



Territory of Guam
Territorio de Guam

OFFICE OF THE GOVERNOR
LESIANAN I MAGA LAHI
AGANA, GUAM 96910 U.S.A.

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December 30, 1988

The Honorable Franklin J. Quitugua
Speaker, Nineteenth Guam Legislature
Post Office Box CB-1
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill 743 which I have signed into law as Public Law 19-46.

The Health Care Quality Improvement Act of 1986 was passed by the United States Congress to encourage good faith professional review activities of physicians. Under the law Guam may opt to be covered under its provisions prior to its effective date of October 14, 1989. As we move Guam towards our common goal of improving the quality of health care at Guam Memorial Hospital, we must continue to pursue peer review and quality assurance. With the assistance of our medical and nursing staffs the hospital's management has adopted quality assurance guidelines not only for physicians but for all health professionals.

Enactment of these provisions into law furthers our efforts of giving the people of this Territory the best quality of medical care available. I commend Senator Ernesto M. Espaldon for his continuing commitment to the health and welfare of the people of this Territory and to those Senators who co-sponsored this measure.

Sincerely,

Joseph F. Ada
JOSEPH F. ADA
Governor

Rec'd Legal
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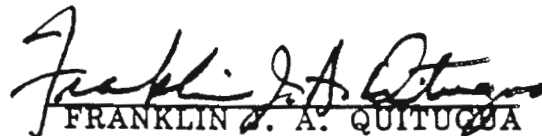
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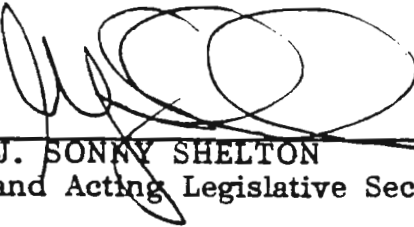
NINETEENTH GUAM LEGISLATURE
1988 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 743 (LS) "AN ACT TO AUTHORIZE THE APPLICATION OF THE HEALTH CARE QUALITY IMPROVEMENT ACT OF 1986 TO GUAM," was on the 19th day of December, 1988, duly and regularly passed.


FRANKLIN A. QUITUQQA
Speaker

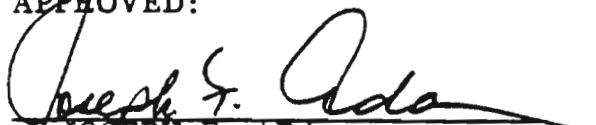
Attested:


A. J. SONNY SHELTON
Senator and Acting Legislative Secretary

This Act was received by the Governor this 19 day of Dec, 1988,
at 10.15 o'clock p.m.


Assistant Staff Officer
Governor's Office

APPROVED:


JOSEPH F. ADA
Governor of Guam

Date: DEC 30 1988

Public Law No. 19-46

NINETEENTH GUAM LEGISLATURE
1988 (SECOND) REGULAR SESSION

1 Bill No. 743 (LS)
As substituted 12/19/88

2

3 Introduced By:

E. M. Espaldon
J. G. Bamba
E. R. Duenas
M. D. A. Manibusan
J. G. Miles
J. M. Rivera
M. C. Ruth
F. J. Quitugua
F. J. Gutierrez
P. C. Lujan
H. D. Dierking
M. K. Hartsock
T. S. Nelson
D. Parkinson
J. T. San Agustin
F. R. Santos
A. J. Shelton
M. Z. Bordallo
E. P. Arrriola

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AN ACT TO AUTHORIZE THE APPLICATION OF
THE HEALTH CARE QUALITY IMPROVEMENT ACT
OF 1986 TO GUAM.

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BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

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Section 1. In accordance with Title IV of the Health Care Quality

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Improvement Act of 1986 the Territory of Guam elects to have it apply effective

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immediately.

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ROLL CALL SHEET

Bill No. 743
 Res No. _____

DATE: 12/19/88

QUESTION: _____

	<u>AYE</u>	<u>NAY</u>	<u>NOT VOTING</u>	<u>ABSENT</u>
E. P. Arriola	✓			
J. G. Bamba	✓			
M. Z. Bordallo	✓			
H. D. Dierking	✓			
E. R. Duenas	✓			
E. M. Espaldon	✓			
F. J. Gutierrez	✓			
M. K. Hartsock	✓			
P. C. Lujan				✓
M. D. A. Manibusan	✓			
J. G. Miles	✓			
T. S. Nelson	✓			
D. Parkinson	✓			
F. J. A. Quitugua	✓			
J. M. Rivera	✓			
M. C. Ruth	✓			
J. T. San Agustin	✓			
F. R. Santos	✓			
A. J. Shelton	✓			

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Committee on Health, Welfare & Ecology Nineteenth Guam Legislature

163 Chalan Santo Papa • Agana, Guam 96910

Tel: 477-8527 / 9120

JOE T. SAN AGUSTIN
Chairman, Committee
on Health, Welfare
& Ecology

July 25, 1988

Honorable Franklin J. Quitugua
Speaker
19th Guam Legislature
P.O. Box CB-1
Agana, Guam 96910

VIA: Chairman, Committee on Rules

Dear Mr. Speaker:

The Committee on Health, Welfare & Ecology, to which Bill No. 743 was referred, wishes to report its findings and recommendations.

The Committee voting record is as follows:

To do pass	<u>6</u>
To not pass	<u>0</u>
To report out	<u>0</u>
Not Voting	<u>0</u>
Off-Island	<u>4</u>

A copy of the report and all other pertinent documents are attached for your information.

Sincerely yours,

JOE T. SAN AGUSTIN

attachments

...
Vice-Chairman, Committee
on Federal, Foreign, and
Legal Affairs

...
Member:
Committee on

Education

General Governmental
Operations

Housing & Community
Development

Justice, Judiciary &
Criminal Justice

Rules

Tourism, Transportation
& Communication

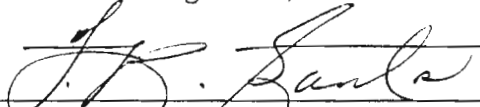
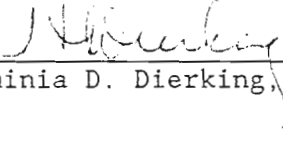
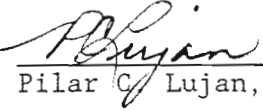

