

*I MINA' TRENTAI TRES NA LIHESLATURAN GUÁHAN*  
2015 (FIRST) Regular Session

Bill No. 51-33 (COR)

Introduced by:

Brant T. McCreadie 

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AN ACT TO *ADD* A NEW § 80125 TO CHAPTER 80, DIVISION 4, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE ESTABLISHMENT OF *I ESPITÁT HÁYA* IN THE SOUTH, AND FOR OTHER PURPOSES; TO *AMEND* §§ 97103(a) AND 97102(e) OF CHAPTER 97, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO FUNDING FOR *I ESPITÁT HÁYA*; TO *ADD* A NEW § 3809.1 OF CHAPTER 3, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPHSS) TO ENTER INTO A CONTRACTUAL ARRANGEMENT WITH THE GUAM MEMORIAL HOSPITAL AUTHORITY FOR THE SHARED USE OF UNDERUTILIZED RESOURCES AND FACILITIES AT THE SOUTHERN REGIONAL COMMUNITY HEALTH CENTER (SRCHC) IN *INALÁHAN* (INARAJAN), IN ORDER TO FACILITATE ESTABLISHMENT OF *I ESPITÁT HÁYA*; AND TO *REPEAL* AND *RE-ENACT* § 3810 OF CHAPTER 3, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING DPHSS AND GMHA TO CONDUCT AN ANNUAL ASSESSMENT ON THE NEED FOR AND FEASIBILITY OF PROVIDING EXTENDED MEDICAL SERVICES AT THE NORTHERN REGIONAL COMMUNITY HEALTH CENTER (NRCHC)

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1           **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2           **Section 1. Legislative Findings.**     *I Liheslaturan Guåhan* finds that  
3 accessibility to quality medical and health care services is essential for all of  
4 Guam’s citizens. For individuals and families residing in Guam’s southern  
5 villages and communities, in particular *Malessó’* (Merizo), *Humåtak* (Umatac),  
6 *Inalåhan* (Inarajan), *Malojloj* (Malojloj), *Hågat* (Agat), *Sånta Rita* (Santa Rita),  
7 *Yo’ña* (Yona), and *Talo’fo’fo* (Talofofo), immediate accessibility to such medical  
8 facilities is lacking because of the distance between those villages and Guam’s  
9 only public hospital, the Guam Memorial Hospital, as well as other medical clinics  
10 and facilities. The residents of the south and their families are faced with  
11 particular hardships because of the distance and time required to travel to the  
12 hospital and other medical facilities to receive medical care.

13           Also, for patients in the south who need outpatient hemodialysis treatments,  
14 the burden on them and their families is great because the patients must travel long  
15 distances several times a week to receive hemodialysis treatments, with each  
16 treatment lasting several hours. After treatments are completed, they must also  
17 travel long distances back to their homes.

18           *I Liheslaturan Guåhan* finds that the time has come for the government of  
19 Guam to establish *I Espitåt Håya* for the benefit of all residents of our southern  
20 villages.

21           **Section 2. Short Title.** This Act may be cited as “*I Espitåt Håya* Act of  
22 2015.”

23           **Section 3. *I Espitåt Håya* Established.** A new § 80125 is hereby *added* to  
24 Chapter 80 of Division 4, Title 10, Guam Code Annotated, to read as follows:

25                   **“§ 80125. *I Espitåt Håya* (Southern Medical Center), Established.**  
26                               (a) The Guam Memorial Hospital Authority (GMHA) *shall*  
27                               establish a medical clinic for the benefit of the southern residents of

1           Guam. The clinic *shall* be called “*I Espitåt Håya.*” *I Espitåt Håya* –  
2           or Southern Medical Center – *shall* serve as a satellite medical care  
3           facility of the Guam Memorial Hospital, whose primary mission *shall*  
4           be to make medical care services accessible in the southern region of  
5           Guam. The nature and scope of such services *shall* be determined by  
6           the GMHA Board, subject to the requirements set forth in Subsections  
7           (b)-(c) of this section. Medical care at *I Espitåt Håya shall* be made  
8           available to all patients who would otherwise be eligible for treatment  
9           at the Guam Memorial Hospital.

10           (b) During its first year of operation and thereafter, GMHA  
11           *shall*, at a minimum, make the following care and services available at  
12           *I Espitåt Håya:*

13                   (1) Extended medical services, which *shall* be made  
14                   available to the public seven (7) days a week, twenty-four (24)  
15                   hours a day;

16                   (2) Basic laboratory services, including specimen  
17                   collection; and

18                   (3) Pharmacy and pharmaceutical services;

19           (c) Not later than its second year of operation, GMH shall  
20           also make the following care and services available at *I Espitåt Håya*,  
21           in addition to those services identified in Subsection (b) of this  
22           Section: Hemodialysis treatment on an outpatient basis, with a  
23           minimum of two (2) bed stations.

