


*I Mina'trentai Ocho Na Liheslaturan Guåhan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
31-38 (COR)	William A. Parkinson	AN ACT TO AMEND CHAPTER 7 OF DIVISION 1, TITLE 10, GUAM CODE ANNOTATED, AND ADD A NEW (N) TO §9302 (b) (1) OF CHAPTER 9, OF DIVISION 1, TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO EXPANDING OPTIONS FOR ASSISTED LIVING FACILITIES.	1/17/25 9:55 a.m.						

***I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN***  
**2025 (FIRST) Regular Session**

**Bill No. 31-38 (COR)**

Introduced by:

William A. Parkinson 

**AN ACT TO *AMEND* CHAPTER 7 OF DIVISION 1, TITLE 10, GUAM CODE ANNOTATED, AND ADD A NEW (N) TO §9302 (b) (1) OF CHAPTER 9, OF DIVISION 1, TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO EXPANDING OPTIONS FOR ASSISTED LIVING FACILITIES**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that Guam's aging population continues to grow significantly, with *Manåmko* comprising a substantial portion of the island's residents. Many of these individuals require care and assistance that falls between independent living and the intensive support of a nursing home. Currently, Guam lacks adequate intermediate care options to address the diverse needs of *Manåmko*, creating a gap in the continuum of care. Assisted living facilities provide a vital service by offering safe, supportive environments for seniors who require assistance with daily activities but do not need the constant medical care provided in nursing homes. Such facilities promote dignity, independence, and quality of life, aligning with cultural values of respect and care for elders.

Additionally, *I Liheslaturan Guåhan* recognizes the introduction of a qualifying certificate (QC) program aimed at incentivizing the development of assisted living facilities on Guam was passed under Public Law 36-111. While the QC program provides essential economic incentives, the absence of a statutory

1 framework leaves a regulatory void, potentially hindering the effective  
2 establishment and oversight of assisted living facilities.

3 *I Liheslaturan Guåhan* further finds that the establishment of a comprehensive  
4 statutory and regulatory framework for assisted living facilities will enhance care  
5 quality, ensure safety, and promote accountability. Moreover, this framework is  
6 essential to attract and guide investment in such facilities under the QC program. By  
7 supporting the development of assisted living facilities, Guam can better address the  
8 needs of its *Manåmko*, enhance community well-being, and stimulate economic  
9 activity through the creation of jobs and related services.

10 Therefore, it is the intent of *I Liheslaturan Guåhan* to establish a robust legal  
11 and regulatory framework to facilitate the development, operation, and oversight of  
12 assisted living facilities on Guam. This framework will ensure that facilities meet  
13 high standards of care, address the intermediate care needs of *Manåmko*, and  
14 maximize the potential benefits of the qualifying certificate program for Guam’s  
15 residents and economy.

16 **Section 2.** Chapter 7, Division 1, Title 10, Guam Code Annotated, is hereby  
17 *amended* to read:

18 **“CHAPTER 7**

19 **~~NURSING HOMES~~ ASSISTED LIVING FACILITIES**

20 **§ 7101. Declaration of Policy.**

21 **§ 7102. Definitions.**

22 **§ 7103. License Required.**

23 **§ 7104. ~~Homes~~ Assisted Living Facilities Operated by Territory.**

24 **§ 7105. Application for the Issuance of License to Operate**

25 **~~Nursing Home~~ Assisted Living Facility.**

26 **§ 7106. Renewal and Revocation of ~~Nursing Home~~ Assisted Living**  
27 **Facility License; Provisional License.**

1           **§ 7107. Submission of Plan and Consultation.**

2           **§ 7108. Powers.**

3           **§ 7109. Name of ~~Home~~ Facility.**

4           **§ 7110. Administration and Management of ~~Nursing Homes~~**  
5           **Assisted Living Facilities.**

6           **§ 7111. Contracts.**

7           **§ 7112. Classification of ~~Homes~~ Facilities; Administrators and**  
8           **Nurses.**

9           **§ 7113. Property and Personal Affairs of Patients.**

10          **§ 7114. Health of Personnel.**

11          **§ 7115. Exclusion from ~~Nursing Home~~ Assisted Living Facility.**

