



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, GU 96932
Tel: (671) 472-8931 • Fax: (671) 477-4826 • Email: governor@guam.gov

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

SEP 14 2010

2010 SEP 16 AM 10:43 EDM

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Bill 386-30(COR) "AN ACT TO REPEAL AND REENACT CHAPTER 80 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE AUTONOMY OF THE GUAM MEMORIAL HOSPITAL AUTHORITY," which I signed into law on August 28, 2010 as **Public Law 30-190**.

Sinseryan Magåhet,

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy of Bill

30-10-0788
Office of the Speaker
Judith T. Won Pat, Ed.D.
Date: 9/15/10
Time: 4:30
Received by: [Signature]

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

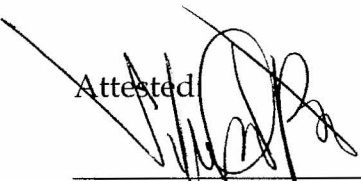
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 386-30 (COR)**, "AN ACT TO REPEAL AND RE-ENACT CHAPTER 80 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE AUTONOMY OF THE GUAM MEMORIAL HOSPITAL AUTHORITY", was on the 16th day of August, 2010, duly and regularly passed.



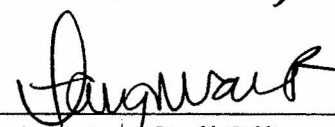
Judith T. Won Pat, Ed. D.
Speaker

Attested



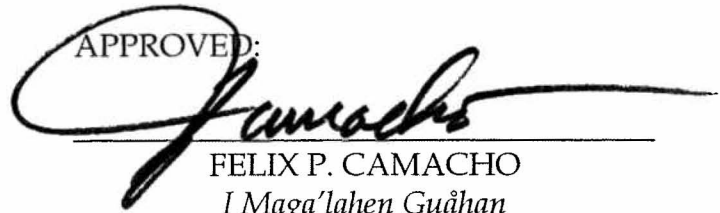
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 17th day of Aug; 2010, at
4:40 o'clock P.M.



Assistant Staff Officer
Maga'laha's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____

AUG 28 2010

Public Law No. P.L. 30-190

- 1 **§80102. Establishment.**
- 2 **§80103. Definitions.**
- 3 **§80104. Prohibition Against Discrimination.**
- 4 **§80105. Board of Trustees.**
- 5 **§80105.1. Duties of the Board of Trustees.**
- 6 **§80105.2. Meetings.**
- 7 **§80105.3. Term of Office.**
- 8 **§80105.4. Qualifications of Members of the Board of Trustees.**
- 9 **§80105.5. Trustees Nominating Council; Establishment.**
- 10 **§80105.6. Tenure of Members Currently Serving as Trustees.**
- 11 **§80106. Board Members Not Deemed Officers or Employees**
12 **of the Government of Guam.**
- 13 **§80107. Removal From Office.**
- 14 **§80108. Officers.**
- 15 **§80109. Powers.**
- 16 **§80110. Administrator and Chief Executive Officer.**
- 17 **§80111. Chief Financial Officer.**
- 18 **§80112. Construction With Other Laws.**
- 19 **§80113. Employment Practices.**
- 20 **§80114. Attorney.**
- 21 **§80115. Exemption From Taxation.**
- 22 **§80116. Fiscal Authority; Accounting and Expenditures.**
- 23 **§80117. Irreversible Renal Failure.**
- 24 **§80117.1. Cancer Data Collection.**
- 25 **§80118. Patients' Records Confidential.**
- 26 **§80119. Mandatory Annual Budget.**

1 **§80120. Solicitation, Acceptance, Utilization and**
2 **Administration of Donations, Contributions, Gifts, and Bequests**
3 **for Specific Purposes.**

4 **§80121. Receiving of Revenues from Vending Machines.**

5 **§80101. Short Title.** This Chapter may be cited as the *Guam Health*
6 *Act of 2010.*

7 **§80102. Establishment.** There is established within the government of
8 Guam a public corporation and an autonomous instrumentality called the
9 Guam Memorial Hospital Authority. It *shall* have title to all real and
10 personal property now or hereafter set aside for or conveyed to it. Its
11 property *shall* be administered and disposed of according to law. All the
12 rights, immunities, franchises and endowments heretofore granted thereto by
13 Guam are hereby perpetuated unto the said Authority.

14 **§80103. Definitions.** As used in this Chapter, unless otherwise
15 indicated:

- 16 (a) *Board* means the Board of Trustees of the Guam Memorial
17 Hospital Authority.
- 18 (b) *Administrator* means the Administrator of the Guam Memorial
19 Hospital Authority.
- 20 (c) *Hospital* means the Guam Memorial Hospital Authority.
- 21 (d) *Health Professionals* means those persons licensed or certified
22 to practice the healing art within Guam.

23 **§80104. Prohibition Against Discrimination.**

24 It *shall* be the policy of the Guam Memorial Hospital Authority that
25 discrimination against any individual or group for reasons of age, race,
26 color, sex, national origin, religious belief, marital status, physical/mental
27 disability, political affiliation and retaliation is specifically prohibited under

1 any program, employment or activity for which the Board of Trustees is
2 responsible.

3 **§80105. Board of Trustees.**

4 (a) The governance and control of the Guam Memorial Hospital
5 Authority are vested in a Board of Trustees (Board). The Board *shall* be
6 composed of nine (9) members: four (4) members representing the general
7 public, who *shall* possess a background and experience in healthcare,
8 management, finance or any other business-related field; one (1) member
9 representing the Allied Health Professions; two (2) members representing
10 the Guam Nursing Association; and two (2) members representing the Guam
11 Medical Community, appointed by *I Maga'lahaen Guåhan* as provided
12 herein, with the advice and consent of *I Liheslaturan Guåhan*.

13 (b) Each Trustee *shall* be entitled to receive the sum of One
14 Hundred Dollars (\$100.00) for his/her attendance at any meeting of the
15 Board, but such compensation *shall not* apply to more than four (4) meetings
16 or exceed Four Hundred Dollars (\$400) in any one (1) calendar month. No
17 Trustee *shall* receive any other compensation, but *shall* be reimbursed for
18 actual travel, subsistence and out-of-pocket expenses incurred in the
19 discharge of his or her responsibilities, including authorized attendance at
20 meetings held away from Guam.

21 **§80105.1. Duties of the Board of Trustees.**

22 (a) The Board *shall* be liable for the negligent act of any hospital
23 employee or officer, if the Board knew or had notice that said employee or
24 officer was inefficient and incompetent to perform the services for which he
25 was hired, or said Board retained such inefficient or incompetent person
26 after knowledge or notice of such inefficiency or incompetency.

1 (b) No Trustee *shall* be liable for any decision made in the good
2 faith, non-malicious fulfillment of his duties.

3 (c) The Board *shall* be liable as fiduciaries in the execution of their
4 duties.

5 (d) No Trustee *shall* be actively engaged in the selling of services
6 or goods to the Hospital without the express approval of the Board of
7 Trustees. The form of approval *shall* be by the adoption of a Board
8 Resolution confirming said approval. This restriction *shall not* apply to
9 health care professionals who provide direct patient care services to the
10 Hospital.

11 (e) No Trustee *shall* act when a conflict of interest occurs. The
12 Trustee *shall* disclose the nature of the conflict of interest to the members
13 present and abstain from any discussion or voting on the issue until it has
14 been disposed of by action of the remaining members present. *If* a Trustee
15 knowingly fails to disclose a conflict of interest in the manner listed herein
16 and subsequently votes on an action to be taken by the Board, then the vote
17 of the conflicted Trustee *shall not* be counted for purposes of constituting
18 official Board action. Any Trustee who knowingly fails to disclose a
19 conflict of interest in the manner listed herein *shall* be subject to removal
20 from the Board, pursuant to §80107 of this Chapter.

21 (f) The Board may, in accordance with all relevant procurement
22 laws, contract with a professional management firm, or individual or group
23 of individuals with *at least* five (5) years demonstrated experience in
24 hospital management in the United States, to manage the hospital facility
25 and all or any part of its functions. The management firm *shall* exercise, on
26 the Board's behalf, all of the executive authority granted to the Board by the
27 laws of Guam, provided that the Board *shall* retain its rulemaking authority

1 and *shall* monitor the firm's performance of the contract. The contract *shall*
2 be for a term *not to exceed* five (5) years. *If* the contract is terminated or
3 becomes invalid for any reason, all authority *shall* revert to the Board, which
4 *shall* appoint an interim manager until a new contractor is selected. The
5 Board *shall* determine the firm's compensation, which *shall* be paid from the
6 Hospital Operations Fund.

7 **§80105.2. Meetings.** Meetings of the Board *shall* be held at a
8 regular time and place as determined by the Board. Special meetings may
9 be called by the Chairman or by a majority of the members, as often as may
10 be necessary. Meetings of the Board, regular or special, *shall* be subject to
11 the Open Government Law of Guam. A majority of the members *shall*
12 constitute a quorum and an affirmative vote of five (5) members is required
13 for any action to be valid.

14 **§80105.3. Term of Office.** The members of the Board of Trustees
15 *shall* serve staggered terms of six (6) years. On the expiration of the term of
16 any member, or in the event of a vacancy on the Board due to resignation,
17 death or any other cause, *I Maga'lahi shall*, in the manner provided herein
18 and with the advice and consent of *I Liheslatura*, appoint another member
19 for a full term in the first instance, or for the remainder of the unexpired
20 term. When there is a change of administration of the government of Guam
21 after a gubernatorial election, no courtesy resignation *shall* be requested by
22 the new administration nor offered by any member of the Board.

23 **§80105.4. Qualifications of Members of the Board of Trustees.**
24 The composition of the members of the Board *shall* be broadly based in
25 terms of its members' personal expertise and *shall* strive for a balanced
26 representation of the general population. Trustees, and Trustee candidates,
27 must be United States citizens or permanent resident aliens domiciled in

1 Guam for at least three (3) years prior to appointment to the Board. No
2 person *shall* sit on the Board as a member who is an employee of the Guam
3 Memorial Hospital Authority.

4 **§80105.5. Trustees Nominating Council; Establishment.** There
5 is established the Trustees Nominating Council (Council) with sole
6 responsibility to identify, recruit, evaluate and nominate all qualified
7 candidates for membership on the Board of Trustees of the Guam Memorial
8 Hospital Authority (GMHA).

9 (a) **Membership.**

10 (1) The Council *shall* consist of eleven (11) members:

11 one (1) Mayor-member to be appointed by the Mayors Council;

12 one (1) member of the GMHA Board of Trustees to be
13 appointed by the GMHA Board of Trustees;

14 two (2) members of the GMHA Executive Management
15 Council to be appointed by the GMHA Executive Management
16 Council;

17 two (2) members of the GMHA Medical Executive Committee
18 to be appointed by the GMHA Medical Executive Committee;

19 two (2) members of the Guam Nursing Association to be
20 appointed by the Guam Nursing Association;

21 one (1) member of the Allied Health Profession to be appointed
22 by the Allied Health Profession Association; and

23 two (2) members from the community at large to be appointed
24 by the Trustees Nominating Council.

25 The Members of the Council *shall* serve for a term of two (2) years.

1 Community at large members must be United States citizens or
2 permanent resident aliens domiciled on Guam for at least two (2)
3 consecutive years immediately preceding appointment to the Council.

4 (2) The GMHA Board of Trustee member *shall* serve as
5 temporary Chairperson, and *shall* convene the first meeting of the
6 Council. At its first meeting the Council *shall* elect from among its
7 members a Chairperson and a Vice-chairperson. The Chairperson
8 *shall* preside at all meetings of the Council, *shall* act as the
9 spokesperson of the Council and perform such other duties as the
10 Council *shall* direct.

11 The Vice-chairperson *shall* succeed to the duties of the
12 chairperson in the absence or inability of the Chairperson to serve.
13 From among its members, the Council *shall* select a secretary and any
14 other officers that the Council may deem necessary.

15 **(b) Duties.**

16 (1) The Council *shall* develop a statement of the selection
17 criteria to be applied and a description of the responsibilities and
18 duties of a Trustee, and *shall* distribute this to potential candidates.

19 (2) In making its nominations, the Council *shall*: consider
20 the needs of the Guam Memorial Hospital Authority; advertise; locate
21 potential candidates; maintain a list of their names and contact
22 information; match potential candidates with projected vacancies;
23 review candidates' qualifications and references; conduct interviews;
24 and carry out other recruitment and screening activities as necessary.

25 (3) The Council *shall* be responsible for submitting a list of
26 at least one (1) and no more than three (3) qualified candidates for
27 every vacancy on the Board to *I Maga'lahaen Guåhan*.

1 (4) Nominations *shall* be made thirty (30) days prior to the
2 expiration of a term, or within fourteen (14) days following an
3 unforeseen vacancy. *I Liheslaturan Guåhan* [Guam Legislature] finds
4 that it is critical that a vacancy on the Board be filled promptly.
5 Therefore, *I Maga'lahren Guåhan* [Governor] *shall* make the
6 appointment of the qualified candidate from a list of candidates
7 provided by the Council, which list *shall* contain at least one (1) and
8 no more than three (3) qualified candidates submitted by the Council
9 within forty-five (45) days of a vacancy, subject to the advice and
10 consent of *I Liheslaturan Guåhan*.

11 If *I Maga'lahren Guåhan* does not make the appointment within
12 forty-five (45) days of a vacancy, the Speaker of *I Liheslaturan*
13 *Guåhan* [Guam Legislature] *shall* make the appointment of the
14 qualified candidate from the identical list submitted to *I Maga'lahren*
15 *Guåhan* [Governor] by the Council, subject to the advice and consent
16 of *I Liheslaturan Guåhan*. Any appointment to fill a vacancy which
17 is made by the Speaker of *I Liheslaturan Guåhan* pursuant to this
18 Section *shall* not become void due to a later appointment by *I*
19 *Maga'lahren Guåhan* [Governor] to fill the same vacancy.

20 (5) The Council *shall* submit an annual report to *I*
21 *Maga'lahren Guåhan* [Governor] and *I Liheslaturan Guåhan* [Guam
22 Legislature] at the termination of each fiscal year setting forth a
23 summation of its activities and general recommendations.

24 (c) Council Meetings. The Council *shall* hold at least one (1)
25 meeting quarterly and as often as necessary. The Council *shall*
26 conduct its first meeting within fourteen (14) days after enactment of
27 this Act. A majority of the Council members *shall* constitute a

1 quorum. The vote of six (6) Council members *shall* be required for
2 any action of the Council. The Council may adopt rules to govern its
3 procedures.

4 (d) Support Services. The Administrator of GMHA *shall*
5 provide administrative and support services for the Council.

6 **§80105.6. Tenure of Members Currently Serving as Trustees.**

7 The current members of the Board *shall* continue to serve until the
8 expiration of their term as set out in §80105.3 of this Chapter and in the
9 event of a vacancy, said vacancy *shall* be filled in accordance with this
10 Chapter.

11 **§80106. Board Members Not Deemed Officers or Employees**
12 **of the Government of Guam.** The members of the Board *shall* not, by
13 reason of such membership, be deemed employees of the government of
14 Guam.

15 **§80107. Removal From Office.** A member of the Board may be
16 removed by a vote of five (5) members for malfeasance in office or for
17 persistent neglect of, or inability to discharge, duties, or for offenses
18 involving moral turpitude, and for no other cause. However, no member of
19 the Board *shall* be removed from office before a written bill of particulars
20 *shall* have been given to the accused and before an investigation and an open
21 and public hearing *shall* have been had. Any member who removes his
22 residence from Guam *shall* be deemed to have vacated his office, thereby
23 creating a vacancy on the Board.

24 **§80108. Officers.** The Board *shall* elect a Chairman, a Vice-
25 Chairman, a Secretary and a Treasurer from among its membership every
26 two (2) years.

27 **§80109. Powers.**

1 The Hospital *shall* have and exercise each and all of the following
2 powers:

3 (a) Maintain and operate a facility providing acute, chronic and all
4 other health care services, including those services specifically provided by
5 contract for the Department of Mental Health and Substance Abuse, for the
6 people of Guam.

7 (b) Establish a schedule of fees, in accordance with Title 10 GCA
8 §80105, to be charged for care and services at or by the Hospital. The
9 schedule of fees *shall* be sufficient to recover the operating costs and fixed
10 costs and to generate such revenue as is necessary to enable the Hospital to
11 meet its financial obligations, operating expenses and capital improvement
12 needs. The Guam Public Utilities Commission *shall* not have any purview
13 over the Authority rates. The rates established per fee schedule may be
14 increased by the Board of Trustees up to five percent (5%) per year;
15 provided, that the total revenues from all increases per fee schedule *shall* not
16 exceed five percent (5%) of the total revenues adopted by the Board in the
17 Authority's budget for that fiscal year, or decreased as necessary.

18 Fees for new services, medications, or supplies, or rate increases of
19 more than five percent (5%) annually *shall* be established by the Authority,
20 approved and ratified by the Board of Trustees and forwarded to *I*
21 *Liheslaturan Guåhan* for approval. Prior to the approval and ratification by
22 the Board of Trustees, public hearings must be conducted by the Authority
23 for any new fee or rate increase of more than five percent (5%).

