

**10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES**

**CHAPTER 3
PUBLIC HEALTH AND SOCIAL SERVICES**

NOTE: The former Chapter 3 was repealed by P.L. 22-130:1 and a new Chapter 3 was added by P.L. 22-130:2.

- Article 1. Division of Public Health.
- Article 2. Vital Statistics.
- Article 3. Disease Control.
- Article 4. Maternal and Child Health and Children with Special Health Needs.
- Article 5. Maternal and Child Health Services.
- Article 6. Services for Children with Special Health Needs.
- Article 7. U.S. Public Health Services.
- Article 8. Community Health Centers Program.

**ARTICLE 1
DIVISION OF PUBLIC HEALTH**

- § 3101. Establishment of Division.
- § 3102. Personnel.
- § 3103. General Duties.
- § 3104. Chief Administrative Officer.
- § 3105. Federal Grants.
- § 3106. Rule-Making.
- § 3107. Authority to Set Fees.
- § 3108. Chief Pharmacists for the Community Health Centers.

§ 3101. Establishment of Division.

There is hereby established a Division of Public Health (the *Division*) in the Department of Public Health and Social Services to be administered by the Director of Public Health and Social Services (the *Director*). The Division through organized community effort and applied scientific and technical knowledge is responsible for working toward the prevention and control of disease and for promoting health throughout the territory.

§ 3102. Personnel.

The Director is authorized to appoint such personnel to act on behalf of the Director and fix their duties for the purposes of carrying out the responsibilities so delegated to the Division.

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

§ 3103. General Duties.

The general duties of the Division are to:

(a) Formulate plans and policies to address the health needs of the community.

(b) Implement health programs and services to meet identified health needs of the community.

(c) Conduct research and studies to identify community health problems.

(d) Provide health services to individuals who are medically and financially in need.

(e) Administer grants-in-aid for health programs and services.

(f) Conduct disease surveillance and monitor activities to prevent and/or identify health problems.

(g) Conduct health promotion and education programs.

(h) Serve as the "State Public Health Agency" for Guam.

(i) Establish standards and regulations necessary to ensure quality health care and the prevention and control of diseases.

§ 3104. Chief Administrative Officer.

The Chief Public Health Officer shall be the Chief Administrative Officer of the Division.

§ 3105. Federal Grants.

The Division shall comply with all federal requirements and procedures necessary for administration of grants-in-aid and cooperative agreements.

§ 3106. Rule-Making.

The Director shall, in accordance with the Administrative Adjudication Law, adopt, amend and repeal rules and regulations necessary to fulfill the duties of the Division.

§ 3107. Authority to Set Fees.

(a) The Director is authorized to establish fees for health services in accordance with the Administrative Adjudication Law and as may be required to qualify for grants-in-aid.

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

(b) Fees established by the Department of Public Health and Social Services shall not be a deterrent to receiving health care and shall be based on ability to pay.

§ 3108. Chief Pharmacists for the Community Health Centers.

The Department of Public Health and Social Services is authorized to have a Chief Pharmacist for the Northern and Southern Community Health Centers and a Chief Pharmacist for the Central Public Health Facility.

SOURCE: Added by P.L. 28-068:II:III:29:b (Sept. 30, 2005).

ARTICLE 2
VITAL STATISTICS

- § 3201. Establishment of office.
- § 3201.1. Guam Cancer Registry.
- § 3202. Supervision.
- § 3203. Personnel.
- § 3204. Mayors to aid.
- § 3205. Report.
- § 3206. Regulations.
- § 3207. Definitions.
- § 3208. Duties of the Registrar.
- § 3209. Forms of Certificates.
- § 3210. Birth Registration.
- § 3211. Foundling Registration; Infants of Unknown Parentage.
- § 3212. Delayed Registration.
- § 3213. Judicial Procedure to Establish Facts of Birth.
- § 3214. Court Reports of Adoption.
- § 3215. New Certification of Birth Following Adoption, Legitimation and Paternity Determination.
- § 3215.1. Certificate of Foreign Birth.
- § 3216. Death Registration.
- § 3217. Fetal Death Registration.
- § 3218. Partial-Birth Abortion and Abortion Report.
- § 3219. Extension of Time.
- § 3220. Marriage Registration.
- § 3221. Court Reports of Divorce and Annulment of Marriage.

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

- § 3222. Correction and Amendment of Vital Records.
- § 3223. Reproduction of Records.
- § 3224. Same: Microfilm.
- § 3225. Disclosure of Records.
- § 3226. Copies of Data from Vital Records.
- § 3227. Fees for Copies.
- § 3228. Duty to Furnish Information Relative to Vital Events.
- § 3229. Penalties.
- § 3230. Burial-Transit Permits.
- § 3231. Disposition.

§ 3201. Establishment of Office.

There is hereby established within the Department of Public Health and Social Services an Office of Vital Statistics which shall install, maintain and operate the system of vital statistics for Guam.

§ 3201.1. Guam Cancer Registry.

(a) There is hereby established within the Department of Public Health and Social Services ('DPHSS') a Guam Cancer Registry, which shall operate under the supervision of the Division of Public Health, Office of Epidemiology and Research, to collect information on all cases of cancer occurring within Guam, to analyze and compare such data in appropriate ways and to annually prepare and distribute a report on their findings. The Guam Epidemiologist shall be a Guam-licensed physician or a licensed veterinarian.

(b) Injunctions. In case of noncompliance with the provisions of this Act or with the rules and regulations of the program, the Director shall notify the respective licensing Board and may also notify the Attorney General of such noncompliance. The licensing Board shall notify the healthcare professional and may institute suspension of license for repeated noncompliance reported by the Director of DPHSS. The Attorney General, upon receipt of such notification, may institute an appropriate action or proceeding at law or in equity to restrain, correct such noncompliance. For all cases of noncompliance referred to the Attorney General by the Director of DPHSS, quarterly reports shall be prepared by the Attorney General and submitted to the Director summarizing the status of actions taken to correct and comply.

SOURCE: Added by P.L. 24-198:2.

§ 3202. Supervision.

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

The Director of Public Health and Social Services (the *Director*) has general supervision of vital statistics and is responsible for the implementation of the provisions of this article.

§ 3203. Personnel.

The Director shall appoint a Territorial Registrar of Vital Statistics, and such other officers and personnel as may be required to carry out the provisions of this article. Such employees shall be members of the classified services of the government of Guam.

§ 3204. Mayors to Aid.

Mayors, under the direction of the President of the Mayors' Council, shall assist in the implementation of this article and in doing so shall be governed by this article and by regulation issued by the Director under the provisions of this Chapter.

§ 3205. Report.

The Director shall make an annual report to the Governor concerning vital statistics and the enforcement of this article, which report shall contain a summary on a municipal district basis of such statistics.

§ 3206. Regulations.

The Director is authorized to adopt, amend and repeal rules and regulations as may be necessary in his judgment, for the purpose of carrying out the provisions of this article. Such rules and regulations, and any other rules and regulations authorized or required to be issued under this article, shall be adopted and promulgated in accordance with the Administrative Adjudication Law.

§ 3207. Definitions.

Unless the context clearly requires otherwise, the following definitions shall apply to this article:

(1) *Vital Statistics* means records of birth, death, fetal death, adoption, marriage, divorce and data related thereto.

(2) *System of vital statistics* includes the registration, collection, preservation, amendment and certification of vital statistics records and activities related thereto, including the tabulation, analysis and publication of statistical data derived from such records.

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

(3) *Filing* means the presentation of a certificate, report or other record provided for in this article of a birth, death, fetal death, adoption,

(4) *Registration* means the acceptance by the Office of Vital Statistics and the incorporation in its official records of certificates, reports or other records provided for in this article, of births, deaths, fetal deaths, adoptions, illegitimation marriages or divorces.

(5) *Live birth* means the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes or shows any other evidence of life such as beating of umbilical cord [heart] or definite movement of the voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.

(6) *Fetal death* means death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy; the death is indicated by the fact that after such expulsion or extraction the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles.

(7) *Dead body* means a lifeless human body or parts of such body or bones thereof from the state of which it reasonably may be concluded that death recently occurred.

(8) *Marriage* means the legal union of persons of opposite sex. The legality of the union may be established by civil or religious regulations, as recognized by the laws of Guam.

(9) *Divorce* or *annulment* means the final legal dissolution of a marriage, void or otherwise, that is, the separation of husband and wife by a judicial decree which confers on the parties the right to remarriage, according to the laws of Guam.

(10) *Physician* means a person authorized or licensed to practice the healing art, pursuant to the laws of Guam.

(11) *Attendant at birth* means the physician, midwife, nurse or other person present and assisting in the delivery of a newborn.

(12) *Institution* means any establishment, public or private, which provides in-patient medical, surgical or diagnostic care or treatment or

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

nursing, custodial or domiciliary care to two (2) or more unrelated individuals, or to which persons are committed by law.

(13) *Delayed registration of birth* means the registration of a person's non-recorded birth after the sixth (6th) year following birth.

(14) *Abortion* means the purposeful termination of a human pregnancy after implantation of a fertilized ovum, by any person, including the pregnant woman herself, with the intention other than to necessarily produce a live birth or to remove a dead unborn fetus.

§ 3208. Duties of the Registrar.

(a) The Territorial Registrar of Vital Statistics shall:

(1) Administer and enforce this article and the rules and regulations issued hereunder, and issue instructions for the efficient administration of the territorial system of vital statistics.

(2) Direct and supervise the territorial-wide system of vital statistics and the Office of Vital Statistics and be custodian of its records.

(3) Prescribe, with the approval of the Director, and distribute such forms as are required by this article, and the rules and regulations issued hereunder.

(4) Prepare and publish annual reports of vital statistics of Guam, and such other reports as may be required by the Director.

