

10 GCA HEALTH AND SAFETY
CH. 25 INSTITUTIONAL FACILITIES

CHAPTER 25
INSTITUTIONAL FACILITIES

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SOURCE: This Chapter was added as §§9550-9550.4 of the Government Code by P.L. 15-96.

§ 25101. Definitions.

As used in this Chapter:

(a) *child care facility* means any person or place which receives or arranges placement of one (1) or more children who are not related to such person, whether for gain or otherwise, apart from the parents or guardian, with or without the transfer of the right of custody, for the purpose of providing regular care or training for such child or children during either the day or night, or both. Except as otherwise provided, the term *child care facility* includes, but is not limited to, all facilities defined by the Department of Public Health and Social Services as *family day care homes, foster family homes, group day care homes, residential treatment facilities, day care center, day nurseries, nursery school, kindergarten school, day care homes* or similar institutions or units regardless of name;

(b) *penal institution* means any jail, detention center, prison, camp, home, juvenile detention home or cottages or other facility operated by the government of Guam and used as a holding facility, jail or residential custodial facility. This definition does not include hospitals or child care facilities;

(c) *school* means any establishment, public or private, for the care and education of students from kindergarten through grade twelve (12) and any college or university or educational institution of higher learning;

(d) *hospital* means any building, structure, institution or place, public or private, whether organized for profit or not, devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment and provision of medical or surgical care for three (3) or more non-related individuals, hereinafter designated patients, admitted for overnight stay or longer in order to obtain medical, including obstetric, psychiatric and

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nursing care of illness, disease, injury or deformity, whether physical or mental and regularly making available at least clinical laboratory services and diagnostic x-ray services and treatment facilities for surgery or obstetrical care or other definitive medical treatment;

(e) *clinic* means any building, structure, institution or place, public or private, whether organized for profit or not, devoted primarily to the maintenance and operation of facilities for the medical or dental diagnosis and treatment of human illness, injury or deformity or the veterinary medical or veterinary dental diagnosis and treatment of animal illness, injury or deformity;

(f) *nursing home* means a facility established for profit or non-profit, which provides nursing care and related medical services twenty-four (24) hours per day of two (2) or more individuals because of illness, disease or mental infirmity. It provides care for those persons not in need of hospital care but requiring nursing care or related medical services, which medical services shall be prescribed by a professional nurse or a physical therapist or an occupational therapist, depending upon the service required. If children are cared for, they shall have a separate unit;

(g) *laboratory* means any building, structure, institution or place, public or private, whether organized for profit or not, devoted primarily to the maintenance and operation of facilities for the examination or testing of humans or animals, living or dead, or any parts or physiologic products thereof, for the purpose of detecting or confirming the presence of illness or infirmity; and

(h) *client* means any person attending, residing, observed, examined, tested or treated, in any child care facility, penal institution, school, hospital, clinic, nursing home or laboratory.

§ 25102. Disease Control; Employees.

No person shall work in a school, child care facility, penal institution, nursing home, hospital or clinic, whether in his own or another's employ knowing himself to have or having reason to believe that he has any communicable disease. If an employer, owner, manager or person in charge or control suspects that an employee has any such disease in a communicable form or is a carrier of such disease, he shall notify the Director.

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§ 25103. Same.

All employees of said institutions shall, before employment and at least annually thereafter, have a physical examination, including a test for tuberculosis (skin or x-ray) performed by a physician licensed to practice within a state or territory of the United States. A report of such examination, including a statement that the employee has been found free of communicable disease and specifying the tests performed and the results thereof, shall be retained in an employee file and made available for inspection by a representative of the Director.

§ 25104. Disease Control; Clients.

The owner, manager or person in charge or control of any child care facility, penal institution, school, hospital, clinic, nursing home or laboratory knowing or having reason to believe that a client has any communicable disease shall notify the Director.

§ 25105. Procedure When Reconstructing.

When any child care facility, penal institution, school, hospital, clinic, nursing home or laboratory is constructed or extensively remodeled or when an existing structure is converted for use as a child care facility, penal institution, school, hospital, clinic, nursing home or laboratory, then the owner or person in charge or control shall comply with the provisions of § 21102 of this Part and regulations promulgated there under.