24 *I Liheslaturan Guåhan shall* have forty-five (45) days from the receipt
25 of the proposed new fee or rate increase to conduct a public hearing and
26 approve the increase or new fee. *If I Liheslaturan Guåhan* does not
27 disapprove or amend the proposed new fee or increase in rates within the

1 forty-five (45) days, the new fee or rate increase will immediately become
2 effective.

3 (c) The Authority may establish interim fees for new, untariffed
4 services, medication and supplies, without prior legislative approval and
5 without compliance with the Administrative Adjudication Law; provided,
6 that:

7 (1) the interim fees are consistent with the Authority's Net
8 Revenue Enhancement Engagement Pricing Model, as prepared by
9 Deloitte & Touche, dated February 7, 1992, or such other protocol as
10 may be approved by the Board of Trustees; and

11 (2) a petition for permanent approval of the interim fees is
12 filed by the Authority with *I Liheslaturan Guåhan* within three (3)
13 months of the Authority's establishment of the interim fee.

14 (d) Forward the billings for the cost of medical care and services
15 rendered to any person under the Old Age Assistance for the Aged Program,
16 Aid to the Blind Program, and Aid to the Permanently and Totally Disabled
17 Program of the Social Security Act, as well as those persons considered
18 medically indigent as the term is defined in Chapter 2 of this Title, of which
19 *shall* be paid by the Department of Public Health and Social Services.

20 (e) Acquire, subject to the laws of Guam, by grant, purchase, gift,
21 devise or lease, and hold and use any real property necessary or convenient
22 or useful for the carrying on of any of its powers pursuant to the provisions
23 of this Article; upon written certification of the Administrator, that specified
24 and specialized medical equipment and related supplies are needed
25 immediately for the health and welfare of the patients of the Hospital in
26 particular, and the people of Guam in general, the Guam Memorial Hospital
27 Authority *shall* be exempt from the provisions of §§ 5210 and 5211 of Title

1 5, Guam Code Annotated, in the acquisition of the medical equipment and
2 related supplies specified in such written certification of the Administrator;
3 provided, that the Hospital *shall* use its best judgment and efforts to secure
4 the best equipment and supplies at the lowest cost, utilizing businesses
5 licensed to do business on Guam whenever possible.

6 (f) Establish its internal organization and management;

7 (g) Perform such acts as may be reasonably necessary to
8 accomplish the purpose for which it was formed;

9 (h) Adopt a seal;

10 (i) Sue or be sued in its own corporate name;

11 (j) Employ, retain or contract for the services of qualified
12 managers, specialists or as individuals or as organizations;

13 (k) Adopt such rules and regulations pursuant to the Administrative
14 Adjudication Act as may be necessary for the exercise of the Hospital's
15 powers, performance of its duties and administration of its operations;

16 (l) Adopt and maintain a uniform system of accounting;

17 (m) Adopt and maintain a travel authorization policy,
18 notwithstanding any law to the contrary;

19 (n) Adopt rules and regulations governing selection, compensation,
20 promotion, performance evaluation, disciplinary action and other terms and
21 conditions of employment affecting personnel, subject to the provisions of
22 the Administrative Adjudication Act. Such rules and regulations *shall*
23 provide for the employment and retention of persons on the basis of merit,
24 and *shall* include an orderly and systematic method of recruitment and the
25 establishment of a list of qualified applicants for employment purposes,
26 *except* that compensation for non-medical personnel *shall* remain consistent
27 with compensation plans and pay scales as determined by the Civil Service

1 Commission or its successor. *Non-medical personnel* are defined as
2 personnel employed by the Authority who are *not* physicians, nurses,
3 medical technicians or technologists, licensed or certificated therapists of
4 any sort, laboratory technicians, personnel certificated in any medical or
5 nursing field, nurse practitioners, pharmacists or other medical personnel.

6 (o) Do any and all other things necessary to the full and convenient
7 exercise of the above powers;

8 (p) Contract with a corporation to exercise any or all the powers of
9 the Administrator, and of those officers authorized by §80108 of this
10 Chapter, if the Board so chooses;

11 (q) Acquire in accordance with the Procurement Law (5 GCA
12 Chapter 5) and hold and use any personal property or construct any projects
13 necessary or convenient or useful for carrying on of any of its powers
14 pursuant to the provisions of this Chapter;

15 (r) With the concurrence of *I Maga'lahaen Guahan* [Governor],
16 negotiate with appropriate federal official (Secretary of Defense, officials of
17 Tripler Army Hospital, etc.) for the implementation of §105(k) of the
18 Compact of Free Association Act of 1985 with the Freely Associated States
19 of Micronesia.

20 All terms of the agreement *shall* be negotiated by the Guam Memorial
21 Hospital Authority in the best interests of the people of Guam. The
22 agreement must be submitted to *I Maga'lahi* for his review and approval.

23 (s) Arrange a line of credit not to exceed Twelve Million Dollars
24 (\$12,000,000) with banks or other lending institutions licensed on Guam.
25 All terms of the line of credit agreement *shall* be negotiated by the Authority
26 and *I Maga'lahaen Guahan* [Governor] in the best interests of the people of
27 Guam. The terms of the line of credit *shall* include the following:

1 (1) the line of credit *shall* be used by the Authority when a
2 cash shortage threatens the operation of the Hospital, and provided
3 that the loan *shall* not be used for the hiring of non-health care
4 professionals not involved with providing direct patient care or patient
5 care support;

6 (2) no charge *shall* be levied by a lender for making the loan;

7 (3) the interest rate *shall* be subjected to negotiation between
8 the Authority, *I Maga'lahaen Guåhan* and the lender; such interest rate
9 *shall* be computed on a monthly average and based on the actual
10 amount extended to the Authority; and

11 (4) interest earned by the lender *shall* be exempt from
12 taxation by the government of Guam.

13 (5) *I Maga'lahaen Guåhan* is authorized to pledge funds
14 which Guam *shall* receive from the State Attorneys General Tobacco
15 Litigation, as provided by Public Law 24-174, or the General Fund, or
16 both funds in any combination, as a security for repayment of the
17 loan, in addition to any revenues which may be pledged by the
18 Authority. *I Maga'lahaen Guåhan* and the Authority are hereby
19 authorized to execute the loan agreement and other necessary
20 documentation.

21 (6) The line of credit authorized in this Act *shall* not be used
22 in the calculation for rate relief in any rate methodology for any rate
23 case before the Public Utilities Commission.

24 (t) Notwithstanding any other provision of law, make, negotiate
25 and enter into a commercial lease, or issue a permit or license for the use of
26 its real property and other related facilities for a term not to exceed five (5)
27 years.

1 **§80110. Administrator and Chief Executive Officer.**

2 (a) The Board *shall* hire or contract an Administrator, who *shall* be
3 its Chief Executive Officer. The Administrator's duties and compensation,
4 salary and endowments, *shall* be determined by the Board. The
5 Administrator *shall* meet the following minimum qualifications:

6 (1) *shall* have graduated from a recognized college or
7 university with a Master's Degree in hospital administration, health
8 services management or a related field, plus six (6) years of
9 experience in hospital administration or healthcare services
10 management, of which three (3) years must have been experience as
11 an administrator in a hospital setting; or

12 (2) *shall* have graduated from a recognized college or
13 university with a Bachelor's Degree in hospital administration, health
14 services management, or a related field, plus eight (8) years of
15 experience in hospital administration or healthcare services
16 management, of which five (5) years must have been experience as an
17 administrator in a hospital setting;

18 (3) *shall* have experience in negotiating and directing
19 activities related to obtaining reimbursement from government
20 programs, such as Medicare, Medicaid or the Medically Indigent
21 Program of the government of Guam; and

22 (4) *shall* have experience in negotiating contracts with
23 external parties, including third party payers, vendors, insurance
24 carriers and other contracting parties.

25 (b) The Board *shall* set the tenure of office for the Administrator of
26 the Guam Memorial Hospital Authority. The Board may hire the Hospital
27 Administrator by direct employment as an unclassified employee of the

1 government of Guam, or by personal services contract, as the Board deems
2 necessary to attract and retain a qualified Administrator. However, the term
3 of employment for the position of Administrator *shall* not end six (6) months
4 prior to nor six (6) months after an election for Senators, and Governor and
5 Lt. Governor. The Board by an affirmative vote of at least five (5) members
6 may renew the contract of the Administrator. Similarly, the affirmative vote
7 of at least five (5) members may terminate the services of the Administrator
8 for cause in the same manner and procedure as a Trustee may be removed
9 pursuant to §80107 of this Chapter. Upon a change of administration of the
10 government of Guam after a gubernatorial election, no courtesy resignation
11 *shall* be requested by the new administration nor offered by the
12 Administrator of the Hospital.

13 (c) The Administrator *shall* have full charge and control of the
14 operations and maintenance of the Hospital. The powers of the
15 Administrator *shall* include:

16 (1) to recommend rules and regulations for adoption by the
17 Board of Trustees, and to see that all rules and regulations of the
18 Hospital are enforced;

19 (2) to ensure compliance with all federal and local
20 regulations;

21 (3) to act as liaison to the governing body for the medical,
22 nursing, and other professional staff and all facility departments;

23 (4) to attend, unless excused by the Board, all meetings of
24 the Board and to submit written reports on the affairs of the Hospital
25 each month;

1 (5) to keep the Board advised on the needs of the Hospital
2 and approve demands for payment of obligations within the purposes
3 and amounts authorized by the Board;

4 (6) to prepare and cause to be prepared all plans and
5 specifications for purchased services and the construction and repair
6 of equipment and facilities operated by the Hospital and serve as the
7 Hospital's Chief Procurement Officer;

8 (7) to devote that person's time to the business of the
9 Hospital, to select and appoint the employees of the Hospital, except
10 as otherwise provided in this Chapter, and to plan, organize,
11 coordinate and control the services of such employees in the exercise
12 of the powers of the Hospital under the general direction of the Board;

13 (8) to prepare, within one hundred twenty (120) days from
14 the end of each fiscal year, an annual report of the results of the
15 operations for the preceding fiscal year and the financial status of the
16 Hospital on the last day thereof;

17 (9) to perform and issue such other additional duties as the
18 Board may require; and

19 (10) to arrange for the burial of any fetus not claimed by its
20 mother or father within thirty (30) days.

21 **§80111. Chief Financial Officer.**

22 (a) The position of Chief Financial Officer is established within the
23 Guam Memorial Hospital Authority. The Chief Financial Officer *shall* meet
24 the following minimum qualifications:

25 (1) possession of a Certified Public Accountant (CPA)
26 certificate in the United States and a Bachelor's Degree in Health

1 Services Management (HSM) or health related work experience, plus
2 one (1) year supervisory experience; or

3 (2) graduation from a recognized college or university with a
4 Master's Degree in accounting, finance, economics, business
5 administration or a related field, plus four (4) years experience as an
6 administrator for general accounting and fiscal services of which one
7 (1) year must be management-level fiscal experience in a hospital or
8 health care facility; or

9 (3) graduation from a recognized college or university with a
10 Bachelor's Degree in accounting finance, economics, business
11 administration or a related field, plus five (5) years as an administrator
12 responsible for general accounting and fiscal services of which two
13 (2) years must be management-level fiscal experience in a hospital or
14 health care facility; and

15 (4) *shall* have experience in negotiating contracts with
16 external parties, including third party payers, vendors, insurance
17 carriers and other contracting parties.

18 (b) The Chief Financial Officer *shall* report directly to the Hospital
19 Administrator. The Hospital Administrator *shall* hire the Chief Financial
20 Officer by direct employment as an unclassified employee of the
21 government of Guam, or by personal services contract, as is deemed
22 necessary by the Hospital Administrator to attract and retain a qualified
23 Chief Financial Officer. The Chief Financial Officer's duties and
24 compensation *shall* be determined by the Hospital Administrator, in
25 consultation with the Board of Trustees.

26 **§80112. Construction With Other Laws.** Insofar as the
27 provisions of this Chapter are inconsistent with the provisions of any other

1 law, the provisions of this Chapter *shall* be controlling; and in particular but
2 not by way of limitation, except as may be provided in this Chapter, no
3 provision of any law with respect to employment of personnel, *shall* be
4 applicable to the Guam Memorial Hospital Authority *unless I Liheslatura*
5 *shall* specifically so state; provided, however, that the Guam Memorial
6 Hospital Authority may utilize in its operations the procedures and facilities
7 provided by any such law or by the executive agencies of the government of
8 Guam.

9 **§80113. Employment Practices.**

10 (a) The Board *shall* establish and administer rules and regulations
11 governing the compensation and classification of health professionals of the
12 hospital.

13 (b) All employees of the hospital, except physicians and healthcare
14 administrators, the Hospital Administrator, Associate Administrators for
15 Clinical, Operations and Medical Services, and the Chief Financial Officer,
16 *shall* be members of the classified service of the government of Guam.

17 (c) Each hospital employee *shall* be eligible to continue to be or to
18 become a member of the government of Guam Retirement Fund pursuant to
19 Chapter 8 of Title 4 of the Guam Code Annotated. The hospital *shall* pay
20 for the employer's contribution to the Retirement Fund that is assessed by
21 the Fund's Board of Trustees for the benefit of hospital employees who are
22 members of the Fund.

23 (d) Each hospital employee *shall* be eligible to participate in any
24 government of Guam health and life insurance plan or prepaid health plan.

25 **§80114. Attorney.** The Guam Memorial Hospital Authority may
26 employ an attorney to assist and represent the Hospital and to advise the
27 Board in all civil matters in which the Hospital is a party or in which the

1 Hospital is legally interested; provided that the Attorney General *shall*
2 represent the Hospital in litigation concerning the affairs of the Authority,
3 unless he or she delegates this duty to the Attorney of the Hospital, with
4 respect to any such litigation.

5 The Guam Memorial Hospital Authority may set the terms and
6 conditions of employment for the attorney, his or her compensation, and
7 whether he or she will be appointed as a full-time employee, or an
8 independent consultant. In the alternative, the Hospital may utilize the
9 services of a law firm.

10 The Attorney so employed or engaged *shall* be admitted to practice
11 before the courts of Guam under the same conditions as are attorneys
12 employed by the government pursuant to 7 G.C.A. Section 9A114 and
13 9A114A.

14 **§80115. Exemption From Taxation.**

15 As an instrumentality of the government of Guam, the Hospital and all
16 property acquired by or for the Hospital, and all revenues and income there-
17 from are exempt from taxation by the government of Guam, or by any
18 political subdivision or public corporation thereof, and from all taxes of
19 Guam imposed under the authority of *I Liheslatura*, or with respect to which
20 *I Liheslatura* is authorized to grant exemption.

21 **§80116. Fiscal Authority; Accounting and Expenditures.**

22 (a) There is hereby established a fund to be known as the “Hospital
23 Operations Fund” (Fund), which *shall* be maintained separate and apart from
24 other funds of the government of Guam and independent records and
25 accounts *shall* be maintained in connection therewith;

1 (b) All moneys received by the Hospital from whatever source
2 derived *shall* be deposited in said Fund and eligible banks as defined in Title
3 5 GCA §21112.

4 (c) All appropriations, if any, by *I Liheslaturan Guåhan* from the
5 General Fund to the Hospital *shall* be transferred to the Fund on a quarterly
6 basis upon certification by the Hospital of the need therefore;

7 (d) All expenditures, including payments into sinking or other
8 special accounts and debts, liabilities, obligations and operational expenses
9 of the Hospital *shall* be paid from the Fund;

10 (e) The Hospital *shall* report to *I Maga'lahi* and *I Liheslatura*
11 concerning administration of the affairs of the Hospital. The annual report
12 *shall* be presented within one hundred twenty (120) days after the end of
13 each fiscal year and special reports, if any, *shall* be presented within thirty
14 (30) days after the end of each intervening quarter. The financial
15 information presented in the reports *shall* be in accordance with the uniform
16 system of accounting adopted by the Hospital.

17 **§80117. Irreversible Renal Failure.**

18 Citizens of Guam afflicted with irreversible renal failure who are
19 medically indigent, as determined by the Department of Public Health and
20 Social Services by regulations, *shall* receive hospitalization, medical
21 treatment and drugs for the treatment of irreversible renal failure, and any
22 conditions directly or indirectly caused thereby, without charge, provided,
23 however, that this Section *shall* not apply to those persons whose treatments
24 are chargeable to health and medical insurance programs or medical
25 assistance programs. Nothing in this Section *shall* be construed or used as a
26 basis for the exclusion or limitation of any private or government third party
27 health or medical insurance coverage, or benefits for hospitalization, medical

1 treatment and drugs for the treatment of irreversible renal failure and any
2 condition directly or indirectly caused thereby.

3 **§80117.1. Cancer Data Collection.**

4 The Guam Memorial Hospital Authority (GMHA) and the GMHA
5 Medical Staff *shall* continue to collect information regarding cancer cases
6 with relevant data for the Cancer Registry, as established by the Department
7 of Public Health and Social Services (DPHSS). GMHA *shall* provide
8 DPHSS cancer information semiannually.

9 **§80118. Patients' Records Confidential.**

10 Patients' medical records are confidential, and copies thereof may be
11 released only upon the written consent of the patient involved or by written
12 order of the Superior Court of Guam; provided, however, that any
13 information, data or reports with respect to cases of malignant diseases may
14 be furnished to, or procured by, the Guam Tumor Registry-Tumor Clinic,
15 Guam Memorial Hospital for statistical, scientific and medical research, and
16 no physician, surgeon, dentist, institution or hospital, furnishing such
17 information, data or reports to the Guam Tumor Registry-Tumor Clinic,
18 Guam Memorial Hospital, *shall* by reason of such furnishing be deemed to
19 have violated the provisions of this Section, or have violated any
20 confidential relationship or be held liable therefore.

