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EXECUTIVE ORDER NO. 001 - 2016

**ESTABLISHMENT OF THE AMERICAN SAMOA BEHAVIORAL HEALTH
PLANNING AND ADVISORY COUNCIL, PROVIDING FOR ITS PURPOSE,
DUTIES, RESPONSIBILITIES AND MEMBERSHIP**

Section 1: Authority.

This executive order is hereby issued in accordance with the powers and authority granted to the Governor by Article IV, Sections 6 and 7 of the Revised Constitution of American Samoa, and the American Samoa Code Annotated, Section 4.0111(a).

Section 2: Preamble.

A new state-of-the art, freestanding 10-bed inpatient/outpatient American Samoa behavioral health clinic is nearing completion. The new facility is designed to improve behavioral health services to the general public and prison inmates with behavioral health issues, and is intended to be certified by the federal government as a behavioral health provider for the US Army Reserve, Veteran's Administration and Tricare beneficiaries. It is anticipated that the facility will be ready to accept patients in 2016 and will include 10 private, secure patient rooms, outpatient counseling and treatment rooms, nurses' station, pharmacy, dining area, intake rooms and other supporting areas.

Section 13.0206(3)(c) ASCA provides that the Department of Health ("DOH") ". . . shall seek to improve and maintain the health of the people of the Territory through the planning and implementation of programs, activities, and services that promote healthy behaviors and reduce health related risks and hazards, and by programs and services that serve to prevent the incidence of disease and injury. . .".

Section 13.1501 ASCA provides that the diagnosis, treatment, and care of persons suffering from mental illness or deficiency shall be carried out in a manner and in places designated by the Director of Health, or his designee. When commitment for mental illness or deficiency is indicated, a person may be committed under Section 13.1502. In the event of commitment, it shall be the responsibility of the Director of Health to insure an on-going program of medical and psychiatric treatment is provided as required for the patient's disability.

The purposes of the American Samoa Behavioral Health Planning and Advisory Council shall include striving to bring about active cooperation and positive working relationships between all Territorial behavioral health related agencies, along with planning, advising and coordinating the use of all behavioral health grants from both governmental and NGO grantors. To this end it shall work collaboratively with DOH, the American Samoa Medical Center ("ASMC") and the Department of Health

and Social Services (DHSS) to foster best behavioral health service delivery practices for those members of the community in need of the same.

Lastly, the new facility must be managed and maintained by a governing body.


3. Creation of the American Samoa Behavioral Health Planning and Advisory Council; purposes, duties, responsibilities and membership.

- a. There is hereby created the American Samoa Behavioral Health Planning and Advisory Council (the "Council").
- b. The purpose of the Council shall be to provide policy direction and promote efficient and effective use of resources for matters related to the operations of the new behavioral health facility described above. To that end the Council shall:
 - i) Establish policies and procedures for the day-in and day-out care of patients and staffing of the facility.
 - ii) Develop a plan and budget for the operations of the facility for the remainder of FY 2016 and recommend same to the Governor, as well as make recommendations for long term operations of the facility in FY 2017 and beyond.
 - iii) Have ultimate authority and responsibility for the planning, implementation and management of all behavioral health-related local and grant funding, whether from governmental or NGO grantors, expended in the territory.
 - iv) Advise the Governor, Fono and High Court on the local behavioral health needs of adults and children within the territory.
 - v) Promote improvements in the delivery of behavioral health services and coordinate and exchange information regarding behavioral health services in the territory.
 - vi) Identify gaps in available services and recommend service enhancements that address identified needs.
 - vii) Annually issue a report to the Governor which shall incorporate recommendations for improving the efficient delivery of behavioral health services in the territory.
 - viii) Annually provide a report to the Governor of progress toward building a comprehensive behavioral health care support system that shall include performance and outcome data as defined by and in a format established by the Council.
 - ix) The Council may establish subcommittees as it determines necessary.
- c. Administrative and professional staff support shall be provided to the Council by DOH, ASMC and DHSS.
- d. The budget for the Council shall be submitted by DOH or LBJ, at the direction of the Council.
- e. The Council shall meet no less than four times annually.

- f. The Director of the Department of Health shall be the permanent Chairperson of the Council and a Vice Chairperson shall be selected at the first meeting of the Council. The term of office of the Vice Chairperson shall be two years and they may succeed themselves.
- g. The Council shall be composed of two representatives from each of the following ASG agencies and departments and nonprofit organizations with resources in behavioral health:
 - i) Department of Health.
 - ii) Department of Human and Social Services.
 - iii) Department of Education, Special Education Division.
 - iv) Department of Public Safety.
 - v) American Samoa Medical Center.
 - vi) Department of Human Resources.
 - vii) Department of Legal Affairs.
 - viii) Department of Youth and Women Affairs.
 - ix) Office of Protection and Advocacy for the Disabled.
 - x) Office of Vocational Rehabilitation.
 - xi) Office of the Governor.
 - xii) Non-Governmental Organizations with resources in behavioral health as may from time to time be nominated by the Council and named by the Governor.
 - xiii) Consumers, Family and Caregivers.

4. **Effective Date:** This Executive Order shall have an immediate effective date.

Dated: January 04, 2016.


LOLO M. MOLIGA
Governor