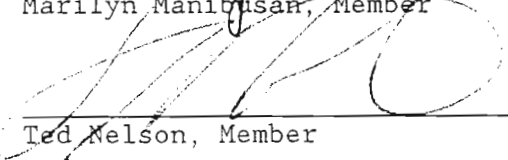
Ways & Means

Youth, Human Resources,
Senior Citizens &
Cultural Affairs

VOTE SHEET

COMMITTEE ON HEALTH, WELFARE & ECOLOGY
BILL NO. 743

"AN ACT TO AUTHORIZE THE APPLICATION OF THE HEALTH
CARE QUALITY IMPROVEMENT ACT OF 1986 TO GUAM"

<u>SENATOR</u>	<u>TO DO APPROVE</u>	<u>TO NOT APPROVE</u>	<u>TO REPORT OUT</u>	<u>COMMENTS</u>
Joe T. San Agustin, Chairman				
 Francisco R. Santos, Vice-Chairman	✓			
C.F.F. ISLAND 7/19/85 Elizabeth P. Arriola, Member				
Madeleine Z. Bordallo, Member				
 Herminia D. Dierking, Member	✓			
Ernesto Espaldon, Member				
Edward Duenas, Member				
 Pilar C. Lujan, Member	✓			
 Marilyn Manibusan, Member	✓			
 Ted Nelson, Member	✓			

COMMITTEE REPORT

COMMITTEE ON HEALTH, WELFARE & ECOLOGY

BILL NO. 743

"AN ACT TO AUTHORIZE THE APPLICATION OF THE HEALTH
CARE QUALITY IMPROVEMENT ACT OF 1986 TO GUAM."

BACKGROUND

Bill No. 743 introduced by Senator Ernesto M. Espaldon is an act that proposes to apply the federal Health Care Quality Improvement Act of 1986 to the Territory of Guam effective immediately. This federal act allows Guam to "opt in" or "opt out" of the requirements provided in the Act by election of the Guam Legislature. The deadline is October 14, 1989; if Guam takes no action on the Act by then, it will automatically become law as mandated. The Act is intended to provide periodic review of all the medical profession's activities and to ensure adequate medical care. The periodic review procedures set up in the Act would be carried out by the members of the medical profession. Applying the federal act to Guam is one of the prerequisites whereby Guam Memorial Hospital can regain its accreditation with the Joint Commission on Accreditation of Hospitals and also is a requirement for Guam's continued participation in Medicaid and Medicare programs.

PUBLIC HEARING AND TESTIMONY

The public hearing for Bill No. 743 was held on Friday, June 27, 1988 at 9:00 a.m. in the Legislative Session Hall. The Committee chairman Senator Joe T. San Agustin presided over the hearing and was joined by Senators Frank R. Santos, Elizabeth P. Arriola, and Ernesto M. Espaldon.

Appearing before the Committee was Jimmy R. McCormick, Associate Administrator, Guam Memorial Hospital Authority and Dr. Leticia V. Espaldon, Director, Department of Public Health & Social Services. Written testimony on the bill was turned in before the hearing by Melinda C. Leon Guerrero, Public Affairs Manager, Family Health Plan; as well as Jimmy R. McCormick, GMHA; and Dr. Leticia V. Espaldon, DPH&SS.

The Director of DPH&SS reported that the Department supports the intent of the Guam Legislature to adopt Title IV of the Health Care Quality Improvement Act of 1986 for the Territory of Guam. This legislation will improve the quality of our medical care, while preventing the occurrence of medical malpractice and the employment of incompetent physicians. Most particularly, the Department favors the concept of peer review among all physicians practicing medicine on Guam which will ultimately improve medical care for the people. The Department also favors obtaining historical data and information for medical applicants via the federal central computer. However, the Department expressed concern in addressing and meeting local needs upon the adoption of this Act, particularly in appropriating funds for additional manpower and equipment.

On behalf of GMHA, the Associate Administrator reported that the Agency is supportive of the intent of this legislation to establish peer review as a means of protection to members of our community. However, they do not favor the blanket adoption of the provisions of the federal act. They would prefer the separate adoption of a Civil Immunity legislation and the Confidentiality of Records as proposed by their legal office. These two measures allow for review of peer activities. GMHA feels that they require the same types of review for physician and health care professional practices as indicated in the Act. However these two measures do not involve the cumbersome report requirements and potential costs of penalties as stated in the federal Act.

After a thorough discussion with the Committee, GMHA finally agreed to comply with the decision of the Legislature provided they receive the necessary support upon the adoption of Bill No. 743.

The representative of Family Health Plan provided a written testimony in favor of the establishment of a good peer review process to protect the quality of care delivered by our health professionals, but no further discussion was made on the content of the Bill.

The Committee in general had no pressing issues but agreed to support respective agencies to meet and address local needs, i.e. manpower and equipment, once the Bill is adopted.

COMMITTEE FINDINGS & RECOMMENDATIONS

The Committee received an overwhelming support in mandating peer review activities and improving medical health care in the Territory of Guam. However, the Department of Public Health & Social Services was the only agency that favored the adoption of Bill No. 743. Guam Memorial Hospital Authority did not support the adoption of the bill because of costly reporting activities and potential costs of penalties. Instead, they proposed the adoption of two measures that will meet the requirements of the federal Act. Nevertheless, they agreed to comply with the local decision of the Guam Legislature on the basis that legislative support be reciprocated. Finally, the Family Health Plan agency did support the intent of the bill but made no further comments on the content of it. Due to the support of all three agencies on the intent of the bill, the probability of accreditation, and continual provisions of Medicare and Medicaid programs, the Committee therefore recommends to the Full Legislature, the approval and passage of Bill No. 743 as is.

NINETEENTH GUAM LEGISLATURE
1988 (SECOND) Regular Session

Bill No. _____

Introduced by:

E.M. Espaldon *Found in E. Espaldon*
M.D.A. MANIBUSAN *M.D. Manibusan*
M. RUTH *M. Ruth*
J. MILES *J. Miles*
M. RIVERA *M. Rivera*
E. M. DUE *E. M. Due*
A. G. LAMORNA *A. G. Lamorna*
J. G. BAMBIA *J. G. Bambia*

AN ACT TO AUTHORIZE THE APPLICATION OF
THE HEALTH CARE QUALITY IMPROVEMENT ACT
OF 1986 TO GUAM.

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

- 1 Section 1. In accordance with Title IV of the
- 2 Health Care Quality Improvement Act of 1986 the Territory
- 3 of Guam elects to have it apply effective immediately.

