated submission of other statistical data for compilation and reporting by the Office of Vital Statistics, by adding a new §3210.1 and amending §3218, all of Article 2 of Chapter 3, 10 GCA; Introduced by Senator Dennis G. Rodriguez, Jr.**

II. Public Notice Requirements

Notices were disseminated via hand-delivery/fax and/or email to all senators and all main media broadcasting outlets on April 29, 2013 (5-day notice), and again on May 1, 2013 (48-hour notice).

Senators Present

Senator Dennis G. Rodriguez, Jr.	Chairman
Senator V. Anthony Ada	Vice-Chairman
Vice Speaker B.J. Cruz	Committee Member
Senator ben c. pangelinan	Committee Member
Senator Thomas Morrison	Committee Member
Senator Christopher M. Duenas	Committee Member

The public hearing on agenda item Bill No. 98-32 (LS) was called to order at 10:00AM.

II. SUMMARY OF TESTIMONY & DISCUSSION.

Chairman Rodriguez: There are two related subject matter in this Bill. First, it establishes a single, island-wide repository of immunization records. We have been working with the Department since last year. The second part is relative to reporting submissions. Today it is made at the Guam Memorial Hospital and the Bill places it to the Office of Vital Statistics so we can have a more coordinated records. I also know we have set up a separate accounting of the Office of Vital Statistics.

James Gillan: I am here to testify for and against this bill. I am in support of the first part, however, not for the second part of the bill.

Currently, we have the system to which we "opt-in" and this legislation provides us the system of "opt-out," which basically states that "No I do not want my information in the system." The current system we have causes a lot of problems, where it cannot provide an accurate count of children who received immunizations. What we would like to see is the development and establishment of



SENATOR DENNIS G. RODRIGUEZ, JR.

electronic records, which would really help us. We do know that we have small providers who would not go with electronic records. In my confirmation, I made a commitment to have at least 98% will received their immunizations. I still think that we are ways away from that. We still have challenges with the WebIZ system right now, where some physicians input the data, and some do not. This “opt-out” system is the way to go and people have to consciously make the decision of not wanting to be in the system.

On the abortion records, there are some sentiments from the Office of Vital Statistics, which I am not sure of. We would not mind to be the repository of that. Right now, it will be an unfunded mandate. We only have three people in the Office of Vital Statistics, where a lot of work is being done by the three staff. Right now, we are not ready for that. I understand that the Record System at the hospital also needs relief.

Engracia Valencia: Data Quality Insurance for the program. WebIZ captures demographic information data of children and adults on Guam. Currently we have both public and private providers enrolled in our registry, and are able to access the registry including 7 private providers, 21 daycares, 26 public schools, and 1 private school. Basically, I am in support of this bill which benefits children and the parents as well. WebIZ can access their immunization records when people fail to bring in their immunization card.

Senator Rodriguez: One thing that caught my attention is mentioning 26 public schools, but only one private school. Why is that?

Engracia Valencia: because it is not mandated. I also want to mention the New York State passed the law mandating all below the age of 19 years to submit their records including medical histories.

Senator pangelinan: In the New York Legislation you read, did they have an opt-out provision or was it all mandatory?

Engracia Valencia: I would have to look into it, but I know most of them have the “opt-out” provision.

Senator pangelinan: is there a benefit to opting out?

Engracia Valencia: Some parents are concern of privacy. Once a provider is a part of the registry, they can access records from other providers as well.

Senator pangelinan: are there any incentives that we can give parents to discourage them from opting out?

James Gillan: from a Public Health stand point, they all should be in the system. When we do epidemiology for preventable diseases, we want to see all the information but we understand that there are people who value their privacy. If I had it my way, of course, we would like for everybody to be in the system.



SENATOR DENNIS G. RODRIGUEZ, JR.

Senator pangelinan: When you mention non-communicable diseases, does it include sexually transmitted diseases?

James Gillan: those are not really vaccine preventable.

Tony Ada: Where does HIPPA fall into this when we talk about privacy?

James Gillan: I think HIPPA allows to access that information when it is medically necessary, but not to simply browse it. You may be able to access but must have some procedures to ensure that providers are not simply browsing for others' information.

Chairman Rodriguez: Going back to the reporting, as a part of the creation of the Office of Vital Statistics fund, perhaps there are sort of assistance that are coming your way. What we are going to have to do is to find the balance. We are looking at both having same struggles.

Carolyn Garrido: Currently, we only have 2 vital statistics admission. We are overwhelmed. We handle about a hundred people making requests of multiple documents. We are also in charge of marriage licenses. To process a marriage license, it takes about an hour. In the meantime we are also processing birth certificates. We are open from 8am to 3:30pm and process off island requests, adoptions, change of names, and others. We do not have the medical training to decipher the medical terms for abortions. I believe that the reporting of abortions should still stay at the Guam Memorial Hospital because they have the training. Yes, we have the revolving fund, where we are mandated to take the unclaimed bodies, which we are going to bury on Friday. We are really overworked.

Senator Rodriguez: I absolutely understand and that is why we established a spate Office of Vital Statistics. Has that been set up already? Where are the other provisions at in terms of helping you?

Carolyn Garrido: I believe we are down at the BBMR already. Yes we are upgrading our computer systems. In the next Fiscal year, we are able to hire at least one other staff. We are very behind on our statistical reporting because we do not have the manpower in doing the reports that we are mandated to do.

Vice Speaker Cruz: I am curious about the unclaimed bodies you will be burying this Friday. Are they fetuses?

Carolyn Garrido: There are four adults. We are mandated to find the funds to bury them.

Vice Speaker Cruz: How long?

Carolyn Garrido: One is since 2010 and no family member has claimed the body.

Chairman Rodriguez: This is why we established this provision because we found out about the unclaimed bodies.



SENATOR DENNIS G. RODRIGUEZ, JR.

Carolyn Garrido: There was a family that was going to claim him, but they didn't push through with it.

Chairman Rodriguez: Since we are in this subject, maybe Alan can speak about it. I understand that some people have a hard time claiming bodies for instances such as homeless or friends of the deceased who no longer have families. What is the continued challenge there?

Carolyn Garrido: The new law that establishes a provision where a person claiming the body must submit a affidavit to the fact that they will be responsible for that person. Then, they take it to Dr. Espinola's office and will then go the Office of Vital Statistics.

Chairman Rodriguez: Is there a time before someone can claim the body?

Carolyn Garrido: All states it's 30 to 60 days, then it would be considered unclaimed.

Chairman Rodriguez: We still need to look at that because we continue to have the problems in that area.

Alan Ulrich: Unfortunately, I do not know about this activity or the issue you are discussing.

Chairman Rodriguez: Okay, regarding the Bill now where we are transferring the abortion report, would you like to testify on that.

Alan Ulrich: The intent of the bill in moving the reporting of records from the hospital to the Office of Vital Statistics. I would just like to ask Sera to comment on this issue.

Sera Rios: We don't do voluntary abortions at the hospital. They are done at clinics that is why I do not understand why GMH is doing the reporting when none are done at the hospital.

Alan Ulrich: Sera informed me that the number of abortion in the hospital is very minimal because of complications where patients are needed to be transfer to the hospital. In general, the hospital does not perform abortion. I understand the concerns of Mr. Gillan and certainly the work that you do at the Vital Statistics and the challenges. It seems that this information is best compiled at the Office of Vital Statistics.

Chairman Rodriguez: When you receive this information, what do you do with it? Do you analyze it and issue report?

Sera Rios: I had to do some research to do the reporting and it takes me less than five hours a month and probably two hours to report it annually. I do an Excel report and report it to Public Health annually.

Chairman Rodriguez: We will have a mark-up meeting for this bill where we can have the both of you present.



SENATOR DENNIS G. RODRIGUEZ, JR.

There being no other testimony, or comments by Senators, Chairman Rodriguez declared the bill as having been heard, and concluded the public hearing on Bill No. 98-32 (LS).

Fiscal Note: Pending request/receipt from COR.

III. FINDINGS AND RECOMMENDATIONS

The Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens, hereby **reports out Bill No. 98-32 (LS)**, with the recommendation to

Report Out only.


I MINA 'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 98 -32 (LS)

Introduced by:

D. G. Rodriguez, Jr. 

AN ACT TO MANDATE THE ESTABLISHMENT OF A
GUAM IMMUNIZATION REGISTRY, AND TO
PROVIDE FOR THE COORDINATED SUBMISSION
OF OTHER STATISTICAL DATA FOR
COMPILATION AND REPORTING BY THE OFFICE
OF VITAL STATISTICS, BY ADDING A NEW §3210.1
AND AMENDING §3218, ALL OF ARTICLE 2 OF
CHAPTER 3, 10 GCA.

