I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
158-36 (LS) As amended on the Floor.	Tina Rose Muña Barnes Mary Camacho Torres Amanda L. Shelton Joe S. San Agustin Clynton E. Ridgell Jose "Pedo" Terlaje Frank Blas Jr. James C. Moylan V. Anthony Ada	AN ACT TO *ADD* CHAPTER 54 TO TITLE 17 GUAM CODE ANNOTATED RELATIVE TO BUILDING UP GUAM'S HEALTHCARE CAPACITY AND TO CITE THIS ACT AS THE *BIRÅDA* ACT.	6/30/21 3:17 p.m.	7/6/21 3:30 p.m.	Committee on Air Transportation, Parks, Tourism, Higher Education and the Advancement of Women, Youth, and Senior Citizens	8/13/21 8:00 a.m.	9/16/21 1:29 p.m.	Request: 7/7/21 7/9/21	

SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES
3/25/22	AN ACT TO *ADD* A NEW CHAPTER 54 TO TITLE 17, GUAM CODE ANNOTATED; AND AMEND SECTION 1 (g)(10) OF CHAPTER V OF PUBLIC LAW 36-54, RELATIVE TO BUILDING UP GUAM'S HEALTHCARE CAPACITY; AND TO CITE THIS ACT AS THE *"BIRÅDA ACT."*	4/1/22	4/1/22	4/13/22	36-88	4/7/22	Received: 4/8/22 Mess and Comm. Doc. No. 36GL-22-1856

LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

April 7, 2022

Doc Type: 36GL-22-1856
OFFICE OF THE SPEAKER
THERESE M. TERLAJE
04 07 2022
Time: 4:32 PM
Received:

HONORABLE THERESE M. TERLAJE, *Speaker*
I Mina'trentai Sais Na Liheslaturan Guåhan
36th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: **BILL NO. 158-36 (LS) – AN ACT TO *ADD* A NEW CHAPTER 54 TO TITLE 17, GUAM CODE ANNOTATED; AND *AMEND* SECTION 1 (g)(10) OF CHAPTER V OF PUBLIC LAW 36-54, RELATIVE TO BUILDING UP GUAM'S HEALTHCARE CAPACITY; AND TO CITE THIS ACT AS THE *"BIRÅDA ACT"***

Hafa Adai Madame Speaker,

The current public health emergency has shown that we, as an island, must take proactive steps in pursuit of a strong healthcare system. It is not enough to simply hope that members of our community pursue learning opportunities in healthcare fields and return to serve our island. We must do better to foster local interest in these programs, support the talented students pursuing them, and motivate our students to come home when they complete their studies.

Bill No. 158-36 aims to empower and incentivize Guam students to obtain an education in diverse healthcare fields, in which we experience professional shortages, by establishing a Scholarship Office in the Guam Community College for the Western Interstate Commission for Higher Education's Professional Student Exchange Program ("WICHE PSEP"). The WICHE PSEP allows local students to pursue careers in ten (10) diverse healthcare fields in WICHE member states. These students would receive financial support through public and private funding sources, and commit to a service obligation in Guam following completion of their chosen program. This initiative will help our students achieve education in competitive healthcare fields at a reasonable cost, which will in turn enable graduates to bring their talents home to our community without the burden of the heightened cost traditionally associated with this education.

As we look ahead toward improving healthcare facilities on our island, it is imperative that we build up our capacity to staff these facilities and provide the services our people need. For these reasons, I sign Bill No. 158-36 into law as ***Public Law No. 36-88***.

Senseremente,

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

COMMITTEE ON RULES
RECEIVED:
April 7, 2022
5:01 P.M.

Enclosure: Bill No. 158-36 (LS) *nka P.L. No. 36-88*
cc via email: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*
Compiler of Laws

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

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

This is to certify that **Bill No. 158-36 (LS), "AN ACT TO *ADD* A NEW CHAPTER 54 TO TITLE 17, GUAM CODE ANNOTATED; AND *AMEND* SECTION 1 (g)(10) OF CHAPTER V OF PUBLIC LAW 36-54, RELATIVE TO BUILDING UP GUAM'S HEALTHCARE CAPACITY; AND TO CITE THIS ACT AS THE "*BIRÅDA ACT*,"** was on the 1st day of April 2022, duly and regularly passed.

Therese M. Terlaje
Therese M. Terlaje
Speaker

Attested:
Amanda Shelton
Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 1 day of April, 2022, at 9:39 o'clock P .M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:
Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 4/7/2022

Public Law No. 36-88

2022-16196
RCVD AT CENTRAL FILES
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Elaine Tajalle

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 158-36 (LS)
As amended on the Floor.