12          **§ 7116. Rebating Prohibited.**

13          **§ 7117. Closing of ~~Nursing Home~~ Assisted Living Facility.**

14          **§ 7118. Chapter Not Applicable.**

15          **§ 7119. Right of Entry and Inspection.**

16          **§ 7120. Public Funds.**

17          **§ 7121. Fees.**

18          **§ 7122. Penalties and Remedies.**

19          **§ 7123. Hearings and Judicial Review.**

20  
21           **§ 7101.       Declaration of Policy**

22           It is the policy of this Territory to encourage and promote measures and the  
23           development and utilization of resources to ensure the effective care and treatment  
24           of persons who are convalescing or whose physical or mental condition requires  
25           them to receive a degree of nursing and/or related health care greater than that  
26           necessary for well individuals, but not so acute as to require hospitalization. Such  
27           care and treatment require a living environment for them which, to the extent

1 practicable, will approximate a normal home environment. To this end, the guiding  
2 principle for the administration of the laws of this Territory is that such person  
3 shall be encouraged and assisted in securing necessary care and treatment in non-  
4 institutional surroundings. Recognizing that for many persons effective care and  
5 treatment can only be secured from proprietary, voluntary, and governmental  
6 nursing homes, it is the policy of this Territory to encourage, promote and require  
7 the maintenance of institutions other than hospitals offering nursing and/or related  
8 health care so as to insure protection of those using the services of such facilities.

9 **§ 7102. Definitions.**

10 As used in this Chapter, unless the context requires a different meaning:

11 (a) “Assisted living facility” means a residence for the elderly or infirm who  
12 require assistance with some of the routine activities of daily living as well as  
13 ready access to medical care as needed and shall include, but not be limited to, the  
14 following:

15 (1) Nursing home means an institution, private home, other place  
16 or part or unit thereof, however named, whether for profit or not,  
17 including facilities operated by the government of Guam, which is  
18 advertised, offered, maintained or operated for the express or implied  
19 purpose of providing accommodations, nursing and/or related health care  
20 for two or more individuals not related to the owner or administrator by  
21 blood or marriage within the third degree of consanguinity, which  
22 accommodations and care for a period of twenty-four (24) or more  
23 consecutive hours, but shall not include any place providing care and  
24 treatment primarily for the acutely ill; and

25 (2) “Residential care facility for the elderly” means a housing  
26 arrangement chosen voluntarily by persons sixty (60) years of age or over,  
27 or their authorized representative, where varying levels and intensities of

1 care and supervision, protective supervision, personal care, or health-related  
2 services are provided, based upon their varying needs, as determined in  
3 order to be admitted and to remain in the facility. Persons under 60 years of  
4 age with compatible needs may be allowed to be admitted or retained in a  
5 residential care facility for the elderly if needed;

6 (b) “Administrator ~~of a nursing home~~” means the individual in general  
7 administrative charge of the ~~nursing home~~ assisted living facility; and

8 (c) “Person” means any individual, corporation, partnership, association,  
9 territory or agency of the Territory or any other entity.

10 **§ 7103. License Required.**

11 (a) No person shall operate an ~~nursing home~~ assisted living facility unless  
12 the Department of Public Health and Social Services has issued, and there is in  
13 force, a license authorizing such operation.

14 (b) No license to operate a hospital or other facility for the care and  
15 treatment of the physically or mentally shall authorize the operation of an ~~nursing~~  
16 ~~home~~ assisted living facility or an ~~nursing home~~ assisted living facility part of such  
17 hospital or facility. The operation of an ~~nursing home~~ assisted living facility in  
18 conjunction with, or under the same management as a hospital or other facility,  
19 shall require such ~~nursing home~~ assisted living facility or ~~nursing home~~ assisted  
20 living facility part to be separately licensed as an ~~nursing home~~ assisted living  
21 facility pursuant to this Chapter.

22 **§ 7104. Homes Assisted Living Facilities Operated by Territory**

23 Notwithstanding any provision of this Chapter no license pursuant to § 7103  
24 here of shall be required as a condition of the establishment or operation of any  
25 ~~nursing home~~ assisted living facility by this Territory or any agency thereof. All  
26 other provisions and requirements of this Chapter and standards, rules, and  
27 regulations in force pursuant thereto shall apply to any such homes, and the

1 Department of Public Health and Social Services shall have powers of supervision  
2 with respect thereto.

3           **§ 7105.       Application for the Issuance of License to Operate ~~Nursing~~**  
4 **~~Home~~ Assisted Living Facility.**

5           (a) Any person proposing to operate an ~~nursing home~~ assisted living facility  
6 shall, prior to the commencement of such operation, make application to the  
7 Department of Public Health and Social Services for a license by the Department  
8 of Public Health and Social Services, which shall contain the following  
9 information:

10                   (1) The name and address of the person making application;

11                   (2) The name and address of the individual designated by the  
12 applicant as the administrator of the ~~nursing home~~ assisted living facility,  
13 and such additional information concerning such individual as the  
14 Department of Public Health and Social Services may require;