2013 APR 25 AM 9:08


BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative findings and intent. Section 1. Legislative findings and intent. *I Mina'Trentai Dos Na Liheslaturan Guåhan* finds that there is a significant need for the coordinated collection of immunization records as a means of improving and ensuring proper preventative health care and the protection of the public's safety from contracting communicable diseases. The compilation and tracking of immunization records from birth to adulthood is crucial towards facilitating the Department of Public Health & Social Services (the "Department") mandate to ensure that those required to have mandatory vaccinations are in fact up to date, and that they have been properly administered. Currently, the Department is working under a process, not supported by law, whereby the voluntary signed consent of the patient, or in the case of a minor, the parent or guardian, is required to allow the physician or health care provider to report any vaccination information for input in a Guam Immunization Information System. This "Opt-in" system creates an administrative burden for health care providers. By mandating the submission of immunization information, and changing the process of obtaining

1 records to an “opt-out” process, there will no longer be a need to obtain the signed
2 consent of the patient or the patient’s parent or guardian, in order to be entered into
3 a registry.

4 It is the intent of *I Liheslaturan Guåhan* to establish and maintain a single
5 island-wide repository of immunization records needed to aid, coordinate, and help
6 promote efficient and cost-effective disease screening, prevention and control
7 measures from early age to adulthood. It shall be known as the “*Guam*
8 *Immunization Information System*”. The information to be compiled will allow the
9 Department to assess immunization status, and identify any areas of concern or
10 deficiency that need to be addressed. An efficient mandatory process will also
11 ensure the accuracy of data collected.

12 *I Liheslaturan Guåhan* finds that the compilation and reporting of a partial
13 birth abortion or an abortion is currently the responsibility of the Guam Memorial
14 Hospital Authority. The Guam Memorial Hospital Authority does not, however,
15 generally perform abortions as a generally available health care service under
16 normal circumstances. Further, this responsibility places an unnecessary burden
17 upon GMHA. The responsibility of data collection and compilation would be
18 better coordinated if the responsibility is transferred to the Office of Vital Statistics
19 under the Department of Public Health and Social Services. It is the intent of *I*
20 *Liheslaturan Guåhan* to transfer this responsibility to the Department of Public
21 Health and Social Services, provided, however, all mandatory reporting content
22 required, aside from the department to which the reporting shall be reported, shall
23 remain the same.

24 **Section 2:** A new § 3210.1 is added to Article 2, Chapter 3, Title 10, Guam
25 Code Annotated, to read:

26 **“§3210.1. Guam Immunization Information System.**

27 (a) All health care providers performing immunizations to children and
28 adults shall submit immunization reports to the Department of Public Health and

1 Social Services ('Department') in a manner compliant with guidelines for
2 submissions issued by the Department which *shall*, at a minimum, indicate the
3 name, date, age, and gender, and specific immunization received by the patient.

4 (1) All immunization records and reports made for the purposes of
5 compliance with this Section that directly or indirectly identify a person
6 *shall* be kept confidential and shall not be disclosed, *except* under the
7 following conditions:

8 (A) The person identified, the person's legal guardian, or in the case
9 of a minor, the minor's parent or legal guardian consents;

10 (B) Disclosure is deemed necessary by the Director of the
11 Department to carry out purposes and intent of this chapter;

12 (C) A court directs upon its determination that disclosure is necessary
13 for the conduct of proceedings before it;

14 (D) The disclosure is made between the person's healthcare provider
15 and payer to obtain reimbursement for services rendered to the person;
16 provided that disclosure shall be made only if the provider informs the
17 person that a reimbursement claim will be made to the person's payer,
18 the person is afforded an opportunity to pay the reimbursement
19 directly, and the person does not pay; or

20 (E) The Department of Public Health and Social Services releases
21 aggregate immunization information that does not disclose any
22 identifying information of persons whose information is maintained in
23 the registry.

24 (2) Registry information shall be limited to patient name,
25 demographic information, and contact information; information specific to
26 immunizations or medication received by the patient, including types,
27 manufacturers, lots numbers, expiration dates, anatomical sites of
28 administration, routes of administration, vaccine information statement

1 publication dates, doses, dates administered, the patient's history of vaccine,
2 preventable diseases, and contraindications, precautions, adverse reactions
3 to, or comments regarding immunization or medications; and the name and
4 contact information of the vaccination administrator or medication provider
5 and the patient's healthcare provider.

6 (3) The Department of Public Health and Social Services shall adopt
7 administrative, physical, and technical measures to ensure the security of the
8 registry; protect the confidentiality, integrity, and availability of registry
9 data; and prevent unauthorized access to registry information.

10 (b) Purpose for access to registry information; access not disclosure.

11 (1) Notwithstanding (a)(1), it shall not be a disclosure for the persons
12 listed in Paragraphs (2), (3), (4) and (5) of this Subsection to have limited
13 access to registry information for the purposes specified in each subsection.

14 (2) Registry information regarding specific individuals in the registry
15 may be accessed by authorized healthcare providers who are treating, have
16 treated, or have been assigned to treat those individuals; by authorized
17 employees of these healthcare providers; and, by authorized DPHSS health
18 personnel assigned to monitor the immunization or health status of those
19 individuals for the purposes of:

20 (A) Recording the administration of any vaccination, including
21 pandemic influenza vaccine;

22 (B) Determining the immunization history of a patient to
23 deliver healthcare treatment accordingly;

24 (C) Notifying individuals or parents or legal guardians of the
25 need to schedule a visit for an immunization;

26 (D) Generating official immunization records;

27 (E) Ensuring compliance with mandatory immunization
28 requirements;

1 (F) Recording the distribution of the prophylactic and
2 treatment medications administered or dispensed in preparation
3 for and in response to a potentially catastrophic disease threat;
4 or,

5 (G) Complying with Guam Immunization Program.

6 (3) Registry information regarding specific individuals in the registry
7 may be accessed by school and post-secondary school personnel authorized
8 by the director of Public Health and Social Services, superintendent of the
9 Guam Department of Education, or the administrator of a private or post-
10 secondary school for the purpose of ensuring compliance with mandatory
11 student immunization requirements.

12 (4) Registry information regarding specific individuals in the registry
13 may be accessed by authorized health organizations that have been
14 contracted to provide health insurance or health plan coverage for those
15 individuals; provided that access is limited to only the enrollees, members,
16 subscribers, and insured of the authorized health organization, and for the
17 purpose of producing an immunization assessment report by the authorized
18 health organization.

19 (5) Registry information regarding specific individuals in the registry
20 may be accessed by the Department or agents of the Department for
21 purposes of:

22 (A) Ensuring compliance with mandatory immunization
23 requirements;

24 (B) Performing immunization related quality improvement or
25 quality assessment activities;

26 (C) Complying with Guam Vaccines for Children and/or other
27 provided vaccine programs, vaccine ordering and accountability
28 policies and procedures;

1 (D) Producing aggregate immunization assessment reports to
2 monitor and improve public health;

3 (E) Supporting efforts to prevent and manage outbreaks of
4 vaccine-preventable diseases, including pandemic influenza;

5 (F) Assisting the Department in the event of a public health
6 emergency; or

7 (G) Managing and maintaining the Guam Immunization
8 Registry system.

9 (6) The use of the registry information accessed pursuant to this
10 Section shall be limited to authorized vendor for registry development,
11 maintenance and support.

12 (c) Registry record requirements.

13 (1) The establishment of an individual's record in the registry *shall*
14 *not* require the prior consent of a patient, the consent of a patient, or the consent of
15 a patient's parent or legal guardian in the case of a minor or dependent. The
16 Department shall make available to the patient or patient's parent or legal guardian
17 in the case of a minor or dependent, via the patient's health care provider or
18 birthing hospital, a written description of the purpose and benefits of the Guam
19 Immunization Information System, as well as the procedure for refusing inclusion
20 in the registry."

21 **Section 3.** §3218 of Article 2, Chapter 3, 10 GCA, is amended, to read:

22 **"§ 3218. Partial-Birth Abortion and Abortion Report.**

23 (a) An individual abortion report for each abortion shall be completed by
24 the mother's attending physician, and shall be transmitted directly to the Office of
25 Vital Statistics of the Department of Public Health & Social Services. The report

1 shall be confidential and it shall not contain the name of the mother involved. This
2 report shall include:

- 3 (1) Patient number;
- 4 (2) Name and address of the abortion facility or hospital;
- 5 (3) Date of the abortion;
- 6 (4) Zip code or other residential identification of the pregnant
7 woman;
- 8 (5) Age of the pregnant woman;
- 9 (6) Ethnic origin of the pregnant woman;
- 10 (7) Marital status of the pregnant woman;
- 11 (8) Number of previous pregnancies;
- 12 (9) Number of years of education of the pregnant woman;
- 13 (10) Number of living children;
- 14 (11) Number of previous induced abortions;
- 15 (12) Date of the last induced abortion;
- 16 (13) Date of the last live birth;
- 17 (14) Method of contraception used, if any, at the time of conception;
- 18 (15) Date of the beginning of the last menstrual period;
- 19 (16) Medical condition of the pregnant woman at the time of abortion;
- 20 (17) RH type of the pregnant woman;
- 21 (18) Type of abortion procedure used;
- 22 (19) Complications, if any;
- 23 (20) Type of procedure done after the abortion;
- 24 (21) Type of family planning recommended;
- 25 (22) Type of additional counseling given, if any;
- 26 (23) Signature of attending physician; and
- 27 (24) Certification provided for in this section.