Introduced by:

Tina Rose Muña Barnes
Mary Camacho Torres
Amanda L. Shelton
Joe S. San Agustin
Clynton E. Ridgell
Jose "Pedo" Terlaje
Frank Blas Jr.
James C. Moylan
V. Anthony Ada
Joanne Brown
Christopher M. Dueñas
Telena Cruz Nelson
Sabina Flores Perez
Telo T. Taitague
Therese M. Terlaje

AN ACT TO *ADD* A NEW CHAPTER 54 TO TITLE 17, GUAM CODE ANNOTATED; AND *AMEND* SECTION 1 (g)(10) OF CHAPTER V OF PUBLIC LAW 36-54, RELATIVE TO BUILDING UP GUAM'S HEALTHCARE CAPACITY; AND TO CITE THIS ACT AS THE "*BIRÅDA ACT.*"

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Chapter 54 is hereby *added* to Title 17, Guam Code Annotated, to read as follows:

"CHAPTER 54

BIRÅDA ACT

§ 54101. Establishment and Short Title.

There is hereby established the *Biråda Act.*

§ 54102. Purpose and Intent.

The intent of this Act is to build Guam's healthcare capacity. Currently, there is established the "*Physician Recruitment and Retention Education Debt Repayment Program*"; however, the benefits of this program have yet to be realized. In 2021, the 36th Guam Legislature's Committee on Regional Affairs worked closely with the Western Interstate Commission for Higher Education (WICHE) to secure a U.S. Department of the Interior Office of Insular Affairs Technical Assistance Program Grant to increase access to postsecondary opportunities by increasing affordability for insular students and ultimately building the capacity of the U.S. Pacific Territories and Freely Associated States. Through this, students of Guam can pursue a college education and reduced nonresident tuition at over one hundred sixty (160) partner colleges for their undergraduate and graduate degrees in a variety of fields – excluding professional healthcare degrees, such as medicine. Based on the success of this initiative, Guam's current dues of Seventy-eight Thousand Dollars ($78,000) for the WICHE program no longer needs to be appropriated by *I Liheslatura* for the next fiscal year.

I Liheslatura acknowledges that it is prudent to build Guam's healthcare capacity. As it stands, the cost of a professional healthcare education presents a challenge for many of our local students. Students who are fortunate to attain such education tend to accept higher paying jobs in order to pay for their exorbitant investment – mainly off island. The intent of this Act is to allow Guam's local students to attain an affordable, world-class professional healthcare education and have them come back to the island to serve our community in need.

Based on *I Liheslatura's* findings, there may be a need to also create the necessary infrastructure to allow for local students to be competitive with their

counterparts, and obtain acceptance into professional healthcare education programs. *I Liheslatura* further acknowledges the successes of the Guam Community College in implementing such programs.

The intent of this Act is to allow the Guam Community College to serve as the administrative officer of the WICHE Professional Student Exchange Program (PSEP) for Guam residents, which would allow students to pursue careers in ten (10) healthcare fields served by partner programs in WICHE member states, while receiving financial support from their state/territory to support tuition costs over the duration of a health degree. By participating in WICHE's Professional Student Exchange Program (PSEP), western states and territories benefit by inspiring and compelling graduates to return home to practice and bolster the professional health care workforce of their communities.

This Act would establish and fund the required Scholarship Office for the WICHE PSEP within the Guam Community College. The Scholarship Office would, in turn, determine a student's eligibility and work with *I Liheslatura*, community partners, and governmental stakeholders to fund the per-student, annual fee. Should a student be funded through local private entities, the student would in turn be required to fulfill their service obligation to the private sponsor. Should a student be supported through public funds, the student would then be required to fulfill their service obligation to an instrumentality of the government of Guam.

§ 54103. Definitions.

As used in this Chapter:

(a) *Committee* shall mean the Guam Community College President, the Guam Community College Board of Trustees Chairperson, the CEO/Administrator of the Guam Economic Development Authority, the Administrator of the Guam Memorial Hospital Authority, the Director of the Guam Department of Public Health and Social Services, the Director of the

Guam Behavioral Health and Wellness Center, the Chairperson of the Guam Board of Medical Examiners, and the President of the Guam Medical Association.

(b) *Participant* shall mean any individual who is awarded sponsorship through the Scholarship Office.

(c) *Public health care facility* shall mean a government-run health care facility or entity on Guam.

(d) *Private health care facility* shall mean a privately-run health care facility on Guam.

(e) *Program* shall mean the Western Interstate Commission for Higher Education Professional Student Exchange Program.

(f) *Scholarship Office* shall mean an office at the Guam Community College created specifically to administer the Western Interstate Commission for Higher Education Professional Student Exchange Program for Guam residents.

(g) *Qualifying health specialty* shall include health specialties covered under the Western Interstate Commission for Higher Education Professional Student Exchange Program.

(h) *Service obligation* shall mean the obligation by the participant to provide health care services in their specialty for a period pursuant to § 54106 of this Chapter.

§ 54104. Administration.

The provisions of this Chapter shall be administered by the Guam Community College under the purview of the President. A Scholarship Office shall be created as an entity within the Guam Community College to administer the WICHE PSEP for Guam residents.