21 **§80119. Mandatory Annual Budget.**

22 On March 30, 2010 for Fiscal Year 2011, and March 30 for the
23 succeeding fiscal years, the Board *shall* submit a comprehensive program
24 and financial plan to *I Liheslaturan Guåhan* in a budget format utilized by
25 the Bureau of Budget and Management Research for the Executive Branch.
26 If *I Liheslaturan Guåhan* does not reject the comprehensive program and
27 financial plan by September 30, the program and plan is deemed approved.

1 **§80120. Solicitation, Acceptance, Utilization and**
2 **Administration of Donations, Contributions, Gifts, and Bequests for**
3 **Specific Purposes.**

4 (a) The Administrator of the Guam Memorial Hospital Authority
5 (GMHA), with the concurrence of the GMHA Board of Trustees, *shall* be
6 authorized to solicit, accept, utilize and administer on behalf of GHMA,
7 donations, contributions, gifts and bequests for any specific purpose relative
8 to medical care, and may expend any sums so received for the purposes
9 intended by the giver, or donor, in addition to the regular appropriations
10 made for such purposes. Such donations, contributions, gifts and bequests
11 received, or income accrued on a continuing basis, *shall*, as a matter of
12 policy, be reflected in the annual budget of the receiving agency as credit to
13 offset the expense budget request for that agency for the fiscal year under
14 consideration.

15 (b) GMHA *shall* promulgate rules and regulations to reflect the
16 purpose of this Act, and *shall* biannually report contributions, donations,
17 gifts and bequests actually received to *I Maga'lahi* and the Speaker of *I*
18 *Liheslaturan Guåhan* for proper acknowledgment purposes.

19 **§80121. Receiving of Revenues from Vending Machines.**
20 GMHA is hereby authorized to install vending machines or similar
21 machines, which can be contractual, for the purpose of serving the Hospital
22 and its employees, and *shall* be entitled to all revenues from such activities.
23 The Hospital Administrator *shall* use such revenues for the Hospital
24 employees' health or other services for the benefit of its employees.”

6

I MINA' TRENTA NA LIHESLATURAN GUAHAN

2010 (SECOND) Regular Session

Date: 8/16/10

VOTING SHEET

Bill No. 386-30(COR)

Resolution No. _____


Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
AGUON, Frank B., Jr.	✓				
BLAS, Frank F., Jr.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J. F.	✓				
ESPALDON, James V.	✓				
GUTHERTZ, Judith Paulette	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
TAITAGUE, Telo	✓				
TENORIO, Ray	✓				
WON PAT, Judith T.	✓				

TOTAL

15 _____

CERTIFIED TRUE AND CORRECT:


 Clerk of the Legislature

* 3 Passes = No vote
 EA = Excused Absence



**COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH & HUMAN SERVICES, AND JUDICIARY**

I Mina' Trenta na Liheslaturan Guåhan • 30th Guam Legislature
238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910
Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

August 9, 2010

Honorable Judith T. Won Pat
Speaker
I Mina' Trenta na Liheslaturan Guåhan
155 Hesler Place
Hagatña, Guam 96910

2010 AUG 11 PM 12:14
RM

FRANK B. AGUON, JR.
SENATOR, CHAIRMAN

ADOLPHO B. PALACIOS, SR.
SENATOR, VICE CHAIRMAN

JUDITH T. WON PAT
SPEAKER
EX-OFFICIO MEMBER

BENJAMIN J.F. CRUZ
VICE SPEAKER

TINA ROSE MUÑA BARNES
LEGISLATIVE SECRETARY

THOMAS C. ADA
SENATOR

JUDITH P. GUTHERTZ
SENATOR

RORY J. RESPICIO
SENATOR

FRANK F. BLAS, JR.
SENATOR

TELO TAITAGUE
SENATOR

RAY TENORIO
SENATOR

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules *[Signature]*
RE: Committee Report - Bill No. 386-30 (COR).

Dear Speaker Won Pat:

Transmitted herewith is the **Committee Report** on Transmitted herewith for your consideration is the Committee Report on **BILL NO. 386-30 (COR) — "AN ACT RELATIVE TO ESTABLISHING THE AUTONOMY OF THE GUAM MEMORIAL HOSPITAL AUTHORITY BY REPEALING AND RE-ENACTING CHAPTER 80 OF TITLE 10, GUAM CODE ANNOTATED;"** Sponsored by Frank B. Aguon, Jr., and referred to the Committee on Economic Development, Health & Human Services, and Judiciary. Bill No. 386-30 (COR) was publicly heard on June 16, 2010.

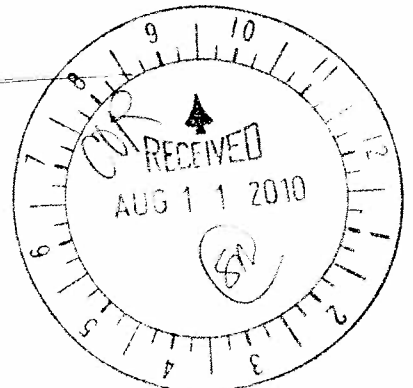
Committee votes are as follows:

<u>6</u>	TO PASS
_____	NOT TO PASS
_____	ABSTAIN
<u>2</u>	TO REPORT OUT ONLY
_____	TO PLACE IN INACTIVE FILE

Respectfully,

[Signature]
SENATOR FRANK B. AGUON, JR.

Attachment





**COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH AND HUMAN SERVICES, AND JUDICIARY**
I Mina'Trenta Na Liheslaturan Guåhan • 30th Guam Legislature
238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910
Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

**COMMITTEE
REPORT
ON**

BILL NO. 386-30 (COR)

Sponsored by Frank B. Aguon, Jr.

**“AN ACT RELATIVE TO ESTABLISHING
THE AUTONOMY OF THE GUAM
MEMORIAL HOSPITAL AUTHORITY BY
REPEALING AND RE-ENACTING
CHAPTER 80 OF TITLE 10, GUAM CODE
ANNOTATED.”**



COMMITTEE ON ECONOMIC DEVELOPMENT, HEALTH & HUMAN SERVICES, AND JUDICIARY

I Mina' Trenta na Liheslaturan Guåhan • 30th Guam Legislature

238 Archbishop F.C. flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910

Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

August 9, 2010

FRANK B. AGUON, JR.
SENATOR, CHAIRMAN

ADOLPHO B. PALACIOS, SR.
SENATOR, VICE CHAIRMAN

JUDITH T. WON PAT
SPEAKER
EX-OFFICIO MEMBER

BENJAMIN J.F. CRUZ
VICE SPEAKER

TINA ROSE MUÑA BARNES
LEGISLATIVE SECRETARY

THOMAS C. ADA
SENATOR

JUDITH P. GUTHERTZ
SENATOR

RORY J. RESPICIO
SENATOR

FRANK F. BLAS, JR.
SENATOR

TELO TAITAGUE
SENATOR

RAY TENORIO
SENATOR

MEMORANDUM

To: ALL MEMBERS
Committee on Economic Development, Health & Human Services, and Judiciary

From: SENATOR FRANK B. AGUON, JR.
Committee Chairperson

Subject: Committee Report on Bill No. 386-30 (COR).

Transmitted herewith for your consideration is the Committee Report on **BILL NO. 386-30 (COR)** — “AN ACT RELATIVE TO ESTABLISHING THE AUTONOMY OF THE GUAM MEMORIAL HOSPITAL AUTHORITY BY REPEALING AND RE-ENACTING CHAPTER 80 OF TITLE 10, GUAM CODE ANNOTATED,” Sponsored by Frank B. Aguon, Jr.

This report includes the following:

- Committee Voting Sheet
- Committee Report Narrative / Digest
- Copy of Bill No.386-30 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Copy of COR Referral of Bill No. 386-30 (COR)
- Notices of Public Hearing (1st and 2nd)
- Copy of the Public Hearing Agenda
- Related News Articles (Public hearing publication of public notice)

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os ma'åse'!

Attachment



COMMITTEE VOTING SHEET

**BILL NO. 386-30 (COR) - "AN ACT RELATIVE TO
ESTABLISHING THE AUTONOMY OF THE GUAM MEMORIAL
HOSPITAL AUTHORITY BY REPEALING AND RE-ENACTING
CHAPTER 80 OF TITLE 10, GUAM CODE ANNOTATED."**

By Senator Frank B. Aguon, Jr.

	SIGNATURE	TO PASS	NOT TO PASS	REPORT OUT ONLY	ABSTAIN	PLACE IN INACTIVE FILE
FRANK B. AGUON, JR. Chairman	 8/10/10	✓				
ADOLPHO B. PALACIOS, SR. Vice Chairman	 8/10	✓				
BENJAMIN J.F. CRUZ Vice Speaker		✓				
TINA ROSE MUÑA BARNES Legislative Secretary		✓				
THOMAS C. ADA		✓				
JUDITH P. GUTHERTZ						
RORY J. RESPICIO		✓				
FRANK F. BLAS, JR.				✓		
TELO TAITAGUE				✓		
RAY TENORIO						



COMMITTEE REPORT DIGEST

Bill No. 386-30 (COR)

I. OVERVIEW: The Committee on Economic Development, Health & Human Services, and Judiciary conducted a public hearing on June 16, 2010. The Hearing convened at 1:30 P.M. in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of **BILL NO. 386-30 (COR)** — “AN ACT RELATIVE TO ESTABLISHING THE AUTONOMY OF THE GUAM MEMORIAL HOSPITAL AUTHORITY BY REPEALING AND RE-ENACTING CHAPTER 80 OF TITLE 10, GUAM CODE ANNOTATED,” Sponsored by Frank B. Aguon, Jr.

Public Notice Requirements

Notices were disseminated via hand-delivery/fax and/or e-mail to all senators and all main media broadcasting outlets on June 9, 2010 (5-Day Notice), and again on June 14, 2010 (48-Hour Notice). Notices were published in the Marianas Variety on June 9, 2010, and in the Marianas Variety on June 14, 2010.

Senators Present

Senator Frank B. Aguon, Jr.	Chairperson
Vice Speaker Benjamin J.F. Cruz	Committee Member
Senator Telo T. Taitague	Committee Member
Senator Frank F. Blas, Jr.	Committee Member
Senator Anthony Ada	Senator

The public hearing on agenda item Bill No. 386-30 (COR) was Called-to-Order at 1:30 P.M.

II. SUMMARY OF TESTIMONY & DISCUSSION.

CHAIRMAN FRANK B. AGUON, JR., convened the Public Hearing on Bill No. 386-30 (COR).

Called the first panel to testify.

Mr. Peter John Camacho, MPH, Administrator, Guam Memorial Hospital Authority: Submitted written testimony (attached) and provided oral testimony, IN SUPPORT of Bill No. 386-30 (COR). Read written statement.

Mr. Joseph Mesa, Guam Memorial Hospital Authority: Provided oral testimony IN SUPPORT of Bill No. 386-30 (COR). Stated the GMHA Administration, Board of Trustees, and numerous GMHA personnel, have been working on this bill for several years.

Senator Taitague: Inquired as to the changes being made to the statute, which is not reflected in the bill.

Chairman: We have prepared a detailed legislative sectional digest showing the changes; which will be distributed to all Committee members.

CHAIRMAN: There being for further testimony or questions, the public hearing on Bill No. 386-30 (COR) was adjourned. Written testimony would continue to be received for the next ten (10) days.

Note: As of the date of the issuance of this committee report, no additional written testimonies have been received relative to Bill No. 386-30 (COR).

III. FINDINGS & RECOMMENDATIONS

The Committee finds that it is in the best interests of government employees that a trust account be established pursuant to this Bill, in an effort aimed towards reducing dental health care costs.

No substantive or technical amendments were made to Bill No. 386-30 (COR). The Legislative sectional digest was distributed to all Committee members, and is attached to this Committee Report on Bill No. 386-30 (COR).

The Committee on Economic Development, Health & Human Services, and Judiciary, hereby reports out Bill No. 386-30 (COR), with the recommendation to TO PASS.

I MINA' TRENTA NA LIHESLATURAN GUAHAN
2010 (Second) REGULAR SESSION

Bill No. 386-30(COR)

Introduced by:

FRANK B. AGUON, JR.



AN ACT RELATIVE TO ESTABLISHING THE
AUTONOMY OF THE GUAM MEMORIAL
HOSPITAL AUTHORITY BY REPEALING AND
RE-ENACTING CHAPTER 80 OF TITLE 10,
GUAM CODE ANNOTATED.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Chapter 80 of Division 4, Title 10, Guam Code
3 Annotated, is repealed and re-enacted to read:

4 "CHAPTER 80
5 GUAM MEMORIAL HOSPITAL AUTHORITY

6 § 80101. Short Title.

7 § 80102. Establishment.

8 § 80103. Definitions.

9 § 80104. Prohibition Against Discrimination.

10 § 80105. Board of Trustees.

11 § 80105.1 Duties of the Board of Trustees.

12 § 80105.2 Meetings.

13 § 80105.3 Term of Office.

14 § 80105.4 Qualifications of Members of the Board of Trustees.

2010 MAY -4 PM 3:03

CB

- 1 § 80105.5 Trustees Nominating Council; Establishment.
- 2 § 80105.6 Tenure of Members Currently Serving as Trustees.
- 3 § 80106. Board Members Not Deemed Officers or Employees of
4 the Government of Guam.
- 5 § 80107. Removal From Office.
- 6 § 80108. Officers.
- 7 § 80109. Powers.
- 8 § 80110. Administrator and Chief Executive Officer
- 9 § 80111. Chief Financial Officer.
- 10 § 80112. Construction With Other Laws.
- 11 § 80113. Employment Practices.
- 12 § 80114. Attorney.
- 13 § 80115. Exemption From Taxation.
- 14 § 80116. Fiscal Authority; Accounting and Expenditures.
- 15 § 80117. Irreversible Renal Failure.
- 16 § 80117.1 Cancer Data Collection.
- 17 § 80118. Patients' Records Confidential.
- 18 § 80119. Mandatory Annual Budget.
- 19 § 80120. Solicitation, Acceptance, Utilization and
20 Administration of Donations, Contributions, Gifts, and Bequests for
21 Specific Purposes.
- 22 § 80121. Receiving of Revenues from Vending Machine.

1 **§ 80101. Short Title.** This Division may be cited as the *Guam*
2 *Health Act of 2010.*

3 **§ 80102. Establishment.**

4 There is within, and a public corporation and autonomous
5 instrumentality of, the government of Guam called the Guam
6 Memorial Hospital Authority. It shall have title to all real and
7 personal property now or hereafter set aside for or conveyed to it. Its
8 property shall be administered and disposed of according to law. All
9 the rights, immunities, franchises and endowments heretofore
10 granted thereto by Guam are hereby perpetuated unto the said
11 Authority.

12 **§ 80103. Definitions .** As used in this Division, unless otherwise
13 indicated:

14 (a) *Board* means the Board of Trustees of the Guam Memorial
15 Hospital Authority.

16 (b) *Administrator* means the Administrator of the Guam
17 Memorial Hospital Authority.

18 (c) *Hospital* means Guam Memorial Hospital Authority.

19 (d) *Health Professionals* means those persons licensed or certified
20 to practice the healing art within the territory of Guam.

1 **§ 80104. Prohibition Against Discrimination.** It shall be the policy
2 of the Guam Memorial Hospital Authority that discrimination
3 against any individual or group for reasons of age, race, color, sex,
4 national origin, religious belief, marital status, physical/mental
5 disability, political affiliation and retaliation is specifically prohibited
6 under any program, employment or activity for which the Board of
7 Trustees is responsible.

8 **§ 80105. Board of Trustees.**

9 (a) The government and control of the Guam Memorial
10 Hospital Authority are vested in a Board of Trustees to be known as
11 ‘the Board of Trustees of the Guam Memorial Hospital’ (hereinafter
12 referred to as ‘the Board’). The Board shall be composed of nine (9)
13 members: four (4) members representing the general public, who
14 shall possess background and experience in healthcare, management,
15 finance or any other business-related field; one (1) member
16 representing the Allied Health Professions; two (2) members
17 representing the Guam Nursing Association; two (2) members
18 representing the Guam Medical Community, appointed by I
19 Maga’Lahan Guåhan as provided herein, with the advice and consent
20 of I Liheslaturan Guåhan.

21 (b) Each Trustee shall be entitled to receive the sum of Fifty
22 Dollars (\$50.00) for his/her attendance at any meeting of the Board,

1 but such compensation shall not apply to more than four (4) meetings
2 or exceed Two Hundred Dollars (\$200) in any one calendar month.
3 No Trustee shall receive any other compensation, but shall be
4 reimbursed for actual travel, subsistence and out-of-pocket expenses
5 incurred in the discharge of his or her responsibilities, including
6 authorized attendance at meetings held away from Guam.

7 **§ 80105.1 Duties of the Board of Trustees.**

8 (a) The Board shall be liable for the negligent act of any hospital
9 employees or officer if the Board knew or had notice that said
10 employee or officer was inefficient and incompetent to perform the
11 services for which he was hired, or said Board retained such
12 inefficient or incompetent person after knowledge or notice of such
13 inefficiency or incompetency.