Police and others -

Bill No. _____

Introduced by:

E.M. Espaldon
M.D.A. MANIBUSAN M.D. Manibusan
M. RUTH
J. MILES
RIVERA
E. DUE
A.C. LAMORONA III
J.G. BAMBANA

AN ACT TO AUTHORIZE THE APPLICATION OF
THE HEALTH CARE QUALITY IMPROVEMENT ACT
OF 1986 TO GUAM.

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

- 1 Section 1. In accordance with Title IV of the
- 2 Health Care Quality Improvement Act of 1986 the Territory
- 3 of Guam elects to have it apply effective immediately.

the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles) of any hazardous chemical, extremely hazardous substance, or toxic chemical.

(9) State

The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession over which the United States has jurisdiction.

(10) Toxic chemical

The term "toxic chemical" means a substance on the list described in section 11023 of this title.

(Pub.L. 99-499, Title III, § 329, Oct. 17, 1986, 100 Stat. 1757.)

Effective Date. Section effective Oct. 17, 1986, see section 4 of Pub.L. 99-499, set out as a note under section 9601 of this title.

Legislative History. For legislative history and purpose of Pub.L. 99-499, see 1986 U.S. Code Cong. and Adm. News, p. 2835.

§ 11050. Authorization of appropriations

There are authorized to be appropriated for fiscal years beginning after September 30, 1986, such sums as may be necessary to carry out this chapter.

(Pub.L. 99-499, Title III, § 330, Oct. 17, 1986, 100 Stat. 1758.)

Effective Date. Section effective Oct. 17, 1986, see section 4 of Pub.L. 99-499, set out as a note under section 9601 of this title.

Legislative History. For legislative history and purpose of Pub.L. 99-499, see 1986 U.S. Code Cong. and Adm. News, p. 2835.

CHAPTER 117—ENCOURAGING GOOD FAITH PROFESSIONAL REVIEW ACTIVITIES

Sec. 11101.	Findings.	Sec. 11132.	Reporting of sanctions taken by boards of medical examiners. (a) In general. (b) Failure to report.
SUBCHAPTER I—PROMOTION OF PROFESSIONAL REVIEW ACTIVITIES			
11111.	Professional review. (a) In general. (b) Exception. (c) Treatment under State laws.	11133.	Reporting of certain professional review actions taken by health care entities. (a) Reporting by health care entities. (b) Reporting by Board of Medical Examiners. (c) Sanctions. (d) References to Board of Medical Examiners.
11112.	Standards for professional review actions. (a) In general. (b) Adequate notice and hearing. (c) Adequate procedures in investigations or health emergencies.	11134.	Form of reporting. (a) Timing and form. (b) To whom reported. (c) Reporting to State licensing boards.
11113.	Payment of reasonable attorneys' fees and costs in defense of suit.	11135.	Duty of hospitals to obtain information. (a) In general. (b) Failure to obtain information. (c) Reliance on information provided.
11114.	Guidelines of the Secretary.	11136.	Disclosure and correction of information.
11115.	Construction. (a) In general. (b) Scope of clinical privileges. (c) Treatment of nurses and other practitioners. (d) Treatment of patient malpractice claims.	11137.	Miscellaneous provisions. (a) Providing licensing boards and other health care entities with access to information. (b) Confidentiality of information. (c) Relief from liability for reporting. (d) Interpretation of information.
SUBCHAPTER II—REPORTING OF INFORMATION			
11131.	Requiring reports on medical malpractice payments. (a) In general. (b) Information to be reported. (c) Sanctions for failure to report. (d) Report on treatment of small payments.	SUBCHAPTER III—DEFINITIONS AND REPORTS	
		11151.	Definitions.

Sec. 11152. Reports and memoranda of understanding
(a) Annual reports to Congress.
(b) Memoranda of understanding.

Sec. 11152. Reports and memoranda of understanding
(c) Memorandum of understanding with drug enforcement administration.

§ 11101. Findings

The Congress finds the following:

- (1) The increasing occurrence of medical malpractice and the need to improve the quality of medical care have become nationwide problems that warrant greater efforts than those that can be undertaken by any individual State.
- (2) There is a national need to restrict the ability of incompetent physicians to move from State to State without disclosure or discovery of the physician's previous damaging or incompetent performance.
- (3) This nationwide problem can be remedied through effective professional peer review.
- (4) The threat of private money damage liability under Federal laws, including treble damage liability under Federal antitrust law, unreasonably discourages physicians from participating in effective professional peer review.
- (5) There is an overriding national need to provide incentive and protection for physicians engaging in effective professional peer review.

(Pub.L. 99-560, Title IV, § 402, Nov. 14, 1986, 100 Stat. 3784.)

References in Text. Federal antitrust law, referred to in par. (4), probably means the antitrust laws as defined in section 12 of Title 15, Commerce and Trade.

Legislative History. For legislative history and purpose of Pub.L. 99-560, see 1986 U.S. Code Cong. and Adm. News, p. 6237.

Short Title. Section 401 of Pub.L. 99-560 provided that: "This title [enacting this chapter] may be cited as the 'Health Care Quality Improvement Act of 1986'."

Library References

Physicians and Surgeons § 17.5.
C.J.S. Physicians, Surgeons, and Other Health-Care Providers § 97 et seq.

SUBCHAPTER I—PROMOTION OF PROFESSIONAL REVIEW ACTIVITIES

§ 11111. Professional review

(a) In general

(1) Limitation on damages for professional review actions

If a professional review action (as defined in section 11151(9) of this title) of a professional review body meets all the standards specified in section 11112(a) of this title, except as provided in subsection (b) of this section—

- (A) the professional review body,
- (B) any person acting as a member or staff to the body,
- (C) any person under a contract or other formal agreement with the body, and
- (D) any person who participates with or assists the body with respect to the action.

shall not be liable in damages under any law of the United States or of any State (or political subdivision thereof) with respect to the action. The preceding sentence shall not apply to damages under any law of the United States or any State relating to the civil rights of any person or persons, including the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq., and the Civil Rights Acts, 42 U.S.C. 1981 et seq. Nothing in this paragraph shall prevent the United States or any Attorney General of a State from bringing an action, including an action under section 4C of the Clayton Act, 15 U.S.C. § 15C [15 U.S.C.A. § 15c], where such an action is otherwise authorized.

(2) Protection for those providing information to professional review bodies

Notwithstanding any other provision of law, no person (whether as a witness or otherwise) providing information to a professional review body regarding the

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competence or professional conduct of a physician shall be held, by reason of having provided such information, to be liable in damages under any law of the United States or of any State (or political subdivision thereof) unless such information is false and the person providing it knew that such information was false.

