

OFFICE OF THE GOVERNOR
GOVERNMENT OF GUAM
AGANA, GUAM

EXECUTIVE ORDER NO. 74-26

SOCIAL SERVICES RULES AND REGULATIONS NO. 10

FOSTER-FAMILY CARE FOR THE AGED

WHEREAS, Section 9001 of the Government Code of Guam bestowed upon the Director the responsibility to promulgate rules and regulations governing the Administration of Public Welfare within the Division of Social Services of the Department of Public Health and Social Services; and


WHEREAS, it is deemed desirable to provide foster family care for the aged who are in need of social care in a family setting; and

WHEREAS, this desire is further demonstrated by efforts of the Division of Social Services of the Department of Public Health and Social Services to serve the aged person who, because of physical, mental, or emotional limitations, is unable to continue independent functioning in the community and who needs and desires the support and security of a family living; and

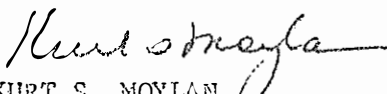
WHEREAS, a public hearing was scheduled for review of the proposed regulations in accordance with the Administrative Adjudication Law.

NOW, THEREFORE, by virtue of the authority vested in me, the attached rules and regulations entitled "Foster-Family Care for the Aged" are hereby approved and promulgated by executive order and shall be in force and effect from August 1, 1974.

Dated at Agana, Guam, this 15th day of July,
1974.


CARLOS G. CAMACHO
Governor of Guam

COUNTERSIGNED:


KURT S. MOYLAN
Lt. Governor of Guam

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIVISION OF SOCIAL SERVICE
GOVERNMENT OF GUAM

SOCIAL SERVICES RULES AND REGULATIONS NO. 10

SECTION I - DEFINITIONS

- A. FOSTER-FAMILY HOMES: A place in which one but not more than four (4) adults are provided regular care 24 hours a day by a caretaker.
1. Where board, room, and care is provided for persons eligible to public financial aid programs and the cost of such care is included in their assistance grants; and
 2. Where the foster home is a place which is not the usual home of the adult recipients; and
 3. Where the relationship of the adult recipient with the caretaker is not by marriage or close blood relationship (i.e. parents, children or siblings).
- B. CARETAKER: Any person who gives care to adults in his home.
- C. CERTIFICATION OF APPROVAL: A certificate issued by the Department of Public Health and Social Services authorizing the operations of a foster-family home for the aged.
- D. DEPARTMENT: The Department of Public Health and Social Services, Government of Guam.
- E. REGULAR CARE: Care of adults at fixed and certain intervals which is regular in point of time and place, thus excluding the idea of temporary, occasional, accidental, or casual care.
- F. REGULATIONS: Rules and regulations governing foster-family care for the aged contained herein.

PURPOSE

The purpose of these rules and regulations is to set up standard procedures for operating foster-family care for the aged on Guam to be utilized in connection with the administration of Public Health and Social Services as set forth in Section 9001, Government Code of Guam.

SECTION II - CERTIFICATION OF APPROVAL

A. APPLICATION

1. A person or persons desiring to provide care and supervision for adults in his/their home shall submit an application to the Department of Public Health and Social Services on a form prescribed by the Department.
2. An application from a married person living with a spouse shall be made jointly by husband and wife.

B. HOME STUDY

1. The Department shall conduct a study of the application and the home to determine whether the established regulations are met.
2. A record of the study shall be kept on file by the Department.

C. ISSUANCE OF CERTIFICATE OF APPROVAL

1. When the study indicates that the home is in compliance with these regulations, a certificate of approval shall be issued by the Department which shall be good for a period of one year.
2. The Certificate of Approval shall specify:
 - a. The name and address of the person(s) to whom it is issued.
 - b. The number of the certificate.
 - c. The maximum number of persons for whom it is certified; and
 - d. The period for which the certificate is effective.
3. The Certificate of Approval is non-transferable and is void when the caretaker ceases to operate the Foster-Family Home. The Certificate is subject to review, revocation and suspension when:
 - a. There is a change in residence.
 - b. The home accepts more than the maximum number of adults for which it is licensed.
 - c. Any violation of these Rules occurs in the Home.
4. The Certificate of Approval shall be conspicuously posted in the home.
5. The certificate is issued without cost to the approved applicant.