(b) The Territorial Registrar of Vital Statistics may delegate such functions and duties vested in him to other employees of the Office of Vital Statistics as he may deem necessary and expedient.

§ 3209. Forms of Certificates.

(a) In order to promote and maintain uniformity in the system of vital statistics, the forms of certificates, reports and other returns required by this article, or by regulations adopted hereunder, shall include as a minimum the items recommended by the Federal agency responsible for national vital statistics, subject to approval of and modification by the Director.

(b) Each certificate, report and form required to be filed under this article shall have entered upon its face the date of registration, duly attested.

§ 3210. Birth Registration.

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

(a) The birth of each and every child born in Guam shall be registered within ten (10) days after birth, as hereinafter provided.

(b) When a birth occurs in an institution, the person in charge of the institution shall obtain the personal data, prepare the certificate and file it with the Office of Vital Statistics. The physician in attendance shall certify to the facts of birth and provide all medical information required by the certificate within five (5) days after the birth.

(c) When a birth occurs outside an institution, the certificate shall be prepared and filed by one (1) of the following in the indicated order of priority:

(1) The physician in attendance at or immediately after the birth, or in the absence of such a person:

(2) The midwife in attendance at or immediately after the birth, or in the absence of such a person:

(3) Any other person in attendance at or immediately after the birth, or in the absence of such a person:

(4) The father, the mother, or in the absence of the father or the inability of the mother, the Mayor of the municipal district where the birth occurred.

(d) The certificate of live birth for any live birth occurring on or after forty-five (45) days from the effective date of this section, as amended, shall contain those items necessary to establish the fact of the birth and shall contain at least the following information (if known):

(1) Full name and sex of newborn child;

(2) Date of birth, including month, day, hour and year;

(3) Planned place of birth and actual place of birth;

(4) Full birth name of father, his social security number, birthplace, and date of birth of, if the child is legitimate. If the child is illegitimate, for so long as the child has not been legitimated, the father's name on the birth certificate shall be footnoted as follows: "The above named father is not the presumptive father of the child and no presumption exists as to any father-child relationship."

(5) Full birth name of mother, her social security number, birthplace, and date of birth.

(6) If multiple birth, the birth order of the newborn children.

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

(7) Signature, and relationship to child, of a parent or other informant, and the date signed.

(8) Name, title, mailing address of attending physician and surgeon or principal attendant, signature and certification of live birth by attending physician and surgeon or principal attendant or certifier, the date signed, and name and title of certifier of other than attending physician and surgeon or principal attendant.

(9) Date accepted for registration and signature of registrar.

(e) Informational notice advising mother of newborn of right to support and to have birth certificate mailed to father: distribution. The Territorial Registrar of Vital Statistics, the Department of Law, and the Guam Memorial Hospital Authority shall cooperatively develop an informational notice which advises the single mother of a newborn child of her right to child support. The notice shall also advise the mother of her right to have an original certificate of birth mailed to the father free of charge.

(f) Legitimation of child. If both the father and mother acknowledge paternity as herein provided, the child shall thereupon be legitimized. Forms for such acknowledgment shall be available to all hospitals on Guam and shall be made available at the time of birth to the parents to be filled out at the hospital at no cost to the parents. The child may be legitimized by both parents if both sign the birth certificate or the request for issuance of birth certificate, or if both sign a joint affidavit stating the names, birthdates, addresses, and social security numbers of the parents and a statement that they are the natural parents of the child. The hospital shall advise the parents as to the procedures for legitimation at the time the child is born.

(g) Affidavit of paternity. When a child is born out of wedlock, and is not legitimized, and before a birth certificate is issued, the hospital shall request an affidavit of paternity to be executed by the mother stating the name of the person who is the father of the child, his birthdate (if known), his social security number (if known), his address (if known), and the names and birthdates of his parents (if known). If the father of the child is unknown it shall be so stated on the affidavit. The affidavit shall be kept on file by the Director of Public Health and Social Services in the Office of Vital Statistics, and shall be available only to the personnel of Public Health, the Attorney General, the mother, the named father, attorneys therefor, or pursuant to court order, which court order may be obtained by any interested person upon ex parte application to the Superior Court of

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

Guam. If the mother notes the name of the father upon such affidavit, such affidavit shall not give rise to any presumption, except it shall require that the alleged father named therein be given notice of all proceedings involving the welfare of the child, and may be used as a basis for requiring a blood test to determine whether the alleged father is in fact the natural father of the child.

(h) Each hospital shall provide notaries public free of charge at the hospital for the purpose of notarizing affidavits relating to paternity, or the affidavits may be executed in conformance with § 4308 of Title 6, Guam Code Annotated, as an unsworn declaration under penalty of perjury and be witnessed by an employee of the hospital or an employee of the Office of Vital Statistics not related to either parent.

(i) It shall be the duty of the parent(s) in every case to provide all information required on the birth certificate and one or the other parent shall sign said certificate to attest to the accuracy of the personal data entered thereon.

(j) Upon request, the Director shall accept, for the purpose of recording births, certified copies of birth certificates of children born outside Guam to residents of Guam.

(k) When a birth occurs on a moving conveyance and the child is first removed from the conveyance in Guam, the birth shall be registered in Guam and the location where the child is removed from the conveyance shall be considered as the place of birth.

§ 3211. Foundling Registration; Infants of Unknown Parentage.

(a) Whoever assumes custody of a living infant of unknown parentage shall report on a form and in the manner prescribed by the Territorial Registrar of Vital Statistics, within seven (7) days, the following information:

- (1) The date and place of finding the child;
- (2) Sex, color or race, and approximate age of the child;
- (3) Name and address of the person or institution with whom the child has been placed for care;
- (4) Name given to the child by the custodian; and
- (5) Other data as may be required by the Territorial Registrar of Vital Statistics.

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

(b) The place where the child was found shall be entered as the place of birth, and the date of birth shall be determined by approximation.

(c) A report registered under this Section shall constitute the certificate of birth for the infant.

(d) If the child is identified and a certificate of birth is found or obtained, any report registered under this Section shall be sealed and filed and may be opened only by order of a court of competent jurisdiction.

§ 3212. Delayed Registration.

(a) Birth:

(1) When a birth of a person either born in Guam, or who is a non-U.S. citizen born in a foreign country and adopted by a resident of Guam has not been registered, a certificate may be filed in accordance with the regulations of the Office of Vital Statistics. Such certificate shall be registered subject to such evidentiary requirements as the Office of Vital Statistics shall by regulation prescribe to substantiate the alleged facts of birth.

(2) certificates of birth registered seven (7) years or more after the date of occurrence shall be marked "Delayed" and show on their face the date of delayed registration.

(3) In all instances of delayed birth registration, the following facts concerning the person whose birth is to be registered are required and must be established: Date of birth; place of birth; and parentage.

(4) When an applicant does not submit the minimum documentation required in the regulation for delayed registration, or when the Territorial Registrar of Vital Statistics finds reason to question the validity or adequacy of the certificate or the documentary evidence, the Territorial Registrar shall not register the delayed certificate and shall advise the applicant of the reasons for this action.

(5) If the person whose birth is to be recorded be a child under the age of eighteen (18) years, the birth certificate shall be signed by one of the following in the indicated order of priority:

- a. The attendant at birth;
- b. By either parent or adoptive parent;
- c. By the child's guardian; or

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

d. By relatives in the next immediate degree of kindred; provided, that each person signing a certificate shall attest under oath to his belief in the truth of the statements made concerning the age, birthplace, and parentage of the person whose birth is being recorded.

(6) If the person whose birth is to be recorded be of legal age, the date of birth and place of birth shall be supported by at least two (2) documents of which only one (1) may be an affidavit; the facts of parentage must be supported by at least one (1) document which may be one (1) of the two (2) submitted as evidence of the other facts.

(b) Death and marriage:

(1) When a death or marriage in Guam has not been registered, a certificate may be filed in accordance with regulations of the Office of Vital Statistics. Such certificate shall be registered subject to such evidentiary requirements as the Office shall by regulation prescribe to substantiate the alleged facts of death or marriage.

(2) Certificates of death and marriage registered one (1) year or more after the date of occurrence shall be marked "Delayed" and shall show on their face the date of the delayed registration.

SOURCE: Subsection (a) amended by P.L. 28-31:2.

§ 3213. Judicial Procedure to Establish Facts of Birth.

(a) If a delayed certificate of birth is rejected under the provisions of § 3212 of this Article, a petition may be filed with the Superior Court of Guam for an order establishing a record of the date and place of birth and the parentage of the person whose birth is to be registered.

(b) Such petition shall allege:

(1) That the person for whom delayed certificate of birth is sought was born in Guam, or is a non-U.S. citizen born in a foreign country and adopted by a resident of Guam;

(2) That no record of birth can be found in the Office of Vital Statistics;

(3) That diligent efforts by the petitioner have failed to obtain the evidence required in accordance with § 3212 of this Article;

(4) That the Territorial Registrar of Vital Statistics has refused to register a delayed certificate of birth; and

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

(5) Such other allegations as may be required.

(c) The petition shall be accompanied by a statement of the registration official made in accordance with Subsection (a)(4) of said §3212 and all documentary evidence which was submitted to the registration official in support of such registration. The petition shall be sworn to by the petitioner.

(d) The court shall fix a time and place for hearing the petition and shall give the registration official who refused to register the petitioner's delayed certificate of birth five (5) days' notice of said hearing. Such official or his authorized representative, may appear and testify in the proceedings.

(e) If the court from the evidence presented finds that the person for whom a delayed certificate of birth is sought was born in Guam, or is a non-U.S. citizen born in a foreign country and adopted by a resident of Guam, it shall make findings as to place and date of birth, parentage and such other findings as the case may require, and shall issue an order on a form prescribed and furnished by the Territorial Registrar of Vital Statistics to establish a record of birth. This order shall include the birth data to be registered, a description of the evidence presented in the manner prescribed by said § 3212, and the date of the court's action.

