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a report of the Fund activities shall be submitted to the Governor, the Speaker of the Legislature, the Chairman of the Committee on Health, Welfare and Ecology, and the Chairman of the Committee on Ways and Means within thirty (30) days when the audit is completed.

SOURCE: Added by P.L. 17-021:2 (Aug. 18, 1983) as GC § 85106. Codified as 10 GCA § 86106.

§ 86107. Council on Mental Health and Substance Abuse.

(a) There is within the Department an Advisory Council for Mental Health, Alcohol and Drug programs and services known as the Advisory Council. The Council shall consist of seven (7) members appointed by the Governor and confirmed by the Legislature. The members of the Council shall serve for three (3) years; provided that of the members first appointed, two (2) shall serve for one (1) year, two (2) shall serve for two (2) years and three (3) shall serve for three (3) years.

(b) The Council shall annually elect a Chairperson, Vice-Chairperson and Recorder from among its membership. The Council shall meet at least once a month at such time and place as the Chairperson may designate. Meetings shall be well publicized and shall be open to the public. Executive sessions are permitted only in accordance with the Open Government Law. Four (4) members shall constitute a quorum of the Council for the transaction of business. The concurrence of four (4) members present shall constitute official action of the Council.

SOURCE: Added by P.L. 17-021:2 (Aug. 18, 1983) as GC § 85107. Amended by P.L. 17-025:19 (Oct. 6, 1983). Codified as 10 GCA § 86107.

§ 86108. Duties of Council.

The Council shall review and approve the plans and programs of the Department and for that purpose shall have the following duties:

- (a) Review and approve the Department's annual budget;
- (b) Review and approve the Department's Three Year Plan and its annual update;
- (c) Periodically review available services and facilities to determine mental health, drug and alcohol program needs;
- (d) Utilize the support and assistance of interested persons, including recovered clients, to encourage potential clients to undergo treatment voluntarily;

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(e) Review and comment on all new and renewed Federal grants application.

(f) Perform such acts as may be reasonably necessary to accomplish the purpose for which it was formed, subject, however, to the following conditions:

(1) Adopt such rules and regulations pursuant to the Administrative Adjudication Law as may be necessary for the exercise of the Department's powers, performance of its duties and administration of its operations.

(2) Set fees, pursuant to the Administrative Adjudication Law, for appropriate types of services, appropriate types of medication formulary, and appropriate types of supplies, except in so doing, such fees shall not be retroactive as to services, medications and supplies furnished prior to the effective date of the enactment of such fees.

(3) The schedule of fees shall be sufficient to recover the operating costs and fixed costs and to generate such revenue as is necessary to make the Department quasi-self-sustaining. The costs of any medical care and services rendered to any person under a medically indigent or assistance program as defined within Chapter 2 of this Title and/or Medicaid/medicare, shall be paid by the Department of Public Health and Social Services. Annual Analysis Report to *I Liheslaturan Guåhan* [the Legislature].

As a means of assuring the People of Guam that the Department is cost effective in the delivery and performance of healthcare services mandated by law, the Council will establish monitors to measure the quality and appropriateness of services rendered, and the productivity and financial performance of the Department. The results of this measure shall be submitted to *I Liheslaturan Guåhan* [The Legislature] concurrently with any fee adjustments.

(4) The Council shall submit to *I Liheslaturan Guåhan*, for approval, a budget for the use of any funds collected through the implementation of a fee schedule.

SOURCE: Added by P.L. 17-021:2 (Aug. 18, 1983) as GC § 85108. Codified as 10 GCA § 86108. Subsection (f) added by P.L. 26-170:5 (Jan. 5, 2003).