2. If the foster family fails to make the necessary corrections within the stated time limit after such notice is given, the Certificate of Approval shall be suspended or revoked by the Department. If the Department finds the violations present an immediate threat to the health or safety of the clients, it may order the immediate removal of the clients to other suitable facilities until such time as the violations are cured.

H. HEARING

1. Any foster-family home whose Certificate of Approval is to be suspended or denied, or revoked, shall have the right of a hearing with the Director of the Department, provided such appeal is made in writing not later than ten days after receipt of the notice of suspension, denial, or revocation.
2. Upon receipt of an appeal, the Director of the Department shall arrange for the hearing.
3. The final suspension or revocation shall be at the discretion of the Director of the Department.

SECTION III - ADMINISTRATION

A. NUMBER OF OLDER ADULTS TO BE CARE FOR

1. A foster-family home shall provide care for no more than four adults, exclusive of parents of foster caretakers.
 - a. Under no circumstances shall care be provided to more than the number specified on the Certificate of Approval, excluding the parents of the caretaker.

B. RECORDS

1. Each foster-family home shall keep the following record:
 - a. Emergency information:
 1. Address and telephone number of relatives or interested parties in the adults;
 2. Name of physician, his telephone number and address who treated the adult last;
 3. Written consent to call another physician when the particular physician cannot be contacted.

- b. A health record on each foster-family home resident shall include the following information:
 1. Physical examination report;
 2. Any medical health problems including restrictions and allergies.

SECTION IV - CARE OF ADULTS

A. HEALTH

1. No person may be accepted who is in need of full-time nursing care, is bedfast, or is unable to move about without help in case of emergency.
2. The foster-family home caretaker shall require the following written medical reports and health information on each adult accepted for admission to the Home:
 - a. A complete physical examination by a physician within ninety (90) days prior to placement;
 - b. Pertinent information on the health of the adult and any particular medical health problem(s).
3. The foster-family home caretaker shall require that an adult in the foster home have a physical examination at least once a year as long as he is in the Home.
4. There shall be a periodic visit by the Public Health nurses to residents in the Home.
5. There shall be continued observation of all adult residents throughout their stay in the foster home so that any illnesses will be detected and appropriately handled.
6. An adult who becomes ill after he is admitted to the Home shall be separated from the rest of the group and the caretaker should notify the physician or at best to have the adult taken to the hospital.
7. The regulations of the Communicable Disease Center of the Department of Public Health and Social Services shall be followed when an adult shows symptoms of communicable diseases.
8. Under no circumstances should a foster-family caretaker give medication of any kind unless prescribed by a physician.
9. First aid supplies shall be kept on hand. The nature of the first aid supplies shall be determined by the Department.

B. MEALS

Foster-family home caring for adults shall provide:

1. Adequate, nutritious food appropriate to the physical condition of the adults.
2. Nutritious snacks between meals.

C. DAILY ACTIVITIES

1. Since residents of foster-family homes are ambulatory, the caretaker may let them have access to outdoor hobbies like gardening or planting vegetables for their own consumption.
2. The caretaker may let residents participate in some of the household chores, thus making them feel they are a part of the family and that they are wanted.

D. CLOTHING AND PERSONAL SUPPLIES

1. A supply of clean clothing shall be available at all times.
2. Each resident of a foster-family home shall be provided with individual towels, combs, toothbrushes, and other necessary toilet articles.

SECTION V - FOSTER-FAMILY HOME CARETAKERS AND HOUSEHOLD

A. REQUIREMENTS

1. Foster-family caretakers shall show evidence of being well adjusted persons, capable of understanding and caring for the elderly.
2. He/they shall provide three references who have adequate knowledge of the family background in terms of character and adjustment in the neighborhood.
3. Additional references shall be furnished to the Department upon request.
4. A stable family income is desirable to insure sufficient and proper food as well as physical comfort for the client.
5. Foster-family caretakers shall not conduct a business on the premises which would adversely affect the welfare of the residents of the Home.
6. Foster-family home caretaker and all members of the household shall be free from disease which may be transmissible to others, especially to the residents under their care.