(b) Exception

If the Secretary has reason to believe that a health care entity has failed to report information in accordance with section 11132(a) of this title, the Secretary shall conduct an investigation. If, after providing notice of noncompliance, an opportunity to correct the noncompliance, and an opportunity for a hearing, the Secretary determines that a health care entity has failed substantially to report information in accordance with section 11133(a) of this title, the Secretary shall publish the name of the entity in the Federal Register. The protections of subsection (a)(1) of this section shall not apply to an entity the name of which is published in the Federal Register under the previous sentence with respect to professional review actions of the entity commenced during the 3-year period beginning 30 days after the date of publication of the name.

(c) Treatment under State laws

(1) Professional review actions taken on or after October 14, 1989

Except as provided in paragraph (2), subsection (a) of this section shall apply to State laws in a State only for professional review actions commenced on or after October 14, 1989.

(2) Exceptions

(A) State early opt-in

Subsection (a) of this section shall apply to State laws in a State for actions commenced before October 14, 1989, if the State by legislation elects such treatment.

(B) State opt-out

Subsection (a) of this section shall not apply to State laws in a State for actions commenced on or after October 14, 1989, if the State by legislation elects such treatment.

(C) Effective date of election

An election under State law is not effective, for purposes of subparagraphs (A) and (B), for actions commenced before the effective date of the State law, which may not be earlier than the date of the enactment of that law.

(Pub.L. 99-660, Title IV, § 411, Nov. 14, 1986, 100 Stat. 3784.)

References in Text. The Civil Rights Act of 1964, 42 U.S.C. 2000e, et seq., referred to in subsec. (a)(1) probably means Pub.L. 88-352, Title VII, July 2, 1964, 78 Stat. 253, which is classified generally to subchapter VI (section 2000e et seq.) of chapter 21 of this title.

The Civil Rights Acts, 42 U.S.C. 1981, et seq., referred to in subsec. (a)(1), probably means the provisions contained in chapter 21 (section 1981 et seq.) of this title.

Effective Date. Section 416 of Pub.L. 99-660 provided that: "This part [subchapter] shall apply

to professional review actions commenced on or after the date of the enactment of this Act [Nov. 14, 1986].

Legislative History. For legislative history and purpose of Pub.L. 99-660, see 1986 U.S. Code Cong. and Adm. News, p 6287.

Library References

Physicians and Surgeons § 17.5

C.J.S. Physicians, Surgeons, and Other Health-Care Providers § 97 et seq.

§ 11112. Standards for professional review actions

(a) In general

For purposes of the protection set forth in section 11111(a) of this title, a professional review action must be taken—

- (1) in the reasonable belief that the action was in the furtherance of quality health care,

- (2) after a reasonable effort to obtain the facts of the matter,
- (3) after adequate notice and hearing procedures are afforded to the physician involved or after such other procedures as are fair to the physician under the circumstances, and
- (4) in the reasonable belief that the action was warranted by the facts known after such reasonable effort to obtain facts and after meeting the requirement of paragraph (3).

A professional review action shall be presumed to have met the preceding standards necessary for the protection set out in section 11111(a) of this title unless the presumption is rebutted by a preponderance of the evidence.

(b) Adequate notice and hearing

A health care entity is deemed to have met the adequate notice and hearing requirement of subsection (a)(3) of this section with respect to a physician if the following conditions are met (or are waived voluntarily by the physician):

(1) Notice of proposed action

The physician has been given notice stating—

- (A)(i) that a professional review action has been proposed to be taken against the physician,
- (ii) reasons for the proposed action,
- (B)(i) that the physician has the right to request a hearing on the proposed action,
- (ii) any time limit (of not less than 30 days) within which to request such a hearing, and
- (C) a summary of the rights in the hearing under paragraph (3).

(2) Notice of hearing

If a hearing is requested on a timely basis under paragraph (1)(B), the physician involved must be given notice stating—

- (A) the place, time, and date, of the hearing, which date shall not be less than 30 days after the date of the notice, and
- (B) a list of the witnesses (if any) expected to testify at the hearing on behalf of the professional review body.

(3) Conduct of hearing and notice

If a hearing is requested on a timely basis under paragraph (1)(B)—

- (A) subject to subparagraph (B), the hearing shall be held (as determined by the health care entity)—
 - (i) before an arbitrator mutually acceptable to the physician and the health care entity,
 - (ii) before a hearing officer who is appointed by the entity and who is not in direct economic competition with the physician involved, or
 - (iii) before a panel of individuals who are appointed by the entity and are not in direct economic competition with the physician involved;
- (B) the right to the hearing may be forfeited if the physician fails, without good cause, to appear;
- (C) in the hearing the physician involved has the right—
 - (i) to representation by an attorney or other person of the physician's choice,
 - (ii) to have a record made of the proceedings, copies of which may be obtained by the physician upon payment of any reasonable charges associated with the preparation thereof,
 - (iii) to call, examine, and cross-examine witnesses,
 - (iv) to present evidence determined to be relevant by the hearing officer, regardless of its admissibility in a court of law, and
 - (v) to submit a written statement at the close of the hearing; and

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(D) upon completion of the hearing, the physician involved has the right—

(i) to receive the written recommendation of the arbitrator, officer, or panel, including a statement of the basis for the recommendations, and

(ii) to receive a written decision of the health care entity, including a statement of the basis for the decision.

A professional review body's failure to meet the conditions described in this subsection shall not, in itself, constitute failure to meet the standards of subsection (a)(3) of this section.

(c) Adequate procedures in investigations or health emergencies

For purposes of section 11111(a) of this title, nothing in this section shall be construed as—

(1) requiring the procedures referred to in subsection (a)(3) of this section—

(A) where there is no adverse professional review action taken, or

(B) in the case of a suspension or restriction of clinical privileges, for a period of not longer than 14 days, during which an investigation is being conducted to determine the need for a professional review action; or

(2) precluding an immediate suspension or restriction of clinical privileges, subject to subsequent notice and hearing or other adequate procedures, where the failure to take such an action may result in an imminent danger to the health of any individual.

(Pub.L. 99-660, Title IV, § 412, Nov. 14, 1986, 100 Stat. 3785.)

Effective Date. Section to apply to professional review actions commenced on or after Nov. 14, 1986, see section 416 of Pub.L. 99-660, set out as a note under section 12011 of this title.

Legislative History. For legislative history and purpose of Pub.L. 99-660, see 1986 U.S. Code Cong. and Adm. News, p. 6287.

Library References

Physicians and Surgeons ≈18.1.

C.J.S. Physicians, Surgeons, and Other Health-Care Providers § 97 et seq.