15                   (3) The address of the premises which are to constitute the ~~nursing~~  
16 ~~home~~-assisted living facility, together with a description of all structures and  
17 facilities forming a part thereof, in such detail as the Department of Public  
18 Health and Social Services may require;

19                   (4) The name by which the ~~nursing home~~ assisted living facility is to  
20 be known;

21                   (5) The identity of the owner or owners of the ~~nursing home~~ assisted  
22 living facility and, if the owner is a corporation, the names of the officers  
23 and principal stockholders thereof;

24                   (6) The bed capacity and/or maximum occupancy of the ~~nursing home~~  
25 assisted living facility;

26                   (7) A description of the programs and services to be furnished and of  
27 the means available to the applicant for providing the same, and for meeting

1 requirements for staffing, equipping and operating the ~~nursing home~~ assisted  
2 living facility, with particular reference to the professional requirements of §  
3 7110 of this Chapter;

4 (8) Proof that the premises are in conformity with all applicable state  
5 and local health, safety, zoning and subdivision laws or ordinances, and  
6 building codes, and that any necessary permits for occupancy have been  
7 issued by the appropriate territorial authorities and are in full force; and

8 (9) Such other information as the Department of Public Health and  
9 Social Services may require in order to permit the Department of Public  
10 Health and Social Services to ascertain whether the applicant is in a position  
11 to operate an ~~nursing home~~ assisted living facility in conformity with the  
12 provisions of this Chapter.

13 (b) Within sixty (60) days of receipt of a completed application, the  
14 Department of Public Health and Social Services shall issue an ~~nursing home~~  
15 assisted living facility license to the applicant, valid for one (1) year from the date  
16 of issue and covering the premises identified in the application, unless it finds the  
17 representation made in the application to be materially incorrect or insufficient, or  
18 unless it finds that the applicant, the premises and the designated administrator of  
19 the ~~nursing home~~ assisted living facility do not meet all requirements of law for  
20 entitlement thereto.

21 (c) The name of the administrator of the ~~nursing home~~ assisted living facility  
22 shall appear on the ~~nursing home~~ assisted living facility license. Any change of  
23 such administrator shall require the surrender and cancellation of the ~~nursing home~~  
24 assisted living facility license and the issuance of a new license bearing the name  
25 of the new administrator. Unless a change of administrators occurs at the time of  
26 renewal of an ~~nursing home~~ assisted living facility license, such change shall not of  
27 itself require the Department of Public Health and Social Services to pass upon any



1 matter other than whether the newly designated administrator meets applicable  
2 requirements of law. Any license issued solely by reason of a change in the  
3 designated administrator shall bear the same expiration date as the license which it  
4 replaces. If the holder of an nursing home assisted living facility license is required  
5 to secure a new administrator on inadequate notice or under emergency conditions,  
6 he may, upon prompt notice to the Department of Public Health and Social  
7 Services and in accordance with rules and regulations thereof, place the ~~nursing~~  
8 ~~home~~ assisted living facility in charge of an acting administrator for such limited  
9 time as may be necessary to permit the securing of a proper administrator, but in  
10 no case shall such time be in excess of one hundred twenty (120) days.

11 (d) No change in an ~~nursing home~~ assisted living facility, its operation,  
12 program or services of a degree or character affecting continuing licensability shall  
13 be made prior to approval thereof by the Department of Public Health and Social  
14 Services.

15 (e) The Department of Public Health and Social Services by rule or  
16 regulation may determine the types of changes which may not be made without its  
17 prior approval.

18 **§ 7106. Renewal and Revocation of ~~Nursing Home~~ Assisted Living**  
19 **Facility License; Provisional License.**

20 (a) Sixty (60) days prior to the expiration date of an ~~nursing home~~ assisted  
21 living facility license, an application for a renewal thereof shall be submitted to the  
22 Department of Public Health and Social Services on a form approved by it. Upon  
23 receipt and review of the application and determination of compliance with the  
24 requirements of this Chapter and any standards, rules and regulations in force  
25 pursuant thereto, the Department of Public Health and Social Services shall renew  
26 such license for a period of one (1) year, unless it finds that there are specific and  
27 sufficient grounds for denying the application for renewal.

1 (b) The Department of Public Health and Social Services shall have the  
2 authority to revoke an ~~nursing home~~ assisted living facility license at any time that  
3 it finds that there has been a failure to comply with the provisions of this Chapter  
4 or any standards, rule or regulation in force pursuant thereto.