14 (b) No Director shall be liable for any decision made in the
15 good faith non-malicious fulfillment of his duties.

16 (c) The Board shall be liable as fiduciaries in the execution of
17 their duties.

18 (d) No Trustee shall be actively engaged in the selling of
19 services or goods to the Hospital. This restriction shall not apply to
20 health care professionals who provide direct patient care services to
21 the Hospital.

1 (e) No Trustee shall act when a conflict of interest occurs. The
2 Trustee shall disclose the nature of the conflict of interest to the
3 members present and abstain from any discussion or voting on the
4 issue until it has been disposed of by action of the remaining
5 members present. If a Trustee knowingly fails to disclose a conflict of
6 interest in the manner listed herein and subsequently votes on an
7 action to be taken by the Board, then the vote of the conflicted
8 Trustee shall not be counted for purposes of constituting official
9 Board action. Any Trustee who knowingly fails to disclose a conflict
10 of interest in the manner listed herein shall be subject to removal
11 from the Board, pursuant to Section 80107 of this Chapter.

12 (f) The Board may, in accordance with all relevant procurement
13 laws, contract with a professional management firm, or individual or
14 group of individuals with at least five (5) years demonstrated
15 experience in hospital management in the United States, to manage
16 the hospital facility and all or any part of its functions. The
17 management firm shall exercise, on the Board's behalf, all of the
18 executive authority granted to the Board by the laws of Guam,
19 provided that the Board shall retain its rulemaking authority and
20 shall monitor the firm's performance of the contract. The contract
21 shall be for a term not to exceed five (5) years. *If* the contract is
22 terminated or becomes invalid for any reason, *all* authority shall
23 revert to the Board, which shall appoint an interim manager until a

1 new contractor is selected. The Board shall determine the firm's
2 compensation, which shall be paid from the Hospital Operations
3 Fund.

4 **§ 80105.2 Meetings.** Meetings of the Board shall be held at a regular
5 time and place as determined by the Board. Special meetings may be
6 called by the Chairman or by a majority of the members, as often as
7 may be necessary. Meetings of the Board, regular or special, shall be
8 subject to the Open Government Law of Guam. A majority of the
9 members shall constitute a quorum and an affirmative vote of five (5)
10 members is required for any action to be valid.

11 **§ 80105.3 Term of Office.** The members of the Board of Trustees
12 shall serve staggered terms of six (6) years. On the expiration of the
13 term of any member, or in the event of a vacancy on the Board due to
14 resignation, death or any other cause, the Governor shall in the
15 manner provided herein and with the advice and consent of the
16 Legislature appoint another member for a full term in the first
17 instance, or for the remainder of the unexpired term. When there is a
18 change of administration of the government of Guam after a
19 gubernatorial election, no courtesy resignation shall be requested by
20 the new administration nor offered by any member of the Board.

1 **§ 80105.4 Qualifications of Members of the Board of Trustees.** The
2 composition of the members of the Board shall be broadly based in
3 terms of its members' personal expertise and shall strive for a
4 balanced representation of the general population. Trustees, and
5 Trustees candidates, must be United States citizens or permanent
6 resident aliens domiciled in Guam for at least three (3) years prior to
7 appointment to the Board. No person shall sit on the Board as a
8 member who is an employee of the Guam Memorial Hospital
9 Authority.

10 **§ 80105.5 Trustees Nominating Council; Establishment.** There is
11 established the Trustees Nominating Council ("Council") with sole
12 responsibility to identify, recruit, evaluate and nominate all qualified
13 candidates for membership on the Board of Trustees of the Guam
14 Memorial Hospital Authority ("GMHA").

15 **(a) Membership.**

16 (1) The Council shall consist of eleven (11) members:

17 one (1) Mayor-member to be appointed by the Mayor's
18 Council;

19 one (1) member of the GMHA Board of Trustees to be
20 appointed by the GMHA Board of Trustees;

1 two (2) members of the GMHA Executive Management
2 Council to be appointed by the GMHA Executive Management
3 Council;

4 two (2) members of the GMHA Medical Executive
5 Committee to be appointed by the GMHA Medical Executive
6 Committee;

7 two (2) members of the Guam Nursing Association to be
8 appointed by the Guam Nursing Association;

9 one (1) member of the Allied Health Profession to be
10 appointed by the Allied Health Profession Association;

11 and two (2) members from the community at large to be
12 appointed by the Trustees Nominating Council.

13 The Members of the Council shall serve a term of two (2)
14 years.

15 Community at large members must be United States
16 citizens or permanent resident aliens domiciled on Guam for at
17 least two (2) years prior to appointment to the Council.

18 (2) The GMHA Board of Trustee member shall serve as
19 temporary chairperson, and shall convene the first meeting of
20 the Council. At its first meeting the Council shall elect from
21 among its members a chairperson and a vice-chairperson. The
22 chairperson shall preside at all meetings of the Council, shall

1 act as the spokesperson of the Council and perform such other
2 duties as the Council shall direct.

3 The vice-chairperson shall succeed to the duties of the
4 chairperson in the absence or inability of the chairperson to
5 serve. From among its members, the Council shall select a
6 secretary and any other officers that the Council may deem
7 necessary.

8 **(b) Duties.**

9 (1) The Council shall develop a statement of the selection
10 criteria to be applied and a description of the responsibilities
11 and duties of a trustee, and shall distribute this to potential
12 candidates.

13 (2) In making its nominations, the Council shall: consider
14 the needs of the Guam Memorial Hospital Authority; advertise;
15 locate potential candidates; maintain a list of their names and
16 contact information; match potential candidates with projected
17 vacancies; review candidates' qualifications and references;
18 conduct interviews; and carry out other recruitment and
19 screening activities as necessary.

20 (3) The Council shall be responsible for submitting a list
21 of at least one (1) and no more than three (3) qualified
22 candidates for every vacancy on the Board to I Maga'laha
23 Guåhan.

1 (4) Nominations shall be made thirty (30) days prior to
2 the expiration of a term, or within fourteen (14) days following
3 an unforeseen vacancy. I Liheslaturan Guåhan [Guam
4 Legislature] finds that it is critical that a vacancy on the Board
5 be filled promptly. Therefore, I Maga'lahaen Guåhan [Governor]
6 shall make the appointment of the qualified candidate from a
7 list of candidates provided by the Council, which list shall
8 contain at least one (1) and no more than three (3) qualified
9 candidates submitted by the Council within forty-five (45) days
10 of a vacancy, subject to the advice and consent of I Liheslaturan
11 Guåhan.

12 If I Maga'lahaen Guåhan does not make the appointment
13 within forty-five (45) days of a vacancy, the Speaker of I
14 Liheslaturan Guåhan [Guam Legislature] shall make the
15 appointment of the qualified candidate from the identical list
16 submitted to I Maga'lahaen Guåhan [Governor] by the Council,
17 subject to the advice and consent of I Liheslaturan Guåhan. Any
18 appointment to fill a vacancy which is made by the Speaker of I
19 Liheslaturan Guåhan pursuant to this Section shall not become
20 void due to a later appointment by I Maga'lahaen Guåhan
21 [Governor] to fill the same vacancy.

22 (5) The Council shall make an annual report to I
23 Maga'lahaen Guåhan [Governor] and I Liheslaturan Guåhan

1 [Guam Legislature] at the termination of each fiscal year setting
2 forth a summation of its activities and general
3 recommendations.

4 (c) Council Meetings. The Council shall hold at least one (1)
5 meeting quarterly and as often as necessary. The Council shall
6 conduct its first meeting within fourteen (14) days after approval of
7 this Act. A majority of the Council members shall constitute a
8 quorum. The vote of six (6) Council members shall be required for
9 any action of the Council. The Council may adopt rules to govern its
10 procedures.

11 (d) Support Services. The Administrator of GMHA shall
12 provide administrative and support services for the Council.

13 **§ 80105.6 Tenure of Members Currently Serving as Trustees.** The
14 current members of the Board shall continue to serve until the
15 expiration of their term as set out in §80105.3 of this Chapter and in
16 the event of a vacancy, the Governor shall fill said vacancy in
17 accordance with this Chapter.

18 **§ 80106. Board Members Not Deemed Officers or Employees of the**
19 **Government of Guam.** The members of the Board shall not, by
20 reason of such membership, be deemed employees of the
21 government of Guam.

1 **§ 80107. Removal From Office.** A member of the Board may be
2 removed by a vote of five (5) members for malfeasance in office or for
3 persistent neglect of, or inability to discharge, duties, or for offenses
4 involving moral turpitude, and for no other cause. However, no
5 member of the Board shall be removed from office before a written
6 bill of particulars shall have been given to the accused and before an
7 investigation and an open and public hearing shall have been had.
8 Any member who removes his residence from Guam shall be
9 deemed to have vacated his office, thereby creating a vacancy on the
10 Board.

11 **§ 80108. Officers.** The Board shall elect a Chairman, a Vice-
12 Chairman, a Secretary and a Treasurer from among its membership
13 every two (2) years.

14 **§ 80109. Powers.**

15 The hospital shall have and exercise each and all of the
16 following powers:

17 (a) Maintain and operate a facility providing acute,
18 chronic and all other health care services, including those
19 services specifically provided by contract for the Department of
20 Mental Health and Substance Abuse, for the people of the
21 Territory.

1 (b) Establish a schedule of fees, in accordance with 10
2 GCA §80105, to be charged for care and services at or by the
3 hospital. The schedule of fees shall be sufficient to recover the
4 operating costs and fixed costs and to generate such revenue as
5 is necessary to enable the hospital to meet its financial
6 obligations, operating expenses and capital improvement
7 needs. The Guam Public Utilities Commission shall not have
8 any purview over the Authority rates. The rates established
9 per fee schedule may be increased by the Board of Trustees up
10 to five percent (5%) per year; provided, that the total revenues
11 from all increases per fee schedule shall not exceed five percent
12 (5%) of the total revenues adopted by the Board in the
13 Authority's budget for that fiscal year, or decreased as
14 necessary.

15 Fees for new services, medications, or supplies, or rate
16 increases of more than five percent (5%) annually shall be
17 established by the Authority, approved and ratified by the Board of
18 Trustees and forwarded to I Liheslaturan Guåhan for approval.
19 Prior to the approval and ratification by the Board of Trustees, public
20 hearings must be conducted by the Authority for any new fee
21 or rate increase of more than five percent (5%).

22 I Liheslaturan Guåhan shall have forty-five (45) days
23 from the receipt of the proposed new fee or rate increase to

1 conduct a public hearing and approve the increase or new fee. If I
2 Liheslaturan Guåhan does not disapprove or amend the proposed
3 new fee or increase in rates within the forty-five (45) days, new fee or
4 rate increase will immediately become effective.

5 (c) The Authority may establish interim fees for new, un-
6 tariffed services, medication and supplies, without prior legislative
7 approval and without compliance with the Administrative
8 Adjudication Law; provided, that:

9 (1) the interim fees are consistent with the
10 Authority's Net Revenue Enhancement Engagement Pricing
11 Model, as prepared by Deloitte & Touche, dated February 7,
12 1992, or such other protocol as may be approved by the Board
13 of Trustees; and

14 (2) a petition for permanent approval of the interim
15 fees is filed by the Authority with I Liheslaturan Guåhan within
16 three (3) months of the Authority's establishment of the interim
17 fee.

18 (d) Forward the billings for the cost of medical care and
19 services rendered to any person under the Old Age Assistance
20 for the Aged Program, Aid to the Blind Program, and Aid to
21 the Permanently and Totally Disabled Program of the Social
22 Security Act, as well as those persons considered medically
23 indigent as the term is defined in Chapter 2 of this Title, of

1 which shall be paid by the Department of Public Health and
2 Social Services.

3 (e) Acquire, subject to the laws of Guam, by grant,
4 purchase, gift, devise or lease, and hold and use any real
5 property necessary or convenient or useful for the carrying on
6 of any of its powers pursuant to the provisions of this Article;
7 upon written certification of the Administrator, that specified
8 and specialized medical equipment and related supplies are
9 needed immediately for the health and welfare of the patients
10 of the Hospital in particular, and the people of Guam in
11 general, the Guam Memorial Hospital Authority shall be
12 exempt from the provisions of §§ 5210 and 5211 of Title 5,
13 Guam Code Annotated, in the acquisition of the medical
14 equipment and related supplies specified in such written
15 certification of the Administrator; provided, that the Hospital
16 shall use its best judgment and efforts to secure the best
17 equipment and supplies at the lowest cost, utilizing businesses
18 licensed to do business on Guam whenever possible.

19 (f) Establish its internal organization and management;

20 (g) Perform such acts as may be reasonably necessary to
21 accomplish the purpose for which it was formed;

22 (h) Adopt a seal;

23 (i) Sue or be sued in its own corporate name;

1 (j) Employ, retain or contract for the services of qualified
2 managers, specialists or as individuals or as organizations;

3 (k) Adopt such rules and regulations pursuant to the
4 Administrative Adjudication Act as may be necessary for the
5 exercise of the hospital's powers, performance of its duties and
6 administration of its operations;

7 (l) Adopt and maintain a uniform system of accounting;

8 (m) Adopt and maintain a travel authorization policy
9 notwithstanding any law to the contrary;

10 (n) Adopt rules and regulations governing selection,
11 compensation, promotion, performance evaluation, disciplinary
12 action and other terms and conditions of employment affecting
13 personnel, subject to the provisions of the Administrative
14 Adjudication Act. Such rules and regulations shall provide for
15 the employment and retention of persons on the basis of merit,
16 and shall include an orderly and systematic method of
17 recruitment and the establishment of a list of qualified
18 applicants for employment purposes, *except* that compensation
19 for non-medical personnel shall remain consistent with
20 compensation plans and pay scales as determined by the Civil
21 Service Commission or its successor. *Non-medical personnel* are
22 defined as personnel employed by the Authority who are *not*
23 physicians, nurses, medical technicians or technologists,

1 licensed or certificated therapists of any sort, laboratory
2 technicians, personnel certificated in any medical or nursing
3 field, nurse practitioners, pharmacists or other medical
4 personnel.

5 (o) Do any and all other things necessary to the full and
6 convenient exercise of the above powers;

7 (p) Contract with a corporation to exercise any or all the
8 powers of the Administrator and of those officers authorized by
9 '80108 of this Article, if the Board so chooses;

10 (q) Acquire in accordance with the Procurement Law (5
11 GCA Chapter 5) and hold and use any personal property or
12 construct any projects necessary or convenient or useful for
13 carrying on of any of its powers pursuant to the provisions of
14 this Article;

15 (r) With the concurrence of I Maga'lahaen Guahan
16 [Governor], negotiate with appropriate Federal official
17 (Secretary of Defense, officials of Tripler Army Hospital, etc.)
18 for the implementation of '105(k) of the Compact of Free
19 Association Act of 1985 with the Freely Associated States of
20 Micronesia.

21 All terms of the agreement shall be negotiated by the
22 Guam Memorial Hospital Authority in the best interests of the

1 people of Guam. The agreement must be submitted to the
2 Governor for his review and approval.

3 (s) Arrange a line of credit not to exceed Twelve Million
4 Dollars (\$12,000,000) with banks or other lending institutions
5 licensed on Guam. All terms of the line of credit agreement
6 shall be negotiated by the Authority and I Maga'lahañ Guåhan
7 [Governor] in the best interests of the people of Guam. The
8 terms of the line of credit shall include the following:

9 (1) the line of credit shall be used by the Authority
10 when a cash shortage threatens the operation of the
11 Hospital, and provided that the loan shall not be used for
12 the hiring of non-health care professionals not involved
13 with providing direct patient care or patient care support;

14 (2) no charge shall be levied by a lender for making
15 the loan;

16 (3) the interest rate shall be subjected to negotiation
17 between the Authority, I Maga'lahañ Guåhan and the
18 lender; such interest rate shall be computed on a monthly
19 average and based on the actual amount extended to the
20 Authority; and

21 (4) interest earned by the lender shall be exempt
22 from taxation by the government of Guam.

1 (5) I Maga'lāhen Guåhan is authorized to pledge
2 funds which Guam shall receive from the State Attorneys
3 General Tobacco Litigation, as provided by Public Law
4 Number 24-174, or the General Fund, or both funds in
5 any combination, as a security for repayment of the loan,
6 in addition to any revenues which may be pledged by the
7 Authority. I Maga'lāhen Guåhan and the Authority is
8 hereby authorized to execute the loan agreement and
9 other necessary documentation.

10 (6) The line of credit authorized in this Act shall not
11 be used in the calculation for rate relief in any rate
12 methodology for any rate case before the Public Utilities
13 Commission.

14 (t) Notwithstanding any other provision of law, make,
15 negotiate and enter into a commercial lease, or issue a permit or
16 license for the use of its real property and other related facilities
17 for a term not to exceed five years.