(f) The Clerk of the Superior Court shall forward each such order to the Territorial Registrar of Vital Statistics *not later than* the tenth (10th) day of the calendar month following the month in which it was entered. Such order shall be registered by the Territorial Registrar of Vital Statistics and shall constitute the record of birth, from which copies may be issued in accordance with § 3226 of this Article.

(g) Any person who objects to the accuracy of any of the information on a certificate of birth may petition the Superior Court to correct the certificate, using the same procedures as for obtaining a change of name.

SOURCE: Amended by P.L. 28-31:3.

§ 3214. Court Reports of Adoption.

(a) For each adoption decreed by a court of competent jurisdiction, the court shall require the preparation of a certificate of adoption on a form prescribed and furnished by the Territorial Registrar of Vital Statistics. The certificate shall include such facts as are necessary to locate and identify the certificate of birth of the person adopted; provide information necessary to establish a new certificate of birth of the person adopted, and shall identify

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

the order of adoption and be certified by the clerk of court.

(1) For a person born in a foreign country who is not a citizen of the United States, and for whom a final order of adoption has been decreed by a court of competent jurisdiction, the court shall require the preparation of a certificate of foreign birth as provided in § 3215.1.

(b) The certificate of adoption shall be filed with the original record of birth, if such record exists, which shall remain as a part of the permanent records of the Office of Vital Statistics.

(c) Whenever an adoption decree is amended or annulled, the clerk of the court shall prepare a certificate thereof, which shall include such facts as are necessary to identify the original adoption report, and the facts amended in the adoption decree as shall be necessary to properly amend the birth record.

(d) When the Territorial Registrar of Vital Statistics receives a record of adoption or annulment of adoption or amendment thereof from a court for a person born elsewhere, such record shall be forwarded to the appropriate registration authority in the place of birth of the child adopted.

SOURCE: Amended by P.L. 28-31:4.

§ 3215. New Certification of Birth Following Adoption, Legitimation and Paternity Determination.

(a) The Territorial Registrar of Vital Statistics shall establish a new certificate of birth for a person when he or she receives one (1) of the following:

(1) An adoption report as provided in § 3214 of this Article, or a certified copy of the decree of adoption, together with the information necessary to identify the original certificate of birth and to establish a new certificate of birth; (except that a new certificate of birth shall not be established if so requested by the court decreeing the adoption, the adoptive parents or the adopted person);

(2) An affidavit of acknowledgment of paternity signed by both parents; or

(3) A court order determining paternity.

SOURCE: Amended by P.L. 28-31:5.

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

(b) When a new certificate of birth is established, the actual place and date of birth shall be shown. It shall be substituted for the original certificate of birth, and thereafter,

(1) The original certificate and the evidence of adoption, paternity or legitimation shall not be subject to inspection, except upon court order or as provided by regulations.

(2) Upon receipt of notice of annulment of adoption, the original certificate of birth shall be restored to its place in the files and the new certificate and evidence shall not be subject to inspection, except upon court order.

(c) If no certificate of birth is on file for the person for whom a new certificate is to be established under this section, a delayed certificate of birth shall be filed with the Office of Vital Statistics as provided in §§ 3212 or 3213 of this article. Before a new certificate of birth is established, except that when the date and place of birth and parentage have been established in the adoption proceeding, a delayed certificate shall not be required.

(d) When a new certificate of birth is established by the Territorial Registrar of Vital Statistics, all copies of the original certificate of birth in the custody of the Office of Vital Statistics, will be sealed from inspection and opened only upon court order or as provided by regulation.

§ 3215.1. Certificate of Foreign Birth.

(a) The Territorial Registrar of Vital Statistics shall, upon request, establish a new certificate of birth for a person born in a foreign country when in receipt of a report of adoption decreed by a court of competent jurisdiction, proof of the date and place of the person's birth, and a request from the court, the adopting parent or parents, or the adopted person if eighteen (18) years of age or over, that such a certificate be prepared. The certificate shall be labeled 'Certificate of Foreign Birth' and shall show the actual country of birth. The Certificate of Foreign Birth shall show the true or probable foreign country of birth, and shall state that the certificate is not evidence of United States citizenship for the child for whom it is issued or for the adoptive parent or parents. After registration of the Certificate of Foreign Birth in the new name of the adopted person, the Territorial Registrar shall seal the report of adoption, which shall not be subject to inspection *except* upon order of a court of competent jurisdiction."

SOURCE: Added by P.L. 28-31:6.

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

§ 3216. Death Registration.

(a) A death certificate for each death which occurs on Guam shall be filed with the Office of Vital Statistics.

(b) The Mayor, upon receiving information of any death within his municipal district, shall report the same immediately to the Office of Vital Statistics, on a prescribed form; provided, that:

(1) If the place of death is unknown, a death report shall be filed by the Mayor of the municipal district in which a dead body is found and the place where the body is found shall be shown as the place of death; provided, further

(2) That if death occurs in a moving conveyance, a death report shall be filed by the Mayor of the municipal district in which the dead body was first removed from such conveyance and the location where the body is removed from the conveyance shall be shown as the place of death or if taken to an institution, the death certificate shall be filed by the person in charge of that institution.

(c) Death in an institution shall be reported to the Office of Vital Statistics by the person in charge of that institution.

(d) Any person who first assumes custody of a dead human body shall report same and file a death certificate with the Office of Vital Statistics. He shall obtain the personal data from the next of kin or the best qualified person or source available and shall obtain the medical certification of cause of death from the person responsible therefor.

(e) The medical certification shall be completed and signed within twenty-four (24) hours after death by a registered nurse pursuant to 10 GCA §12332; or by the physician in charge of the patient's care for the illness or condition which resulted in death, except when the patient has received no medical attention within seventy-two (72) hours prior to death, or when inquiry is required in accordance with the Post-Mortem Examination Act (10 GCA Chapter 81).

(f) When death occurred without medical attendance as set forth in paragraph (e) of this section, or when inquiry is required by the Post-Mortem Examination Act, the Medical Examiner or his duly authorized representative shall investigate the cause of death and shall complete and sign the medical certification within twenty-four (24) hours after taking charge of the case.

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

(g) Upon request, the Director shall accept, for purposes of recording deaths, certified copies of death certificates of residents of Guam who died outside Guam.

(h) When a death is presumed to have occurred within Guam but the body cannot be located, a death certificate may be prepared by the Territorial Registrar upon receipt of an order from a court of competent jurisdiction, which shall include the finding of facts required to complete the death certificate. Such a death certificate shall be marked "presumptive" and shall show on its face the date of registration and shall identify the court and date of decree.

(i) When a death is presumed to have occurred in and around the waters of Guam and the body cannot be located, after an official search and rescue attempt has been made by the Guam Fire Department Search and Rescue Unit or the U.S. Coast Guard, a death certificate may be prepared by the Guam Registrar upon receipt of an order from a court of competent jurisdiction, or the Medical Examiner, which shall include the finding of facts required to complete the death certificate. Such a death certificate shall be marked '*presumptive*' and shall show on its face the date of registration and shall identify the court, or the Medical Examiner, and the date of decree.

SOURCE: Subsection (i) added by P.L. 24-129:30. Subsection (i) added by P.L. 24-320:1.

§ 3217. Fetal Death Registration.

(a) A fetal death report for each fetal death which occurs in Guam after twenty (20) complete weeks of gestation or more or when a fetus weighs three hundred fifty (350) grams or more, shall be filed with the Office of Vital Statistics within twenty-four (24) hours after such delivery and prior to the removal of the disposition of said fetus; provided, that:

(1) If the place of fetal death is unknown, a fetal death certificate shall be filed by the Mayor of the municipal district in which the dead fetus was found; or

(2) If a fetal death occurs in a moving conveyance, a fetal death report shall be filed by the Mayor of the municipal district in which the dead fetus was first removed or if to an institution, the fetal death report shall be filed by the person in charge of that institution.

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

(b) Any physician, midwife or other person in attendance at or after the delivery of a dead fetus shall file a fetal death report. He shall obtain the personal data from the next of kin or the best qualified person or source available.

(c) The medical certification shall be completed and signed within twenty-four (24) hours after delivery by the physician in attendance at or after delivery, except when inquiry is required by the Post-Mortem Examination Act.

(d) When a fetal death occurs without medical attendance upon the mother at or after deliver, or when inquiry is required by the Post-Mortem Examination Act, the Medical Examiner shall investigate the cause of fetal death, and shall complete and sign the medical certification within twenty-four (24) hours after taking charge of the case.

§ 3218. Partial-Birth Abortion and Abortion Report.

(a) An individual abortion report for each abortion shall be completed by the mother's attending physician. 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;

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

- (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 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 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 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 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

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

publish a statistical report based on such data from abortions performed in the previous calendar year.

(f) The 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 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 Guam Memorial Hospital Records Section 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 Guam Memorial Hospital Records Section and to the Guam Board of Medical Examiners as part of the written report made by the physician to the Guam Memorial Hospital Records Section 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

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

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 Guam Memorial Hospital Records Section *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 Guam Memorial Hospital Records Section *shall* make available to physicians performing partial-birth abortions in Guam and the Guam Board of Medical Examiners forms for partial-birth abortion reports.

(o) All information in partial-birth abortion reports the Guam Memorial Hospital Records Section 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.

SOURCE: Amended by P.L. 29-115:1 (Nov. 18, 2008). Subsections (j-p) added by P.L. 29-115:2 (Nov, 18, 2009).

§ 3219. Extension of Time.

The Office of Vital Statistics may, by regulation, and upon such conditions as it may prescribe to assure compliance with the purposes of this article, provide for the extension of the periods prescribed in §§ 3216 and 3217 of this article for the filing of death certificates, fetal death reports and medical certifications of cause of death in cases in which compliance with the applicable prescribed period would result in undue hardship.