5 (c) If the Department of Public Health and Social Services finds that the  
6 immediate interests of the patients in an ~~nursing home~~ assisted living facility and  
7 of the general public would be best served by affording such home facility the  
8 opportunity to correct a condition forming the ground for revocation of, or refusal  
9 to renew, an ~~nursing home~~ assisted living facility license, it may afford such  
10 opportunity. For such purpose, it may suspend or refuse to renew an ~~nursing home~~  
11 assisted living facility license and issue a provisional license which shall be valid  
12 for such period as the Department of Public Health and Social Services may fix,  
13 but in no case to exceed ninety (90) days. No provisional license shall be renewed.  
14 A provisional license shall be replaced by a restored or renewed license only if,  
15 within the period for which the provisional license is effective, the licensee has  
16 fully corrected all conditions constituting failure to comply with the provisions of  
17 this Chapter and any standard, rule, or regulation in force pursuant thereto.

18 **§ 7107. Submission of Plan and Consultation.**

19 Any owner or administrator of an ~~nursing home~~ assisted living facility or proposed  
20 ~~nursing home~~ assisted living facility may submit plans and specifications thereof,  
21 to the Department of Public Health and Social Services for advice concerning their  
22 suitability in the light of requirements of law. The Department of Public Health  
23 and Social Services may consult with any such owner or owners with respect to  
24 any such plans, provided that the Department of Public Health and Social Services  
25 shall not draw, redraw or otherwise furnish construction plans or specifications,  
26 except to the extent that the same may be contained in its standards, rules and  
27 regulations issued pursuant to this Chapter.

1           **§ 7108.       Powers.**

2           In administering this Chapter, the Department of Public Health and Social  
3 Services shall, in addition to powers otherwise conferred upon it, have power to:

4           (a) Develop, issue, amend and revise standards, rules and regulations which  
5 shall implement this Chapter and shall have the force of law;

6           (b) Provide by rules and regulations standards of competence and suitability  
7 of administrators of ~~nursing home~~ assisted living facilities, in accordance with the  
8 provision of P.L. 11-26;

9           (c) Make studies and investigations of ~~nursing home~~ assisted living facility  
10 conditions and problems generally, and as they relate to compliance with the  
11 provisions of this Chapter and standards, rules and regulations issued pursuant  
12 thereto;

13           (d) Develop manuals and guides relating to any of the several aspects of  
14 physical facilities and operation of ~~nursing home~~ assisted living facilities and make  
15 such manuals and guides available, with or without charge, to the owners and  
16 administrators of nursing homes and to the general public;

17           (e) Consult with and otherwise assist owners and administrators of ~~nursing~~  
18 ~~home~~ assisted living facilities for the purpose of facilitating improvements to the  
19 extent and quality of care available therein;

20           (f) Investigate conditions in and the operation of any ~~nursing home~~ assisted  
21 living facility and the status and qualifications of any personnel employed thereby  
22 or otherwise engaged in the operation thereof; and

23           (g) Conduct hearings in aid of any of its functions pursuant to this Chapter; require  
24 the production of evidence in connection with any such hearing or any  
25 investigation validly conducted pursuant to this Chapter, and take written or oral  
26 testimony under oath, or otherwise.

1           **§ 7109.       Name of ~~Home~~ Facility.**

2           The words hospital, sanitarium, rehabilitation center, or any words  
3 conveying a meaning substantially identical thereto, shall not be used in the name  
4 of an ~~nursing home~~ assisted living facility. An ~~nursing home~~ assisted living facility  
5 shall use the name as it appears on the ~~nursing home~~ assisted living facility license  
6 for its premises. The name of the ~~nursing home~~ assisted living facility shall not be  
7 changed without notification to and written approval from the Department of  
8 Public Health and Social Services.

9           **§ 7110. Administration and Management of ~~Nursing Homes~~ Assisted**  
10 **Living Facilities.**

11           Every ~~nursing home~~ assisted living facility shall comply with all applicable  
12 standards, rules and regulations of the Department of Public Health and Social  
13 Services agency and shall be subject to all requirements as deemed necessary for  
14 such facilities, which include, but is not limited to, the following:

15           (a) Be under the administrative direction and charge of the person whose  
16 name appears on the ~~nursing home~~ assisted living facility license as administrator  
17 of the ~~nursing home~~ assisted living facility;

18           (b) Have at least one (1) registered nurse duly licensed to practice on Guam  
19 responsible for planning and directing the nursing care, at least one (1) nurse  
20 licensed by this Territory on duty at all times, and such additional registered and  
21 licensed practical nurses and other paraprofessional personnel in its employ as the  
22 size and regular patient care needs in the ~~home~~ facility may require;