§ 11113. Payment of reasonable attorneys' fees and costs in defense of suit

In any suit brought against a defendant, to the extent that a defendant has met the standards set forth under section 11112(a) of this title and the defendant substantially prevails, the court shall, at the conclusion of the action, award to a substantially prevailing party defending against any such claim the cost of the suit attributable to such claim, including a reasonable attorney's fee, if the claim, or the claimant's conduct during the litigation of the claim, was frivolous, unreasonable, without foundation, or in bad faith. For the purposes of this section, a defendant shall not be considered to have substantially prevailed when the plaintiff obtains an award for damages or permanent injunctive or declaratory relief.

(Pub.L. 99-660, Title IV, § 413, Nov. 14, 1986, 100 Stat. 3787.)

Effective Date. Section to apply to professional review actions commenced on or after Nov. 14, 1986, see section 416 of Pub.L. 99-660, set out as a note under section 12011 of this title.

Legislative History. For legislative history and purpose of Pub.L. 99-660, see 1986 U.S. Code Cong. and Adm. News, p. 6287.

Library References

Physicians and Surgeons ≈18.110.

C.J.S. Physicians, Surgeons, and Other Health-Care Providers § 97 et seq.

§ 11114. Guidelines of the Secretary

The Secretary may establish, after notice and opportunity for comment, such voluntary guidelines as may assist the professional review bodies in meeting the standards described in section 11112(a) of this title.

(Pub.L. 99-660, Title IV, § 414, Nov. 14, 1986, 100 Stat. 3787.)

Effective Date. Section to apply to professional review actions commenced on or after Nov. 14, 1986, see section 416 of Pub.L. 99-660, set out as a note under section 12011 of this title.

Library References

Legislative History. For legislative history and purpose of Pub.L. 99-660, see 1986 U.S. Code Cong. and Adm. News, p. 6287.

§ 11115. Construction

(a) In general

Except as specifically provided in this subchapter, nothing in this subchapter shall be construed as changing the liabilities or immunities under law.

(b) Scope of clinical privileges

Nothing in this subchapter shall be construed as requiring health care entities to provide clinical privileges to any or all classes or types of physicians or other licensed health care practitioners.

(c) Treatment of nurses and other practitioners

Nothing in this subchapter shall be construed as affecting, or modifying any provision of Federal or State law, with respect to activities of professional review bodies regarding nurses, other licensed health care practitioners, or other health professionals who are not physicians.

(d) Treatment of patient malpractice claims

Nothing in this chapter shall be construed as affecting in any manner the rights and remedies afforded patients under any provision of Federal or State law to seek redress for any harm or injury suffered as a result of negligent treatment or care by any physician, health care practitioner, or health care entity, or as limiting any defenses or immunities available to any physician, health care practitioner, or health care entity.

(Pub.L. 99-660, Title IV, § 415, Nov. 14, 1986, 100 Stat. 3787.)

Effective Date. Section to apply to professional review actions commenced on or after Nov. 14, 1986, see section 416 of Pub.L. 99-660, set out as a note under section 11111 of this title.

Legislative History. For legislative history and purpose of Pub.L. 99-660, see 1986 U.S. Code Cong. and Adm. News, p. 6237.

SUBCHAPTER II—REPORTING OF INFORMATION

§ 11131. Requiring reports on medical malpractice payments

(a) In general

Each entity (including an insurance company) which makes payment under a policy of insurance, self-insurance, or otherwise in settlement (or partial settlement) of, or in satisfaction of a judgment in, a medical malpractice action or claim shall report, in accordance with section 11134 of this title, information respecting the payment and circumstances thereof.

(b) Information to be reported

The information to be reported under subsection (a) of this section includes—

- (1) the name of any physician or licensed health care practitioner for whose benefit the payment is made,
- (2) the amount of the payment,
- (3) the name (if known) of any hospital with which the physician or practitioner is affiliated or associated,
- (4) a description of the acts or omissions and injuries or illnesses upon which the action or claim was based, and
- (5) such other information as the Secretary determines is required for appropriate interpretation of information reported under this section.

(c) Sanctions for failure to report

Any entity that fails to report information on a payment required to be reported under this section shall be subject to a civil money penalty of not more than \$10,000 for each such payment involved. Such penalty shall be imposed and collected in the same manner as civil money penalties under subsection (a) of section 1320a-7a of this title are imposed and collected under that section.

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(d) Report on treatment of small payments

The Secretary shall study and report to Congress, not later than two years after November 14, 1986, on whether information respecting small payments should continue to be required to be reported under subsection (a) of this section and whether information respecting all claims made concerning a medical malpractice action should be required to be reported under such subsection.

(Pub.L. 99-660, Title IV, § 421, Nov. 14, 1986, 100 Stat. 3786.)

Legislative History. For legislative history and purpose of Pub.L. 99-660, see 1986 U.S. Code Cong. and Adm. News, p. 6287. Library References Physicians and Surgeons § 16. C.J.S. Physicians, Surgeons, and Other Health-Care Providers § 70 et seq.

§ 11132. Reporting of sanctions taken by boards of medical examiners

(a) In general

(1) Actions subject to reporting

Each Board of Medical Examiners—

(A) which revokes or suspends (or otherwise restricts) a physician's license or censures, reprimands, or places on probation a physician, for reasons relating to the physician's professional competence or professional conduct, or

(B) to which a physician's license is surrendered,

shall report, in accordance with section 11134 of this title, the information described in paragraph (2).

(2) Information to be reported

The information to be reported under paragraph (1) is—

(A) the name of the physician involved,

(B) a description of the acts or omissions or other reasons (if known) for the revocation, suspension, or surrender of license, and

(C) such other information respecting the circumstances of the action or surrender as the Secretary deems appropriate.

(b) Failure to report

If, after notice of noncompliance and providing opportunity to correct noncompliance, the Secretary determines that a Board of Medical Examiners has failed to report information in accordance with subsection (a) of this section, the Secretary shall designate another qualified entity for the reporting of information under section 11133 of this title.

(Pub.L. 99-660, Title IV, § 422, Nov. 14, 1986, 100 Stat. 3789.)

Legislative History. For legislative history and purpose of Pub.L. 99-660, see 1986 U.S. Code Cong. and Adm. News, p. 6287. Library References Physicians and Surgeons § 9, 17.5. C.J.S. Physicians, Surgeons, and Other Health-Care Providers §§ 9 et seq., 97 et seq.