24           (d) GMHA *shall* ensure that medical and healthcare services,  
25           hemodialysis treatment, and other services provided at *I Espitåt Håya*  
26           are maintained at a standard of care that meets all applicable

1 minimum criteria and requirements set forth by the Joint Commission  
2 and the Centers for Medicare and Medicaid Services (CMS).

3 (e) In order to maximize revenue collections and  
4 sustainability of *I Espitåt Håya*, GMHA shall:

5 (1) Ensure that *I Espitåt Håya* complies with Centers  
6 for Medicare and Medicaid Services (CMS) conditions of  
7 participation and reimbursement for care, services, and other  
8 items that are provided in connection with the treatment of  
9 patients; and

10 (2) Implement a schedule of fees, established pursuant  
11 to the requirements of law, for care, services, medications,  
12 supplies, and other items that are provided to patients at *I*  
13 *Espitåt Håya*.

14 (f) For purposes of the establishment of *I Espitåt Håya*,  
15 GMHA shall enter into contractual arrangements with the Department  
16 of Public Health and Social Services (DPHSS) for the shared or  
17 collaborative use of underutilized resources and facilities at the  
18 existing Southern Regional Community Health Center (SRCHC)  
19 located in the village of *Inalâhan* (Inarajan).

20 (g) GMHA and DPHSS shall also work collaboratively with  
21 each other to establish arrangements for patient cross-referrals,  
22 admission, discharge, and coordinated patient care, such as to  
23 maximize the medical services administered by DPHSS and GMHA  
24 for their respective patient populations at the SRCHC and *I Espitåt*  
25 *Håya*.

26 (h) GMHA shall periodically evaluate, at least annually,  
27 facility and space requirements of *I Espitåt Håya* in order to

1 determine the need for additional facilities in order to meet  
2 operational objectives of *I Espitåt Håya*.

3 (i) GMHA *shall* within thirty (30) days of enactment of this  
4 Act, establish a working group comprised of individuals having the  
5 necessary expertise within GMHA, DPHSS, and other departments or  
6 agencies of the government of Guam, and including the Chairperson  
7 of *I Liheslaturan Guåhan*'s legislative Committee on Health, to:

8 (1) Develop operational criteria for *I Espitåt Håya*;

9 (2) Identify adequate, available space and facilities for  
10 the establishment of *I Espitåt Håya*, including facilitating and  
11 maximizing the use of existing resources and facilities at the  
12 SRCHC in *Inalåhan* through any necessary contractual  
13 arrangements;

14 (3) Develop a plan of action, inclusive of the financial  
15 requirements to commence the requisite processes necessary for  
16 GMHA to establish *I Espitåt Håya*.

17 (j) Within ninety (90) days of the establishment of the  
18 working group, the Administrator *shall* present a report addressing the  
19 items listed in Subsection (i) to the GMHA Board of Trustees. Such  
20 report shall be based on the work, analysis, findings,  
21 recommendations, and conclusions of the working group. The Board  
22 shall approve or take other action on such report within sixty (60)  
23 days after submission by the Administrator.

24 (k) The Administrator shall, within 210 days of enactment of  
25 this Act, submit to *I Liheslaturan Guåhan*: (1) a copy of the report  
26 submitted by the Administrator to the GMHA Board of Trustees  
27 pursuant to Subsection (j) of this Section, and (2) a detailed summary

1 of the approval or other action taken by the GMHA Board on such  
2 report.

3 **Section 4. *I Espitât Hâya*, Funding.**

4 **(a) Legislative Findings.** *I Liheslaturan Guåhan* finds that GMHA has  
5 established and opened the Urgent Care Center mandated by Public Law 32-060,  
6 within the premises of the Guam Memorial Hospital facility in Tamuning.  
7 Therefore, a portion of the original funding source for the establishment of the  
8 Urgent Care Center, as provided for in Public Law 32-060, can now be re-directed  
9 to the establishment of *I Espitât Hâya*. The funding source identified in Public  
10 Law 32-060, Section 4 (codified at 10 GCA, Chapter 97), is the GMHA Healthcare  
11 Trust and Development fund. The Urgent Care Facility at the hospital in  
12 Tamuning has begun intake of patients and therefore *must* be able to rely more and  
13 more on patient revenues as a sustainable source of income, and less on the GMHA  
14 Healthcare Trust and Development Fund.