23           (c) Provide for the access of its patients to dental and other health-related  
24 services, recreational services, rehabilitative services and social work services,  
25 appropriate to their needs and conditions and not directly furnished by ~~nursing~~  
26 ~~home~~ assisted living facility;

27           (d) Keep drugs and medicine in a safe place specially set aside for the

1 purpose. No patient or other unauthorized person shall be permitted access to such  
2 place and such drugs and medicine. Nothing herein shall be construed to authorize  
3 any person to keep or administer drugs or medicine who is not otherwise legally  
4 authorized to keep or administer such drugs or medicine;

5 (e) Maintain its premises and equipment and conduct its operations in a safe  
6 and sanitary manner;

7 (f) Provide a wholesome and nourishing diet sufficient to meet generally accepted  
8 standards of proper nutrition for its patients and provide such therapeutic diets as  
9 may be prescribed for individual patients. In making rules and regulations to  
10 implement this Subsection, the Department of Public Health and Social Services  
11 shall be guided by standards recommended by nationally recognized professional  
12 groups and associations with knowledge of dietetics;

13 (g) Keep full records of patient admission, discharges, medical and general  
14 health status, including medical records, personal and social history, and identity  
15 and address of next of kin or other person who may have responsibility for the  
16 affairs of the patient; and

17 (h) Keep such fiscal records of its operations and conditions as may be  
18 necessary to provide information pursuant to this Chapter as may be required by  
19 rules and regulations of the Department of Public Health and Social Services.

20 **§ 7111. Contracts.**

21 (a) The presence of each resident in an ~~nursing home~~ assisted living facility  
22 shall be covered by a contract executed at the time of admission or prior thereto by  
23 the patient or his legal representative and the ~~nursing home~~ assisted living facility.  
24 Each party to such a contract shall be entitled to a duplicate original thereof and the  
25 ~~nursing home~~ assisted living facility shall keep on file all contracts which it has  
26 with patients. The ~~nursing home~~ assisted living facility shall not destroy or  
27 otherwise dispose of any such contract until one (1) year after its expiration or such

1 longer period as may be provided in the rules and regulations of the Department of  
2 Public Health and Social Services.

3 (b) Each contract to which this Section applies shall contain express  
4 provision specifically setting forth the following:

5 (1) The term of the contract;

6 (2) The services and accommodations to be provided by the ~~nursing~~  
7 ~~home~~ assisted living facility and the rate or charge therefor;

8 (3) Specification of any rights, duties, and obligations of the parties in  
9 addition to those required by operation of law; and

10 (4) Any other matters which the parties deem appropriate.

11 (c) No contract or any provision thereof shall be construed to relieve  
12 any ~~nursing home~~ assisted living facility of any requirement or  
13 obligation imposed upon it by this Chapter or any standards, rules, or  
14 regulations in force pursuant thereto.

15 **§ 7112. Classification of ~~Homes~~ Facilities; Administrators and**  
16 **Nurses.**

17 (a) The Department of Public Health and Social Services shall classify  
18 ~~nursing home~~ assisted living facilities according to character, size and range of  
19 services provided. Wherever it considers distinction to its standards, rules and  
20 regulations to be appropriate as among different classes of ~~nursing home~~ assisted  
21 living facilities, it may make such distinctions.

22 (b) No administrator of an ~~nursing home~~ assisted living facility, and no  
23 registered nurse who plans and directs the nursing care in a ~~home~~ facility, shall  
24 function as either administrator or one who plans and directs the nursing care for  
25 more than one nursing home, unless the homes involved are of a class or classes  
26 found by the Department of Public Health and Social Services to be of a character,  
27 size and type of operations making it reasonable for a single administrator or

1 registered nurse to perform such functions effectively for more than one (1)  
2 ~~nursing home~~ assisted living facility. As part of the classifications made pursuant  
3 to this Section, the Department of Public Health and Social Services shall  
4 determine and fix specific limits on the number of ~~homes~~ facilities of particular  
5 classes which may be served by the same individual acting as administrator or  
6 registered nurse responsible for planning and directing nursing care. No such  
7 administrator or nurse shall accept employment in violation of such limitations; nor  
8 shall the owner or administrator of an ~~nursing home~~ assisted living facility  
9 knowingly employ any person in violation thereof. The Department of Public  
10 Health and Social Services shall not issue or renew any ~~nursing home~~ assisted  
11 living facility bearing the name of an administrator, if the name of such  
12 administrator already appears on the maximum number of ~~nursing home~~ assisted  
13 living facility licenses permitted by its standards, rules and regulations.