§ 11133. Reporting of certain professional review actions taken by health care entities

(a) Reporting by health care entities

(1) On physicians

Each health care entity which—

(A) takes a professional review action that adversely affects the clinical privileges of a physician for a period longer than 30 days;

(B) accepts the surrender of clinical privileges of a physician—

(i) while the physician is under an investigation by the entity relating to possible incompetence or improper professional conduct, or

(ii) in return for not conducting such an investigation or proceeding;

or

(C) in the case of such an entity which is a professional society, takes a professional review action which adversely affects the membership of a physician in the society,

shall report to the Board of Medical Examiners, in accordance with section 11134(a) of this title, the information described in paragraph (3).

(2) Permissive reporting on other licensed health care practitioners

A health care entity may report to the Board of Medical Examiners, in accordance with section 11134(a) of this title, the information described in paragraph (3) in the case of a licensed health care practitioner who is not a physician, if the entity would be required to report such information under paragraph (1) with respect to the practitioner if the practitioner were a physician.

(3) Information to be reported

The information to be reported under this subsection is—

- (A) the name of the physician or practitioner involved,
- (B) a description of the acts or omissions or other reasons for the action or, if known, for the surrender, and
- (C) such other information respecting the circumstances of the action or surrender as the Secretary deems appropriate.

(b) Reporting by Board of Medical Examiners

Each Board of Medical Examiners shall report, in accordance with section 11134 of this title, the information reported to it under subsection (a) of this section and known instances of a health care entity's failure to report information under subsection (a)(1) of this section.

(c) Sanctions

(1) Health care entities

A health care entity that fails substantially to meet the requirement of subsection (a)(1) of this section shall lose the protections of section 11111(a)(1) of this title if the Secretary publishes the name of the entity under section 11111(b) of this title.

(2) Board of Medical Examiners

If, after notice of noncompliance and providing an opportunity to correct noncompliance, the Secretary determines that a Board of Medical Examiners has failed to report information in accordance with subsection (b) of this section, the Secretary shall designate another qualified entity for the reporting of information under subsection (b) of this section.

(d) References to Board of Medical Examiners

Any reference in this subchapter to a Board of Medical Examiners includes, in the case of a Board in a State that fails to meet the reporting requirements of section 11132(a) of this title or subsection (b) of this section, a reference to such other qualified entity as the Secretary designates.

(Pub.L. 99-660, Title IV, § 423, Nov. 14, 1986, 100 Stat. 3789.)

Legislative History. For legislative history and purpose of Pub.L. 99-660, see 1986 U.S. Code Cong. and Adm. News, p. 6287.

Library References

Physicians and Surgeons § 9, 17.5.
CJS Physicians, Surgeons, and Other Health-Care Providers §§ 9 et seq., 97 et seq.

§ 11134. Form of reporting

(a) Timing and form

The information required to be reported under sections 11131, 11132(a), and 11133 of this title shall be reported regularly (but not less often than monthly) and in such form and manner as the Secretary prescribes. Such information shall first be required to be reported on a date (not later than one year after November 14, 1986) specified by the Secretary.

(b) To whom

The information under section 11133(b) shall be reported in accordance with the arrangements made by the Secretary, which shall be confidential.

(c) Reporting

(1) Manner

Information reported under this subsection shall be reported in such form and manner as the Secretary prescribes.

(2) Reporting

Information reported under this subsection shall also be reported to the Secretary in such form and manner as the Secretary prescribes.

(Pub.L. 99-660, Title IV, § 423, Nov. 14, 1986, 100 Stat. 3789.)

Legislative History. For legislative history and purpose of Pub.L. 99-660, see 1986 U.S. Code Cong. and Adm. News, p. 6287.

§ 11135. Disposition of information

(a) In general

It is the policy of the United States that information reported under this section shall be confidential and shall not be disclosed to the public, except as may be required by law.

(1) a

the medical records of a hospital or other health care provider.

(2) of

any physician or other health care provider.

A hospital or other health care provider shall not be required to disclose information reported under this section to the public, except as may be required by law.

(b) Failure to report

With respect to information reported under this section, the Secretary shall not be required to disclose information to the public, except as may be required by law.

(c) Reliance on information

Each hospital or other health care provider shall not be required to disclose information reported under this section to the public, except as may be required by law.

(Pub.L. 99-660, Title IV, § 423, Nov. 14, 1986, 100 Stat. 3789.)

Legislative History. For legislative history and purpose of Pub.L. 99-660, see 1986 U.S. Code Cong. and Adm. News, p. 6287.

§ 11136. Disposition of information

With respect to information reported under section 11133 or other licensed health care provider, the Secretary shall not be required to disclose information to the public, except as may be required by law.

(1) disclosure, and

(b) To whom reported

The information required to be reported under sections 11131, 11132(a), and 11133(b) of this title shall be reported to the Secretary, or, in the Secretary's discretion, to an appropriate private or public agency which has made suitable arrangements with the Secretary with respect to receipt, storage, protection of confidentiality, and dissemination of the information under this subchapter.

(c) Reporting to State licensing boards

(1) Malpractice payments

Information required to be reported under section 11131 of this title shall also be reported to the appropriate State licensing board (or boards) in the State in which the medical malpractice claim arose.

(2) Reporting to other licensing boards

Information required to be reported under section 11132(b) of this title shall also be reported to the appropriate State licensing board in the State in which the health care entity is located if it is not otherwise reported to such board under subsection (b) of this section.

(Pub.L. 99-660, Title IV, § 424, Nov. 14, 1986, 100 Stat. 3790.)

Legislative History. For legislative history and purpose of Pub.L. 99-660, see 1986 U.S. Code Cong. and Adm. News, p. 6287.

§ 11135. Duty of hospitals to obtain information

(a) In general

It is the duty of each hospital to request from the Secretary (or the agency designated under section 11134(b) of this title), on and after the date information is first required to be reported under section 11134(a) of this title—

(1) at the time a physician or licensed health care practitioner applies to be on the medical staff (courtesy or otherwise) of, or for clinical privileges at, the hospital, information reported under this subchapter concerning the physician or practitioner, and

(2) once every 2 years information reported under this subchapter concerning any physician or such practitioner who is on the medical staff (courtesy or otherwise) of, or has been granted clinical privileges at, the hospital.

A hospital may request such information at other times.

(b) Failure to obtain information

With respect to a medical malpractice action, a hospital which does not request information respecting a physician or practitioner as required under subsection (a) of this section is presumed to have knowledge of any information reported under this subchapter to the Secretary with respect to the physician or practitioner.