18 **§ 80110. Administrator and Chief Executive Officer.**

19 (a) The Board shall hire or contract an Administrator, who shall
20 be its Chief Executive Officer. The Administrator's duties and
21 compensation, salary and endowments, shall be determined by the

1 Board. The Administrator shall meet the following minimum
2 qualifications:

3 (i) shall have graduated from a recognized college or
4 university with a Master's degree in hospital administration,
5 health services management or a related field, plus six (6) years
6 of experience in hospital administration or healthcare services
7 management, of which three (3) years must have been
8 experience as an administrator in a hospital setting; or

9 (ii) shall have graduated from a recognized college or
10 university with a Bachelor's degree in hospital administration,
11 health services management, or a related field, plus eight (8)
12 years of experience in hospital administration or healthcare
13 services management, of which five (5) years must have been
14 experience as an administrator in a hospital setting;

15 (iii) shall have experience in negotiating and directing
16 activities related to obtaining reimbursement from government
17 programs, such as Medicare, Medicaid or the Medically
18 Indigent Program of the government of Guam; and

19 (iv) shall have experience in negotiating contracts with
20 external parties, including third party payers, vendors,
21 insurance carriers and other contracting parties.

1 (b) The Board shall set the tenure of office for the
2 Administrator of the Guam Memorial Hospital Authority. The Board
3 may hire the Hospital Administrator by direct employment as an
4 unclassified employee of the government of Guam, or by personal
5 services contract, as the Board deems necessary to attract and retain a
6 qualified Administrator. However, the term of employment for the
7 position of Administrator shall not end six months prior to nor six
8 months after an election for Senators and Governor and Lt. Governor.
9 The Board by an affirmative vote of at least five (5) members may
10 renew the contract of the Administrator. Similarly, the affirmative
11 vote of at least five (5) members may terminate the services of the
12 Administrator for cause in the same manner and procedure as a
13 Trustee may be removed pursuant to Section 80107 of this Chapter.
14 Upon a change of administration of the government of Guam after a
15 gubernatorial election, no courtesy resignation shall be requested by
16 the new administration nor offered by the Administrator of the
17 Hospital.

18 (c) The Administrator shall have full charge and control of the
19 operations and maintenance of the Hospital. The powers of the
20 Administrator shall include:

21 (i) to recommend rules and regulations for adoption by
22 the Board of Trustees and to see that all rules and regulations of
23 the Hospital are enforced;

1 (ii) to ensure compliance with all federal and local
2 regulations;

3 (iii) to act as liaison to the governing body for the
4 medical, nursing, and other professional staff and all facility
5 departments;

6 (iv) to attend, unless excused by the Board, all meetings
7 of the Board and to submit written reports on the affairs of the
8 Hospital each month;

9 (v) to keep the Board advised on the needs of the Hospital
10 and approve demands for payment of obligations within the
11 purposes and amounts authorized by the Board;

12 (vi) to prepare and cause to be prepared all plans and
13 specification for purchased services and the construction and
14 repair of equipment and facilities operated by the Hospital and
15 serve as the Hospital's Chief Procurement Officer;

16 (vii) to devote that person's time to the business of the
17 Hospital, to select and appoint the employees of the Hospital
18 except as otherwise provided in this Chapter, and to plan,
19 organize, coordinate and control the services of such employees
20 in the exercise of the powers of the Hospital under the general
21 direction of the Board;

22 (viii) to prepare within one hundred twenty (120) days
23 from the end of each fiscal year an annual report of the results

1 of the operations for the preceding fiscal year and the financial
2 status of the Hospital on the last day thereof;

3 (ix) to perform and issue such other additional duties as
4 the Board may require; and

5 (x) to arrange for the burial of any fetus not claimed by its
6 mother or father within thirty (30) days.

7 **§ 80111. Chief Financial Officer.**

8 (a) The position of Chief Financial Officer is established within
9 the Guam Memorial Hospital Authority. The Chief Financial Officer
10 *shall* meet the following minimum qualifications:

11 (i) Possession of a Certified Public Accountant (CPA)
12 certificate in the United States and a Bachelor's degree in
13 Health Services Management (HSM) or health related work
14 experience, plus one (1) year supervisory experience; or

15 (ii) Graduation from a recognized college or university
16 with a Master's degree in accounting, finance, economics,
17 business administration or a related field, plus four (4) years
18 experience as an administrator for general accounting and fiscal
19 services of which one (1) year must be management-level fiscal
20 experience in a hospital or health care facility; or

21 (iii) Graduation from a recognized college or university
22 with a Bachelor's degree in accounting finance, economics,

1 business administration or a related field, plus five (5) years as
2 an administrator responsible for general accounting and fiscal
3 services of which two (2) years must be management-level
4 fiscal experience in a hospital or health care facility; and

5 (iv) *shall* have experience in negotiating contracts with
6 external parties, including third party payers, vendors,
7 insurance carriers and other contracting parties.

8 (b) The Chief Financial Officer shall report directly to the
9 Hospital Administrator. The Hospital Administrator shall hire the
10 Chief Financial Officer by direct employment as an unclassified
11 employee of the government of Guam, or by personal services
12 contract, as is deemed necessary by the Hospital Administrator to
13 attract and retain a qualified Chief Financial Officer. The Chief
14 Financial Officer's duties and compensation shall be determined by
15 the Hospital Administrator, in consultation with the Board of
16 Trustees.

17 **§ 80112. Construction With Other Laws.** Insofar as the provisions of
18 this Chapter are inconsistent with the provisions of any other law, the
19 provisions of this Chapter shall be controlling; and in particular but
20 not by way of limitation, except as may be provided in this Chapter,
21 no provision of any law with respect to employment of personnel,
22 shall be applicable to the Guam Memorial Hospital Authority unless

1 the Legislature shall specifically so state; provided, however, that the
2 Guam Memorial Hospital Authority may utilize in its operations the
3 procedures and facilities provided by any such law or by the
4 executive agencies of the government of Guam.

5 **§ 80113. Employment Practices.**

6 (a) The Board shall establish and administer rules and
7 regulations governing the compensation and classification of health
8 professionals of the hospital.

9 (b) All employees of the hospital, except physicians and
10 healthcare administrators, the Hospital Administrator, Associates
11 Administrators for Clinical, Operations, Medical Services and the
12 Chief Financial Officer, shall be members of the classified service of
13 the Government.

14 (c) Each hospital employee shall be eligible to continue to be or
15 to become a member of the government of Guam Retirement Fund
16 pursuant to §4204(d) of the Government Code. The hospital shall pay
17 for the employer's contribution to the Retirement Fund that is
18 assessed by the Fund's Board of Trustees for the benefit of hospital
19 employees who are members of the Fund.

20 (d) Each hospital employee shall be eligible to participate in any
21 government of Guam health and life insurance plan or prepaid health
22 plan.

1 § 80114. **Attorney.** The Guam Memorial Hospital Authority may
2 employ an attorney to assist and represent it in all civil matters which
3 concerns the Hospital. The Attorney which the Hospital is interested,
4 provided that the Attorney General shall designate the attorney for
5 the Hospital as a Special Assistant Attorney General for this purpose.

6 The Guam Memorial Hospital Authority may set the terms and
7 conditions of employment for the attorney, his or her compensation
8 and whether he or she be appointed as a full-time employee, an
9 independent consultant. In the alternative, the Hospital may utilize
10 the services of a law firm.

11 The Attorney so employed or engaged shall be admitted to
12 practice before the courts of Guam under the same conditions as are
13 attorneys employed by the government pursuant to Section 28002.2
14 of the Government Code.

15 **§ 80115. Exemption From Taxation.**

16 As an instrumentality of the Territory, the hospital and all
17 property acquired by or for the hospital, and all revenues and income
18 there-from are exempt from taxation by the Territory or by any
19 political subdivision or public corporation thereof and from all taxes
20 imposed under the authority of the Legislature of the Territory, or
21 with respect to which the Legislature is authorized to grant
22 exemption.

1 **§ 80116. Fiscal Authority; Accounting and Expenditures.**

2 (a) There is hereby established a fund to be known as the
3 'Hospital Operations Fund' which shall be maintained separate and
4 apart from other funds of the government of Guam and independent
5 records and accounts shall be maintained in connection therewith;

6 (b) All moneys received by the hospital from whatever source
7 derived shall be deposited in said fund and eligible banks as defined
8 in 5 GCA §21112.

9 (c) All appropriations, if any, by the Guam Legislature from the
10 General Fund to the hospital shall be transferred to the fund on a
11 quarterly basis upon certification by the hospital of the need
12 therefore;

13 (d) All expenditures including payments into sinking or other
14 special accounts and debts, liabilities, obligations and operational
15 expenses of the hospital shall be paid from the fund;

16 (e) The hospital shall report to the Governor and the Legislature
17 concerning administration of the affairs of the hospital. The annual
18 report shall be presented within one hundred twenty (120) days after
19 the end of each fiscal year and special reports, if any, shall be
20 presented within thirty (30) days after the end of each intervening
21 quarter. The financial information presented in the reports shall be in
22 accordance with the uniform
23 system of accounting adopted by the hospital.

1 **§ 80117. Irreversible Renal Failure.**

2 Citizens of the territory of Guam afflicted with irreversible
3 renal failure who are medically indigent as determined by the
4 Department of Public Health and Social Services by regulations, shall
5 receive hospitalization, medical treatment and drugs for the
6 treatment of irreversible renal failure, and any conditions directly or
7 indirectly caused thereby, without charge, provided, however, that
8 this Section shall not apply to those persons whose treatments are
9 chargeable to health and medical insurance programs or medical
10 assistance programs. Nothing in this Section shall be construed or
11 used as a basis for the exclusion or limitation of any private or
12 government third party health or medical insurance coverage, or
13 benefits for hospitalization, medical treatment and drugs for the
14 treatment of irreversible renal failure and any condition directly or
15 indirectly caused thereby.

16 **§ 80117.1 Cancer Data Collection.**

17 The Guam Memorial Hospital Authority ('GMHA') and the
18 GMHA Medical Staff shall continue to collect information regarding
19 cancer cases with relevant data for the Cancer Registry as established
20 by the Department of Public Health and Social Services. GMHA shall
21 provide DPHSS cancer information semiannually.

22 **§ 80118. Patients' Records Confidential.**

1 Patients' medical records are confidential and copies thereof
2 may be released only upon the written consent of the patient
3 involved or by written order of the Superior Court of Guam;
4 provided, however, that any information, data or reports with respect
5 to cases of malignant diseases may be furnished to, or procured by,
6 the Guam Tumor Registry-Tumor Clinic, Guam Memorial Hospital,
7 for statistical, scientific and medical research and no physician,
8 surgeon, dentist, institution or hospital, furnishing such information,
9 data or reports to the Guam Tumor Registry-Tumor Clinic, Guam
10 Memorial Hospital, shall by reason of such furnishing be deemed to
11 have violated the provisions of this Section, or have violated any
12 confidential relationship or be held liable therefore.

13 **§ 80119. Mandatory Annual Budget.**

14 On March 30, 2010 for Fiscal Year 2011, and March 30 for the
15 succeeding fiscal years, the Board shall submit a comprehensive
16 program and financial plan to I Liheslaturan Guåhan in a budget
17 format utilized by the Bureau of Budget and Management Research
18 for the Executive Branch. If I Liheslaturan Guåhan does not reject the
19 comprehensive program and financial plan by September 30, the
20 program and plan is deemed approved.

1 **§ 80120. Solicitation, Acceptance, Utilization and Administration of**
2 **Donations, Contributions, Gifts, and Bequests for Specific**
3 **Purposes.**

4 (a) The Administrator of the Guam Memorial Hospital
5 Authority ('GMHA'), with the concurrence of the GMHA Board of
6 Trustees, shall be authorized to solicit, accept, utilize and administer
7 on behalf of GHMA, donations, contributions, gifts and bequests for
8 any specific purpose relative to medical care, and may expend any
9 sums so received for purposes intended by the giver, or donor, in
10 addition to the regular appropriations made for such purposes. Such
11 donations, contributions, gifts and bequests received, or income
12 accrued on a continuing basis, shall, as a matter of policy, be reflected
13 in the annual budget of the receiving agency as credit to offset the
14 expense budget request for that agency for the fiscal year under
15 consideration.

16 (b) GMHA shall promulgate rules and regulations to reflect the
17 purpose of this Act and shall biannually report contributions,
18 donations, gifts and bequests actually received by the Governor and
19 the Speaker of the Guam Legislature for proper acknowledgment
20 purposes.

21 **§ 80121. Receiving of Revenues from Vending Machine.** GMHA is
22 hereby authorized to install vending machines or similar machines,

1 which can be contractual, for the purpose of serving the Hospital and
2 its employees and shall be entitled to all revenues from such
3 activities. The Hospital Administrator shall use such revenues for the
4 Hospital employees health or other services for the benefit of its
5 employees.



Guam Memorial Hospital Authority Aturidåt Espetåt Mimuriåt Guåhan



850 GOV. CARLOS CAMACHO ROAD
OKA, TAMUNING, GUAM 96913
TEL: (671) 647-2444 or 647-2330
FAX: (671) 649-0145

Testimony on Bill 386-30 (COR): AN ACT RELATIVE TO ESTABLISHING THE AUTONOMY OF THE GUAM MEMORIAL HOSPITAL AUTHORITY BY REPEALING AND RE-ENACTING CHAPTER 80 OF TITLE 10, GUAM CODE ANNOTATED

Buenas Tardes Señor Chairman and members of the Committee:

My name is PeterJohn Camacho, Administrator for the Guam Memorial Hospital Authority and I am here to present testimony on Bill 386-30 (COR). This legislation seeks to formalize the autonomy of the authority through key revisions to the Hospital's enabling act. We believe the changes that we are requesting will be beneficial to the Authority and are necessary to ensure stability in the Hospital's governance.

The Management Discussion and Analysis portion of the FY 2006 Audit Report released by the Office of the Public Auditor noted that from 1997 through 2005, there have been ten (10) Hospital Administrators. Within that time, the Board of Trustees was disbanded and the Governor became the de facto Board and Hospital Administrator. The Public Auditor was clear that the instability of top leadership was a big part of the problems faced by the Hospital.

The Hospital Accreditation Program of The Joint Commission looks closely at the role of leadership across all levels and its concomitant responsibility and impact on the organization's ability for the safety and quality of care, treatment and services. Several site inspections by regulatory bodies have also raised concerns about the cyclical instability of leadership.

In researching what types of recommendations could be put forth to ensure stability in the Hospital's governance and leadership, we considered different options. The Guam Memorial Hospital Authority is the island's only civilian healthcare facility providing medical services to residents of our island, tourists, visitors, and at times to the people from our neighboring island jurisdictions. Further, the

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Committee on Economic Development, Health and Human Services
And Judiciary
June 16, 201

Organic Act holds the Governor of Guam accountable for the provision of health services, so we looked for a realistic option to offer.

The recommended changes in Bill 386-30 are based on the statute that conferred autonomy to the University of Guam to bring them into compliance with their accreditation requirements. Bill 386-30 establishes a Trustees Nominating Council whose sole responsibility is to identify, recruit, evaluate and nominate all qualified candidates for membership on the Hospital's Board of Trustees. This bill also sets into place the requirements for the membership on this nominating council and it represents a cross section on key community stakeholders. We believe that this will ensure that the most qualified and best-suited individuals are forwarded to the Governor for membership on the Hospital's Board of Trustees. Additionally, to ensure continuity in a key part of our Leadership, Trustees will not be required to tender a courtesy resignation when a change in our government's leadership takes place.

We thank our Senator Frank Aguon Jr. our Oversight Chairman for introducing this very important and needed legislation. We respectfully request this committee to recommend its passage to the legislative body. Si Yu'os Ma'ase! Put Respetu!


PETER JOHN D. CAMACHO, MPH

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
(FIRST AND SECOND) Regular Sessions
FINAL LEGISLATIVE HISTORY
January 2009 - December 2010

BILLS

2009 (FIRST) Regular Session

Bill No. 386-30 COR) – by Frank B. Aguon, Jr

AN ACT RELATIVE TO ESTABLISHING THE AUTONOMY OF THE GUAM MEMORIAL HOSPITAL AUTHORITY BY REPEALING AND RE-ENACTING CHAPTER 80 OF TITLE 10, GUAM CODE ANNOTATED.

05/04/10 - Read first time. Referred to the Committee on Rules.

05/05/10 - Referred to the Committee on Economic Development, Health and Human Services, and Judiciary.

06/16/10 - Public hearing scheduled by the Committee on Economic Development, Health and Human Services, and Judiciary.



COMMITTEE ON RULES

I Mina'Trenta na Liheslaturan Guåhan • 30th Guam Legislature

155 Hesler Place, Hagatña, Guam 96910 • tel: (671)472-7679 • fax: (671)472-3547 • roryforguam@gmail.com

**SENATOR
RORY J.
RESPICIO
CHAIRPERSON**

**SENATOR
Judith P. Guthertz
VICE
CHAIRPERSON**

**MAJORITY
MEMBERS:**

**Judith T. Won Pat
SPEAKER**

**Benjamin J. E. Cruz
VICE SPEAKER**

**Tina Rose Muña Barnes
LEGISLATIVE SECRETARY**

**Thomas C. Ada
SENATOR**

**Frank B. Aguon, Jr.
SENATOR**

**Adolpho B. Palacios, Sr.
SENATOR**

**Vicente C. Pangelinan
SENATOR**

**MINORITY
MEMBERS:**

**Frank F. Blas, Jr.
SENATOR**

**James V. Espaldon
SENATOR**

June 8, 2010

Memorandum

To: Pat C. Santos
Clerk of the Legislature

From: Senator Rory J. Respicio
Chairperson, Committee on Rules

Subject: Fiscal Notes

Hafa Adai!