14 **§ 7113. Property and Personal Affairs of Patients.**

15 (a) The admission of a patient to an ~~nursing home~~ assisted living facility and  
16 his presence therein shall not confer on such ~~nursing home~~ assisted living facility  
17 or its owner, administrator, employees or representatives an authority to manage,  
18 use or dispose of any property of such patient; nor shall such admission or  
19 presence confer on any of the aforementioned persons any authority or  
20 responsibility for the personal affairs of the patient, except what may be necessary  
21 for the safety and orderly management of the ~~nursing home~~ assisted living facility.

22 (b) No ~~nursing home~~ assisted living facility, and no owner, administrator,  
23 employee or representative thereof shall act as guardian, trustee or conservator for  
24 any patient of such ~~nursing home~~ assisted living facility or any of such patient's  
25 property.

26 (c) An ~~nursing home~~ assisted living facility shall provide for the safekeeping  
27 of personal effects, funds and property of the patient in the ~~home~~ facility; provided

1 that whenever necessary for the protection of valuables or in order to avoid  
2 unreasonable responsibility therefor, the ~~nursing home~~ assisted living facility may  
3 require that they be excluded or removed from the ~~home~~ facility and kept at some  
4 place not subject to the control of the ~~home~~ facility.

5 (d) An ~~nursing home~~ assisted living facility shall keep complete and accurate  
6 records of all funds and other effects and property of its patients received by it for  
7 safekeeping.

8 (e) Any funds or other property belonging or due to a patient or expendable  
9 for his account which are received by an ~~nursing home~~ assisted living facility shall  
10 be trust funds, shall be kept separate from the funds and property of the ~~nursing~~  
11 ~~home~~ assisted living facility and other patients or specifically credited to such  
12 patient, and shall be used or otherwise expended only for the account of the  
13 patient. Upon request, but, except upon order of a court of competent jurisdiction,  
14 not more often than once every three (3) months, the ~~nursing home~~ assisted living  
15 facility shall furnish the patient and the guardian, trustee or conservator, (if any is  
16 available for such patient) a complete and verified statement of all funds and other  
17 property to which this Subsection applies, detailing the amounts and items  
18 received, together with their sources and disposition. In any event, the ~~nursing~~  
19 ~~home~~ assisted living facility shall furnish such a statement annually and upon the  
20 discharge or transfer of a patient. Any governmental agency or private charitable  
21 agency contributing funds or other property on account of a patient, also shall be  
22 entitled to receive such statement annually and upon discharge or transfer and such  
23 other reports as it may require pursuant to law.

24 **§ 7114. Health of Personnel.**

25 No ~~nursing home~~ assisted living facility shall employ or otherwise permit  
26 any person to serve there in any capacity, if such person has a communicable or  
27 contagious disease or other disease or condition that would make him dangerous to



1 the health or welfare of patients therein. Except in ~~homes~~ facilities exempt from  
2 medical requirements as provided in § 7118 of this Chapter, the appropriate state  
3 agency shall require annual medical examinations for all such personnel and shall  
4 require them to have and, upon demand, to present satisfactory evidence of such  
5 examination.

6 **§ 7115. Exclusion from ~~Nursing Home~~ Assisted Living Facility.**

7 (a) No person shall be admitted to or be permitted to remain in an ~~nursing~~  
8 ~~home~~ assisted living facility as a patient if:

9 (1) He is dangerous to himself or other patients;

10 (2) His condition or conduct is such that he would be unduly  
11 disturbing to other patients;

12 (3) He is in need of medical procedures which cannot be carried out in  
13 the ~~nursing home~~ assisted living facility; and

14 (4) Upon certification of a physician that such person would no longer  
15 benefit from or be in need of an ~~nursing home~~ assisted living facility.

16 (b) Except in emergencies, a patient shall be transferred out of an ~~nursing~~  
17 ~~home~~ assisted living facility or discharged for any reason, only after prior  
18 notification to the next of kin, legal representative, or agency acting on the patient's  
19 behalf. If the next of kin or person or agency acting on the patient's behalf cannot  
20 be reached or refuses to cooperate, proper arrangements shall be made by the ~~home~~  
21 facility for the patient's welfare before transfer or discharge.

22 **§ 7116. Rebating Prohibited.**

23 No owner, administrator, employee, or representative of an ~~nursing home~~ assisted  
24 living facility shall pay any commission, bonus, fee, or gratuity in any form  
25 whatsoever to any physician, surgeon, organization, agency, or to any person either  
26 directly or indirectly, for patients referred.