The Scholarship Office shall develop guidelines for the administration of the Program, to be inclusive of the following:

(a) develop an application process for students to apply for consideration for support;

(b) develop a selection and appeals process for students who wish to apply for higher education in qualifying health fields;

(c) develop a criterion for a contract obligating recipients to a service obligation or repayment where applicable;

(d) collect and manage repayments from participants who do not meet their service obligations;

(e) solicit and accept grants and donations from public and private sources for the Program;

(f) create a mechanism for private health care facilities to sponsor participants who wish to participate in the Program;

(g) publicize the Program to maximize participation among individuals in shortage areas and among populations expected to experience the greatest growth in the workforce;

(h) establish a ceiling of any public funds available for sponsorship of local students into the Program; and

(i) establish and maintain a separate account within the Guam Community College to receive funds from both public and private sources that is to be used strictly for the Program.

§ 54105. Program and Eligibility.

Eligibility into the Program shall be determined by the Scholarship Office based on the following criteria:

(a) The participant is a bonafide resident of Guam, having resided on Guam for a period of five (5) years. Nothing in this Section shall prohibit

a participant who may have received their undergraduate degree at an off-island college or a participant who has served off-island as a member of the United States Armed Forces from qualifying; provided, that the participant presents documented proof of five (5) years of consecutive residency on Guam prior to attending an off-island college or serving in the United States Armed Forces.

Nothing in this Section shall prohibit a participant from qualifying who may have lived off-island due to their legal guardian being legally separated, and the participant was living off-island with their guardian; provided, that the other guardian is a resident of Guam who has lived on Guam for five (5) years consecutively. The participant is required to furnish documents to verify such claims.

(b) The participant has the necessary pre-requisites to enter a professional healthcare program as defined and stipulated under the WICHE PSEP, and the participating school.

(c) The participant shall not be receiving any other assistance from another state or territory for the purposes of attaining a professional healthcare degree.

(d) The participant shall enter into a contract with the Scholarship Office stating their commitment and desire to serve in Guam.

(e) Any participant who chooses to participate in the Program and be sponsored by a private health care facility may submit as an addendum to their application, a signed affidavit by both the participant and the private health care facility, outlining the intent of the sponsorship, as well as the health professional shortage area that the participant intends to pursue and the total sponsorship amount that the private health care facility commits to contribute.

Nothing in this Section shall prohibit a participant from applying and being sponsored by a private health care facility without the aforementioned affidavit. The Scholarship Office, as outlined in § 54104(e) of this Chapter, may develop its own pool of donors that the Committee may utilize funds from and award sponsorships.

(f) A participant may apply to the Program prior to acceptance from a partner school in the Program; however, no funds will be disbursed until a participant furnishes to the Scholarship Office proof of acceptance into a program within the scope of a qualifying health specialty.

(g) The participant must furnish a police clearance, and not be charged with a felony, crime of moral turpitude, or criminal sexual conduct, upon application and throughout the term of their participation in the Program. Should a participant be charged with an aforementioned crime during the course of their education, the Committee shall determine the individual's eligibility to remain in the Program. Should a participant be deemed ineligible, the participant is obligated to return any funds used to sponsor said participant in the Program.

§ 54106. Service Obligation.

(a) The participant agrees to actively engage in full-time professional practice in Guam in the qualifying health specialty in which he or she was educated for not less than five (5) years as the Committee requires. The taking of a medical residency program in Guam shall be credited toward the practice requirements at the rate of one-third (1/3) year of full-time practice for each year of service in a medical residency program in Guam.

(b) Participants who participate in an accelerated track are required to serve the equivalent of the non-accelerated track of the similar program.

(c) Prior to disbursing any funds to the participant's accepted school, the Scholarship Office shall enter into a contract with the participant outlining the service obligation. Such contract shall include a repayment plan should the participant default on their obligation. The repayment plan may include a deferment of up to six (6) months after the participant's graduation or residency, whichever is later.

§ 54107. Funding.

(a) The Scholarship Office shall establish a separate account within the Guam Community College to administer the Program.

(b) The Scholarship Office shall solicit from the Guam Economic Development Authority funds that may be utilized from the Qualifying Certificate Program to build Guam's healthcare capacity. Participants sponsored under this funding source shall be required to complete their service obligation in a public health care facility.

(c) The Scholarship Office may further solicit funds from private health care facilities. Private health care facilities may sponsor participants into the Program as an eligible business expense; provided, that the private health care facility is established to function within the scope of a health professional shortage area, and provided, that the total sponsorship amount of the participant for the duration of the Program is transferred to the Scholarship Office prior to the participant beginning his/her course of study. Participants who are sponsored through this partnership are eligible to complete their service obligation in the private health care facility that sponsored their course of study pursuant to the same terms as defined in § 54106 of this Chapter."

Section 2. Section 1(g)(10) of Chapter V of Public Law 36-54 is hereby *amended* to read as follows:

"(10) Funding for Membership to WICHE. The sum of Seventy-eight Thousand Five Hundred Dollars ($78,500) is appropriated from the General Fund to the Guam Community College for the purpose of funding a Scholarship Office to administer the Western Interstate Commission for Higher Education Professional Student Exchange Program for qualified Guam residents."