7. A Foster Family caretaker must have a physical examination by a physician prior to initial certification.

- a. Upon request, additional reports with reference to the health of other members of the household will be submitted.
- b. An annual chest X-ray and tuberculin test shall be required from the caretaker and all members of the household.

SECTION VI - SANITATION AND HOUSING

The home shall comply with Territorial Laws and Public Health Regulations on sanitation and housing.

A. SANITATION

1. The premises shall be kept in a safe and sanitary condition.
2. Running potable water should be available for bathing facilities, and the waste shall be connected to an approved septic tank or sewer system.
3. Where there is an adequate water supply, the home shall have sanitary water-flush toilets.
4. The home shall have adequate facilities for the proper disposal of sewage with all plumbing connected to an approved septic tank or sewer system.
5. All garbage and rubbish shall be stored in a durable container with tightly fitted covers.
6. Food stored in the home shall be protected from rat and insect infestation and perishable food shall be stored under refrigeration.
7. Preparation of food shall be in a properly screened kitchen with adequate sink facilities.
8. There shall be proper facilities for washing and sanitizing eating and drinking utensils.
9. There shall be proper facilities for washing clothes.

B. HOUSING

Certain factors are important in the location and structure of the prospective foster-family home. The primary concern is to provide for a space conducive to activity outside as well as inside the home. The following requirements are necessary to meet the standard needed for a foster-family home for adults:

1. The premises shall comply with Guam laws on housing as prescribed by the Department of Public Works. If it is a wooden structure, it must be sturdy enough to withstand a gale of 120 mph wind, preferably one story as these adults may have difficulty going up and down the stairs.
2. The living arrangements must meet all the local building codes, standards, regulations, and safety precautions against fire.
3. Running water should be available for bathing facilities and the waste shall be connected to an approved septic tank or sewer system.
4. There shall be a good, artificial, and natural light. Proper ventilation must be available where items 2 and 3 are located. Ventilation means a window that opens to the outside atmosphere.
5. Separate bedrooms that would accommodate two adults of the same sex furnished with separate beds, cots, separate space for their clothing, and other personal things must be provided.

SECTION VII - SEPARABILITY

If any phrase, clause, sentence, section, subsection, provision or part of these regulations, or its application to any person or circumstance, if for any reason is held to be unconstitutional or invalid, the remaining portions of these regulations, or the application of these regulations to other persons or circumstances shall not be affected.

These regulations shall take effect when approved by the Governor.

The foregoing regulations were adopted by the Department of Public Health and Social Services on the _____ day of _____, 1974.

FRANKLIN S. CRUZ, A.C.S.W.
Director of Public Health
and Social Services

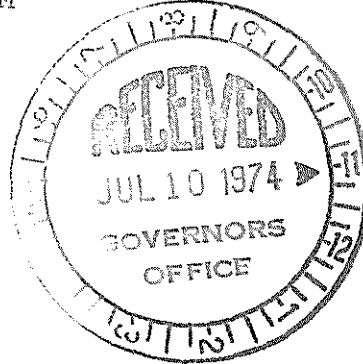
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ATTORNEY GENERAL'S OFFICE

GOVERNMENT OF GUAM

AGANA

JUL 10 1974



Memorandum

To: The Governor
From: Director of Public Health and Social Services
Subject: Regulations for Foster Care for the Aged

Regulations for the Foster Care for the Aged program together with a proposed Executive Order implementing them are submitted for your approval. Revisions suggested by the Attorney General are incorporated in these regulations.

Your favorable consideration is requested.

Franklin S. Cruz
FRANKLIN S. CRUZ, A.C.S.W.

Attachment

*approved as to form:
Keith L. Anderson
Attorney General*