1           **§ 7117.       Closing of ~~Nursing Home~~ Assisted Living Facility.**

2           (a) Whenever an ~~nursing home~~ assisted living facility discontinues  
3 operation, and during the period when it is preparing for such discontinuance, the  
4 ~~home~~ facility shall inform the Department of Public Health and Social Services of  
5 the impending discontinuance of operation. The ~~home~~ facility also shall inform the  
6 patient, the next of kin, legal representative, or agency acting on the patient's  
7 behalf of the fact and the proposed time of such discontinuance with sufficient  
8 notice so that suitable arrangements may be made for the transfer and care of such  
9 patient. In the case of any patient who has no such person, the ~~home~~ facility shall  
10 be responsible for securing a suitable transfer of the patient prior to the  
11 discontinuance of operation.

12           (b) Immediately upon discontinuance of operation of ~~home~~ facility, the  
13 owner shall surrender the license therefor to the Department of Public Health and  
14 Social Services and such license shall be cancelled.

15           **§ 7118.       Chapter Not Applicable.**

16           (a) The requirements of this Chapter, or of any standard, rule, or regulation  
17 pursuant thereto, for medical and nursing services shall not apply to any ~~home~~  
18 facility operated by or exclusively for the members of a religious order or  
19 denomination whose tenets forbid subjection of the person to the ministrations of  
20 practitioners of medicine or related nursing care or include reliance on spiritual  
21 means alone through prayer for healing. All other provisions of this Chapter and of  
22 any such standards, rules, and regulations shall be fully applicable to such ~~nursing~~  
23 ~~home~~ assisted living facility.

24           (b) Any ~~nursing home~~ assisted living facility which considers itself eligible  
25 for the exemptions provided in this Section shall so state on its application for an  
26 ~~nursing home~~ assisted living facility license, and on any application for renewal  
27 thereof; and shall inform each applicant for admission to patient status therein of

1 the auspices under which the ~~home~~ facility is operated and of the meaning thereof  
2 with respect to the availability of medical and nursing services.

3 **§ 7119. Right of Entry and Inspection.**

4 The Department of Public Health and Social Services and any duly  
5 designated officer or employee thereof, shall have the right to enter upon and into  
6 the premises of any ~~nursing home~~ assisted living facility licensed pursuant to this  
7 Chapter at any time in order to determine the state of compliance with the  
8 provisions of this Chapter and any rules and regulations in force pursuant thereto.  
9 Such right of entry and inspection also shall extend to any premises which the  
10 Department of Public Health and Social Services has reason to believe is being  
11 operated or maintained as an ~~nursing home~~ assisted living facility without a  
12 license, but no such entry or inspection of any premises shall be made without the  
13 permission of the owner or person in charge thereof, unless a warrant is first  
14 obtained from the Superior Court of Guam, authorizing the same. Any application  
15 for a nursing home assisted living facility license made pursuant to § 7105 of this  
16 Chapter shall constitute permission for and complete acquiescence in any entry or  
17 inspection of the premises for which the license is sought in order to facilitate  
18 verification of the information submitted on or in connection with such application.

19 **§ 7120. Public Funds.**

20 (a) No department, agency, or officer of this Territory shall pay or approve  
21 for payment from public funds any amount or amounts to an ~~nursing home~~ assisted  
22 living facility under any program of government aid in connection with services  
23 provided, or to be provided, an actual or prospective patient in an ~~nursing home~~  
24 assisted living facility, unless the ~~nursing home~~ assisted living facility has a current  
25 nursing home assisted living facility license issued by the Department of Public  
26 Health and Social Services and meets such other requirements as may be in force  
27 pursuant to law.

1 (b) Nothing in this Section shall be construed to apply to the payment of  
2 government aid for construction, renovation, or improvement of an ~~nursing home~~  
3 assisted living facility or premises intended to qualify as an ~~nursing home~~ assisted  
4 living facility upon completion of such construction, renovation, or improvement.

5 **§ 7121. Fees.**

6 (a) Any application for an ~~nursing home~~ assisted living facility license and  
7 an application for renewal thereof shall be accompanied by a fee which shall, by  
8 rules and regulations, be established by the Department of Public Health and Social  
9 Services. The issuance of a new ~~nursing home~~ assisted living facility license  
10 resulting solely from a change in the designated administrator of the ~~nursing home~~  
11 assisted living facility shall be without fee.

12 (b) No fee required by this Section shall be returnable.