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

Bill Nos.:

- 404-30 (COR) - Waiver
- 402-30 (COR)
- 401-30 (COR)
- 386-30 (COR)
- 396-30 (COR) - Waiver
- 403-30 (COR)

Please forward the same to MIS for posting on our website. Please contact me, should you have any questions regarding this matter.

Si Yu'os ma'åse'!

2010 JUN -8 PM 2:57

Post-It® Fax Note	7671	Date	8/10/10	# of pages	▶
To	RON		From	DOROTHY CRUZ	
Co./Dept	SEN. AROLDON		Co.	GUAM LEGISLATURE	
Phone #	969-1495		Phone #	472-3460	
Fax #	969-1497		Fax #		

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 386-30(COR)**

AN ACT RELATIVE TO ESTABLISHING THE AUTONOMY OF THE GUAM MEMORIAL HOSPITAL AUTHORITY BY REPEALING AND RE-ENACTING CHAPTER 80 OF TITLE 10, GUAM CODE ANNOTATED.

Department/Agency Appropriation Information	
Dept./Agency Affected: Guam Memorial Hospital Authority	Dept./Agency Head: Peter John Camacho
Department's General Fund (GF) appropriation(s) to date: (Pharmaceuticals Fund)	12,839,909
Department's Other Fund (Specify) appropriation(s) to date: Healthy Futures Fund	500,000
Total Department/Agency Appropriation(s) to date:	513,339,909

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2009 Unreserved Fund Balance		\$0	\$0
FY 2010 Adopted Revenues	\$0	\$0	\$0
FY 2010 Appro. (P.L. 30-55 thru 30-112)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

	FY 2010	For Remainder of FY 2010 (if applicable)	FY 2011	FY 2012	FY 2013	FY 2014
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Special Fund	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions?
 Yes No
- Are there stipulations?
 Yes No
- Is additional appropriation necessary to fund the intent of the appropriation?
If no, what is the justification/reason required?
 Yes No
- Does the bill establish a new program/agency?
If yes, will the program duplicate existing programs/agencies?
Is there a federal mandate to establish the program/agency?
 Yes No No Yes No
- Will the enactment of this Bill require new physical facilities?
 Yes No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason:
 Requested agency comments not received by due date Other: Insufficient time due deadline.

Analyst: John A.B. Pangelinan Date: 6/4/10 Director: Bertha M. Dugana JUN 07 2010

Footnotes:
The Bill has a potential for additional funding impact, however its present form that impact cannot be determined at this time.

I Mina' Trenta Na Liheslaturan Guåhan

Bill Log Sheet

May 4, 2010

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
B386-30 (COR)	Frank B. Aguon, Jr.	An act relative to establishing the autonomy of the Guam Memorial Hospital Authority by repealing and re-enacting Chapter 80 of Title 10, Guam Code Annotated.	5/4/10 3:03 p.m.						



**COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH AND HUMAN SERVICES, AND JUDICIARY**
I Mina'Trenta Na Liheslaturan Guåhan • 30th Guam Legislature
238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910
Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

FRANK B. AGUON, JR.
SENATOR, CHAIRMAN

ADOLPHO B. PALACIOS, SR.
SENATOR, VICE CHAIRMAN

JUDITH T. WON PAT
SPEAKER
EX-OFFICIO MEMBER

BENJAMIN J.F. CRUZ
VICE SPEAKER

TINA ROSE MUÑA BARNES
LEGISLATIVE SECRETARY

THOMAS C. ADA
SENATOR

JUDITH P. GUTHERTZ
SENATOR

RORY J. RESPICIO
SENATOR

FRANK F. BLAS, JR.
SENATOR

TELO TAITAGUE
SENATOR

RAY TENORIO
SENATOR

June 08, 2010

Mr. PeterJohn Camacho, Administrator
Guam Memorial Hospital Authority
850 Gov. Carlos G. Camacho Rd.
Tamuning, Guam 96913

Subject: NOTICE OF PUBLIC HEARING
Wednesday, June 16, 2010, 5:30pm AND
Thursday, June 17, 2010, 5:30pm

Dear Mr. Camacho,

Buenas yan Hafa Adai!

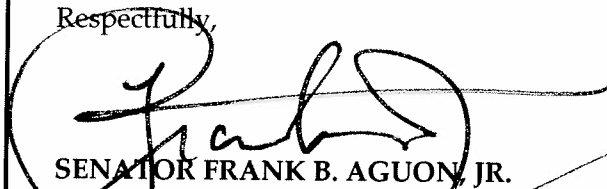
The Committee on Economic Development, Health & Human Services, and Judiciary will be conducting a public hearing on **Wednesday, June 16, 2010 at 5:30pm, and Thursday, June 17, 2010 at 5:30pm** in the Guam Legislature Public Hearing Room.

Please see the attachment for agenda items and public hearing dates. I would also like to invite your participation as well as your staff at these public hearings and to also provide testimony. Written testimony may be emailed, faxed or hand-delivered to my office no later than Monday, June 14, 2010.

Should you have any question, please contact Mr. Ron Teehan from my office.

Un Dangkulo' Na Si Yu'us Ma'ase'.

Respectfully,


SENATOR FRANK B. AGUON, JR.
Chairman
I Mina'Trenta Na Liheslaturan Guåhan
(30th Guam Legislature)

Attachment

NOTICE OF PUBLIC HEARING

from **Frances Lizama** <lizama.frances@gmail.com>
to **"CAMACHO, PeterJohn, MPH - GMHA Admin/CEO"** <peterjohn.camacho@gmha.org>
cc **"McCOLLUM, Catherine"** <catherine.mccollum@gmha.org>
date Thu, Jun 10, 2010 at 12:39 PM
subject **NOTICE OF PUBLIC HEARING**
mailed-by gmail.com

[hide details](#) Jun 10 (4 days ago)

Reply

Hafa Adai Mr. Camacho:

Please find attached Notice of Public Hearing along with a list of agenda items and date of public hearing. Also, please reply to this email to confirm receipt of this notice. ***Un dangkulo na Si Yu'us Ma'ase*** and have a great day.

FRANCES S. LIZAMA
Office of Senator Frank B. Aguon, Jr.
30th Guam Legislature
Committee on Economic Development,
Health & Human Services, and Judiciary
238 Archbishop F.C. Flores St.
DNA Bldg (old PDN), Suite 701A
Hagatna, Guam 96910
Tel: 671.969.1495/6
Fax: 671.969.1497

 GMHA.pdf



SENATOR FRANK B. AGUON, JR., *Chairman*
**COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH & HUMAN SERVICES, AND JUDICIARY**
I Mina'Trenta Na Liheslaturan Guåhan • 30th Guam Legislature
238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910
Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

AGENDA

WEDNESDAY, JUNE 16, 2010, 5:30 PM

and

THURSDAY, JUNE 17, 2010, 5:30 PM

GUAM LEGISLATURE PUBLIC HEARING ROOM

WEDNESDAY, JUNE 16, 2010, 5:30 PM:

- **BILL NO. 386-30 (COR)**
An act relative to establishing the autonomy of the Guam Memorial Hospital Authority by repealing and re-enacting Chapter 80 of Title 10, Guam Code Annotated.
- **BILL NO. 409-30 (COR)**
An act to include the Department of Mental Health & Substance Abuse in the group purchasing of drugs with other agencies; by amending §5270 of Article 4, Chapter 5, Title 5, Guam Code Annotated, - so as to include DMHSA.

THURSDAY, JUNE 17, 2010, 5:30 PM:

- **BILL NO. 405-30 (COR)**
An act to amend § 5270 of Chapter 5, Article 4, Title 5 Guam Code Annotated relative to government purchase for drugs from manufacturer.

NOTE: Please note specific date and time of public hearing for agenda items.



**COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH AND HUMAN SERVICES, AND JUDICIARY**
I Mina'Trenta Na Liheslaturan Guåhan • 30th Guam Legislature
238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910
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FRANK B. AGUON, JR.
SENATOR, CHAIRMAN

ADOLPHO B. PALACIOS, SR.
SENATOR, VICE CHAIRMAN

JUDITH T. WON PAT
SPEAKER
EX-OFFICIO MEMBER

BENJAMIN J.F. CRUZ
VICE SPEAKER

TINA ROSE MUÑA BARNES
LEGISLATIVE SECRETARY

THOMAS C. ADA
SENATOR

JUDITH P. GUTHERTZ
SENATOR

RORY J. RESPICIO
SENATOR

FRANK F. BLAS, JR.
SENATOR

TELO TAITAGUE
SENATOR

RAY TENORIO
SENATOR

June 08, 2010

Ms. Alicia Limtiaco, AG
Office of the Attorney General
Pedro's Plaza
287 West O'Brien Dr.
Hagatna, Guam 96910

Subject: NOTICE OF PUBLIC HEARING
Wednesday, June 16, 2010, 5:30pm AND
Thursday, June 17, 2010, 5:30pm

Dear Ms. Limtiaco,

Buenas yan Hafa Adai!

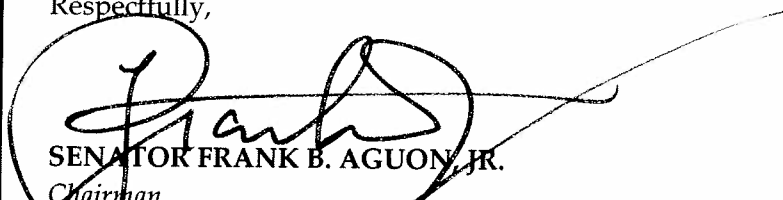
The Committee on Economic Development, Health & Human Services, and Judiciary will be conducting a public hearing on **Wednesday, June 16, 2010 at 5:30pm, and Thursday, June 17, 2010 at 5:30pm** in the Guam Legislature Public Hearing Room.

Please see the attachment for agenda items and public hearing dates. I would also like to invite your participation as well as your staff at these public hearings and to also provide testimony. Written testimony may be emailed, faxed or hand-delivered to my office no later than Monday, June 14, 2010.

Should you have any question, please contact Mr. Ron Teehan from my office.

Un Dangkulo' Na Si Yu'us Ma'ase'.

Respectfully,


SENATOR FRANK B. AGUON, JR.
Chairman
I Mina'Trenta Na Liheslaturan Guåhan
(30th Guam Legislature)

Attachment



SENATOR FRANK B. AGUON, JR., *Chairman*
**COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH & HUMAN SERVICES, AND JUDICIARY**
***I Mina'Trenta Na Liheslaturan Guåhan* • 30th Guam Legislature**
238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910
Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

AGENDA

WEDNESDAY, JUNE 16, 2010, 5:30 PM

and

THURSDAY, JUNE 17, 2010, 5:30 PM

GUAM LEGISLATURE PUBLIC HEARING ROOM

WEDNESDAY, JUNE 16, 2010, 5:30 PM:

- **BILL NO. 386-30 (COR)**
An act relative to establishing the autonomy of the Guam Memorial Hospital Authority by repealing and re-enacting Chapter 80 of Title 10, Guam Code Annotated.
- **BILL NO. 378-30 (LS)**
An act relative to recognizing the tremendous benefit and importance of preventive healthcare activities and programs in promoting healthier lives, through requiring that the acquisition of health or medical insurance through the government of Guam include the provision of preventive healthcare, wellness, and fitness; amending Subsection (a) of 54301 Group Insurance, Article 3, Chapter 4, Title 4, Guam Code Annotated.
- **BILL NO. 396-30 (COR)**
An act making it *illegal* to possess HU-210, JWH-018, JWH-073, and Salvia Divinorum or Salvinorum A, also known as Spice.

THURSDAY, JUNE 17, 2010, 5:30 PM:

- **BILL NO. 385-30 (COR)**
An Act to repeal the statute of limitation for the prosecution of a sex crime involving a victim who is under the age of the majority by *adding* a new § 10.16 to Chapter 10 of Title 8, Guam Code Annotated.
- **BILL NO. 388-30 (COR)**
An act to add a new Subsection (g) to §50103.1 Chapter 50, Article 1, 12 Guam Code Annotated relative to local sale of bonds.
- **BILL NO. 394-30 (COR)**
An act to *amend* §15105 and to *repeal* and *reenact* §15107(a)(2) of Chapter 15 of Title 18 of the Guam Code Annotated relative to limited liability companies.
- **BILL NO. 399-30 (COR)**
An act to give "super lien" priority to common area assessments, fees and penalties imposed by associations of apartment owners through the amendment of §§ 45124 & 45125 and the addition of new § 45125.1 of Chapter 45, Title 21, Guam Code Annotated.

NOTE: Please note specific date and time of public hearing for agenda items.

NOTICE OF PUBLIC HEARING

from **Frances Lizama** <lizama.frances@gmail.com>
to "LIMTIACO, Alicia G. - AG" <law@guamattorneygeneral.com>
cc "BORJA, Tab - AG's Ofc" <tborja@guamattorneygeneral.com>
date Thu, Jun 10, 2010 at 12:37 PM
subject NOTICE OF PUBLIC HEARING
mailed-by gmail.com

[hide details](#) Jun 10 (4 days ago)

Hafa Adai Ms. Limtiaco:

Please find attached Notice of Public Hearing from Sen. Frank B. Aguon, Jr. Also, please reply to this email to confirm receipt of this notice.
Un dangkulo na Si Yu'us Ma'ase and have a great day.

--
FRANCES S. LIZAMA
Office of Senator Frank B. Aguon, Jr.
30th Guam Legislature
Committee on Economic Development,
Health & Human Services, and Judiciary
238 Archbishop F.C. Flores St.
DNA Bldg (old PDN), Suite 701A
Hagatna, Guam 96910
Tel: 671.969.1495/6
Fax: 671.969.1497

 AG.pdf



**COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH AND HUMAN SERVICES, AND JUDICIARY**

I Mina'Trenta Na Liheslaturan Guåhan • 30th Guam Legislature

238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910

Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

June 07, 2010

FRANK B. AGUON, JR.
SENATOR, CHAIRMAN

ADOLPHO B. PALACIOS, SR.
SENATOR, VICE CHAIRMAN

JUDITH T. WON PAT
SPEAKER
EX-OFFICIO MEMBER

BENJAMIN J.F. CRUZ
VICE SPEAKER

TINA ROSE MUÑA BARNES
LEGISLATIVE SECRETARY

THOMAS C. ADA
SENATOR

JUDITH P. GUTHERTZ
SENATOR

RORY J. RESPICIO
SENATOR

FRANK F. BLAS, JR.
SENATOR

TELO TAITAGUE
SENATOR

RAY TENORIO
SENATOR

MEMORANDUM

TO: Honorable Senators/Committee Members
*Committee on Economic Development,
Health & Human Services, and Judiciary*

FROM: SENATOR FRANK B. AGUON, JR.
Chairman

SUBJECT: FIRST NOTICE – NOTICE OF PUBLIC HEARINGS
Wednesday, June 16, 2010 – 5:30 pm AND
Thursday, June 17, 2010 – 5:30 pm

Buenas yan Hafa Adai!

Please be advised that the Committee on Economic Development, Health & Human Services, and Judiciary will be conducting a public hearing on **Wednesday, June 16, 2010, 5:30 pm; and Thursday, June 17, 2010, 5:30 pm.** Public Hearings for Wednesday and Thursday will be held in the Guam Legislature's Public Hearing Room.

Please see the attached agenda for the public hearing. Should you have any questions, please contact Mr. Ron Teehan from my office.

Un dangkulo' na Si Yu'us Ma'ase'.