§ 3220. Marriage Registration.

(a) A record of each marriage performed on Guam shall be filed with the Territorial Registrar of Vital Statistics as provided in this section.

(b) The officer who issues the marriage license shall prepare the license and certificate on the form prescribed and furnished by the Office of Vital Statistics upon the basis of information obtained from the parties to be married, who shall attest to the information by their signatures.

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

(c) Every person authorized by the laws of Guam to perform a marriage shall certify the fact of marriage and file the record of such marriage with the Office of Vital Statistics within ten (10) days after the ceremony. This certificate shall be signed by the witnesses, and another signed copy shall be given to the parties marrying.

(d) The officer issuing marriage licenses shall complete and forward to the Territorial Registrar of Vital Statistics, on or before the fifteenth (15th) day of each month, copies of the applications and licenses filed with him during the preceding calendar month.

(e) The Director shall accept, for the purpose of recordation, certified copies of records of marriages performed outside Guam in which one (1) or both parties are residents of Guam.

§ 3221. Court Reports of Divorce and Annulment of Marriage.

(a) For each divorce and annulment of marriage granted by the courts of Guam, a report shall be filed with the Office of Vital Statistics by the clerk of court.

(b) On or before the fifteenth (15th) day of each month, the clerk of court shall forward to the Office of Vital Statistics the report of each divorce and annulment of marriage granted during the preceding calendar month and such related reports as may be required by regulations issued under this article.

(c) The information necessary to prepare the report shall be furnished with the petition to the clerk of court by the parties, petitioner or their legal representative on forms prescribed and furnished by the Territorial Registrar of Vital Statistics.

§ 3222. Correction and Amendment of Vital Records.

(a) A certificate or record registered under this article may be amended only in accordance with this article and regulations thereunder, adopted by the Department to protect the integrity and accuracy of vital statistics records.

(b) A certificate that is amended under this section shall be marked "Amended," except as provided in paragraphs (b) and (d) of this section. The date of amendment and a summary description of the evidence submitted in support of the amendment shall be endorsed on or made a part of the record. The Office of Vital Statistics shall prescribe by regulation the conditions under which additions or minor corrections shall be made to

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

birth certificates within one (1) year after the date of birth without the certificates being considered as amended.

(c) Upon receipt of a certified copy of a court order changing the name of a person born in Guam, and upon request of such person or his parent, guardian or legal representative, the Office of Vital Statistics shall amend the certificate of birth to reflect the new name.

(d) Upon request and receipt of a sworn acknowledgment of paternity of a child born out of wedlock, signed by both parents, the Territorial Registrar of Vital Statistics shall amend a certificate of birth to show such paternity, if paternity is not shown on the certificate. The surname of the child shall then be changed to that of the father, but the certificate shall not be marked "Amended".

(e) Upon receipt of a sworn statement from the physician performing the surgery certifying the sex of an individual has been changed by surgical procedure, and upon written request of an individual born in Guam, the sex of the individual shall be amended on the birth certificate to reflect such change. The name of the individual may be changed as provided in paragraph (c) of this section.

§ 3223. Reproduction of Records.

To preserve original documents, the Territorial Registrar of Vital Statistics is authorized to prepare typewritten, photographic or other reproductions of original records and files in his office. Such a reproduction, when certified by him and sealed with an official government seal, shall be accepted as the original and official record.

§ 3224. Same: Microfilm.

To preserve original records, the Territorial Registrar is authorized and directed to microfilm all vital records. All such reproductions shall be equally admissible as competent evidence in all courts of Guam or in any administrative proceeding as the original itself whether the original is in existence or not.

§ 3225. Disclosure of Records.

(a) To protect the integrity, the confidentiality, the validity and the evidentiary value of Vital Statistics Records, to insure their proper use and to insure the efficient and proper administration of the Vital Statistics system, it shall be unlawful for any person to permit inspection of, or to disclose information contained in Vital Statistics Records, or to copy or

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

issue a copy of all or part of any such record, except as authorized by regulation or as provided for by this article.

(b) The Office of Vital Statistics may authorize the disclosure of data contained in Vital Statistics Records for research purposes; provided, that request for such be first approved by the Director.

(c) Information in Vital Statistics Records, such as birth occurring out of wedlock or length of pregnancy, may not be disclosed except as provided for in this article, by regulation or upon court order.

(d) Appeals from decisions of the Territorial Registrar refusing to disclose information, or to permit inspection of or copying of records under the authority of this section and regulations issued hereunder shall be made to the Director, whose decisions shall be binding upon the Territorial Registrar.

§ 3226. Copies of Data from Vital Records.

In accordance with § 3225 of this article, and the regulations adopted pursuant thereto:

(a) The Office of Vital Statistics shall upon request, issue a certified copy of any certificate or record in his custody or of a part thereof. Each copy issued shall show the date of registration; and copies issued from records marked "Delayed," "Amended" or "Court Order" shall be similarly marked and show the effective date.

(b) A certified copy of a certificate or any part thereof, issued in accordance with paragraph (a) of this section, shall be considered for all purposes the same as the original, and shall be prima facie evidence of the facts therein stated; provided, that the evidentiary value of the certificate or record filed more than one (1) year after the event, or a record which has been amended shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.

(c) The National Center for Health Statistics shall be furnished such copies or data as it may require for national statistics; provided, that the government of Guam shall be reimbursed for the cost of furnishing such data; and provided, further, that such data shall not be used for other than statistical purposes by the National Center for Health Statistics unless so authorized by the Office of Vital Statistics.

(d) Federal, state or other territorial governmental branches and other public or private agencies may, upon request, be furnished copies of data for

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

statistical purposes upon such terms or conditions as may be prescribed by the Office of Vital Statistics.

(e) No person shall prepare or issue any certificate which purports to be an original, certified copy or copy of a certificate of birth, death or fetal death, except as authorized in this article or regulations adopted hereunder.

§ 3227. Fees for Copies.

(a) The Director shall, by regulation, establish fees for certified copies of certificates or records issued; for the search of the files or records when no copy or information is available; for processing a change of name by court order and other means; for amending records; and for filing a delayed certificate of birth or marriage.

(b) Fees collected under this section by the Office of Vital Statistics shall be deposited in the General Fund of the government of Guam according to procedures established by law governing collections.

§ 3228. Duty to Furnish Information Relative to Vital Events.

Any person having knowledge of the facts, shall furnish such information as he may possess regarding any birth, death, fetal death, marriage or divorce, upon demand of the Territorial Registrar of Vital Statistics.

§ 3229. Penalties.

(a) (1) Any person who willfully and knowingly makes any false statement in a report, record or certificate required to be filed under this article or in an application for amendment thereof or who willfully and knowingly supplies false information intending that such information be used in the preparation of any such report, record or certificate, or amendment thereof; or

(2) Any person who without lawful authority and with intent to deceive, makes, alters, amends or mutilates any report, record or certificate required to be filed under this article or certified copy of such report, record or certificate; or

(3) Any person who willfully and knowingly uses or attempts to use or furnish to another for use, for any purpose of deception, any certificate, record, report or certified copy thereof so made, altered, amended or mutilated; or

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

(4) Any person who, with the intention to deceive, willfully uses or attempts to use any certificate of birth or certified copy of a record of birth, knowing that such certificate or certified copy was issued upon a record which is false in whole or in part, or which relates to the birth of another person; or

(5) Any person who willfully and knowingly furnishes a certificate of birth or certified copy of a record of birth with the intention that it be used by a person other than the person to whom the record of birth relates, shall be guilty of a misdemeanor.

(b) (1) Any person who refuses to provide information required by this article; or

(2) Any person who willfully and knowingly transports or accepts for transportation; interment or other disposition a dead body without an accompanying permit as required by this article; or

(3) Any person who willfully neglects or violates any of the provisions of this article, or refuses to perform any of the duties imposed upon him by this article, shall be guilty of a petty misdemeanor.

§ 3230. Burial-Transit Permits.

(a) No dead human body or fetus attaining twenty (20) weeks of gestation or more shall be buried, deposited in a crypt, mausoleum or vault, cremated, removed from Guam or otherwise disposed of, unless a burial-transit permit has first been issued therefor by the Office of Vital Statistics. Such permit shall be presented to the person in charge of the cemetery, crematorium or other place of disposition, and shall be promptly returned by him to the Office of Vital Statistics after such burial, cremation or other disposition with a certification that the body was disposed of in accordance with the burial-transit permit.

(b) The Territorial Registrar shall not issue a burial-transit permit for the disposition of any dead body in any place other than in a cemetery, crematorium, crypt or mausoleum which is in compliance with the regulations for cemeteries, crematoriums, crypts or mausoleums established by the Director. Each burial-transit permit shall include the cemetery plot number, crypt number or other information which will designate the exact location to which the body will be taken.

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

(c) The Territorial Registrar shall issue burial-transit permits for disposition of bodies outside Guam or for burial at sea only when such disposition complies with regulations established by the Director for this purpose.

(d) Any person first assuming custody of a dead body or fetus shall obtain a burial-transit prior to final disposition or removal from Guam within seventy-two (72) hours after death.

(e) Burial-transit permits shall be issued provided that first a certificate of death or fetal death has been filed with the Office in accordance with §§ 3216 and 3217 of this article.

(f) A permit issued under the law of any state which accompanies a dead human body or fetus brought into Guam for final disposition shall be the authority to dispose of said body or fetus; provided, that the Director, in the protection of the public health, having consideration of the cause of death or other special conditions, may, in his discretion, order such form of burial or disposition of a dead body or fetus as he deems necessary.

(g) No dead human body or remains shall be disinterred for reburial or other purpose from any cemetery, crypt, mausoleum or vault without a permit from the Office of Vital Statistics. Such disinterments must comply with regulations established by the Director of the disinterment of human bodies or remains.

