

GOVERNMENT OF GUAM  
OFFICE OF THE GOVERNOR  
AGANA, GUAM

EXECUTIVE ORDER NO. 77-20

TO	Initial	Date
Legal	[Signature]	9/30
Gene	[Signature]	9/30
Gov.	[Signature]	9/30
FILES by	JHM	10/5

CREATION OF THE HEALTH PLANNING AND DEVELOPMENT AGENCY

WHEREAS, the large infusion of federal and local resources for the support of health care services on Guam has not appreciably changed the health status of the people of the Territory and such resources are limited; and

WHEREAS, there is no regulatory authority in the Territory relative to the growth, change or creation of health services delivery systems; and

WHEREAS, there is at present a considerable lack of coordination between entities in the health care system resulting in duplication of services, mal-distribution of health manpower and inefficient use of health services funds; and

WHEREAS, the Congress and the President of the United States have made similar findings in Section 2 of Public Law 93-641 the National Health Planning and Resources Development Act of 1974; and

WHEREAS, said law authorizes the establishing of a State Health Planning and Development Agency to perform the Health Planning, Implementation and Regulatory functions for the State; and

WHEREAS, Public Law 93-641 authorizes the establishment of a State Health Coordinating Council whose function shall be to advise the Agency; and

WHEREAS, it has been shown that effective implementation of health plans and projects must gain the support of the community; and

WHEREAS, decisions relative to the allocation of health resources on the island must be arrived at as objectively as possible and further, decisions relative to the planning, implementation and regulation of health resources and services must also be made in the most forthright and objective manner; and

WHEREAS, the plans, recommendations and decisions made by the State Health Planning and Development Agency involve large amounts of federal and local funds; and

WHEREAS, the effective implementation and regulation of health resources is the responsibility of the Executive Branch of the Government of Guam;

NOW, THEREFORE, I, RICARDO J. BORDALLO, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, do hereby order as follows:

1. Executive Order 76-5 is hereby repealed.

2. The Guam Health Planning and Development Agency is hereby established as an Agency of the Executive Branch of the Government of Guam. This Agency shall be operated in accordance with applicable territorial statutes, policies, regulations and procedures.

3. The Guam Health Coordinating Council is hereby established to advise the Agency generally of its performance. Said Council shall be appointed by the Governor and serve at his pleasure.

4. The Agency shall be administered by an Administrator and an Associate Administrator. The Council shall recommend, and the Governor shall appoint the Administrator. The Associate Administrator shall be appointed by the Administrator with the approval of the Governor. Other unclassified positions may be established by the Administrator with the approval of the Governor. All other positions shall be classified Government of Guam positions, subject to the rules, regulations and procedures of the Government of Guam.

5. For the purpose of improving the health of the residents of Guam; increasing the accessibility, acceptability, continuity and quality of the health services of the residents, restraining increases in the cost of providing residents' health services, and preventing the unnecessary duplication of health resources, the Agency shall have as its primary responsibility, the provision of effective health planning for the island and the promotion of the development within the area of health services, manpower, and facilities which meet identified needs, reduce documented inefficiencies and implement the Guam Health Plan. To meet its primary responsibility, the Agency shall carry out the following functions:

- a. The Agency shall assemble and analyze data concerning:
- (1) the status (and its determinents) of the health of the residents of Guam,
  - (2) the status of the health care delivery system in Guam and the use of that system by the island's residents,
  - (3) the effect the island's health care delivery system has on the health of the residents of Guam,
  - (4) the number, type, and location of the island's health resources, including health services, manpower and facilities,
  - (5) the patterns of utilization of the island's health resources, and
  - (6) the environmental and occupational exposure factors affecting immediate and long-term conditions.

b. Establish, annually review, and amend as necessary the Guam Health Plan which shall be a detailed statement of goals.

- (1) describing a healthful environment and health systems on the island which when developed, will assure that quality health services will be available and accessible in a manner which assures continuity of care at a reasonable cost for all the residents of Guam;
- (2) which are responsive to the unique needs and resources of the area; and
- (3) which take into account and are consistent where applicable with the national guidelines for health planning policy issued by the Secretary of Health, Education and Welfare.

c. The Agency shall establish annually review, and amend as necessary an Annual Implementation Plan which describes objectives which will achieve the goals of the Guam Health Plan and priorities among the objectives.

d. The Agency shall develop and publish specific plans and projects for achieving the objectives established in the Annual Implementation Plan.

e. The Guam Health Planning and Development Agency shall implement the Guam Health Plan and Annual Implementation Plan which when submitted to the Secretary of HEW, shall be the health policy documents of the Government of Guam. In implementing such plans, the Agency shall perform at least the following functions:

(1) the Agency shall seek, to the extent practicable, to implement its Health Plan and Annual Implementation Plan with the assistance of individuals and public and private entities on the island.

(2) the Agency may provide, in accordance with the priorities established in the Annual Implementation Plan, technical assistance to individuals and public and private entities for the development of projects and programs which the Agency determines are necessary to achieve the health systems described in the Guam Health Plan.