(c) Reliance on information provided

Each hospital may rely upon information provided to the hospital under this chapter and shall not be held liable for such reliance in the absence of the hospital's knowledge that the information provided was false.

(Pub.L. 99-660, Title IV, § 425, Nov. 14, 1986, 100 Stat. 3790.)

Legislative History. For legislative history and purpose of Pub.L. 99-660, see 1986 U.S. Code Cong. and Adm. News, p. 6287.

Library References
Hospitals \Rightarrow b.
C.J.S. Hospital § 5 et seq.

§ 11136. Disclosure and correction of information

With respect to the information reported to the Secretary (or the agency designated under section 11134(b) of this title) under this subchapter respecting a physician or other licensed health care practitioner, the Secretary shall, by regulation, provide for—

(1) disclosure of the information, upon request, to the physician or practitioner, and

(2) procedures in the case of disputed accuracy of the information. (Pub.L. 99-560, Title IV, § 426, Nov. 14, 1986, 100 Stat. 3791)

Legislative History. For legislative history and purpose of Pub.L. 99-560, see 1986 U.S. Code Cong. and Adm. News, p. 6237.

§ 11137. Miscellaneous provisions

(a) Providing licensing boards and other health care entities with access to information

The Secretary (or the agency designated under section 11134(b) of this title shall, upon request, provide information reported under this subchapter with respect to a physician or other licensed health care practitioner to State licensing boards, to hospitals, and to other health care entities (including health maintenance organizations) that have entered (or may be entering) into an employment or affiliation relationship with the physician or practitioner or to which the physician or practitioner has applied for clinical privileges or appointment to the medical staff.

(b) Confidentiality of information

(1) In general

Information reported under this subchapter is considered confidential and shall not be disclosed (other than to the physician or practitioner involved) except with respect to professional review activity, as necessary to carry out subsections (b) and (c) of section 11135 of this title (as specified in regulations by the Secretary), or in accordance with regulations of the Secretary promulgated pursuant to subsection (a) of this section. Nothing in this subsection shall prevent the disclosure of such information by a party which is otherwise authorized, under applicable State law, to make such disclosure. Information reported under this part that is in a form that does not permit the identification of any particular health care entity, physician, other health care practitioner, or patient shall not be considered confidential. The Secretary (or the agency designated under section 11134(b) of this title), on application by any person, shall prepare such information in such form and shall disclose such information in such form.

(2) Penalty for violations

Any person who violates paragraph (1) shall be subject to a civil money penalty of not more than \$10,000 for each such violation involved. Such penalty shall be imposed and collected in the same manner as civil money penalties under subsection (a) of section 1320a-7a of this title are imposed and collected under that section.

(3) Use of information

Subject to paragraph (1), information provided under section 11135 of this title and subsection (a) of this section is intended to be used solely with respect to activities in the furtherance of the quality of health care.

(4) Fees

The Secretary may establish or approve reasonable fees for the disclosure of information under this section or section 11136 of this title. The amount of such a fee may not exceed the costs of processing the requests for disclosure and of providing such information. Such fees shall be available to the Secretary (or, in the Secretary's discretion, to the agency designated under section 11134(b) of this title) to cover such costs.

(c) Relief from liability for reporting

No person or entity (including the agency designated under section 11134(b) of this title) shall be held liable in any civil action with respect to any report made under this subchapter (including information provided under subsection (a) of this section) without knowledge of the falsity of the information contained in the report.

(d) Interpretation. In interpretation of a presumption (Pub.L. 99-560 § 402(a), (b), (c)).

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1987 Amendment 177, § 402(a)(1) carry out subsection of this title (as Secretary)" for tie actions".

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(d) Interpretation of information

In interpreting information reported under this subchapter, a payment in settlement of a medical malpractice action or claim shall not be construed as creating a presumption that medical malpractice has occurred.

(Pub.L. 99-660, Title IV, § 427, Nov. 14, 1986, 100 Stat. 3791, amended Pub.L. 100-177, Title IV, § 402(a), (b), Dec. 1, 1987, 101 Stat. 1007.)

1 So in original. Amendment by section 402(a)(2)(B) of Pub.L. 100-177 failed to include a closing parenthesis.

1987 Amendment. Subsec. (b)(1). Pub.L. 100-177, § 402(a)(1)(A), substituted "as necessary to carry out subsections (b) and (c) of section 11135 of this title (as specified in regulations by the Secretary)" for "with respect to medical malpractice actions"

Pub.L. 100-177, § 402(a)(1)(B), added provisions that information reported under this part that is in a form that does not permit the identification of any particular health care entity, physician, other health care practitioner, or patient shall not be considered confidential, and that the Secretary (or the agency designated under section 11134(b) of this title), on application by any person, shall prepare such information in such form and shall disclose such information in such form.

Subsec. (b)(4). Pub.L. 100-177, § 402(b), added par. (4).

Subsec. (c). Pub.L. 100-177, § 402(a)(2), substituted "No person or entity (including the agency designated under section 11134(b) of this title) shall be held liable in any civil action with respect to any report made under this subchapter (includ-

ing information provided under subsection (a) of this section without knowledge of the falsity of the information contained in the report" for "No person or entity shall be held liable in any civil action with respect to any report made under this subchapter without knowledge of the falsity of the information contained in the report"

Effective Date of 1987 Amendment. Section 402(c) of Pub.L. 100-177 provided that:

"(1) In general.—The amendments made by subsection (a) [amending subsecs. (b)(1) and (c) of this section] shall become effective on November 14, 1986.

"(2) Fees.—The amendment made by subsection (b) [enacting subsec. (b)(4) of this section] shall become effective on the date of enactment of this Act [Dec. 1, 1987]."

Legislative History. For legislative history and purpose of Pub.L. 99-660, see 1986 U.S. Code Cong. and Adm. News, p. 6287. See, also, Pub.L. 100-177, see 1987 U.S. Code Cong. and Adm. News, p. 960.

SUBCHAPTER III—DEFINITIONS AND REPORTS

§ 11151. Definitions

In this title:

(1) The term "adversely affecting" includes reducing, restricting, suspending, revoking, denying, or failing to renew clinical privileges or membership in a health care entity.

(2) The term "Board of Medical Examiners" includes a body comparable to such a Board (as determined by the State) with responsibility for the licensing of physicians and also includes a subdivision of such a Board or body.

(3) The term "clinical privileges" includes privileges, membership on the medical staff, and the other circumstances pertaining to the furnishing of medical care under which a physician or other licensed health care practitioner is permitted to furnish such care by a health care entity.