(b) An individual complication report for any post-abortion care performed upon a woman shall be completed by the physician providing such post-abortion care. This report shall include:

(1) Date of the abortion;

(2) Name and the address of the medical facility, abortion facility or hospital where the abortion was performed; and

(3) Nature of the abortion complication diagnosed or treated.

(c) All abortion reports shall be signed by the attending physician and shall be submitted to the Office of Vital Statistics ~~Guam Memorial Hospital Medical Records Section~~ within thirty (30) days from the date of the abortion. All complication reports shall be signed by the physician providing the post abortion care and submitted to the Office of Vital Statistics ~~Guam Memorial Hospital Medical Records Section~~ within thirty (30) days from the date of the post-abortion care.

(d) A copy of the abortion report shall be made a part of the medical record of the patient in the facility or hospital in which the abortion was performed.

(e) The Office of Vital Statistics ~~Guam Memorial Hospital Medical Records Section~~ shall be responsible for collecting all abortion reports and complication reports, and collating and evaluating all data gathered therefrom, and shall annually publish a statistical report based on such data from abortions performed in the previous calendar year.

(f) The Office of Vital Statistics ~~Guam Memorial Hospital Medical Records Section~~ shall make available to physicians performing abortions in Guam, forms for both abortion reports and post-abortion care reports, as provided in subsections (a) and (b) of this section.

(g) All information in abortion reports and post-abortion care reports and the reports themselves shall be confidential. Information and records may be disclosed only in communications between qualified professional persons in the

1 provision of services or in statistical form for research purposes as required by
2 subsection (e) of this section.

3 (h) Any person who releases confidential information in violation of
4 subsection (g) of this section shall be guilty of a misdemeanor.

5 (i) Any person may bring an action against an individual who has willfully
6 and knowingly released confidential information about such person in violation of
7 subsection (g) of this section for the greater of the following amounts:

8 (1) Five Hundred Dollars (\$500); or

9 (2) Three (3) times the amount of actual damages, if any, sustained by the
10 plaintiff, reasonable attorney's fees and the costs of the action. It is not a
11 prerequisite to an action under this subsection that the plaintiff suffer or be
12 threatened with actual damages.

13 (j) *If* a physician performs a partial-birth abortion on the woman, the
14 physician *shall* report such determination and the reasons for such determination in
15 writing to the medical care facility in which the abortion is performed for inclusion
16 in the report of the medical care facility to the Office of Vital Statistics ~~Guam~~
17 ~~Memorial Hospital Medical Records Section~~ and to the Guam Board of Medical
18 Examiners, *or if* the abortion is *not* performed in a medical care facility, the
19 physician *shall* report the reasons for such determination in writing to the Office of
20 Vital Statistics ~~Guam Memorial Hospital Medical Records Section~~ and to the
21 Guam Board of Medical Examiners as part of the written report made by the
22 physician to the Office of Vital Statistics ~~Guam Memorial Hospital Medical~~
23 ~~Records Section~~ and to the Guam Board of Medical Examiners. The physician
24 *shall* retain a copy of the written reports required under this Section for *not less*
25 *than* five (5) years.

26 (k) Failure to report under this Section will subject physicians to a fine of *no*
27 *less than* Ten Thousand Dollars (\$10,000), but *no more than* One Hundred
28 Thousand Dollars (\$100,000) per offense.

1 (l) Subsection (k) does *not* preclude sanctions *or* disciplinary action *or* any
2 other appropriate action by the Guam Board of Medical Examiners.

3 (m) The Office of Vital Statistics ~~Guam Memorial Hospital Medical~~
4 ~~Records Section~~ *shall* compile and retain all partial-birth abortion reports it
5 receives under this Section and collate and evaluate all data gathered therefrom,
6 and *shall* annually publish a statistical report based on such data from partial-birth
7 abortions performed in the previous calendar year *no later than* January 31st of the
8 following
9 calendar year.

10 (n) The Office of Vital Statistics ~~Guam Memorial Hospital Medical Records~~
11 ~~Section~~ *shall* make available to physicians performing partial-birth abortions in
12 Guam and the Guam Board of Medical Examiners forms for partial-birth abortion
13 reports.

14 (o) All information in partial-birth abortion reports the Office of Vital
15 Statistics ~~Guam Memorial Hospital Medical Records Section~~ receives *shall* be
16 confidential. Information and reports may be disclosed only in communications
17 between qualified professional persons in the provisions of services *or* in statistical
18 form for research purposes.

19 (p) Any person who releases confidential information in violation of
20 subsection (o) of this Section *shall* be guilty of a misdemeanor.”

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 applications, and to this end the
25 provisions of this Law are severable.

26 **Section 5: Effective Date.** This act *shall* be immediately effective upon
27 enactment.

I MINA 'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 98-32 (LS), as Substituted
Committee on Health & Human Services,
Health Insurance Reform, Economic
Development and Senior Citizens

Introduced by:

D. G. Rodriguez, Jr.

**AN ACT TO MANDATE THE ESTABLISHMENT OF A
GUAM IMMUNIZATION REGISTRY, AND TO
PROVIDE FOR THE COORDINATED SUBMISSION
OF OTHER STATISTICAL DATA FOR
COMPILATION AND REPORTING BY THE OFFICE
OF VITAL STATISTICS, BY ADDING A NEW §3210.1
AND AMENDING §3218, ALL OF ARTICLE 2 OF
CHAPTER 3, 10 GCA.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative findings and intent. Section 1. Legislative findings and intent. *I Mina'Trentai Dos Na Liheslaturan Guåhan* finds that there is a significant need for the coordinated collection of immunization records as a means of improving and ensuring proper preventative health care and the protection of the public's safety from contracting communicable diseases. The compilation and tracking of immunization records from birth to adulthood is crucial towards facilitating the Department of Public Health & Social Services (the "Department") mandate to ensure that those required to have mandatory vaccinations are in fact up to date, and that they have been properly administered. Currently, the Department is working under a process, not supported by law, whereby the voluntary signed consent of the patient, or in the case of a minor, the parent or guardian, is required to allow the physician or health care provider to report any vaccination information for input in a Guam Immunization Information System. This "Opt-in" system

1 creates an administrative burden for health care providers. By mandating the
2 submission of immunization information, and changing the process of obtaining
3 records to an “opt-out” process, there will no longer be a need to obtain the signed
4 consent of the patient or the patient’s parent or guardian, in order to be entered into
5 a registry.

6 It is the intent of *I Liheslaturan Guåhan* to establish and maintain a single
7 island-wide repository of immunization records needed to aid, coordinate, and help
8 promote efficient and cost-effective disease screening, prevention and control
9 measures from early age to adulthood. It shall be known as the “*Guam*
10 *Immunization Information System*”. The information to be compiled will allow the
11 Department to assess immunization status, and identify any areas of concern or
12 deficiency that need to be addressed. An efficient mandatory process will also
13 ensure the accuracy of data collected.

14 *I Liheslaturan Guåhan* finds that the compilation and reporting of a partial
15 birth abortion or an abortion is currently the responsibility of the Guam Memorial
16 Hospital Authority. The Guam Memorial Hospital Authority does not, however,
17 generally perform abortions as a generally available health care service under
18 normal circumstances. Further, this responsibility places an unnecessary burden
19 upon GMHA. The responsibility of data collection and compilation would be
20 better coordinated if the responsibility is transferred to the Office of Vital Statistics
21 under the Department of Public Health and Social Services. It is the intent of *I*
22 *Liheslaturan Guåhan* to transfer this responsibility to the Department of Public
23 Health and Social Services, provided, however, all mandatory reporting content
24 required, aside from the department to which the reporting shall be reported, shall
25 remain the same.

26 **Section 2:** A new § 3210.1 is added to Article 2, Chapter 3, Title 10, Guam
27 Code Annotated, to read:

28 **“§3210.1. Guam Immunization Information System.**

1 (a) All health care providers performing immunizations to children and
2 adults shall submit immunization reports to the Department of Public Health and
3 Social Services (“Department”) in a manner compliant with guidelines for
4 submissions issued by the Department which *shall*, at a minimum, indicate the
5 name, date, age, and gender, and specific immunization received by the patient.

6 (1) All immunization records and reports made for the purposes of
7 compliance with this Section that directly or indirectly identify a person
8 *shall* be kept confidential and shall not be disclosed, *except* under the
9 following conditions:

10 (A) The person identified, the person’s legal guardian, or in the case
11 of a minor, the minor’s parent or legal guardian consents;

12 (B) Disclosure is deemed necessary by the Director of the
13 Department to carry out purposes and intent of this chapter;

14 (C) A court directs upon its determination that disclosure is necessary
15 for the conduct of proceedings before it;

16 (D) The disclosure is made between the person’s healthcare provider
17 and payer to obtain reimbursement for services rendered to the person;
18 provided that disclosure shall be made only if the provider informs the
19 person that a reimbursement claim will be made to the person’s payer,
20 the person is afforded an opportunity to pay the reimbursement
21 directly, and the person does not pay; or

22 (E) The Department of Public Health and Social Services releases
23 aggregate immunization information that does not disclose any
24 identifying information of persons whose information is maintained in
25 the registry.