§ 3231. Disposition.

(a) The right to control the disposition of a dead human body and the duty of burial or other disposition and the liability for the reasonable cost thereof devolves upon the following in the order named:

- (1) Surviving spouse of the decedent;
- (2) Surviving child or children of the decedent;
- (3) Surviving parent or parents of the decedent; and

(4) Person or persons, respectively, in the next degrees of kindred, in the order named by the laws of Guam as entitled to succeed the estate of the decedent; provided, that liability for the cost of burial or other disposition shall be primarily upon the estate of the decedent.

(b) Where the duty of burial or other disposition of the dead human body does not devolve upon any other person in Guam, or if such person

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

cannot after reasonable diligence be found within Guam, the Director shall arrange for the burial or other disposition of such body.

ARTICLE 3
DISEASE CONTROL

- § 3301. Definitions.
- § 3302. Duty to Report.
- § 3303. Same: Dispensaries, Hospitals, etc.
- § 3304. Same: Laboratories.
- § 3305. Same: Keeper of Boarding or Lodging Houses.
- § 3306. Same: Master of Vessels; Captain of Aircraft.
- § 3307. Investigation.
- § 3308. Same: Access to Records, Reports, etc.
- § 3309. Isolation and Quarantine: Regulations.
- § 3310. Same: Authority of Director.
- § 3311. Placarding.
- § 3312. Violation of Isolation or Quarantine.
- § 3314. Disinfection of Premises.
- § 3315. Destruction of Property.
- § 3316. Compensation.
- § 3317. Closing of Schools.
- § 3318. Disposal of Bodies.
- § 3319. Responsibility of Person in Charge of Minor.
- § 3320. Willful Exposure.
- § 3321. Concealing Disease.
- § 3322. Vaccination and Immunization.
- § 3323. Prenatal Test.
- § 3324. Reports as to Prenatal Test.
- § 3325. Prevention of Blindness at Childbirth.
- § 3326. Immunization Audit.
- § 3327. Same: Confidentiality.
- § 3328. Autopsy.
- § 3329. Testing for Tuberculosis.
- § 3330. Testing of Juveniles for Human Immunodeficiency Virus, and Other Sexually Transmitted Diseases upon Conviction or Adjudication of Having Committed Act or Acts of Criminal Sexual Assault.
- § 3331. Disclosure of Test Results.

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

§ 3332. Notice of Risk of Sexually Transmitted Disease.

§ 3333. Restricting Entry into Guam.

NOTE: § 3330. Failure to Report was intentionally deleted by the Compiler of Laws, primarily because its purpose of definition was not included in P.L. 22-130's text. Amended by Compiler in order to reflect correct citation.

§ 3301. Definitions.

As used in this article:

(a) *Communicable Disease* includes any of the following diseases or conditions which are dangerous to public health:

- (1) Acquired Immune Deficiency Syndrome (AIDS)
- (2) Amebiasis (amoebic dysentery);
- (3) Anthrax;
- (4) Brucellosis (undulant fever);
- (5) Chancroid;
- (6) Chickenpox;
- (7) Cholera;
- (8) Clonorchiasis (liver-fluke);
- (9) Conjunctivitis, acute infectious (pink eye);
- (10) Dengue;
- (11) Diarrhea of newborn (epidemic infantile);
- (12) Diphtheria;
- (13) Encephalitis, primary (infectious);
- (14) Erysipelas;
- (15) Favus;
- (16) Filariasis;
- (17) Fish (ciguatera) poisoning;
- (18) Fish (scombroid) poisoning;
- (19) Glanders (farcy);
- (20) Gonorrhea;
- (21) Gonorrheal ophthalmia;

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

- (22) Granuloma inguinale;
- (23) Hepatitis A (Infectious)
- (24) HIV-seropositive condition;
- (25) Hepatitis B (Serum);
- (26) Hookworm disease;
- (27) Impetigo contagious (in institution);
- (28) Influenza;
- (29) Kerato-Conjunctivitis (Infectious);
- (30) Leprosy (Hansen's Disease);
- (31) Leptospirosis (Weil's disease or hemorrhagic jaundice);
- (32) Malaria;
- (33) Measles (rubeola);
- (34) Melioidosis
- (35) Meningitis, aseptic;
- (36) Meningitis, cerebrospinal (meningococcic);
- (37) Meningitis, other infectious;
- (38) Mononucleosis, infectious;
- (39) Mumps;
- (40) Paratyphoid fever;
- (41) Pertussis (whooping cough);
- (42) Plague;
- (43) Poliomyelitis, acute anterior (infantile paralysis);
- (44) Psittacosis-ornithosis;
- (45) Puerperal septicemia;
- (46) Rabies;
- (47) Relapsing fever;
- (48) Rheumatic fever (active);
- (49) Rickettsial disease;

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

- (50) Ringworm of the scalp (*tinea capitis*);
- (51) Rubella (German measles);
- (52) Salmonellosis;
- (53) Scabies;
- (54) Severe Acute Respiratory Syndrome (SARS)
- (55) Scarlet Fever;
- (56) Septic sore throat (*streptococcus*);
- (57) Shigellosis (*bacillary dysentery*);
- (58) Smallpox;
- (59) Syphilis;
- (60) Tetanus;
- (61) Trachoma;
- (62) Trichinosis;
- (63) Tuberculosis (*pulmonary*);
- (64) Tuberculosis (*other than pulmonary*);
- (65) Tularemia;
- (66) Typhoid fever;
- (67) Typhus fever;
- (68) Yaws;
- (69) Yellow fever

(70) Any other disease deemed by the Director to be dangerous to the public health may be added by regulation.

(b) *Isolation* means the separation of persons suffering a communicable disease or carriers of such a disease from other persons for the period of communicability in such places and under such conditions as will prevent the transmission of the causative agent; and

(c) *Quarantine* means the limitation of freedom of movement of those who have been exposed to a communicable disease, whether a person or animal, for a period of time equal to the longest usual incubation period of the disease, in such manner as to prevent effective contacts with those not so exposed.

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

SOURCE: New Item (a)(55) (SARS) added by P.L. 27-07:1; remaining items renumbered pursuant to P.L. 27-07:2.

§ 3302. Duty to Report.

Any person licensed or registered to practice any healing art under Chapter 12 of this Title who has knowledge of or suspects the presence of any communicable disease or any other disease dangerous to the public health, shall report the same to the Director within forty-eight (48) hours after diagnosis, unless a different time is prescribed by regulation, together with the name, age, village of residence and sex of the person afflicted, the house or other place in which such person may be found, and such other information as may be required by regulation.

§ 3303. Same: Dispensaries, Hospitals, etc.

The superintendent, chief medical officer, nurse in charge or other person in charge of any hospital, clinic, dispensary, infirmary, medical aid station or other establishment providing medical care, either to the general public or otherwise, who has knowledge of the presence of any communicable disease or any other disease dangerous to the public health shall report the same to the Director in accordance with § 3302 of this article. When the patient is hospitalized, the person in charge of the hospital in which he is hospitalized shall make the report.

3304. Same: Laboratories.

The director, administrator, chief officer or other person in charge of any laboratory, public or private, performing any test or examinations upon persons or their blood, urine, feces or any other body products shall, upon identification or suspected identification of an etiologic agent, antigen, antibody or any other substance or combination of substances generally accepted as being diagnostic of the presence of a communicable disease, shall report same to the Director in accordance with § 3302 of this article.

§ 3305. Same: Keeper of Boarding or Lodging Houses.

Any owner, keeper or other person in charge of the operation of a hotel, boarding house or dormitory shall immediately report to the Director the presence therein of any person he has reason to believe to be sick of, or to have died of any contagious, infectious, communicable or other disease dangerous to the public health.

§ 3306. Same: Master of Vessels; Captain of Aircraft.

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

Any master of a vessel or captain of an aircraft shall immediately report to the Director or his representative the presence aboard such vessel or aircraft of any person such master or captain has reason to believe to be sick of or to have died of any communicable disease.

§ 3307. Investigation.

When a complaint is made or a reasonable belief exists that a communicable disease or other disease dangerous to the public health prevails in any house or elsewhere which has not been reported, the Director shall make an inspection for the purpose of discovering whether any such disease exists.

§ 3308. Same: Access to Records, Reports, etc.

When the Director has reason to believe that a communicable disease exists but that full and complete information as required by § 3302 of this article has not been provided, the Director or his representative may examine any and all records or reports deemed necessary to fully investigate the disease.

§ 3309. Isolation and Quarantine: Regulations.

Isolation and quarantine shall be imposed in accordance with regulations. Such regulations shall designate the disease for which isolation or quarantine is necessary, and such other requirements concerning diagnosis, treatment, release and other pertinent matters as may be necessary.

§ 3310. Same: Authority of Director.

(a) Notwithstanding § 3309 of this article, when a person has or is reasonably suspected of having or is reasonably suspected of being a carrier of any communicable disease or any other disease dangerous to the public health, the Director may impose isolation of such person and may impose quarantine on anyone who has had contact with such person. The extent and duration of isolation and quarantine imposed in a given case and release therefrom shall be within the discretion of the Director, depending upon the disease. The Director may, in his discretion, determine the persons subject to isolation and quarantine, specify the places or areas to which or in which they are restricted in their movements, prescribe other conditions and requirements to be observed, decide the duration of isolation and quarantine and release therefrom and issue other necessary instructions. He shall insure that provisions are made for medical observation of such persons as

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

frequently as necessary during isolation and quarantine or amend the degree thereof and other restrictions imposed in connection therewith at any time.