15 **(b)** 10 GCA, Chapter 97, § 97103(a) is hereby *amended* to read as  
16 follows:

17 **“§ 97103. Allocations and Use of Funds; Authorized.**

18 (a) Up to ~~sixty~~ thirty percent, of the funds in the GMHA  
19 Healthcare Trust and Development Fund, *shall* be allocated to the  
20 Guam Memorial Hospital Authority for the purpose of subsidizing the  
21 establishment and operation, in whole or in part, including as seed or  
22 start-up money, of an Urgent Healthcare Center within the Guam  
23 Memorial Hospital Authority facility and grounds. Up to thirty  
24 percent, of the funds in the GMHA Healthcare Trust and  
25 Development fund, shall be allocated to the Guam Memorial Hospital  
26 Authority for the purpose of subsidizing the establishment and  
27 operation, in whole or in part, including as seed or start-up money, of

1 *I Espitåt Håya* established by 10 GCA § 80125. The fees collected  
2 pursuant to this Article *shall* be annually allocated according to the  
3 respective percentages established in this Subsection (a) and ~~is~~ are  
4 hereby appropriated, and *shall* continue to be deemed appropriated,  
5 annually, to the Guam Memorial Hospital Authority for the sole and  
6 specific purpose of subsidizing the establishment and operation, in  
7 whole or in part, including as seed or start-up money, of (1) an  
8 Urgent Healthcare Medical Center within the Guam Memorial  
9 Hospital Authority facility and grounds and (2) *I Espitåt Håya*.”

10 (c) 10 GCA, Chapter 97, § 97102(e) is hereby *amended* to read as  
11 follows:

12 “(e) The Department of Administration shall disperse funds in a  
13 manner compliant with § 97103 ~~§ 97105~~ of this Chapter.”

14 **Section 5.** A new § 3809.1 is *added* to Chapter 3, Title 10, Guam Code  
15 Annotated, to read as follows:

16 **“§ 3809.1. Use of the SRCHC.**

17 The Department of Public Health and Social Service *shall* enter  
18 into a contractual arrangement with the Guam Memorial Hospital  
19 Authority (GMHA) for the shared or collaborative use of  
20 underutilized resources and facilities at the Southern Regional  
21 Community Health Center (SRCHC), such that GMHA may establish  
22 and operate *I Espitåt Håya* pursuant to 10 GCA § 80125. One  
23 primary mission of *I Espitåt Håya* *shall* be to make medical care  
24 services more accessible in the southern region of Guam.

25 **Section 6.** 10 GCA, Chapter 3, § 3810, is *repealed* and *re-enacted* to read as  
26 follows:

27 **“§ 3810. ~~Urgent Care Service~~Extended Medical Services.**

1           The Director of Public Health and Social Services (Director)  
2           and the Administrator of the Guam Memorial Hospital Authority  
3           (Administrator) shall jointly evaluate, at least annually, the need for,  
4           and the feasibility of, providing extended medical services for the  
5           northern region of Guam, including the feasibility of utilizing  
6           facilities at the Northern Regional Community Health Center  
7           (NRCHC) for such services. The Director and the Administrator shall  
8           jointly submit to *I Maga'lahañ Guåhan* and *I Liheslaturan Guåhan* an  
9           annual report on their periodic assessment and findings no later than  
10           180 days prior to the end of each fiscal year beginning with fiscal year  
11           2016. The Community Health Center shall provide urgent care  
12           service based on the unavailability of such service in the community  
13           and shall enter into a contractual agreement with the Guam Memorial  
14           Hospital Authority or other health care providers to provide such  
15           service. The urgent care service must be adequate to meet the  
16           following medical care:

17                   ~~(a) Conditions that are non-emergency in nature.~~  
18                   ~~(Emergency conditions are those illnesses that may result in the loss~~  
19                   ~~of life or limb if not treated immediately.);~~

20                   ~~(b) Services are competent to manage and treat~~  
21                   ~~patients of all ages;~~

22                   ~~(c) The facility shall have at least basic pharmacy,~~  
23                   ~~radiology, laboratory and patient transport to move cases that require~~  
24                   ~~a higher level of patient care management;~~

25                   ~~(d) The facility shall be certifiable by either the Joint~~  
26                   ~~Commission of Accreditation of Health Organizations or Health Care~~  
27                   ~~Financing Administration, or equivalent certifying health care~~



1           ~~organization acceptable by the Health Planning Council of the~~  
2           ~~Division of Health Planning of DISID; and~~

3                   ~~(e) The urgent care service shall consider initially~~  
4           ~~opening at least five (5) days a week between the hours of 6:00 p.m.~~  
5           ~~to 11:00 p.m. and extend the hours and/or days as the demand arises~~  
6           ~~and availability of resources. The Director shall evaluate at least~~  
7           ~~annually the service hours and/or days and make necessary adjustment~~  
8           ~~based on the community needs and availability of resources in~~  
9           ~~consultation with the Council.”~~

10       **Section 7. Enactment.** This Act *shall* become effective upon enactment.