26 (2) Registry information shall be limited to patient name,
27 demographic information, and contact information; information specific to
28 immunizations or medication received by the patient, including types,

1 manufacturers, lots numbers, expiration dates, anatomical sites of
2 administration, routes of administration, vaccine information statement
3 publication dates, doses, dates administered, the patient's history of vaccine,
4 preventable diseases, and contraindications, precautions, adverse reactions
5 to, or comments regarding immunization or medications; and the name and
6 contact information of the vaccination administrator or medication provider
7 and the patient's healthcare provider.

8 (3) The Department of Public Health and Social Services shall adopt
9 administrative, physical, and technical measures to ensure the security of the
10 registry; protect the confidentiality, integrity, and availability of registry
11 data; and prevent unauthorized access to registry information.

12 (b) Purpose for access to registry information; access not disclosure.

13 (1) Notwithstanding (a)(1), it shall not be a disclosure for the persons
14 listed in Paragraphs (2), (3), (4) and (5) of this Subsection to have limited
15 access to registry information for the purposes specified in each subsection.

16 (2) Registry information regarding specific individuals in the registry
17 may be accessed by authorized healthcare providers who are treating, have
18 treated, or have been assigned to treat those individuals; by authorized
19 employees of these healthcare providers; and, by authorized DPHSS health
20 personnel assigned to monitor the immunization or health status of those
21 individuals for the purposes of:

22 (A) Recording the administration of any vaccination, including
23 pandemic influenza vaccine;

24 (B) Determining the immunization history of a patient to
25 deliver healthcare treatment accordingly;

26 (C) Notifying individuals or parents or legal guardians of the
27 need to schedule a visit for an immunization;

28 (D) Generating official immunization records;

1 (E) Ensuring compliance with mandatory immunization
2 requirements;

3 (F) Recording the distribution of the prophylactic and
4 treatment medications administered or dispensed in preparation
5 for and in response to a potentially catastrophic disease threat;
6 or,

7 (G) Complying with Guam Immunization Program.

8 (3) Registry information regarding specific individuals in the registry
9 may be accessed by school and post-secondary school personnel authorized
10 by the director of Public Health and Social Services, superintendent of the
11 Guam Department of Education, or the administrator of a private or post-
12 secondary school for the purpose of ensuring compliance with mandatory
13 student immunization requirements.

14 (4) Registry information regarding specific individuals in the registry
15 may be accessed by authorized health organizations that have been
16 contracted to provide health insurance or health plan coverage for those
17 individuals; provided that access is limited to only the enrollees, members,
18 subscribers, and insured of the authorized health organization, and for the
19 purpose of producing an immunization assessment report by the authorized
20 health organization.

21 (5) Registry information regarding specific individuals in the registry
22 may be accessed by the Department or agents of the Department for
23 purposes of:

24 (A) Ensuring compliance with mandatory immunization
25 requirements;

26 (B) Performing immunization related quality improvement or
27 quality assessment activities;

1 (C) Complying with Guam Vaccines for Children and/or other
2 provided vaccine programs, vaccine ordering and accountability
3 policies and procedures;

4 (D) Producing aggregate immunization assessment reports to
5 monitor and improve public health;

6 (E) Supporting efforts to prevent and manage outbreaks of
7 vaccine-preventable diseases, including pandemic influenza;

8 (F) Assisting the Department in the event of a public health
9 emergency; or

10 (G) Managing and maintaining the Guam Immunization
11 Registry system.

12 (6) The use of the registry information accessed pursuant to this
13 Section shall be limited to authorized vendor for registry development,
14 maintenance and support.

15 (c) Registry record requirements.

16 (1) The establishment of an individual's record in the registry *shall*
17 *not* require the prior consent of a patient, the consent of a patient, or the consent of
18 a patient's parent or legal guardian in the case of a minor or dependent. The
19 Department shall make available to the patient or patient's parent or legal guardian
20 in the case of a minor or dependent, via the patient's health care provider or
21 birthing hospital, a written description of the purpose and benefits of the Guam
22 Immunization Information System, as well as the procedure for refusing inclusion
23 in the registry."

24 **Section 3.** §3218 of Article 2, Chapter 3, 10 GCA, is amended, to read:

25 **"§ 3218. Partial-Birth Abortion and Abortion Report.**

(a) An individual abortion report for each abortion shall be completed by the mother's attending physician, and shall be transmitted directly to the Office of Vital Statistics of the Department of Public Health & Social Services. The report shall be confidential and it shall not contain the name of the mother involved. This report shall include:

- (1) Patient number;
- (2) Name and address of the abortion facility or hospital;
- (3) Date of the abortion;
- (4) Zip code or other residential identification of the pregnant woman;
- (5) Age of the pregnant woman;
- (6) Ethnic origin of the pregnant woman;
- (7) Marital status of the pregnant woman;
- (8) Number of previous pregnancies;
- (9) Number of years of education of the pregnant woman;
- (10) Number of living children;
- (11) Number of previous induced abortions;
- (12) Date of the last induced abortion;
- (13) Date of the last live birth;
- (14) Method of contraception used, if any, at the time of conception;
- (15) Date of the beginning of the last menstrual period;
- (16) Medical condition of the pregnant woman at the time of abortion;
- (17) RH type of the pregnant woman;
- (18) Type of abortion procedure used;
- (19) Complications, if any;
- (20) Type of procedure done after the abortion;
- (21) Type of family planning recommended;
- (22) Type of additional counseling given, if any;

1 (23) Signature of attending physician; and

2 (24) Certification provided for in this section.

3 (b) An individual complication report for any post-abortion care performed
4 upon a woman shall be completed by the physician providing such post-abortion
5 care. This report shall include:

6 (1) Date of the abortion;

7 (2) Name and the address of the medical facility, abortion facility or
8 hospital where the abortion was performed; and

9 (3) Nature of the abortion complication diagnosed or treated.

10 (c) All abortion reports shall be signed by the attending physician and shall
11 be submitted to the Office of Vital Statistics ~~Guam Memorial Hospital Medical~~
12 ~~Records Section~~ within thirty (30) days from the date of the abortion. All
13 complication reports shall be signed by the physician providing the post abortion
14 care and submitted to the Office of Vital Statistics ~~Guam Memorial Hospital~~
15 ~~Medical Records Section~~ within thirty (30) days from the date of the post-abortion
16 care.

17 (d) A copy of the abortion report shall be made a part of the medical record
18 of the patient in the facility or hospital in which the abortion was performed.

19 (e) The Office of Vital Statistics ~~Guam Memorial Hospital Medical Records~~
20 ~~Section~~ shall be responsible for collecting all abortion reports and complication
21 reports, and collating and evaluating all data gathered therefrom, and shall annually
22 publish a statistical report based on such data from abortions performed in the
23 previous calendar year.

24 (f) The Office of Vital Statistics ~~Guam Memorial Hospital Medical Records~~
25 ~~Section~~ shall make available to physicians performing abortions in Guam, forms
26 for both abortion reports and post-abortion care reports, as provided in subsections
27 (a) and (b) of this section.

1 (g) All information in abortion reports and post-abortion care reports and
2 the reports themselves shall be confidential. Information and records may be
3 disclosed only in communications between qualified professional persons in the
4 provision of services or in statistical form for research purposes as required by
5 subsection (e) of this section.

6 (h) Any person who releases confidential information in violation of
7 subsection (g) of this section shall be guilty of a misdemeanor.

8 (i) Any person may bring an action against an individual who has willfully
9 and knowingly released confidential information about such person in violation of
10 subsection (g) of this section for the greater of the following amounts:

11 (1) Five Hundred Dollars (\$500); or

12 (2) Three (3) times the amount of actual damages, if any, sustained by the
13 plaintiff, reasonable attorney's fees and the costs of the action. It is not a
14 prerequisite to an action under this subsection that the plaintiff suffer or be
15 threatened with actual damages.

16 (j) *If* a physician performs a partial-birth abortion on the woman, the
17 physician *shall* report such determination and the reasons for such determination in
18 writing to the medical care facility in which the abortion is performed for inclusion
19 in the report of the medical care facility to the Office of Vital Statistics ~~Guam~~
20 ~~Memorial Hospital Medical Records Section~~ and to the Guam Board of Medical
21 Examiners, *or if* the abortion is *not* performed in a medical care facility, the
22 physician *shall* report the reasons for such determination in writing to the Office of
23 Vital Statistics ~~Guam Memorial Hospital Medical Records Section~~ and to the
24 Guam Board of Medical Examiners as part of the written report made by the
25 physician to the Office of Vital Statistics ~~Guam Memorial Hospital Medical~~
26 ~~Records Section~~ and to the Guam Board of Medical Examiners. The physician
27 *shall* retain a copy of the written reports required under this Section for *not less*
28 *than* five (5) years.

1 (k) Failure to report under this Section will subject physicians to a fine of *no*
2 *less than* Ten Thousand Dollars (\$10,000), but *no more than* One Hundred
3 Thousand Dollars (\$100,000) per offense.