(b) When a person has or is reasonably suspected of having or is reasonably suspected of being a carrier of any communicable disease or any other disease dangerous to the public health, the Director may, in his discretion and for the safety of the public, remove such person, with or without his consent, to a licensed hospital or other designated premises for the purpose of isolation and treatment until the disease is no longer communicable by such person. If the Director should determine that removal of such person is not practicable, such person may be allowed to remain where he is and the Director may take such measures as he may deem advisable to provide for his care for the public health by way of isolation and quarantine.

§ 3311. Placarding.

When a person has been isolated or quarantined and is restricted thereby to his residence or other building, the Director may place in a conspicuous position on the exterior of the premises where such person is isolated or quarantined a placard having printed on it in large letters the name of the disease and warning all unauthorized persons to remain off the premises. Such placard shall be in both English and Chamorro and in any other languages the Director deems appropriate. No person shall remove, deface or destroy such placard until authorized by the Director. Except as authorized by the Director or by regulation, no person shall enter or leave any premises which has been placarded.

§ 3312. Violation of Isolation or Quarantine.

No person who has been isolated or quarantined shall leave the premises or area to which he has been restricted without the written permission of the Director until he has been released from such isolation or quarantine.

§ 3313. Chief of Police.

Upon the request of the Director, it shall be the duty of the Chief of Police to act and assist in the enforcement of isolation and quarantine, using such force as may be reasonably necessary.

§ 3314. Disinfection of Premises.

The Director may, if he deems it advisable, order the premises and contents thereof in which any person has been ill or has died of a

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

communicable disease or any other room, building, premises or area, any contents thereof, which may be infective by contact with any communicable disease, to be disinfected and purified in such manner as he may direct. It shall be the duty of the owner or occupant of such premises to comply with any such order.

§ 3315. Destruction of Property.

The Director may destroy any infective clothing, bedding or other article which cannot be made safe by disinfection. He shall furnish to the owner thereof a receipt showing the number, character, condition and estimated value of the article so destroyed. A copy of such receipt shall be retained by the Director.

§ 3316. Compensation.

Upon the presentation of the original receipt for articles destroyed under § 3315 of this article and approval by the Attorney General, the Director shall pay to the owner of such property, out of such appropriations of the Department as may be available, the value of such destroyed articles.

§ 3317. Closing of School.

During an epidemic or threatening epidemic or when a dangerous communicable disease is unusually prevalent, the Director may close any public or private school and prohibit any public or private gathering for such time as may be necessary in the interest of the public health.

§ 3318. Disposal of Bodies.

The Director, in his discretion, may require that the body of a person, who has died of a communicable disease or any other disease dangerous to the public health, be buried or cremated immediately or within such period of time and in conformity with such procedures for the protection of the public health, as he may designate.

§ 3319. Responsibility of Person in Charge of Minor.

Where any person suffering from a communicable disease is required to remain isolated or quarantined or to do or refrain from doing any act or thing whereby spread of the disease may be enhanced or such person because of his tender age or of physical or mental disability is unable to comprehend or comply with such requirements, it shall be the duty of the parent, guardian or other person, including any attendant having such patient under his care, custody or control to comply or cause compliance

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

with the isolation or quarantine so imposed and pertinent provisions of this article.

§ 3320. Willful Exposure.

No person having a communicable disease or any other disease dangerous to the public health or being in charge of any other person afflicted with such a disease, shall willfully expose himself or such person in any public place, street or highway except as may be authorized by the Director.

§ 3321. Concealing Disease.

No person shall conceal any person having any communicable disease or any other disease dangerous to the public health, including any venereal disease. No parent, guardian or other person having custody or care of a minor child shall conceal the fact of a minor child having any such disease.

§ 3322. Vaccination and Immunization.

(a) No student shall be permitted to attend any public or private school, college or university within Guam *unless* evidence is presented to the enrolling officer of such school, college or university that the student child is free from any communicable diseases, and has had all the required vaccinations or immunizations as the Director shall in conformity with Advisory Committee on Immunization Practice ('ACIP') of the United States Department of Human Services and the American Academy of Pediatrics ('AAP'); provided, that in the event that the recommendations of the ACIP and the AAP differ, the Department shall determine which recommendations shall apply, *except* that exemption may be granted to a student in a case:

(i) when the vaccination or immunization would be against his or her religious beliefs and would *not* constitute a contagious health risk for the public at large, as certified annually prior to commencement of the school year by the Director in consultation with a Guam Licensed physician or by a Guam licensed physician; *or*

(ii) upon certification by a parent or guardian of a student who is a minor, that such vaccination or immunization would be against their religious belief and would *not* constitute a contagious health risk for the public at large, as certified annually prior to commencement of the school year by the Director in consultation with a Guam licensed physician or by a Guam Licensed physician; *or*

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

(iii) *when* a student who has been certified by a Guam licensed medical doctor that said student should be exempt from this Section where medical contraindication to his or her receiving a specific vaccine exists.

(b) Certificates of medical and religious exemption shall be kept on file in Bureau of Communicable Diseases Control of the Department. A copy of the certificate for medical and religious exemption shall be included in the student's record at the school.

(c) The Director shall notify enrolling officers of all schools and shall notify all parents by public media of any changes to the existing immunization schedules no later than March 1 of each year to allow for the smooth opening of traditionally scheduled schools.

(d) The Director shall require vaccination and immunization of any person or persons suspected as carriers of a communicable disease upon entering or leaving Guam which the Director believes may present a risk to the public health of Guam. In case of an epidemic or to control a possible epidemic of a communicable disease, the Director may direct that the general population be vaccinated and immunized against said disease. Students who are not immunized for whatever reason may be excluded from schools at the direction of the Director in case of an epidemic or to control a possible epidemic.

SOURCE: Repealed and reenacted by P.L. 24-154:2. Subsection (a) amended by P.L. 24-335:2.

§ 3323. Prenatal Test.

Any licensed physician attending a pregnant woman for a condition relating to her pregnancy during the period of gestation or at delivery shall take or cause to be taken a sample of the blood of such woman and submit such sample to the Department's laboratory or other laboratory approved by the Director for a standard serologic test for syphilis. Any other person permitted by law to attend pregnant women, but not permitted by law to take blood samples, shall cause a sample of blood of every pregnant woman attended by him to be taken by a duly licensed physician or at a lab approved by the Director for a standard serologic test for syphilis. Such samples of blood shall be taken at the time of the first visit of the pregnant woman or within fourteen (14) days thereafter. Every pregnant woman shall permit such samples of her blood to be taken as in this section.

§ 3324. Report as to Prenatal Test.

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

In reporting any birth or stillbirth, any physician or other person required to make such reports shall state in a report accompanying the certificate whether, according to his knowledge or information, a blood test for syphilis has been made upon a specimen of blood taken from the woman who bore the child for which the birth or stillbirth certificate is filed and the approximate date when the specimen was taken. The Director is authorized to investigate the circumstances surrounding the birth of any baby on whose mother no serologic test, as required by the provisions of this article, appears to have been taken.

§ 3325. Prevention of Blindness at Childbirth.

Any physician, midwife, or any other person in attendance at childbirth immediately after birth shall administer a one percent (1%) silver nitrate solution to both eyes of the newborn child. Preparations other than one percent (1%) silver nitrate may be used only on approval of the Director and subject to such conditions and restrictions as the Director may impose.

§ 3326. Immunization Audit.

Annually, the Director shall conduct an immunization audit. Sample audits shall be conducted on public health clinic records, private clinic records and private physicians' records to determine if:

(a) One (1) consolidated immunization record is posted on the inside front cover of the patient's medical record if the patient is under the age of eighteen (18); and

(b) If the record of any child found to be deficient in immunizations indicates:

- (1) That progress towards immunization is being made;
- (2) A record of scheduled return appointment for the child; or
- (3) A reason for the lack of immunization.

§ 3327. Same: Confidentiality.

The immunization audit shall be done by the Director who may delegate his duty. The Director shall be responsible for assuring that the confidentiality of individual patient records is preserved. The Department shall be responsible for compiling a statistical report of the audit.

§ 3328. Autopsy.

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

The Director may order an autopsy to determine if the deceased died of a communicable disease or whenever, in his direction, the public interest justifies it.

§ 3329. Testing for Tuberculosis.

No student shall be permitted to attend any public or private school, college, or university within Guam unless they have on file with the enrolling officer of such school, college or university a report of a Tuberculosis ("TB") skin test result.

(a) If the student is entering from the United States or states or its territories, such test must have been conducted within one year prior to enrollment. If the student is entering from an area other than the United States or its states or territories, such test must have been conducted within six (6) months prior to enrollment.

(b) If a student has had a positive TB skin test, a Certificate of Tuberculosis Evaluation must be obtained from the Department. If this certificate indicates that the student is TB contagious the student shall be permitted entrance to school only after he or she is certified as noncontagious by the Department.

§ 3330. Testing of Juveniles for Human Immunodeficiency Virus, and Any Other Sexually Transmitted Diseases upon Conviction or Adjudication of Having Committed Act or Acts of Criminal Sexual Assault.

(a) The court shall issue an order requiring a juvenile, who has been certified to the criminal court for prosecution as an adult and convicted of criminal sexual conduct, as defined in §§ 25.15, 25.20, 25.25, and 25.30 of Title 9, Guam Code Annotated, or a juvenile adjudicated to have committed an act or acts of criminal sexual conduct or placed in a deferred admission status for criminal sexual conduct, to submit to testing to determine the presence of human immunodeficiency virus (HIV), or any other sexually transmitted disease, if the victim requests the test.

SOURCE: Added by P.L. 23-71:2.

§ 3331. Disclosure of Test Results.

The date and results of a test performed under Section 3330 of this Chapter must be made available, on request, to the victim or, if the victim is a minor, to the victim's parent or guardian and positive test results shall be reported to the Director of Public Health, as required under §§ 3302, 3303,

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

and 3304 of this Chapter. Data regarding administration and results of the test shall not be accessible to any other person for any purpose and shall not be maintained in any record of the court or court services or any other record

SOURCE: Added by P.L. 23-71:3.