13 **§ 7122. Penalties and Remedies.**

14 (a) Any person who violates any provision of this Chapter or any standard,  
15 rule, or regulation in force pursuant thereto shall be subject to a fine of not to  
16 exceed One Thousand Dollars (\$1,000). If the violation consists in whole or in part  
17 of operating an ~~nursing home~~ assisted living facility without a license in force  
18 pursuant to this Act or of causing an ~~nursing home~~ assisted living facility to be so  
19 operated, the violator shall be guilty of a misdemeanor.

20 (b) The imposition of any fine or term of imprisonment pursuant to  
21 Subsection (a) of this Section shall be in addition to any suspension, revocation, or  
22 refusal to renew an ~~nursing home~~ assisted living facility license which may result  
23 from the violation.

24 (c) Action pursuant to other provisions of this Section shall not be a bar to  
25 enforcement of this Chapter and standards, rules, and regulations in force pursuant  
26 thereto by injunction or other appropriate remedy, and the Department of Public  
27 Health and Social Services agency shall have power to institute and maintain in the

1 name of this Territory any and all such enforcement proceedings.

2 (d) Each day of violation shall constitute a separate offense.

3 (e) Nothing in this Chapter shall be construed to make any provision of the  
4 laws of Guam, otherwise applicable, inapplicable to any act or omission done or  
5 omitted by any person in connection with the operation of an ~~nursing home~~  
6 assisted living facility.

7 **§ 7123. Hearings and Judicial Review.**

8 (a) No ~~nursing home~~ assisted living facility license may be suspended,  
9 revoked, denied, or renewal denied without a hearing, if requested by the licensee,  
10 on due notice, except that the Department of Public Health and Social Services  
11 may suspend any such license prior to hearing when it finds that the health or  
12 safety of patients requires such action on an emergency basis.

13 (b) Except for rules and regulations made to implement Subsection (c) of  
14 this Section, no standards, rule, regulation, amendment, or revision thereof having  
15 the force of law as provided in Section 8 of this Chapter shall be issued prior to a  
16 public hearing thereon, held on due notice, and consideration of the record of such  
17 hearing by the Department of Public Health and Social Services.

18 (c) Transcripts of such hearings shall be available to those entitled to receive  
19 the same upon payment of reasonable cost therefor in accordance with rules and  
20 regulations of the Department of Public Health and Social Services.

21 (d) Any action of the Department of Public Health and Social Services taken  
22 pursuant to this Chapter shall be reviewable as provided in the Administrative  
23 Adjudication Law.

24 **Section 3. Funding Support for Assisted Living Facilities.**

25 Within 180 calendar days of enactment of this law, the Director of Public  
26 Health and Social Services shall submit to the Legislature, recommendations of  
27 maximizing funding support in the operation of Assisted Living Facilities by any,

1 and all existing appropriate funding support sources (such as Medicare, or  
2 Medicaid, or the Medically Indigent Program, or others) as applicable and  
3 authorized under their respective individual guidelines. Within such  
4 recommendation, the Director shall include all costs associated with maximizing  
5 funding support for Assisted Living Facilities for the Legislature’s consideration.

6 **Section 4.** A New (N) is hereby *added* to § 9302, (b), (1) of Chapter 9,  
7 Division 1 of Title 26, Guam Administrative Rules and Regulations, to read:

8 “(b) Outpatient Services.

9 (1) The following outpatient hospital services shall be covered:

10 (A) Hospital-based physician services.

11 (B) Laboratory and diagnostic tests.

12 (C) Diagnostic radiology.

13 (D) Laboratory tests and diagnostic radiology not available at Public  
14 Health for Maternal and Child Health Program clients (clients must be  
15 program eligible).

16 (E) Emergency room for warranted emergencies. \$5.00 co-payment  
17 required.

18 (F) Drugs which are prescribed by physicians and cannot be bought  
19 without a prescription.

20 (G) Medical and surgical supplies.

21 (H) Operating room.

22 (I) Dialysis treatment.

23 (K) Physical and inhalation therapy (prior authorization is required).

24 (L) Insulin injections for diabetes.

25 (M) Lytico-Bodig related services. (amyotrophic lateral sclerosis or  
26 Parkinsonism dementia).

27 (N) Assisted Living Facilities.”

1           **Section 5. Effective Date.** This Act shall be effective upon enactment.

2           **Section 6. Severability.** If any provision of this Act or its application to any  
3 person or circumstance is found to be invalid or inorganic, such invalidity shall not  
4 affect other provisions or applications of this Act that can be given effect without  
5 the invalid provision or application, and to this end the provisions of this Act are  
6 severable.