Attachment

Cc: Sergeant-at-Arms/Protocol/AV
Stephanie Mendiola, COR
Clerk of the Legislature
MIS

FIRST NOTICE - PUBLIC HRG 06.16 & 17.2010, 5:30 pm

from **Frances Lizama** <lizama.frances@gmail.com> [hide details Jun 8 \(6 days ago\)](#) Reply

to "SEN ADA, Thomas C." <tom@senatorada.org>,
 "SEN ADA, Tony" <senatortonyada@guamlegislature.org>,
 "SEN BLAS, Frank F., Jr." <frankblasjr@gmail.com>,
 "SEN. CALVO, Eddie J B." <senecalvo@gmail.com>,
 "SEN. ESPALDON, James V." <senator@espaldon.com>,
 "SEN. GUTHERTZ, Judith P." <judguthertz@pticom.com>,
 "SEN. MUNA BARNES, Tina Rose" <tinamunabarnes@gmail.com>,
 "SEN. PALACIOS, Adolpho B., Sr." <abpalacios@gmail.com>,
 "SEN. PANGELINAN, Ben" <senbenp@guam.net>,
 "SEN. RESPICIO, Rony J." <ronyforguam@gmail.com>,
 "SEN. TAITAGUE, Telo" <senator.teko@gmail.com>,
 "SEN. TENORIO, Ray" <ray@raytenorio.com>,
 "SPKR WON PAT, Judi" <speaker@judiwonpat.com>,
 "VICE SPKR CRUZ, Benjamin J.F." <senadotbjcruz@gmail.com>

cc "BLAS, Rolend" <rolend@judiwonpat.com>,
 "DEFENSOR, Sahara" <sahara@judiwonpat.com>,
 "DUARTE, Mark" <mark@judiwonpat.com>,
 "TORRES, Frank B." <fbtomes@judiwonpat.com>,
 "ALONSO, Maya" <maya@guamlegislature.org>,
 "BLAS, Jon" <jonetwork2010@gmail.com>,
 "CRUZ, Jose Jr." <josecruzjr17@yahoo.com>,
 "LG, Peter" <peterlg@gmail.com>,
 "LIDIA, Mike" <mike.lidia@gmail.com>,
 "MATANANE, Tammy" <tpmatanane@yahoo.com>,
 "ODOCA, Chns" <codoca@gmail.com>,
 "GILLHAM, Juliette" <office@senatorada.org>,
 "LUHR, Cyrus" <cyrus@senatorada.org>,
 "SANTOS, Nicole" <nsantos@senatorada.org>,
 "SUNGA, Jay" <ajsunga@senatorada.org>,
 "ATALIG, Louise A." <louise_atalig@yahoo.com>,
 "CASTRO, James P." <jamespcastro@gmail.com>,
 "FEJERAN, Mery C." <maryfejeran@gmail.com>,
 "SAYAMA, Mark" <sayama01@yahoo.com>,
 "GOGUE, Elaine" <epgogue@hotmail.com>,
 "UNPINGCO, Joy" <joyunpingco@gmail.com>,
 "DUENAS, Mona" <mona.duenas@gmail.com>,
 "ROBERTO, Phil" <roberto.phil@gmail.com>,
 "MUNA, Rose" <rsmuna@yahoo.com>,
 "TUPAZ, Robert" <rob.tupaz@gmail.com>,
 "WYTTENBACH-SANTOS, Richard" <doc.wyittenbachsantos@gmail.com>,
 "KOMIYAMA, Veima" <vel.komiyama@yahoo.com>,
 "MCDONALD, Elaine" <andrasgrandma@yahoo.com>,
 "OKADA, Tina" <tinaokada@gmail.com>,
 "TAITAGUE, Ron" <ez2plez57@yahoo.com>,
 "BURGOS, Fred" <faburgos@gmail.com>,
 "CEPEDA, Patrick" <patrickcepeda@hotmail.com>,
 "CRUZ, Priscilla" <pjtcruz@yahoo.com>,
 "DIAZ, Jonathan" <jonbdiaz@gmail.com>,
 "CIPOLLONE, Lisa" <cipo@guamlegislature.org>,
 "HILLS, Derick" <derickhills@live.com>,
 "OKADA, Anjelica" <aokada@guamlegislature.org>,
 "MENDIOLA, Stephanie" <sem@guamlegislature.org>,
 "PHILLIPS, Bill R." <phillipsguam@gmail.com>,
 "TAJALLE, Elaine V." <elainevtl@gmail.com>,
 "LEE, Edward G." <teddytaz_222@yahoo.com>,
 "PEREZ, Mike" <mjpeerez48@yahoo.com>,
 "CEPEDA, Mermae" <mermae@raytenorio.com>,
 "EVARISTO, Jessica" <jessica@raytenorio.com>,
 "LG, Phillip" <phil@raytenorio.com>,
 "CRUZ, Dot" <dot@guamlegislature.org>,
 "CRUZ, Martha" <mcruz@guamlegislature.org>,
 "GUMATAOTAO, Susan S." <deputyclerk@guamlegislature.org>,
 "MATERNE, Nieves" <nieves@guamlegislature.org>,
 "MEW, Elvy" <emew@guamlegislature.org>,
 "PEREZ, Daniel" <dperez@guamlegislature.org>,
 "PEREZ, Rennee" <rennee@guamlegislature.org>,
 "SANTOS, Pat" <psantos@guamlegislature.org>,
 "TERLAJE, Flo" <terlaje@guamlegislature.org>,
 "TERLAJE, Therese" <terlaje@guam.net>,
 "BERMUDES, Vince - MIS" <vbermudes@guamlegislature.org>,
 "LG, Joe - Sgt-at-Arms" <joemak2008@yahoo.com>,
 "PAK, Yong - MIS" <yong@guamlegislature.org>,
 "QUITUGUA, Tony - Protocol/Reproduction" <tq@guamlegislature.org>,
 "UNSIQ, Tom - Protocol/AV" <tunsiq@guamlegislature.org>

date Tue, Jun 8, 2010 at 3:26 PM
 subject FIRST NOTICE - PUBLIC HRG 06.16 & 17.2010, 5:30 pm
 mailed-by gmail.com

HABA ADAI SENATORS:

Please see attached Notice of Public Hearing scheduled for Wednesday, June 16, 2010 and Thursday, June 17, 2010 at 5:30 pm in the Public Hearing Room

Un dangkulo na Si Yu'us Ma'ase:

FRANCES S. LIZAMA
 Office of Senator Frank B. Aguon, Jr.
 30th Guam Legislature
 Committee on Economic Development,
 Health & Human Services, and Judiciary
 238 Archbishop F. C. Flores St
 DNA Bldg (old PDN), Suite 701A
 Hagatna, Guam 96910
 Tel. 671.969.1495/6
 Fax. 671.969.1497



SENATOR FRANK B. AGUON, JR.

Chairman, Committee on Economic Development,
Health & Human Services, and Judiciary

I Mina' Trenta Na Liheslaturan Guåhan

(Thirtieth Guam Legislature)



PRESS RELEASE FOR IMMEDIATE RELEASE June 08, 2010

NOTICE OF PUBLIC HEARING

In accordance with the Open Government Law, Public Law 24-109, relative to notice for public meetings, let this serve as 5-days notice for a Public Hearing by the Committee on Economic Development, Health & Human Services, and Judiciary, scheduled for

**DATE: WEDNESDAY, JUNE 16, 2010 and
THURSDAY, JUNE 17, 2010**
TIME: 5:30 pm
PLACE: Guam Legislature's Public Hearing Room

Please note that public hearing for both days will begin at 5:30 pm and will be held in the Guam Legislature's Public Hearing Room.

Attached is the agenda for both Wednesday and Thursday's public hearing.

Persons with disabilities needing special accommodations/services, or for more information, please contact Mr. Ron Teehan, Committee Director at 969-1495/6.

#####

MEDIA DISTRIBUTION: (fax, email or hand delivery)

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PNC News	477-0793	Adventist Radio	565-2983
Marianas Variety	648-2007	Harvest Radio	477-7136
Marianas Media / Guam News Factor	477-2240	Joy 92FM	477-4678
Hit Radio 100	472-7663		

NOTE: Blocked calls are not displayed on this report.
 For more information, see Junk Fax Report and the Caller ID History report.

Last 30 Transactions

Date	Time	Type	Station ID Caller ID	Duration	Pages	Result
May 27	2:35PM	Received	671 477 3184 6714773184	1:22	2	OK
May 27	5:07PM	Received	4723510 6714723589	0:22	1	OK
May 28	12:45PM	Received	6716377175 6716377175	0:27	1	OK
May 28	1:42PM	Received	671 734 6570 6717346570	0:57	2	OK
Jun 1	11:04AM	Received	6716333293	0:48	1	OK
Jun 1	11:28AM	Received	4723510 6714723589	0:19	1	OK
Jun 3	8:25AM	Received	4772240 6714723547	0:24	1	OK
Jun 3	3:12PM	Received	671 472 3459 6714723459	0:35	1	OK
Jun 4	11:31AM	Received	+6716472214 6716472214	0:57	2	OK
Jun 4	2:01PM	Received	+6714771895 6714771895	1:19	4	OK
Jun 7	12:09PM	Received	6714772130	0:48	1	OK
Jun 8	3:36PM	Fax Sent	4773982	0:14	0	Cancel
Jun 8	3:36PM	Fax Sent	4773079	0:18	0	Cancel
Jun 8	3:37PM	Fax Sent	4770793 - PNC News	1:23	3	OK
Jun 8	3:39PM	Fax Sent	6379870 - KUAM TV / Radio	1:25	3	OK
Jun 8	3:41PM	Fax Sent	4773982	1:42	2	Error 350
Jun 8	3:43PM	Fax Sent	4773982	0:18	0	Cancel
Jun 8	3:44PM	Fax Sent	4773079 - PDN	1:58	3	OK
Jun 8	3:47PM	Fax Sent	4773982 - K57 / Power98	1:17	3	OK
Jun 8	3:49PM	Fax Sent	4772240	2:51	1	Error 326
Jun 8	3:56PM	Fax Sent	4727663 - Hit Radio 100	1:13	3	OK
Jun 8	4:00PM	Fax Sent	4776411 - K-Stereo / KISH	1:40	3	OK
Jun 8	4:09PM	Fax Sent	4772240 - Mar Media / GNF	3:50	3	OK
Jun 8	4:13PM	Fax Sent	7342958 - KPRG News	1:13	3	OK
Jun 8	4:15PM	Fax Sent	7343476 - KGTF	1:38	3	OK
Jun 8	4:18PM	Fax Sent	5652983 - Adventist Radio	2:00	3	OK
Jun 8	4:21PM	Fax Sent	4777136 - Harvest Radio	1:15	3	OK
Jun 8	4:24PM	Fax Sent	4774678 - Joy 92FM	1:17	3	OK
Jun 8	4:32PM	Fax Sent	6482007	1:31	2	Error 403
Jun 8	4:56PM	Fax Sent	6482007 - Marianas Variety	1:41	3	OK



**COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH AND HUMAN SERVICES, AND JUDICIARY**
I Mina'Trenta Na Liheslaturan Guåhan • 30th Guam Legislature
238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910
Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

June 14, 2010

FRANK B. AGUON, JR.
SENATOR, CHAIRMAN

ADOLPHO B. PALACIOS, SR.
SENATOR, VICE CHAIRMAN

JUDITH T. WON PAT
SPEAKER
EX-OFFICIO MEMBER

BENJAMIN J.F. CRUZ
VICE SPEAKER

TINA ROSE MUÑA BARNES
LEGISLATIVE SECRETARY

THOMAS C. ADA
SENATOR

JUDITH P. GUTHERTZ
SENATOR

RORY J. RESPICIO
SENATOR

FRANK F. BLAS, JR.
SENATOR

TELO TAITAGUE
SENATOR

RAY TENORIO
SENATOR

MEMORANDUM

TO: Honorable Senators/Committee Members
*Committee on Economic Development,
Health & Human Services, and Judiciary*

FROM: SENATOR FRANK B. AGUON, JR.
Chairman

SUBJECT: SECOND NOTICE – NOTICE OF PUBLIC HEARINGS
Wednesday, June 16, 2010 – 5:30 pm AND
Thursday, June 17, 2010 – 5:30 pm

Buenas yan Hafa Adai!

Please be advised that the Committee on Economic Development, Health & Human Services, and Judiciary will be conducting a public hearing on **Wednesday, June 16, 2010, 5:30 pm; and Thursday, June 17, 2010, 5:30 pm.** Public Hearing for Wednesday and Thursday will be held in the Guam Legislature's Public Hearing Room.

Please see the attached Agendas for both days of the public hearing. Should you have any questions, please contact Mr. Ron Teehan from my office.

Un dangkulo' na Si Yu'us Ma'ase'.

Attachment

Cc: Sergeant-at-Arms/Protocol/AV
Stephanie Mendiola, COR
Clerk of the Legislature
MIS



SENATOR FRANK B. AGUON, JR.

Chairman, Committee on Economic Development,
Health & Human Services, and Judiciary
I Mina' Trenta Na Liheslaturan Guåhan
(Thirtieth Guam Legislature)



PRESS RELEASE FOR IMMEDIATE RELEASE June 14, 2010

NOTICE OF PUBLIC HEARING

In accordance with the Open Government Law, Public Law 24-109, relative to notice for public meetings, let this serve as 72 hours notice for a Public Hearing by the Committee on Economic Development, Health & Human Services, and Judiciary, scheduled for

**DATE: WEDNESDAY, JUNE 16, 2010 and
THURSDAY, JUNE 17, 2010**
TIME: 5:30 pm
PLACE: Guam Legislature's Public Hearing Room

Attached is the agenda for both Wednesday and Thursday's public hearing. Please note that public hearing for both days will begin at 5:30 pm and will be held in the Guam Legislature's Public Hearing Room.

Persons with disabilities needing special accommodations/services, or for more information, please contact Mr. Ron Teehan, Committee Director at 969-1495/6.

#####

MEDIA DISTRIBUTION: (fax, email or hand delivery)

KUAM TV/Radio	637-9870 ✓	K-Stereo / KISH	477-6411 ✓
News Talk K57 / Power98	477-3982 ✓	KPRG News	734-2958
PDN	477-3079 ✓	KGTF	734-3476 ✓
PNC News	477-0793 ✓	Adventist Radio	565-2983
Marianas Variety	648-2007	Harvest Radio	477-7136
Marianas Media / Guam News Factor	477-2240	Joy 92FM	477-4678
Hit Radio 100	472-7663 ✓		

NOTICE OF PUBLIC HEARING - 2ND NOTICE

from **Frances Lizama** <lizama.frances@gmail.com> [hide details](#) 11:16 AM
 to gerry@mvguam.com,
 john@marianasmedia.com,
 "AGUON, Mindy - KUAM" <671mindy@gmail.com>,
 "ARROYO, Patti - K57" <parroyo@k57.com>,
 "ARTERO, Sonya - KUAM" <sonya@kuam.com>,
 "CAGURANGAN, MarVic - MarVariety" <marvic@mvguam.com>,
 "CATAHAY, Michelle - KUAM" <michele@kuam.com>,
 "COFFMAN, Travis - K57" <thebigshow@k57.com>,
 "DALENO, Gaynor - PDN" <gdumat-ol@guampdn.com>,
 "DALENO, Gaynor Dumat-ol" <gdumat-ol@guam.gannett.com>,
 "GEORGE, Duane M" <dmgeorge@guam.gannett.com>,
 "GIBSON, Ray - K57" <rgibson@k57.com>,
 "GIBSON, William - K57" <breakfastshowk57@gmail.com>,
 GLIMPSES <managingeditor@glimpses.guam.com>,
 "GLIMPSES - PALACIOS, Ivan" <reporter1@glimpsesofguam.com>,
 "GODLEWSKI, Stephanie - PDN" <smgodlewski@guampdn.com>,
 "HART, Therese - MarVariety" <therese@mvguam.com>,
 "KELMAN, Brett - Guam Gannett" <bmkelman@guam.gannett.com>,
 "KERRIGAN, Kevin - SPB" <kevin@spbg Guam.com>,
 KPRG <kprg@guam.net>,
 KSTO-KISH <kstokish@gmail.com>,
 "MACALUSO, David - PNC" <dmacaluso@spbg Guam.com>,
 "MATANANE, Sabrina - KUAM" <sabrina@kuam.com>,
 "MELYN, Catriona - PDN" <cmelyan@guampdn.com>,
 "MUNA, Audrey" <audreymuna@yahoo.com>,
 PACIFIC NEWS CENTER <news@spbg Guam.com>,
 "PEREZ, Alicia - KSTO/KISH" <kstone@ite.net>,
 "RUDOLPH, Michael - Marianas Media" <michael@marianasmedia.com>,
 "SALAS, Jason - KUAM" <jason@kuam.com>,
 "TAITANO, Zita - MarVariety" <zytaitano@gmail.com>,
 "TYQUIENGCO, Josh - SPB" <jtyquiengco@spbg Guam.com>,
 "WATANABE, Masako - Guam Gannett" <mwatanabe@guam.gannett.com>
 date Mon, Jun 14, 2010 at 11:16 AM
 subject NOTICE OF PUBLIC HEARING - 2ND NOTICE
 mailed-by gmail.com

Hafa Adai to All:

Please find attached Second Notice of Public Hearing from Sen. Frank B. Aguon, Jr. along with an **amended agenda**.

--
FRANCES S. LIZAMA
 Office of Senator Frank B. Aguon, Jr.
 30th Guam Legislature
 Committee on Economic Development,
 Health & Human Services, and Judiciary
 238 Archbishop F.C. Flores St.
 DNA Bldg (old PDN), Suite 701A
 Hagatna, Guam 96910
 Tel: 671.969.1495/6
 Fax: 671.969.1497

 **MEDIA - 2ND NOTICE OF PH 2010.06.16 & 17.pdf**
 1087K [View](#) [Download](#)

NOTE: Blocked calls are not displayed on this report.
 For more information, see Junk Fax Report and the Caller ID History report.