4 (l) Subsection (k) does *not* preclude sanctions *or* disciplinary action *or* any
5 other appropriate action by the Guam Board of Medical Examiners.

6 (m) The Office of Vital Statistics ~~Guam Memorial Hospital Medical~~
7 ~~Records Section~~ *shall* compile and retain all partial-birth abortion reports it
8 receives under this Section and collate and evaluate all data gathered therefrom,
9 and *shall* annually publish a statistical report based on such data from partial-birth
10 abortions performed in the previous calendar year *no later than* January 31st of the
11 following
12 calendar year.

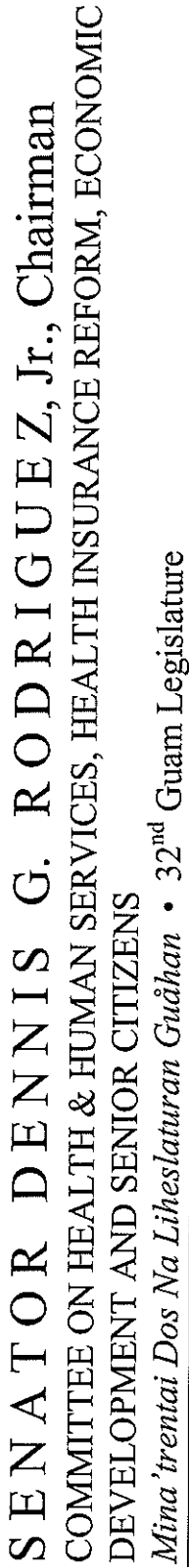
13 (n) The Office of Vital Statistics ~~Guam Memorial Hospital Medical Records~~
14 ~~Section~~ *shall* make available to physicians performing partial-birth abortions in
15 Guam and the Guam Board of Medical Examiners forms for partial-birth abortion
16 reports.

17 (o) All information in partial-birth abortion reports the Office of Vital
18 Statistics ~~Guam Memorial Hospital Medical Records Section~~ receives *shall* be
19 confidential. Information and reports may be disclosed only in communications
20 between qualified professional persons in the provisions of services *or* in statistical
21 form for research purposes.

22 (p) Any person who releases confidential information in violation of
23 subsection (o) of this Section *shall* be guilty of a misdemeanor.”

24 **Section 4: 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 applications, and to this end the
28 provisions of this Law are severable.

1 **Section 5: Effective Date.** This act *shall* be immediately effective upon
2 enactment, provided, however, for the purposes providing the Office of Vital
3 Statistics, Department of Public Health and Social Services, adequate time for the
4 development and preparation of, but not limited to, guidelines, forms, other
5 requisite documentation and procedures required for implementation, the
6 mandatory reporting provisions pursuant to this Act shall be effective ninety (90)
7 after enactment, and during which time the current reporting requirements shall
8 continue so as to ensure the uninterrupted collection of data.



Guam Legislature Public Hearing Room

BILL NO. 98-32 (LS) D.G. Rodriguez, Jr. - Guam Immunization Registry

[illegible]



COMMITTEE ON RULES

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

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

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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
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Member

Senator
Dennis G. Rodriguez, Jr.
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Vice-Speaker
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Senator
Frank Blas Aguon, Jr.
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Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

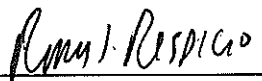
Senator
Aline Yamashita
Member

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. 98-32 (LS)** – “AN ACT TO MANDATE THE ESTABLISHMENT OF A GUAM IMMUNIZATION REGISTRY, AND TO PROVIDE FOR THE COORDINATED SUBMISSION OF OTHER STATISTICAL DATA FOR COMPILATION AND REPORTING BY THE OFFICE OF VITAL STATISTICS, BY ADDING A NEW §3210.1 AND AMENDING §3218, ALL OF ARTICLE 2 OF CHAPTER 3, 10GCA.” – on October 28, 2013. COR hereby certifies that BBMR confirmed receipt of this request on April 30, 2013 at 3:00 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 98-32 (LS) to be included in the committee report on said bill, is hereby waived.

Certified by:



Senator Rory J. Respicio
Chairperson, Committee on Rules

10/28/13

Date



COMMITTEE ON RULES

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

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Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER


Senator
Aline Yamashita
Member

April 25, 2013

MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Thomas C. Ada 
Acting Chairperson of the Committee on Rules

Subject: Referral of Bill No. 98-32(LS)

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 98-32(LS).

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	FISCAL NOTES
98-32 (LS)	D.G. Rodriguez, Jr.	AN ACT TO MANDATE THE ESTABLISHMENT OF A GUAM IMMUNIZATION REGISTRY, AND TO PROVIDE FOR THE COORDINATED SUBMISSION OF OTHER STATISTICAL DATA FOR COMPIATION AND REPORTING BY THE OFFICE OF VITAL STATISTICS, BY ADDING A NEW §3210.1 AND AMENDING §3218, ALL OF ARTICLE 2 OF CHAPTER 3, 10 GCA.	4/25/13 9:08 A.M.	4/25/13	Committee on Health & Human Services, Health Insurance Reform, Economic Development, and Senior Citizens			



Joseph Anthony Moengon <jmoengon.senator@rodriguez@gmail.com>

FIRST NOTICE OF PUBLIC HEARING-May 6, 2013

1 message

Amanda Shelton <amanda@toduguam.com>

Mon, Apr 29, 2013 at 5:07 PM

To: phnotice@guamlegislature.org

MEMORANDUM

TO: ALL SENATORS

FROM: Senator Dennis G. Rodriguez, Jr.

SUBJECT: FIRST NOTICE OF PUBLIC HEARING-May 6, 2013

Buenas yan Hafa Adai!

The Committee on Health and Human Services, Health Insurance Reform, Economic Development and Senior Citizens has scheduled public hearing for May 6, 2013 at 9:00 a.m. The items on the agenda are as follows:

9:00 a.m.

- The Executive Appointment of **Ms. Virginia Yasuhiro** as member, Council on Mental Health and Substance Abuse (AKA "The Advisory Council).
- **Bill No.98-32 (LS) D.LS) pment and Senior Citizens (AKA "ce Abuse.abated or rebated through the Qualifying Certificate Program.ish to have added fG. Rodriguez, Jr.-An act to mandate the establishment of a Guam Immunization Registry, and to provide for the coordinated submission of other statistical data for compilation and reporting by the office of vital statistics, by adding a new §3210.1 and amending §3218, all of article 2 of chapter 3, 10 GCA.**

I look forward to your presence and participation.

Si Yu'os Ma'ase'!

—

Si Yu'os Ma'ase',

Amanda L. Shelton

Chief Policy Analyst

Office of Senator Rodriguez

649-8638

www.toduguam.com



SENATOR DENNIS G. RODRIGUEZ, JR.

FOR IMMEDIATE RELEASE

April 29, 2013

**PRESS RELEASE
FIRST NOTICE OF PUBLIC HEARING
Monday, May 6, 2013, 9:00 a.m.**

In accordance with the Open Government Law, Public Law 24-109, relative to notice for Public Meetings. Please be advised that the Committee on Health & Human Services, Insurance Reform, Economic Development and Senior Citizens will be conducting a Public Hearing **Monday, May 6, 2013 at 9:00 a.m.** at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

9:00 a.m.

- The Executive Appointment of **Ms. Virginia Yasuhiro** as member, Council on Mental Health and Substance Abuse (AKA "The Advisory Council).
- **Bill No.98-32 (LS) D.G. Rodriguez, Jr.**-An act to mandate the establishment of a Guam Immunization Registry, and to provide for the coordinated submission of other statistical data for compilation and reporting by the office of vital statistics, by adding a new §3210.1 and amending §3218, all of article 2 of chapter 3, 10 GCA.

Testimony should be addressed to Senator Dennis Rodriguez, Jr., Chairman, and may be submitted via-hand delivery to our office at 176 Serenu Avenue Suite 107 Tamuning, Guam 96931 or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910, or via email to senatordrodriguez@gmail.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Individuals who require an auxiliary aid or service (i.e. qualified sign language interpreters, documents in Braille, large print, etc.) for effective communication, or a modification of policies or procedures to participate in a program service, or activity of Senator Dennis Rodriguez, Jr. should contact our office at 649-8638 (TODU) as soon as possible but no later than 48 hours before this scheduled event. We look forward to your attendance and participation.

For further information, please contact the Office of Senator Dennis Rodriguez, Jr. at 649-8638 (TODU).