(3) the Agency shall, in accordance with the priorities established in the Annual Implementation Plan, make grants to public and non-profit private entities and enter into contracts with individuals and public and non-profit private entities to assist them in planning and developing projects and programs which the Agency determines are necessary for the achievement of the health systems described in the Guam Health Plan. Such grants shall be made from the Area Health Services Development Fund of the Agency established with funds provided under grants made under Title XVI, Section 1640 of Federal Public Law 93-641.

f. The Agency shall coordinate its activities with all appropriate governmental and private agencies and for this purpose shall enter into written coordination agreements, the content of which will depend upon the nature and extent of coordination, with the following agencies of the Government:

- (1) The A-95 Clearinghouse
- (2) The Bureau of Budget and Management Research
- (3) The Bureau of Planning

- (4) The Guam Memorial Hospital
- (5) The Department of Public Works
- (6) The Department of Public Health and Social Services
- (7) The Department of Public Safety
- (8) The Guam Environmental Protection Agency
- (9) The Department of Labor
- (10) The Department of Commerce; and any other government agency the Agency determines appropriate.

The Agency shall seek to enter into agreements with the following:

- (1) The Guam Medical Society (relative to its relationship with a Professional Standards Review Organization.

- (2) The Medical Center of the Marianas

- (3) The Family Health Program

- (4) The Health Maintenance Life Program

- (5) Health Insurance Providers

- (6) The Social Security Administration; and any other private group or agency which the Agency determines appropriate.

g. The Agency shall review and approve or disapprove each proposed use on Guam of federal funds -

- (1) appropriated under the Public Health Services Act,

- (2) the Community Mental Health Centers Act; or

- (3) the Comprehensive Alcohol Abuse and Alcoholism

Prevention, Treatment and Rehabilitation Act of 1970.

for grants, contracts, loans or loan guarantees for the development, expansion, or support of health resources; or funds made available by the Government of Guam for support of any of the above.

h. The Agency shall develop, publish and review annually the Guam Medical Facilities Plan which shall as a minimum set forth:

- (1) the number and type of medical facility beds and medical facilities needed to provide adequate inpatient care to the people of Guam and a plan for the distribution of such beds and facilities on the island,

(2) the number and type of outpatient and other medical facilities needed to provide adequate public health services and outpatient care to people residing on Guam and a plan for the distribution of such facilities throughout the island, and

(3) the extent to which existing medical facilities in Guam are in need of modernization or conversion to new uses.

i. The Agency shall also administer a medical facilities construction grant and loan program which program shall:

(1) be consistent with the Guam Medical Facilities Plan,

(2) indicate the type of assistance which should be made available to each project,

(3) set forth priorities for the provision of assistance, and

(4) provide minimum requirements for the maintenance and operation of facilities which receive assistance under this section.

j. The Agency shall publish its findings respecting new institutional health services proposed to be offered on Guam.

k. Review on a periodic basis (but not less often than every five years) all institutional health services being offered on Guam and make public its findings respecting the appropriateness of such services.

1. The Agency shall serve as the designated planning agency of Guam for purposes of Section 1122 of the Social Security Act and shall administer a Certificate of Need Program which applies to new institutional health services proposed to be offered or developed on Guam. Such program shall provide for the review and determination of need prior to the time such services, facilities and organizations are offered or developed or substantial expenditures are undertaken in preparation for such offering or development, and provide that only those services, facilities, and organizations found to be needed shall be offered or developed on Guam.

6. The staff of the Office of Health Planning and Resources Development is hereby transferred. The transferees shall be the staff of the Guam Health Planning and Development Agency. All equipment, records and supplies of that office are transferred to Guam Health Planning and Development Agency. Wages and salaries for unclassified employees shall be set by the Governor at rates recommended by the council.

7. The Agency shall be advised by the Guam Health Coordinating Council. The Council shall advise the Agency generally in the performance of its functions. This advisory capacity shall include but not be limited to:

- a. Approve or disapprove the Guam Health Plan.
- b. Approve or disapprove the Guam Medical Facilities Plan based upon its consistency with the Guam Health Plan.
- c. Review and comment on applications made for grants from the Area Health Service Development Fund and grants from the Facilities Construction grant and loan program.
- d. Review annually and approve or disapprove any State Plan and any application (and any revision of a State Plan or application developed as a condition for receipt of any funds under allotments to States described in Section 5.g. of this Executive Order.
- e. Review and comment on the Annual and Implementation Plan.
- f. Review and Comment on applications for Certificate of Need.
- g. Review and comment on the Annual Work Program of the Agency, its Annual Grant Application, and Policies and Procedures.

8. The Department of Administration shall provide administrative support for the Agency's accounting and purchasing requirements.

9. The agency shall have cabinet ranking and shall have all the authority, privileges and responsibilities in the administration of its duties.

10. The agency shall perform its functions in accordance to federal Public Law 93-641 and any amendments thereto; and all applicable laws, rules, regulations and policies of the territory.

This Order shall take effect upon October 1, 1977 or upon the date of my signature, whichever is later.

Signed at Agana, Guam this 30th day of SEPTEMBER, 1977.

*/s/* RICARDO J. BORDALLO  
RICARDO J. BORDALLO  
Governor of Guam

COUNTERSIGNED:



RUDOLPH G. SABLAN  
Lieutenant Governor