§ 3332. Notice of Risk of Sexually Transmitted Disease.

(a) Notice required. A hospital shall give a written notice about sexually transmitted diseases to a person receiving medical services in the hospital who reports or evidences a sexual assault or other unwanted sexual contact or sexual penetration. When appropriate, the notice must be given to the parent or guardian of the victim.

(b) Contents of notice. The Chief of Police, or his designee, in consultation with sexual assault victim advocates and health care professionals, shall develop the notice required by subsection (a). The notice must inform the victim of:

- (1) the risk of contracting sexually transmitted diseases as a result of a sexual assault;
- (2) the symptoms of sexually transmitted diseases;
- (3) recommendations for periodic testing for the diseases, where appropriate;
- (4) locations where confidential testing is done and the extent of the confidentiality provided;
- (5) information necessary to make an informed decision whether to request a test of the offender under 10 GCA § 3330; and
- (6) other medically relevant information.

SOURCE: Added by P.L. 23-71:4.

§ 3333. Restricting Entry into Guam.

(a) Upon declaration by the United States Centers for Disease Control and/or the World Health Organization that a health-related epidemic *or* outbreak has taken place in a jurisdiction, or issues a health advisory on a jurisdiction, *I Maga'lahaen Guåhan*, with the advice from the Director of Public Health and Social Services, may, through Executive Order, declare a public health emergency and restrict entry into Guam those individuals who have been in the affected jurisdiction for *more than* one (1) week and do *not*

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

possess a recognized and certified document that attests that they have been tested for the specific disease and determined *not* to be infected. The date of the test must *not be more than* one (1) week from the date of their entry into Guam.

(b) Any individual who enters into Guam without the proper documentation, *shall* be quarantined pursuant to this Section and §§19604 and 19605 of Article 6, Chapter 19 of Title 10, Guam Code Annotated.

(c) Any and all costs associated with the quarantine and/or treatment of individuals who unlawfully enter Guam pursuant to this Act will be the responsibility of the individual and the carrier that the individual contracted to travel to Guam with.

(d) Once the entry restriction is imposed, it will remain in effect until *I Maga'lahen Guåhan*, with the advice from the Director of Public Health and Social Services, issues a written order rescinding the Executive Order.

SOURCE: Added by P.L. 29-107:1 (Aug. 22, 2008).

ARTICLE 4
MATERNAL AND CHILD HEALTH AND
CHILDREN WITH SPECIAL NEEDS

§ 3401. Designation of Department of Public Health and Social Services as Cooperative Agency.

The Department of Public Health and Social Services is hereby designated as the agency to cooperate with the duly constituted Federal authorities in the administration of these parts of the Social Security Act which relate to maternal and child health services and the care and treatment of children with special health needs and is authorized to receive and expend all funds made available by the Federal government or from any other source for the purpose provided in this article; provided, that all plans, rules and regulations, or agreements adopted in connection therewith shall be subject to the approval of the Governor.

ARTICLE 5
MATERNAL AND CHILD HEALTH SERVICES

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

§ 3501. Maternal and Child Health Programs: Administration and Purposes.

§ 3502. Guam Plan for Maternal and Child Health Services: Formulation, Adoption and Approval.

§ 3503. Provisions to Be Included in Guam Plan.

§ 3504. Duties of Director.

§ 3505. Maternal and Child Health Service Funds: Custody and Expenditures.

§ 3501. Maternal and Child Health Programs: Administration and Purposes.

(a) The Department of Public Health and Social Services (the *Department*) is hereby designated as the agency to administer a maternal and child health program in Guam.

(b) The purposes of such program shall be to develop, extend and improve health services, and to provide for development of demonstration services.

§ 3502. Guam Plan for Maternal and Child Health Services: Formulation, Adoption and Approval.

(a) The Department hereby empowered and authorized:

(1) To formulate, adopt and administer a detailed plan or plans for the purposes specified in § 3501 of this article.

(2) To make and adopt all such rules and regulations not inconsistent with the provisions of §§ 3501 through 3505 of this article, inclusive, or of the Social Security Act, as are or may be necessary for the administration of such plan or plans and the administration of this article.

(b) Such plan or plans and the rules and regulations when formulated shall be submitted to the Secretary of Health and Human Services for approval, and when approved by the Secretary shall thereupon be made effective by the Department in accordance with the Administration Adjudication Law.

§ 3503. Provisions to Be Included in Guam Plan.

Such plan or plans shall include therein provisions for:

(a) Financial participation by Guam.

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

(b) Administration of such plans or plans by the Department.

(c) Such methods of administration as are necessary for efficient operation of such plan or plans.

(d) Maintenance of records and preparation as are necessary for efficient operation of such plan or plans.

(e) Cooperation with medical, health, nursing and welfare groups and organizations for the purpose of extending and improving maternal and child health.

(f) Receiving and expending in the manner provided herein in accordance with such plan or plans, all funds made available by the Federal government or from any other source for such purposes.

(g) Cooperating with the Federal government, through its appropriate agency or instrumentality, in developing, extending and improving such services, and in the administration of such plan or plans and development of demonstration services among groups in special need.

(h) Carrying out the purposes specified in § 3501 of this article.

§ 3504. Duties of Director.

(a) The Director of Public Health and Social Services (the *Director*) shall be the administrative officer of the agency with respect to the administration and enforcement of the provisions of this article, and of the plan or plans formulated and adopted in accordance therewith and all such rules and regulations necessary thereto.

(b) The Director is hereby empowered and directed to administer and enforce all rules and regulations adopted for the efficient operations of the plan or plans formulated for the purposes of this article.

(c) The Director shall, from time to time as directed by the Secretary of Health and Human Services make such reports in such form and containing such information as the Secretary of Health and Human Services shall require.

(d) The Director shall from time to time, pursuant to the rules and regulations of the Secretary of Health and Human Services and of the Secretary of the Treasury, requisition and cause to be deposited with the Treasurer of Guam all moneys allotted to Guam by the Federal government for the purposes of this article, and shall cause to be paid out of the treasury the moneys therein deposited for such purposes.

§ 3505. Maternal and Child Health Service Funds: Custody and Expenditures.

(a) The Treasurer of Guam is hereby made custodian of all moneys allotted to Guam by the Federal government, or received from other sources, for the purposes of maternal and child health services.

(b) The Treasurer shall receive and provide for the proper custody of such moneys and is authorized to deposit such moneys in the same manner as other public moneys are deposited.

(c) Such moneys shall be disbursed only upon certification by the Director.

**ARTICLE 6
SERVICES FOR CHILDREN WITH SPECIAL HEALTH NEEDS**

§ 3601. Program for Services for Children with Special Health Needs: Administration and Purposes.

§ 3602. Guam Plan for Services for Children with Special Health Needs: Formulation, Adoption and Approval.

§ 3603. Provisions to be Included in Plan.

§ 3604. Duties of Director.

§ 3605. Services for Children with Special Health Needs: Custody and Expenditure.

§ 3606. Department Authorized to Enter into Cooperative Agreements with Federal Government.

§ 3601. Program for Services for Children with Special Health Needs: Administration and Purposes.

(a) The Department of Public Health and Social Services (the *Department*) is hereby designated as the agency to administer a program of service for children with a disability(ies) or special health need(s).

(b) The purpose of such program shall be to develop, extend, and improve services for locating such children, to provide medical, surgical, corrective and other services and care, to provide facilities for diagnosis, hospitalization and aftercare.

§ 3602. Guam Plan for Services for Children with Special Health Needs: Formulation, Adoption and Approval.

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

(a) The Department is hereby empowered and authorized:

(1) To formulate, adopt and administer a detailed plan or plans for the purposes specified in § 3601 of this article.

(2) To make and adopt all such rules and regulations, not inconsistent with the provisions of §§ 3601 through 3605 of this article, inclusive, or of the Social Security Act, as are or may be necessary for the administration of such plan or plans and the administration of this Article.

(b) Such plan or plans and the rules and regulations, when formulated, shall be submitted to the Secretary of Health and Human Services for approval, and when approved by the Secretary shall thereupon be made effective in accordance with the Administration Adjudication Law.

§ 3603. Provisions to Be Included in Plan.

Such plan or plans shall include therein provisions for:

(a) Financial participation by Guam.

(b) Administration of such plan or plans by the Department.

(c) Such methods of administration as are necessary for efficient operation of such plan or plans.

(d) Maintenance of records and preparation, submission and filing of reports of services rendered.

(e) Cooperation with medical, health, nursing and welfare groups and organizations, and with any agency charged with administration of laws providing for vocational rehabilitation of physically handicapped children.

(f) Receiving and expending in the manner provided herein in accordance with such plan or plans, all funds made available by the Federal government, or from any other source for such purposes.

(g) Cooperating with the Federal government, through its appropriate agency or instrumentality, in developing, extending and improving such services and in the administration of such plan or plans.

(h) Carrying out the purposes specified in § 3601 of this article.

§ 3604. Duties of Director.

(a) The Director of Public Health and Social Services (the *Director*) shall be the administrative officer of the agency with respect to the

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

administration and enforcement of the provisions of this article, and of the plan or plans formulated and adopted in accordance therewith, and all such rules and regulations necessary thereto.

(b) The Director is hereby empowered and directed to administer and enforce all rules and regulations adopted for the efficient operations of the plan or plans formulated for the purposes of this article.

(c) The Director shall, from time to time as directed by the Secretary of Health and Human Services make such reports, in such form and containing such information as the Secretary of Health and Human Services shall require.

(d) The Director of Public Health and Social Services shall from time to time, pursuant to the rules and regulations of the Secretary of Health and Human Services and of the Secretary of the Treasury, requisition and cause to be deposited with the Treasurer of Guam all moneys allotted to Guam by the Federal government for the purposes of this article, and shall cause to be paid out of the treasury the moneys therein deposited for such purposes.