###

Chairman, Committee on Health & Human Services, Health Insurance Reform, Economic Development, & Senior Citizens
Ufisinan Todu Guam • I Mina' Trentai Dos Na Liheslaturan Guåhan • 32nd Guam Legislature
176 Serenu Avenue, Suite 107, Tamuning, Guam 96931 / Telephone: 671-649-TODU (8638) / Facsimile: 671-649-0520
E-mail: senatordrodriguez@gmail.com / www.todugam.com



Joseph Anthony Mesnigon <jmesnigon.senator@rodriguez@gmail.com>

FIRST NOTICE OF PUBLIC HEARING-MAY 6, 2013

1 message

Amanda Shelton <amanda@toduguam.com>

Mon, Apr 29, 2013 at 5:03 PM

To: Clynt Ridgell <clynt@spbguam.com>, Duane George <dmgeorge@guampdn.com>, dtamondong@guampdn.com, editor@mvariety.com, gdumat-ol@guampdn.com, gerry@mvguam.com, Sabrina Salas Matanane <hottips@kuam.com>, john@kuam.com, Josh Tyquiengco <jtyquiengco@spbguam.com>, mpieper@guampdn.com, mvariety@pticom.com, news@spbguam.com, nick.delgado@kuam.com, parroyo@k57.com, ricknauta@hitradio100.com, Sabrina Salas Matanane <sabrina@kuam.com>, slimtiaco@guampdn.com, zita@mvguam.com, Amritha Alladi <aalladi@guampdn.com>, Arvin Temkar <aktemkar@guampdn.com>, Cameron Miculka <cimiculka@guampdn.com>, "David V. Crisostomo" <dcrisostomo@guampdn.com>, "George, Duane M" <dmgeorge@guam.gannett.com>, gerry partido <gerrypartido.mvguam3@gmail.com>, James <officemanager@hitradio100.com>, Jason Salas <jason@kuam.com>, Jerick Sablan <jpsablan@guampdn.com>, Jesse Lujan <jesselujan27@yahoo.com>, "Jon A. Anderson" <editor@mvguam.com>, Joy <joy@mvguam.com>, Jr <news@lifeneews.com>, Katrina <life@guampdn.com>, Ken Quintanilla <kenq@kuam.com>, Kevin Kemigan <kevin@spbguam.com>, Kevin Kemigan <news@k57.com>, Marvic Cagurangan <marvic@mvguam.com>, Mindy Aguon <mindy@kuam.com>, Oyaol Ngirairikl <odngirairikl@guampdn.com>, Pacific Daily News <news@guampdn.com>, "rgibson@k57.com" <rgibson@k57.com>, Travis Coffman <thebigshow@k57.com>, William Gibson <breakfastshowk57@gmail.com>, phnotice@guamlegislature.org

Hafa Adai,

Please see attach notice of public hearing scheduled for May 6, 2013. Please feel free to contact our office should you have any questions or concerns.

—

Si Yu'os Ma'åse',

Amanda L. Shelton

Chief Policy Analyst

Office of Senator Rodriguez

649-8638

www.toduguam.com



May 6, 2013 Public Hearing Notice.pdf

237K



Joseph Anthony Mesngon <jmesngon.senator@rodriguez@gmail.com>

SECOND NOTICE OF PUBLIC HEARING-MAY 6, 2013

2 messages

Amanda Shelton <amanda@toduguan.com>

Wed, May 1, 2013 at 3:05 PM

To: Clynt Ridgell <clynt@spbguan.com>, Duane George <dmgeorge@guampdn.com>, dtamondong@guampdn.com, editor@mvariety.com, gdumat-ol@guampdn.com, gerry@mvguan.com, Sabrina Salas Matanane <hottips@kuam.com>, john@kuam.com, Josh Tyquiengco <jtyquiengco@spbguan.com>, mpieper@guampdn.com, mvariety@pticom.com, news@spbguan.com, nick.delgado@kuam.com, parroyo@k57.com, ricknauta@hitradio100.com, Sabrina Salas Matanane <sabrina@kuam.com>, slimtiaco@guampdn.com, zita@mvguan.com, Amritha Alladi <aalladi@guampdn.com>, Arvin Temkar <aktemkar@guampdn.com>, Cameron Miculka <cimiculka@guampdn.com>, "David V. Crisostomo" <dcrisostomo@guampdn.com>, "George, Duane M" <dmgeorge@guam.gannett.com>, gerry partido <gerrypartido.mvguan3@gmail.com>, James <officemanager@hitradio100.com>, Jason Salas <jason@kuam.com>, Jerick Sablan <jpsablan@guampdn.com>, Jesse Lujan <jesselujan27@yahoo.com>, "Jon A. Anderson" <editor@mvguan.com>, Joy <joy@mvguan.com>, Jr <news@lifeneews.com>, Katrina <life@guampdn.com>, Ken Quintanilla <kenq@kuam.com>, Kevin Kerrigan <kevin@spbguan.com>, Kevin Kerrigan <news@k57.com>, Marvic Cagurangan <marvic@mvguan.com>, Mindy Aguon <mindy@kuam.com>, Oyaol Ngirairikl <odngirairikl@guampdn.com>, Pacific Daily News <news@guampdn.com>, "rgibson@k57.com" <rgibson@k57.com>, Travis Coffman <thebigshow@k57.com>, William Gibson <breakfastshowk57@gmail.com>, phnotice@guamlegislature.org

Hafa Adai,

Please see attached notice of public hearing scheduled for May 6, 2013. Please feel free to contact our office should you have any questions or concerns. Thank you.

FOR IMMEDIATE RELEASE

May 1, 2013

PRESS RELEASE

SECOND NOTICE OF PUBLIC HEARING

Monday, May 6, 2013, 9:00 a.m.

In accordance with the Open Government Law, Public Law 24-109, relative to notice for Public Meetings. Please be advised that the Committee on Health & Human Services, Insurance Reform, Economic Development and Senior Citizens will be conducting a Public Hearing **Monday, May 6, 2013 at 9:00 a.m.** at *I Liheslaturan Guåhan*'s Public Hearing Room in Hagåtña, on the following:

9:00 a.m.

- The Executive Appointment of **Ms. Virginia Yasuhiro** as member, Council on Mental Health and Substance Abuse (AKA "The Advisory Council).
- **Bill No.98-32 (LS) D.LS) pment and Senior Citizens (AKA "ce Abuse.abated or rebated through the Qualifying Certificate Program.ish to have added fG. Rodriguez, Jr.-An act to mandate the establishment of a Guam Immunization Registry, and to provide for the coordinated submission of other statistical data for compilation and reporting by the office of vital statistics, by adding a new §3210.1 and**

amending §3218, all of article 2 of chapter 3, 10 GCA.

Testimony should be addressed to Senator Dennis Rodriguez, Jr., Chairman, and may be submitted via- hand delivery to our office at 176 Serenu Avenue Suite 107 Tamuning, Guam 96931 or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910, or via email to senatordrodriguez@gmail.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Individuals who require an auxiliary aid or service (i.e. qualified sign language interpreters, documents in Braille, large print, etc.) for effective communication, or a modification of policies or procedures to participate in a program service, or activity of Senator Dennis Rodriguez, Jr. should contact our office at 649-8638 (TODU) as soon as possible but no later than 48 hours before this scheduled event. We look forward to your attendance and participation.

For further information, please contact the Office of Senator Dennis Rodriguez, Jr. at 649-8638 (TODU).

###

—
Si Yu'os Ma'åse'
Amanda L. Shelton
Chief Policy Analyst
Office of Senator Rodriguez

649-8638
www.toduguam.com

 **May 6, 2013 Second Public Hearing Notice.pdf**
232K

Amanda Shelton <amanda@toduguam.com>
To: phnotice@guamlegislature.org

Wed, May 1, 2013 at 3:08 PM

MEMORANDUM

TO: ALL SENATORS

FROM: Senator Dennis G. Rodriguez, Jr.

SUBJECT: SECOND NOTICE OF PUBLIC HEARING MAY 6, 2013

Buenas yan Hafa Adai!

The Committee on Health and Human Services, Health Insurance Reform, Economic Development and Senior Citizens has scheduled a Public Hearing for May 6, 2013 at 9:00 a.m. The items on the agenda are as follows:

9:00 a.m.

- The Executive Appointment of **Ms. Virginia Yasuhiro** as member, Council on Mental Health and Substance Abuse (AKA "The Advisory Council).

· **Bill No.98-32 (LS) D.G. Rodriguez, Jr.** -An act to mandate the establishment of a Guam Immunization Registry, and to provide for the coordinated submission of other statistical data for compilation and reporting by the office of vital statistics, by adding a new §3210.1 and amending §3218, all of article 2 of chapter 3, 10 GCA.

I look forward to your presence and participation.

—

Si Yu'os Ma'åse',

Amanda L. Shelton

Chief Policy Analyst

Office of Senator Rodriguez

649-8638

www.toduguam.com



SENATOR DENNIS G. RODRIGUEZ, JR.

FOR IMMEDIATE RELEASE

May 1, 2013

**PRESS RELEASE
SECOND NOTICE OF PUBLIC HEARING
Monday, May 6, 2013, 9:00 a.m.**

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For further information, please contact the Office of Senator Dennis Rodriguez, Jr. at 649-8638 (TODU).

###

Chairman, Committee on Health & Human Services, Health Insurance Reform, Economic Development, & Senior Citizens
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As of August 27, 2013**

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emqcho@gmail.com
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etajalle@guamlegislature.org
evelyn4families@gmail.com
fbtorres@judiwonpat.com
floterlaje@gmail.com
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**Listserv: phnotice@guamlegislature.org
As of August 27, 2013**

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SENATOR DENNIS G. RODRIGUEZ, JR.

