

GOVERNMENT OF GUAM  
OFFICE OF THE GOVERNOR  
AGANA, GUAM

EXECUTIVE ORDER NO. 78-3

REDESIGNATION OF THE GUAM MENTAL HEALTH AND SUBSTANCE ABUSE AGENCY

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

WHEREAS, there is no regulatory authority to oversee and coordinate all operations and services relative to mental health and substance abuse program delivery systems; and

WHEREAS, the need for a single state agency of mental health and substance abuse is recognized by Congress and the President of the United States and emphatically stipulated in the Public Health Services Act, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Acts, and Title XX of Social Security Act; and

WHEREAS, Public Laws 94-63 and 91-616, as amended, authorize the establishing of a State Mental Health and Substance Abuse Agency to perform comprehensive planning, implementation, monitoring, and other regulatory functions and activities relative to mental health and substance abuse; and

WHEREAS, the effective implementation of Mental Health and Substance Abuse plans and projects must gain the support of the community; and

WHEREAS, decisions relative to the allocation of Mental Health and Substance Abuse resources on the island must be arrived at as objectively as possible and further, decisions relative to the planning, implementation and regulation of Mental Health and Substance Abuse 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 Mental Health and Substance Abuse Agency involve large amounts of federal and local funds; and

WHEREAS, the effective implementation and regulation of Mental Health and Substance Abuse 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 Executive Orders 70-37, 71-7, and 73-12 are hereby repealed.
2. The Guam Mental Health and Substance Abuse 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 Agency shall be administered by an Administrator who shall be appointed by the Governor. The annual salary of the Administrator position shall be Twenty Seven Thousand Dollars (\$27,000).
4. The Administrator shall submit annually a plan to the Governor indicating which positions shall be unclassified and which shall be classified. The salary levels of the unclassified positions shall require the approval of the Governor. The approved unclassified positions shall be filled by appointment of the Administrator. The employment of personnel in the classified positions shall be executed within the regular hiring procedures of the Government of Guam.

Agency Purpose:

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

a. The Authority is authorized to undertake special projects within its administration, one of which shall be the Guam Treatment Alternatives to Street Crime (TASC), a program designed to serve as a referral agency through which drug dependent offenders may be diverted from the criminal justice system into treatment and rehabilitation programs.

b. The Agency shall assemble and analyze data concerning:

(1) the status (and its determinants) of the Mental Health of the residents of Guam;

(2) the status of the Mental Health and Substance Abuse care delivery system in Guam and the use of that system by the island's residents;

(3) the effect the island's Mental and Substance Abuse care delivery system has on the mental health of the residents of Guam;

(4) the number, type, and location of the island's Mental Health and Substance Abuse resources, including Mental Health and Substance Abuse services, manpower and facilities,

(5) the patterns of utilization of the island's Mental Health and Substance Abuse resources, and

(6) the environmental and occupational exposure factors affecting immediate and long-term conditions.

c. Establish, annually review, and amend as necessary the Guam Mental Health and Substance Abuse Five-Year Plan which shall be a detailed statement of goals.

(1) Describing a mentally healthful environment and Mental Health and Substance Abuse systems on the island which when developed, will assure that quality Mental Health and Substance Abuse 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 Mental Health and Substance Abuse planning policies issued by the Secretary of the Department of Health, Education and Welfare.

d. The Agency shall annually review, and amend as necessary an Annual update to the Five-Year Plan which describes objectives which will achieve the goals of the Guam Mental Health and Substance Abuse Five-Year Plan and priorities among the objectives.

e. The Agency shall develop and publish specific plans and projects for achieving the objectives established in the Annual update to the Five-Year Plan.

f. The Guam Mental and Substance Abuse Agency shall implement the Guam Mental Health and Substance Abuse Five-Year Plan and Annual update to the Five-Year Plan which when submitted through the State Health Planning and Development Agency 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 Mental Health and Substance Abuse Five-Year Plan and Annual update to the Five-Year 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 update to the Five-Year 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 Mental Health and Substance Abuse systems described in the Guam Mental Health and Substance Abuse Five-Year Plan.

(3) the Agency shall, in accordance with the priorities established in the Annual update to the Five-Year Plan, make grants to public and non-profit private entities and enter into contracts, subject to the Governor's approval, 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 Mental Health and Substance Abuse systems described in the Guam Mental Health and Substance Abuse Five-Year Plan. Such grants shall be made from funds received under Public Laws 91-616, 92-255, 94-63, and other Public Laws that may become applicable.

g. 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. 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 Guam Memorial Health Plan,
- (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.

h. The Agency shall review and approve or disapprove each proposed use on Guam of federal funds for Mental Health and Substance Abuse Services

- (1) appropriated under the Public Health Services Act, or
- (2) the Community Mental Health Center Act; or
- (3) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act; and the Comprehensive Drug Abuse Prevention, Treatment and Rehabilitation Act for grants, contracts, loans or loan guarantees for the development, expansion, or support of Mental Health and Substance Abuse resources; or funds made available by the Government of Guam for support of any of the above, subject to review and approval per Executive Order 77-20 and P.L. 93-641.

5. The Agency shall be advised by the Guam Mental Health and Substance Abuse Advisory Council. The Governor shall appoint two members to serve for a period of one year and three for two years. The Council shall be composed of one representative from the Medical Society, one representative from the Bar Association, one from a private organization dealing with mental health and drug abuse, one from an employers council, and one from the general public. The Chairperson shall be elected by majority vote of the membership and shall serve in that capacity for two years each term. The Council shall advise the Agency generally in the performance of its functions. This advisory capacity shall include but not be limited to:

- a. review of the Guam Mental Health and Substance Abuse Five-Year Plan;
- b. review and comment on the annual update to the Five-Year Plan based upon its consistency with the Guam Mental Health and Substance Abuse Five-Year Plan;
- c. review and comment on applications made for grants from the Guam Mental Health Service Development Fund;
- d. review annually and comment on any State Plan 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 4 of this Executive Order;
- e. review and comment on the Annual Work Program of the Agency, its Annual Grant Applications, and Policies and Procedures.

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

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

8. The Agency shall perform its functions in accordance with federal Public Laws 91-616, 92-255, 94-63 and 93-641 and any amendments thereto, and all applicable laws, rules, regulations, policies of the territory and Executive Order 77-20.

9. The current 100% federal funds, supplies, equipment, and records being used by the Guam Memorial Hospital Authority for support of the Guam Mental Health and Substance Abuse Agency shall be transferred to the Agency upon the signing of this Order;

10. The Administrator, upon appointment by the Governor, shall be responsible for the transfer of all other funds, supplies, equipment and records, and for the recruitment of needed personnel.

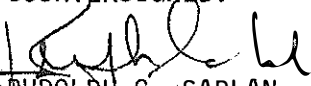
This Order shall take effect upon the date of my signature.

Signed at Agana, Guam, this 18<sup>th</sup> day of February, 1978.



RICARDO J. BORDALLO  
Governor of Guam

COUNTERSIGNED:



RUDOLPH G. SABLAN  
Lieutenant Governor

*distributed 2/23*