§ 3605. Services for Children with Special Health Needs: Custody and Expenditure.

(a) The Treasurer of Guam is hereby made custodian of all moneys allotted to Guam by the Federal government, or received from other sources, for the purposes of services for children with special health needs.

(b) The Treasurer of Guam shall receive and provide for the proper custody of such moneys and is authorized to deposit such moneys in the same manner as other public moneys are deposited.

(c) Such moneys shall be disbursed only upon certification by the Director.

§ 3606. Department Authorized to Enter into Agreements with Federal Government.

The Department is hereby authorized to enter into a cooperative agreement or agreements with the United States Department of Health and Human Services prescribing the manner, terms and conditions of cooperation with such Department of Health and Human Services in providing for the identification, diagnosis and treatment of children with special health needs. Such agreements may define the amounts which Guam and the Federal government will contribute under the agreement and the Department shall be bound and governed by such agreement or agreements.

ARTICLE 7
U.S. PUBLIC HEALTH SERVICES

§ 3701. Designation of the Department as Cooperative Agency.

§ 3702. Public Health and Social Services Programs: Administration and Purposes.

§ 3703. Guam Plan for Public Health Services.

§ 3704. Provisions to Be Included in Guam Plan.

§ 3705. Duties of Director.

§ 3706. Public Health Service Funds: Custody and Expenditures.

§ 3701. Designation of Department as Cooperative Agency.

The Department of Public Health and Social Services (the *Department*) is hereby designated as the agency to cooperate with the United States Public Health Service in the administration of those parts of the Public Health Service Act, as amended, which relate to grants and services for public health purposes, and is authorized to apply for, receive and expend all funds made available by the Federal government, or from any other source for the purposes provided in this article.

§ 3702. Public Health Services Programs: Administration and Purposes.

(a) The Department is hereby designated as the agency to administer U.S. Public Health Services programs in Guam.

(b) The purpose of such programs shall be to develop, extend and improve public health services.

§ 3703. Guam Plan for Public Health Services.

(a) The Department is hereby empowered and authorized:

(1) To formulate, adopt, subject to the approval of the Governor, and administer a detailed plan or plans for the purpose specified in § 3702 of this article.

(2) To make and adopt such rules and regulations, subject to the approval of the Governor, not inconsistent with the provisions of §§ 3702 through 3706, inclusive, or of the Public Health Service Act, as are or may be necessary for the administration of this article.

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

(b) Such plan or plans and the rules and regulations when formulated shall be submitted to the Secretary of Health and Human Services, and when approved by the Secretary shall thereupon be made effective by the Department, pursuant to the Administrative Adjudication Law.

§ 3704. Provisions to be Included in Guam Plan.

Such plan or plans shall include therein provisions for:

- (a) Financial participation by Guam.
- (b) Administration of such plan or plans by the Department.
- (c) Such methods of administration as are necessary for efficient operation of such plan or plans.
- (d) Maintenance of records and preparation, submission and filing of reports of services rendered.
- (e) Cooperation with medical, health, nursing and welfare groups and organizations for the purpose of extending and improving public health.
- (f) Receiving and expending in the manner provided herein in accordance with such plan or plans, all funds made available by the Federal government or from any other source for such purposes.
- (g) Cooperating with the Federal government, through its appropriate agency or instrumentality, in developing, extending and improving such services and in the administration of such plan or plans, and development of demonstration services.
- (h) Carrying out the purposes specified in § 3702 of this article.

§ 3705. Duties of Director.

(a) The Director of Public Health and Social Services (the *Director*) shall be the administrative officer of the agency with respect to the administration and enforcement of the provisions of this article, and of the plan or plans formulated and adopted in accordance therewith and all such rules and regulations necessary thereto.

(b) The Director is hereby empowered and directed to administer and enforce all rules and regulations adopted for the efficient operations of the plan or plans formulated for the purposes of this article.

(c) The Director shall from time to time, as directed by the Secretary of Health and Human Services, make such reports, in such form and containing such information as the Secretary shall require.

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

(d) The Director shall from time to time, pursuant to the rules and regulations of the Secretary of Health and Human Services, requisition and cause to be deposited with the Treasurer of Guam all moneys allotted to Guam by the Federal government for the purposes of this article, and shall cause to be paid out of the treasury the moneys therein deposited for such purposes.

§ 3706. Public Health Service Funds: Custody and Expenditures.

(a) The Treasurer of Guam is hereby made custodian of all moneys allotted to Guam by the Federal Government, or received from other sources, for the purposes of public health services.

(b) The Treasurer of Guam shall receive and provide for the proper custody of such moneys and is authorized to deposit such moneys in the same manner as other public moneys are deposited.

(c) Such moneys shall be disbursed only upon certification by the Director.

ARTICLE 8
COMMUNITY HEALTH CENTERS PROGRAM.

- § 3801. Legislative Intent and Purpose.
- § 3802. Title.
- § 3803. Program.
- § 3804. Personnel.
- § 3805. General Duties.
- § 3806. Federal Grants.
- § 3807. Authority to Set Fees.
- § 3808. Establishment of Regional Community Health Centers.
- § 3809. Continuing Service.
- § 3810. Urgent Care Service.
- § 3811. Revolving Fund.
- § 3812. Fee Schedule.
- § 3813. Advisory Council on Community Health Centers.
- § 3814. Duties of Council.
- § 3815. Repeal.
- § 3816. Effective Date.
- § 3817. Severability.

SOURCE: This Article added by P.L. 24-248:2.

§ 3801. Legislative Intent and Purpose.

It is the intent of *I Liheslaturan Guahan* to provide permanent guidelines to govern the creation, operation and maintenance of Guam's community health centers for the purpose of providing basic quality health care to the people of Guam in a joint partnership between government agencies and/or private entities.

§ 3802. Title.

This Act shall be known as, '*The Community Health Centers Act of 1998.*'

§ 3803. Program.

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

§ 3804. Personnel.

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

§ 3805. General Duties.

The general duties of the Bureau for the Program are:

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

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

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

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

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

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

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

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

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

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

§ 3806. Federal Grants.

The Bureau shall comply with all Federal requirements and procedures necessary for the administration of grant programs. The Director shall have the authority to apply for Federal Grants.

§ 3807. Authority to Set Fees.

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

§ 3808. Establishment of Regional Community Health Centers.

The following Regional Community Health Centers established in the past by virtue of Executive Orders specifically issued for the purpose shall hereafter be governed by the provisions of this Act:

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

(b) the Northern Regional Community Health Center ('NRCHC'), located in the Village of Dededo, which is tasked to provide quality

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

comprehensive primary health care services to the residents of the Northern villages of Guam; and

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

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

§ 3809. Contractual Service.

The Director may enter into a contractual agreement with other government agencies or health care provider(s) to provide either, totally or partially, Community Health Center services. The Director shall also negotiate contractual agreement for reimbursement of services by the beneficiaries of Health Insurance Providers or Health Maintenance Organization or other entities providing health benefits, or shall allow those government agencies or health care providers to seek reimbursement for their services rendered in the Community Health Centers.

§ 3810. Urgent Care Service.

The Community Health Center shall provide urgent care service based on the unavailability of such service in the community and shall enter into a contractual agreement with the Guam Memorial Hospital Authority or other health care providers to provide such service. The urgent care service must be adequate to meet the following medical care:

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

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

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

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

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

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

§ 3811. Revolving Fund.

(a) Community Health Center Revolving Fund. There is hereby established a Community Health Center Revolving Fund ('Fund') to be maintained and administered by the Director of the Department.

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

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

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

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

§ 3812. Fee Schedule.

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

The Department is hereby authorized to implement a fee schedule. The provision of this Act shall be repealed upon subsequent submission and approval of the fee schedule through the Administrative Adjudication Law. The fee schedule must give discounts accordingly to the Federal Income Poverty Guideline.

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

§ 3813. Advisory Council on Community Health Centers.

(a) Council Established. There shall be established within the Bureau an Advisory Council on Community Health Centers ("*Council*") to serve in an advisory capacity for each Region. The Council shall consist of seven (7) members appointed by *I Maga'lahaen Guahan* [Governor]. Members of the Council shall include a Village Mayor from the Region of the Community Health Center and one (1) of the Municipal Planning Council member from the Region, other than the Mayor or the Mayor's staff, which shall serve their term as long as they are serving in their respective positions. The other members of the Council shall serve for four (4) years; provided that, of the members first appointed two (2) shall serve for two (2) years and three (3) shall serve for four (4) years.

(b) Officers; Meeting Requirements. The Council shall annually elect a Chairperson, Vice-Chairperson and Recorder from among its membership. The Council shall meet at least quarterly at such time and place as the Chairperson may designate. Meetings shall be well publicized and shall be open to the public. The Director or the Division Head, or both, shall be present on all Council meetings. Executive sessions are permitted only in accordance with the Open Government Law. Four (4) members shall constitute a quorum of the Council for the transaction of business. The concurrence of a majority of the members present shall constitute official action of the Council.

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

§ 3814. Duties of Council.

The Council shall review and approve the plans and programs of the Community Health Center by the Bureau and for that purpose shall perform the following duties:

10 GCA HEALTH AND SAFETY
CH. 3 PUBLIC HEALTH AND SOCIAL SERVICES

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

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

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

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

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

§ 3815. Repeal.

Executive Order Nos. 70-25 and 86-05 pertaining to the Southern Regional Community Health Center are hereby *repealed*.

§ 3816. Effective Date.

The provisions contained in this Act shall take effect upon enactment.

§ 3817. Severability.

If any of the provisions of this Act or the application thereof to any person or circumstance are held invalid, such invalidity shall not affect any other provision or application of this Act, which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.