(4)(A) The term "health care entity" means—

(i) a hospital that is licensed to provide health care services by the State in which it is located,

(ii) an entity (including a health maintenance organization or group medical practice) that provides health care services and that follows a formal peer review process for the purpose of furthering quality health care (as determined under regulations of the Secretary), and

(iii) subject to subparagraph (B), a professional society (or committee thereof) of physicians or other licensed health care practitioners that follows a formal peer review process for the purpose of furthering quality health care (as determined under regulations of the Secretary).

(B) The term "health care entity" does not include a professional society (or committee thereof) if, within the previous 5 years, the society has been found by the Federal Trade Commission or any court to have engaged in any anti-competitive practice which had the effect of restricting the practice of licensed health care practitioners.

information shall not be construed as creating a presumption that medical malpractice has occurred.

information shall be held liable in any civil action with respect to any report made under this subchapter (including information provided under subsection (a) of this section without knowledge of the falsity of the information contained in the report)

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(5) The term "hospital" means an entity described in paragraphs (1) and (7) of section 1395x(e) of this title.

(6) The terms "licensed health care practitioner" and "practitioner" mean, with respect to a State, an individual (other than a physician) who is licensed or otherwise authorized by the State to provide health care services.

(7) The term "medical malpractice action or claim" means a written claim or demand for payment based on a health care provider's furnishing (or failure to furnish) health care services, and includes the filing of a cause of action, based on the law of tort, brought in any court of any State or the United States seeking monetary damages.

(8) The term "physician" means a doctor of medicine or osteopathy or a doctor of dental surgery or medical dentistry legally authorized to practice medicine and surgery or dentistry by a State (or any individual who, without authority holds himself or herself out to be so authorized).

(9) The term "professional review action" means an action or recommendation of a professional review body which is taken or made in the conduct of professional review activity, which is based on the competence or professional conduct of an individual physician (which conduct affects or could affect adversely the health or welfare of a patient or patients), and which affects (or may affect) adversely the clinical privileges, or membership in a professional society, of the physician. Such term includes a formal decision of a professional review body not to take an action or make a recommendation described in the previous sentence and also includes professional review activities relating to a professional review action. In this chapter, an action is not considered to be based on the competence or professional conduct of a physician if the action is primarily based on—

(A) the physician's association, or lack of association, with a professional society or association,

(B) the physician's fees or the physician's advertising or engaging in other competitive acts intended to solicit or retain business,

(C) the physician's participation in prepaid group health plans, salaried employment, or any other manner of delivering health services whether on a fee-for-service or other basis,

(D) a physician's association with, supervision of, delegation of authority to, support for, training of, or participation in a private group practice with, a member or members of a particular class of health care practitioner or professional, or

(E) any other matter that does not relate to the competence or professional conduct of a physician.

(10) The term "professional review activity" means an activity of a health care entity with respect to an individual physician—

(A) to determine whether the physician may have clinical privileges with respect to, or membership in, the entity,

(B) to determine the scope or conditions of such privileges or membership, or

(C) to change or modify such privileges or membership.

(11) The term "professional review body" means a health care entity and the governing body or any committee of a health care entity which conducts professional review activity, and includes any committee of the medical staff of such an entity when assisting the governing body in a professional review activity.

(12) The term "Secretary" means the Secretary of Health and Human Services.

(13) The term "State" means the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

(14) The term "State licensing board" means, with respect to a physician or health care provider in a State, the agency of the State which is primarily

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responsible for the licensing of the physician or provider to furnish health care services.

(Pub.L. 99-660, Title IV, § 431, Nov. 14, 1986, 100 Stat. 3792.)

Legislative History. For legislative history and purpose of Pub.L. 99-660, see 1986 U.S. Code Cong. and Adm. News, p. 6287.

§ 11152. Reports and memoranda of understanding

(a) Annual reports to Congress

The Secretary shall report to Congress, annually during the three years after November 14, 1986, on the implementation of this chapter.

(b) Memoranda of understanding

The Secretary of Health and Human Services shall seek to enter into memoranda of understanding with the Secretary of Defense and the Administrator of Veterans' Affairs to apply the provisions of subchapter II of this chapter to hospitals and other facilities and health care providers under the jurisdiction of the Secretary or Administrator, respectively. The Secretary shall report to Congress, not later than two years after November 14, 1986, on any such memoranda and on the cooperation among such officials in establishing such memoranda.

(c) Memorandum of understanding with drug enforcement administration

The Secretary of Health and Human Services shall seek to enter into a memorandum of understanding with the Administrator of Drug Enforcement relating to providing for the reporting by the Administrator to the Secretary of information respecting physicians and other practitioners whose registration to dispense controlled substances has been suspended or revoked under section 924 of Title 21. The Secretary shall report to Congress, not later than two years after November 14, 1986, on any such memorandum and on the cooperation between the Secretary and the Administrator in establishing such a memorandum.

(Pub.L. 99-660, Title IV, § 432, Nov. 14, 1986, 100 Stat. 3794.)

Legislative History. For legislative history and purpose of Pub.L. 99-660, see 1986 U.S. Code Cong. and Adm. News, p. 6287.

CHAPTER 118—ALZHEIMER'S DISEASE AND RELATED DEMENTIAS SERVICES RESEARCH

SUBCHAPTER I—GENERAL PROVISIONS

11201. Congressional statement of findings.

SUBCHAPTER II—COUNCIL ON ALZHEIMER'S DISEASE

11211. Establishment.
11212. Functions; reports to Congress.

SUBCHAPTER III—ADVISORY PANEL ON ALZHEIMER'S DISEASE

11221. Establishment of Panel.
11222. Function of Panel; annual report to Congress.
11223. Authorization of appropriations.

SUBCHAPTER IV—AWARDS FOR LEADERSHIP AND EXCELLENCE IN ALZHEIMER'S DISEASE AND RELATED DEMENTIAS

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Sec. 11231. Awards authorized.
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Introduced

FEB 11 '88

Bill No. 743(LS)

Introduced by:

E.M. Espaldon *Frank in Espaldon*
M.D.A. MANIBUSAN *M.D. Manibusan*
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E. n. Doe
A. G. LAMORONA III *AG*
J.G. BAMBANA *JGB*

AN ACT TO AUTHORIZE THE APPLICATION OF
THE HEALTH CARE QUALITY IMPROVEMENT ACT
OF 1986 TO GUAM.

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM: -

1 Section 1. In accordance with Title IV of the
2 Health Care Quality Improvement Act of 1986 the Territory
3 of Guam elects to have it apply effective immediately.