PUBLIC HEARING AGENDA

Monday, May 6, 2013

9:00 a.m.

Public Hearing Room, *I Libeslaturan Guåhan*, Hagatña, Guam

I. Call to Order

II. Announcements

III. Items for Public Consideration

9:00 a.m.

- The Executive Appointment of **Ms. Virginia Yasuhiro** as member, Council on Mental Health and Substance Abuse (AKA "The Advisory Council).
- **Bill No.98-32 (LS) D.G. Rodriguez, Jr.**-An act to mandate the establishment of a Guam Immunization Registry, and to provide for the coordinated submission of other statistical data for compilation and reporting by the office of vital statistics, by adding a new §3210.1 and amending §3218, all of article 2 of chapter 3, 10 GCA.

IV. Announcements

V. Adjournment



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

2013 APR 30 PM 3:41

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
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

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

April 30, 2013

VIA EMAIL
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 Note – Bill Nos. 97-32(LS), 98-32(LS),
99-32(LS), and 100-32(LS)

Håfa 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, Committee on Rules

Attachments

Cc: Clerk of the Legislature

Bill Nos.	Sponsor	Title
97-32 (LS)	D.G. Rodriguez,Jr.	AN ACT TO APPROPRIATE AVAILABLE FUNDS FROM THE GUAM/TERRITORIAL HIGHWAY FUND TO DESIGNATE AND PRIORITIZE CERTAIN CAPITAL IMPROVEMENT PROJECTS, PURCHASE HEAVY EQUIPMENT NEEDED BY THE DEPARTMENT OF PUBLIC WORKS FOR FLOOD MITIGATION AND FUND THE DEPARTMENT OF REVENUE AND TAXATION'S TRANSACTION PROCESSING SYSTEM.
98-32(LS)	D.G. Rodriguez,Jr.	AN ACT TO MANDATE THE ESTABLISHMENT OF A GUAM IMMUNIZATION REGISTRY, AND TO PROVIDE FOR THE COORDINATED SUBMISSION OF OTHER STATISTICAL DATA FOR COMPILATION AND REPORTING BY THE OFFICE OF VITAL STATISTICS, BY ADDING A NEW §3210.1 AND AMENDING §3218, ALL OF ARTICLE 2 OF CHAPTER 3,10GCA.
99-32(LS)	Brant T. McCreadie	AN ACT TO AMEND §80.60 OF ARTICLE 4, CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO CLARIFYING MINIMUM SENTENCES FOR CRIMES.
100-32(LS)	Judith T. Won Pat,Ed.D	AN ACT TO ADD A NEW ITEM (e) TO §21116 OF CHAPTER 21, DIVISION 2, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING THE DEPOSIT OF UNCLAIMED OR UNPAID TAX REFUND CHECKS INTO THE INCOME TAX REFUND RESERVE FUND



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MINORITY LEADER


Senator
Aline Yamashita
Member

April 25, 2013

MEMORANDUM

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

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Thomas C. Ada** 
Acting Chairperson of the Committee on Rules

Subject: **Referral of Bill No. 98-32(LS)**

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 98-32(LS)**.

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 GUÅHAN
2013 (FIRST) Regular Session

Bill No. 98 -32 (*LS*)

Introduced by:

D. G. Rodriguez, Jr. 

**AN ACT TO MANDATE THE ESTABLISHMENT OF A
GUAM IMMUNIZATION REGISTRY, AND TO
PROVIDE FOR THE COORDINATED SUBMISSION
OF OTHER STATISTICAL DATA FOR
COMPILATION AND REPORTING BY THE OFFICE
OF VITAL STATISTICS, BY ADDING A NEW §3210.1
AND AMENDING §3218, ALL OF ARTICLE 2 OF
CHAPTER 3, 10 GCA.**

2013 APR 25 AM 9:08


BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative findings and intent. Section 1. Legislative findings and intent. *I Mina'Trentai Dos Na Liheslaturan Guåhan* finds that there is a significant need for the coordinated collection of immunization records as a means of improving and ensuring proper preventative health care and the protection of the public's safety from contracting communicable diseases. The compilation and tracking of immunization records from birth to adulthood is crucial towards facilitating the Department of Public Health & Social Services (the "Department") mandate to ensure that those required to have mandatory vaccinations are in fact up to date, and that they have been properly administered. Currently, the Department is working under a process, not supported by law, whereby the voluntary signed consent of the patient, or in the case of a minor, the parent or guardian, is required to allow the physician or health care provider to report any vaccination information for input in a Guam Immunization Information System. This "Opt-in" system creates an administrative burden for health care providers. By mandating the submission of immunization information, and changing the process of obtaining

1 records to an “opt-out” process, there will no longer be a need to obtain the signed
2 consent of the patient or the patient’s parent or guardian, in order to be entered into
3 a registry.

4 It is the intent of *I Liheslaturan Guåhan* to establish and maintain a single
5 island-wide repository of immunization records needed to aid, coordinate, and help
6 promote efficient and cost-effective disease screening, prevention and control
7 measures from early age to adulthood. It shall be known as the “*Guam*
8 *Immunization Information System*”. The information to be compiled will allow the
9 Department to assess immunization status, and identify any areas of concern or
10 deficiency that need to be addressed. An efficient mandatory process will also
11 ensure the accuracy of data collected.

12 *I Liheslaturan Guåhan* finds that the compilation and reporting of a partial
13 birth abortion or an abortion is currently the responsibility of the Guam Memorial
14 Hospital Authority. The Guam Memorial Hospital Authority does not, however,
15 generally perform abortions as a generally available health care service under
16 normal circumstances. Further, this responsibility places an unnecessary burden
17 upon GMHA. The responsibility of data collection and compilation would be
18 better coordinated if the responsibility is transferred to the Office of Vital Statistics
19 under the Department of Public Health and Social Services. It is the intent of *I*
20 *Liheslaturan Guåhan* to transfer this responsibility to the Department of Public
21 Health and Social Services, provided, however, all mandatory reporting content
22 required, aside from the department to which the reporting shall be reported, shall
23 remain the same.

24 **Section 2:** A new § 3210.1 is added to Article 2, Chapter 3, Title 10, Guam
25 Code Annotated, to read:

26 **“§3210.1. Guam Immunization Information System.**

27 (a) All health care providers performing immunizations to children and
28 adults shall submit immunization reports to the Department of Public Health and

1 Social Services (“Department”) in a manner compliant with guidelines for
2 submissions issued by the Department which *shall*, at a minimum, indicate the
3 name, date, age, and gender, and specific immunization received by the patient.

4 (1) All immunization records and reports made for the purposes of
5 compliance with this Section that directly or indirectly identify a person
6 *shall* be kept confidential and shall not be disclosed, *except* under the
7 following conditions:

8 (A) The person identified, the person’s legal guardian, or in the case
9 of a minor, the minor’s parent or legal guardian consents;

10 (B) Disclosure is deemed necessary by the Director of the
11 Department to carry out purposes and intent of this chapter;

12 (C) A court directs upon its determination that disclosure is necessary
13 for the conduct of proceedings before it;

14 (D) The disclosure is made between the person’s healthcare provider
15 and payer to obtain reimbursement for services rendered to the person;
16 provided that disclosure shall be made only if the provider informs the
17 person that a reimbursement claim will be made to the person’s payer,
18 the person is afforded an opportunity to pay the reimbursement
19 directly, and the person does not pay; or

20 (E) The Department of Public Health and Social Services releases
21 aggregate immunization information that does not disclose any
22 identifying information of persons whose information is maintained in
23 the registry.

24 (2) Registry information shall be limited to patient name,
25 demographic information, and contact information; information specific to
26 immunizations or medication received by the patient, including types,
27 manufacturers, lots numbers, expiration dates, anatomical sites of
28 administration, routes of administration, vaccine information statement

1 publication dates, doses, dates administered, the patient's history of vaccine,
2 preventable diseases, and contraindications, precautions, adverse reactions
3 to, or comments regarding immunization or medications; and the name and
4 contact information of the vaccination administrator or medication provider
5 and the patient's healthcare provider.

6 (3) The Department of Public Health and Social Services shall adopt
7 administrative, physical, and technical measures to ensure the security of the
8 registry; protect the confidentiality, integrity, and availability of registry
9 data; and prevent unauthorized access to registry information.

10 (b) Purpose for access to registry information; access not disclosure.

11 (1) Notwithstanding (a)(1), it shall not be a disclosure for the persons
12 listed in Paragraphs (2), (3), (4) and (5) of this Subsection to have limited
13 access to registry information for the purposes specified in each subsection.

14 (2) Registry information regarding specific individuals in the registry
15 may be accessed by authorized healthcare providers who are treating, have
16 treated, or have been assigned to treat those individuals; by authorized
17 employees of these healthcare providers; and, by authorized DPHSS health
18 personnel assigned to monitor the immunization or health status of those
19 individuals for the purposes of:

20 (A) Recording the administration of any vaccination, including
21 pandemic influenza vaccine;

22 (B) Determining the immunization history of a patient to
23 deliver healthcare treatment accordingly;

24 (C) Notifying individuals or parents or legal guardians of the
25 need to schedule a visit for an immunization;

26 (D) Generating official immunization records;

27 (E) Ensuring compliance with mandatory immunization
28 requirements;

1 (F) Recording the distribution of the prophylactic and
2 treatment medications administered or dispensed in preparation
3 for and in response to a potentially catastrophic disease threat;
4 or,

5 (G) Complying with Guam Immunization Program.

6 (3) Registry information regarding specific individuals in the registry
7 may be accessed by school and post-secondary school personnel authorized
8 by the director of Public Health and Social Services, superintendent of the
9 Guam Department of Education, or the administrator of a private or post-
10 secondary school for the purpose of ensuring compliance with mandatory
11 student immunization requirements.

12 (4) Registry information regarding specific individuals in the registry
13 may be accessed by authorized health organizations that have been
14 contracted to provide health insurance or health plan coverage for those
15 individuals; provided that access is limited to only the enrollees, members,
16 subscribers, and insured of the authorized health organization, and for the
17 purpose of producing an immunization assessment report by the authorized
18 health organization.

19 (5) Registry information regarding specific individuals in the registry
20 may be accessed by the Department or agents of the Department for
21 purposes of:

22 (A) Ensuring compliance with mandatory immunization
23 requirements;

24 (B) Performing immunization related quality improvement or
25 quality assessment activities;

26 (C) Complying with Guam Vaccines for Children and/or other
27 provided vaccine programs, vaccine ordering and accountability
28 policies and procedures;

1 (D) Producing aggregate immunization assessment reports to
2 monitor and improve public health;

3 (E) Supporting efforts to prevent and manage outbreaks of
4 vaccine-preventable diseases, including pandemic influenza;

5 (F) Assisting the Department in the event of a public health
6 emergency; or

7 (G) Managing and maintaining the Guam Immunization
8 Registry system.

9 (6) The use of the registry information accessed pursuant to this
10 Section shall be limited to authorized vendor for registry development,
11 maintenance and support.

12 (c) Registry record requirements.

13 (1) The establishment of an individual's record in the registry *shall*
14 *not* require the prior consent of a patient, the consent of a patient, or the consent of
15 a patient's parent or legal guardian in the case of a minor or dependent. The
16 Department shall make available to the patient or patient's parent or legal guardian
17 in the case of a minor or dependent, via the patient's health care provider or
18 birthing hospital, a written description of the purpose and benefits of the Guam
19 Immunization Information System, as well as the procedure for refusing inclusion
20 in the registry."

21 **Section 3.** §3218 of Article 2, Chapter 3, 10 GCA, is amended, to read:

22 **"§ 3218. Partial-Birth Abortion and Abortion Report.**

23 (a) An individual abortion report for each abortion shall be completed by
24 the mother's attending physician, and shall be transmitted directly to the Office of
25 Vital Statistics of the Department of Public Health & Social Services. The report

1 shall be confidential and it shall not contain the name of the mother involved. This
2 report shall include:

- 3 (1) Patient number;
- 4 (2) Name and address of the abortion facility or hospital;
- 5 (3) Date of the abortion;
- 6 (4) Zip code or other residential identification of the pregnant
7 woman;
- 8 (5) Age of the pregnant woman;
- 9 (6) Ethnic origin of the pregnant woman;
- 10 (7) Marital status of the pregnant woman;
- 11 (8) Number of previous pregnancies;
- 12 (9) Number of years of education of the pregnant woman;
- 13 (10) Number of living children;
- 14 (11) Number of previous induced abortions;
- 15 (12) Date of the last induced abortion;
- 16 (13) Date of the last live birth;
- 17 (14) Method of contraception used, if any, at the time of conception;
- 18 (15) Date of the beginning of the last menstrual period;
- 19 (16) Medical condition of the pregnant woman at the time of abortion;
- 20 (17) RH type of the pregnant woman;
- 21 (18) Type of abortion procedure used;
- 22 (19) Complications, if any;
- 23 (20) Type of procedure done after the abortion;
- 24 (21) Type of family planning recommended;
- 25 (22) Type of additional counseling given, if any;
- 26 (23) Signature of attending physician; and
- 27 (24) Certification provided for in this section.

1 (b) An individual complication report for any post-abortion care performed
2 upon a woman shall be completed by the physician providing such post-abortion
3 care. This report shall include:

4 (1) Date of the abortion;

5 (2) Name and the address of the medical facility, abortion facility or
6 hospital where the abortion was performed; and

7 (3) Nature of the abortion complication diagnosed or treated.

8 (c) All abortion reports shall be signed by the attending physician and shall
9 be submitted to the Office of Vital Statistics ~~Guam Memorial Hospital Medical~~
10 ~~Records Section~~ within thirty (30) days from the date of the abortion. All
11 complication reports shall be signed by the physician providing the post abortion
12 care and submitted to the Office of Vital Statistics ~~Guam Memorial Hospital~~
13 ~~Medical Records Section~~ within thirty (30) days from the date of the post-abortion
14 care.

15 (d) A copy of the abortion report shall be made a part of the medical record
16 of the patient in the facility or hospital in which the abortion was performed.

17 (e) The Office of Vital Statistics ~~Guam Memorial Hospital Medical Records~~
18 ~~Section~~ shall be responsible for collecting all abortion reports and complication
19 reports, and collating and evaluating all data gathered therefrom, and shall annually
20 publish a statistical report based on such data from abortions performed in the
21 previous calendar year.

22 (f) The Office of Vital Statistics ~~Guam Memorial Hospital Medical Records~~
23 ~~Section~~ shall make available to physicians performing abortions in Guam, forms
24 for both abortion reports and post-abortion care reports, as provided in subsections
25 (a) and (b) of this section.

26 (g) All information in abortion reports and post-abortion care reports and
27 the reports themselves shall be confidential. Information and records may be
28 disclosed only in communications between qualified professional persons in the

1 provision of services or in statistical form for research purposes as required by
2 subsection (e) of this section.

3 (h) Any person who releases confidential information in violation of
4 subsection (g) of this section shall be guilty of a misdemeanor.

5 (i) Any person may bring an action against an individual who has willfully
6 and knowingly released confidential information about such person in violation of
7 subsection (g) of this section for the greater of the following amounts:

8 (1) Five Hundred Dollars (\$500); or

9 (2) Three (3) times the amount of actual damages, if any, sustained by the
10 plaintiff, reasonable attorney's fees and the costs of the action. It is not a
11 prerequisite to an action under this subsection that the plaintiff suffer or be
12 threatened with actual damages.

13 (j) *If* a physician performs a partial-birth abortion on the woman, the
14 physician *shall* report such determination and the reasons for such determination in
15 writing to the medical care facility in which the abortion is performed for inclusion
16 in the report of the medical care facility to the Office of Vital Statistics ~~Guam~~
17 ~~Memorial Hospital Medical Records Section~~ and to the Guam Board of Medical
18 Examiners, *or if* the abortion is *not* performed in a medical care facility, the
19 physician *shall* report the reasons for such determination in writing to the Office of
20 Vital Statistics ~~Guam Memorial Hospital Medical Records Section~~ and to the
21 Guam Board of Medical Examiners as part of the written report made by the
22 physician to the Office of Vital Statistics ~~Guam Memorial Hospital Medical~~
23 ~~Records Section~~ and to the Guam Board of Medical Examiners. The physician
24 *shall* retain a copy of the written reports required under this Section for *not less*
25 *than* five (5) years.

26 (k) Failure to report under this Section will subject physicians to a fine of *no*
27 *less than* Ten Thousand Dollars (\$10,000), but *no more than* One Hundred
28 Thousand Dollars (\$100,000) per offense.

1 (l) Subsection (k) does *not* preclude sanctions *or* disciplinary action *or* any
2 other appropriate action by the Guam Board of Medical Examiners.

3 (m) The Office of Vital Statistics ~~Guam Memorial Hospital Medical~~
4 ~~Records Section~~ *shall* compile and retain all partial-birth abortion reports it
5 receives under this Section and collate and evaluate all data gathered therefrom,
6 and *shall* annually publish a statistical report based on such data from partial-birth
7 abortions performed in the previous calendar year *no later than* January 31st of the
8 following
9 calendar year.

10 (n) The Office of Vital Statistics ~~Guam Memorial Hospital Medical Records~~
11 ~~Section~~ *shall* make available to physicians performing partial-birth abortions in
12 Guam and the Guam Board of Medical Examiners forms for partial-birth abortion
13 reports.

14 (o) All information in partial-birth abortion reports the Office of Vital
15 Statistics ~~Guam Memorial Hospital Medical Records Section~~ receives *shall* be
16 confidential. Information and reports may be disclosed only in communications
17 between qualified professional persons in the provisions of services *or* in statistical
18 form for research purposes.

19 (p) Any person who releases confidential information in violation of
20 subsection (o) of this Section *shall* be guilty of a misdemeanor.”

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 applications, and to this end the
25 provisions of this Law are severable.

26 **Section 5: Effective Date.** This act *shall* be immediately effective upon
27 enactment.