Last 30 Transactions

Date	Time	Type	Station ID Caller ID	Duration	Pages	Result
Jun 10	1:00PM	Fax Sent	6496178	0:53	2	OK
Jun 10	1:01PM	Fax Sent	4776788	0:00	0	Cancel
Jun 10	1:03PM	Fax Sent	4776788	1:12	3	OK
Jun 10	2:59PM	Received	6490145 6716490145	0:30	1	OK
Jun 10	4:02PM	Received	6716496178	0:39	1	OK
Jun 11	11:10AM	Received	7344035 6717344035	0:28	1	OK
Jun 11	1:36PM	Received	6716497889	0:45	0	No fax
Jun 11	4:13PM	Fax Sent	6496178	0:31	1	OK
Jun 14	10:25AM	Received	+6716494146 6716494146	1:27	1	OK
Jun 14	11:41AM	Received	+6716494146 6716494146	0:24	1	OK
Jun 14	4:21PM	Fax Sent	6379870 - KUAM TV / Radio	1:22	3	OK
Jun 14	4:22PM	Fax Sent	4773980	0:00	0	No answer
Jun 14	4:27PM	Fax Sent	4773980	0:00	0	Cancel
Jun 14	4:27PM	Fax Sent	4773982 - K57 / Power98	1:13	3	OK
Jun 14	4:29PM	Fax Sent	4773079 - PDN	1:52	3	OK
Jun 14	4:34PM	Fax Sent	4770793 - PNC News	1:22	3	OK
Jun 14	4:37PM	Fax Sent	4772240	2:06	1	Error 326
Jun 14	4:44PM	Fax Sent	4727663 - Hit Radio 100	1:13	3	OK
Jun 14	4:46PM	Fax Sent	4776411 - K-Stereo / KISH	1:47	3	OK
Jun 14	4:48PM	Fax Sent	7343476 - KGTF	1:38	3	OK
Jun 14	4:55PM	Fax Sent	7342958	0:36	0	Error 387
Jun 14	5:00PM	Fax Sent	7342958 - KPRG News	1:20	3	OK
Jun 14	5:03PM	Fax Sent	5652983	1:24	1	Error 350
Jun 14	5:07PM	Fax Sent	4777136 - Harvest Radio	1:16	3	OK
Jun 14	5:12PM	Fax Sent	4774678 - Joy 92FM	1:13	3	OK
Jun 14	5:17PM	Fax Sent	47746784772240	0:13	0	Cancel
Jun 14	5:18PM	Fax Sent	4772240 - MarMedia / GNF	3:29	3	OK
Jun 14	5:23PM	Fax Sent	7342958 - KPRG News	1:14	3	OK
Jun 14	5:27PM	Fax Sent	5652983 - Adventist Radio	1:30	3	OK
Jun 14	5:32PM	Fax Sent	6482007 - Marianas Variety	1:22	3	OK



SENATOR FRANK B. AGUON, JR., *Chairman*
**COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH & HUMAN SERVICES, AND JUDICIARY**
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Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

AGENDA

WEDNESDAY, JUNE 16, 2010, 5:30 PM

and

THURSDAY, JUNE 17, 2010, 5:30 PM

GUAM LEGISLATURE PUBLIC HEARING ROOM

WEDNESDAY, JUNE 16, 2010, 5:30 PM:

- **APPOINTMENT**
Mr. Wilfred G. Aflague to serve as Director of Department of Mental Health & Substance Abuse

- **BILL NO. 378-30 (LS)**
An act relative to recognizing the tremendous benefit and importance of preventive healthcare activities and programs in promoting healthier lives, through requiring that the acquisition of health or medical insurance through the government of Guam include the provision of preventive healthcare, wellness, and fitness; amending Subsection (a) of 54301 Group Insurance, Article 3, Chapter 4, Title 4, Guam Code Annotated.

- **BILL NO. 386-30 (COR)**
An act relative to establishing the autonomy of the Guam Memorial Hospital Authority by repealing and re-enacting Chapter 80 of Title 10, Guam Code Annotated.

- **BILL NO. 387-30 (COR)**
An act relative to mentally ill persons and civil commitments, by repealing and reenacting §82101 et seq. §82810 of Chapter 82, Title 10, Guam Code Annotated.

- **BILL NO. 396-30 (COR)**
An act making it *illegal* to possess HU-210, JWH-018, JWH-073, and Salvia Divinorum or Salvinorum A, also known as Spice.

- **BILL NO. 409-30 (COR)**
An act to include the Department of Mental Health & Substance Abuse in the group purchasing of drugs with other agencies; by amending §5270 of Article 4, Chapter 5, Title 5, Guam Code Annotated, - so as to include DMHSA.

THURSDAY, JUNE 17, 2010, 5:30 PM:

- **BILL NO. 361-30 (COR)**
An act relative to the approval of the terms and conditions of the issuance of one (1) or more series of bonds to be purchased by the United States Department of Agriculture on behalf of the government of Guam to finance the costs of the landfill, the closure of the Ordot Dump, and other system costs.

- **BILL NO. 385-30 (COR)**
An Act to repeal the statute of limitation for the prosecution of a sex crime involving a victim who is under the age of the majority by *adding* a new § 10.16 to Chapter 10 of Title 8, Guam Code Annotated.



SENATOR FRANK B. AGUON, JR., *Chairman*
**COMMITTEE ON ECONOMIC DEVELOPMENT,
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THURSDAY, JUNE 17, 2010 (continuation):

- **BILL NO. 388-30 (COR)**
An act to add a new Subsection (g) to §50103.1 Chapter 50, Article 1, 12 Guam Code Annotated relative to local sale of bonds.
- **BILL NO. 394-30 (COR)**
An act to *amend* §15105 and to *repeal* and *reenact* §15107(a)(2) of Chapter 15 of Title 18 of the Guam Code Annotated relative to limited liability companies.
- **BILL NO. 398-30 (COR)**
An act adding a new Chapter 10 to Title 6 of the Guam Code Annotated relative to protecting journalists and the freedom of the press, and to add a new Chapter 91 to Title 9 of the Guam Code Annotated relative to providing penalties for violating the freedom of the press.
- **BILL NO. 399-30 (COR)**
An act to give “super lien” priority to common area assessments, fees and penalties imposed by associations of apartment owners through the amendment of §§ 45124 & 45125 and the addition of new § 45125.1 of Chapter 45, Title 21, Guam Code Annotated.
- **BILL NO. 405-30 (COR)**
An act to amend § 5270 of Chapter 5, Article 4, Title 5 Guam Code Annotated relative to government purchase for drugs from manufacturer.
- **BILL NO. 406-30 (COR)**
An act to *repeal* §64.50 of Chapter 64, Title 9 of the Guam Code Annotated, and *repeal* and *reenact* Chapter 5 of Title 11, Guam Code Annotated, relative to restricting greyhound racing.

CNMI Briefs

Japan Jaycees to visit Saipan

SAIPAN – About 850 members of the Junior Chamber International in Tokai, Japan will convene here for games, entertainment and an exchange of cultural experience with locals.

The event will be held at American Memorial Park on Wednesday afternoon.

Ayako Matsumoto, vice president of Pacific Eagle Enterprises Inc., the event coordinator, said about 200 Jaycees are expected to arrive by plane, while 650 more will be arriving aboard the MV Fuji Maru on Wednesday morning.

"This is a great opportunity for Saipan to have these young business entrepreneurs for a two-day trip here. It can help boost the local tourism," Matsumoto said.

On Wednesday, beginning at 5:30 p.m., the Jaycees will meet with members of the local community to experience local culture, food, dances and to know more about the islands.

NMI students join thespian competition

SAIPAN – Students from San Antonio Elementary School will represent the commonwealth along with other local students in the International Thespian Festival this month.

SEAS acting principal Sibylla Guerrero is confident that their students have enough time to practice in preparation for the competition.

"They practice almost every day," said Guerrero, who also coaches the students.

The school, she added, is very proud of these students.

Marianas High School instructor Harold Easton, the Thespian Society director, also helps prepare the students.

The group will compete against others teams from the states and territories in Lincoln, Nebraska from June 21 to 26.

Guerrero said thespian events help students expand their artistic capabilities and imagination through stage plays and performances that build character and confidence.

Gov't urged to repair damaged Sugar Dock



Jun Sablan and two boys stand next to the damaged portion of Sugar Dock.

By Junhan B. Todono
junhan.todono@mvvariety.com
Variety News Staff

SAIPAN – The Pantalan Boys, a group of local residents who frequent the Sugar Dock area, are again reminding the government about the danger posed by the unrepaired portion of the dock.

Two years ago, after three children were reported to have been injured in the area, teams from Coastal Resources Management and the Department of Public Works demolished the dilapidated structure that was used as a diving plank by swimmers.

But up to now, said Jun Sablan, one of the Pantalan Boys, the government has not repaired the other dilapidated portion of the dock.

"It needs to be repaired because the foundation is now obsolete – it was built during the Japanese era," he added.

He said the government will be liable if something happens to the people using the dock.

"We need a preventive measure," he added, as he strongly urged CRM and DPW to immediately repair the dock's damaged portion.

Garment file closed

By Andrew De Guzman
andrew.deguzman@mvvariety.com
Variety News Staff

SAIPAN – U.S. District Court Senior Judge Alex R. Munson has granted a motion to finally close the Garment Workers Trust Fund's file.

Munson also approved the final report of trustees, and relieved them of their further duties.

The former trustees were former CNMI Superior Court

Associate Judge Timothy Bellas, former California Supreme Court Justice Cruz Reynoso, and former Washington State Supreme Court Chief Justice Richard Guy.

Munson said there was no opposition filed by any interested party.

"It appears from the final report that the case has been fully and completely administered by trustees, and good cause appearing therefrom," he added.

GUAM GOVERNOR'S CUP GOLF TOURNAMENT COMMITTEE (A non-profit corporation)

BALANCE SHEET As of December 31, 2009

Assets:	
Cash in bank	\$ 6,344.56
Total Assets	\$ 6,344.56
Liabilities and net assets:	
Liabilities:	
Deposit	\$ 1,289.35
Total Liabilities	1,289.35
Net Assets:	
Net assets	\$ 5,055.21
Total liabilities and net asset	\$ 6,344.56

Statement of Revenue, Expenditure and Change in Net Assets Year ended December 31, 2009

REVENUE:	
Restricted Support	\$ 94,163.27
Entry Fees	7,889.19
Total revenue	102,052.46
EXPENSES:	
Tournament Operation	95,630.65
General Operating Expenses	3,244.66
Total expenses	98,875.31
Change in net assets	3,177.15
Net assets beginning of year	1,878.06
Net Assets, December 31, 2008	\$ 5,055.21



SENATOR FRANK B. AGUON, JR., Chairman
COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH & HUMAN SERVICES, AND JUDICIARY
1 Miña Treña Na Lik-Jarjan Guahan
5th Guam Legislature
238 Archbishop P.C. Flores St. DNA Bldg. Ste. 701A, Hagatna
Guam 96910 • Tel. (671) 969-1495 • Fax: (671) 969-1497
Email: aguo4guam@gmail.com

NOTICE OF PUBLIC HEARING

WEDNESDAY, JUNE 16, 2010, 5:30pm and THURSDAY, JUNE 17, 2010, 5:30pm
GUAM LEGISLATURE PUBLIC HEARING ROOM

WEDNESDAY, JUNE 16, 2010, 5:30 PM:

APPOINTMENT – Mr. Wilfred G. Aflague to serve as Director of Department of Mental Health & Substance Abuse

BILL 378-30 (LS) – Relative to include the provision of preventive healthcare, wellness, and fitness; by amending Subsection (a), §54301 Group Insurance, Art. 3, Ch. 4, 4GCA.

BILL 386-30 (COR) – Relative to establishing autonomy of GMHA by repealing and re-enacting Ch. 80, 10GCA.

BILL 387-30 (COR) – Relative to mentally ill persons and civil commitments, by repealing and reenacting §82101 et seq. §82810, Ch.82, 10GCA.

BILL 396-30 (COR) – Making it illegal to possess HU-210, JWH-018, JWH-073, and Salvia Divinorum or Salvinorum A, also known as Spice.

BILL 409-30 (COR) – Relative to include DMHSA in group purchasing of drugs with other agencies by amending §5270, Art.4, Ch.5, 5GCA.

THURSDAY, JUNE 17, 2010, 5:30 PM:

BILL 361-30 (COR) – Relative to approval of terms and conditions of issuance of one or more series of bonds to be purchased by USDA on behalf of the government of Guam to finance the costs of the landfill, the closure of Ordot Dump, and other system costs.

BILL 385-30 (COR) – To repeal the statute of limitation for prosecution of a sex crime involving a victim under the age of the majority by adding a new §10.16 to Ch.10, 8GCA.

BILL 388-30 (COR) – To add a new Subsection (g) to §50103.1, Ch.50, Art.1, 12GCA, relative to local sale of bonds.

BILL 394-30 (COR) – To amend §15105 and to repeal and reenact §15107(a)(2) of Ch.15, 18GCA relative to limited liability corporations.

BILL 398-30 (COR) – Adding a new Ch.10 to 6GCA relative to protecting journalists and the freedom of the press, and to add a new Ch.91 to 9GCA relative to providing penalties for violating the freedom of the press.

BILL 399-30 (COR) – To give "super lien" priority to common area assessments, fees and penalties imposed by associations of apartment owners through amendment of §§45124 & 45125 and addition of new §45125.1 of Ch.45, 21GCA.

BILL 405-30 (COR) – To amend §5270 of Ch.5, Art.4, 5GCA, relative to government purchase for drugs from manufacturer.

BILL 406-30 (COR) – To repeal §64.50 of Ch.64, 9GCA, and repeal and reenact Ch.5, 11GCA, relative to restricting greyhound racing.

To view full text of Bills, visit www.guamlegislature.com. If written testimonies are to be presented, the Committee requests copies be submitted 1 day prior to hearing date to OFFICE OF SEN. FRANK B. AGUON, JR., 238 ARCHBISHOP P.C. FLORES ST., DNA BLDG., STE. 701A, HAGATNA, GU 96910, email: aguo4guam@gmail.com, or fax to 969-1497.

Individuals requiring special accommodations/services, or for more information, please contact Ron Teehan or Gina Tabonares at 969-1495/6.

THIS AD WAS PAID FOR BY GOVERNMENT FUNDS

CNMI Briefs

Juvenile center guard arrested for sexual abuse

SAIPAN – Federal agents arrested on Friday a Division of Youth Services jail guard on the charge of sexually abusing a juvenile at the Kagman detention center.

Tyron Farley Reyes Fitial, 24, was escorted by federal agents when he appeared in federal court before visiting Chief Judge William H. Alsop of the Northern District of California on Friday afternoon.

"Fitial is charged with violating a person's civil rights when he used his position of authority to force the person, a minor child, to engage in sexual acts while the minor was in the custody of the juvenile detention unit, located in Kagman on the island of Saipan," according to a statement from U.S. Attorney for the District of Guam and the CNMI Leonardo M. Rapadas.

A federal agent described the case as "horrible."

Fitial's arrest comes as part of a wider and ongoing investigation into abusive behavior by guards at the Kagman detention facility, the statement added.

DPL remits \$2.5 million to help out CUC

SAIPAN – The Department of Public Lands has remitted \$2.5 million to the general fund to help the government address the Commonwealth Utilities Corp.'s fuel problem.

DPL Secretary Oscar M. Babauta, in an interview, said he was sure that other government agencies will remit what is due to the general fund.

Babauta said the amount his department remitted came from DPL's collections.

"He said the money does not go directly to CUC as it was remitted to the general fund."

"But of course this will eventually help the CUC," he added.

He said DPL remits some \$800,000 to the general fund each quarter for administrative and other expenses like payroll and utility costs.

Fuji Maru visit helps NMI economy

By Raquel C. Bagnol
raquel.bagnol@mvariety.com
Variety News Staff

SAIPAN – The MV Fuji Maru cruise ship's visit to Saipan last week helped provide a much needed boost to the CNMI's economy.

Pacific Micronesia Tours manager Takashi Nagaoka told the Variety that 16 buses from PMT and Tasi Tours transported the passengers from the port to the Fiesta Resort Hotel & Spa beach.

"The young businesspersons spent the afternoon getting ready for the friendship party scheduled at American Memorial Park with the local residents," Nagaoka said.

This year marks the 37th JC Youth Voyage Tokaigo and the third time for Fuji Maru to come here. The first and second times were in 2006 and 2007.

The Fuji Maru departed Saipan over the weekend.

Saipan seaport manager Mary Ann Q. Lizama said 589 young businesspersons were on board the Fuji Maru, while 200 others flew in from Nagoya.

"Having this big group of businesspersons come to the island is a big boost to the economy," Lizama said.

The cruise passengers went out shopping and sightseeing in Garapan, and toured the northern part of Saipan including the Last Command Post and Banzai Cliff before the ship departed.

The 547-foot Fuji Maru cruise is one of the ships regularly used by Japanese businesses to give their workers incentive cruises mostly to Southeast Asian destinations.

Fuji Maru and its sister ship Nippon Maru are now regularly used for cruises throughout the



▲ Passengers of the MV Fuji Maru, which visited Saipan last week, pose for a souvenir photo.

world including to popular destinations such as Australia, New Zealand, Canada and Alaska.

The MV Fuji Maru is operated by the Mitsui OSK Cruise Lines. Weighing 23,340 tons, the ship carries 600 passengers.

It is just one of several interesting options for Japanese who want to take a cruise, ranging from conventional luxury cruises around the world, to one night cruises for a romantic getaway.

There are also inland Japan waterway cruises like those on the Sumida and other rivers, popular especially during the spring as well as ferry services that network the Japanese archipelago.

There are also international ferries plying between Japan and the outlying islands of other countries.

PUBLIC NOTICE

Guam Board of Examiners for Dentistry REGULAR MEETING

TIME: 3:00 p.m.

PLACE: Health Professional Licensing, Conference Room, 651 Legacy Square Commercial Complex South Route 10, Suite 9, Mangilao, Guam 96913

DATE: Wednesday, June 16, 2010

Persons with disabilities needing special accommodations, please call the Health Professional Licensing Office at 735-7408 Or the Telecommunication Device for the Hearing/Speech Impaired (TDD) at 649-1801. Agenda's available at the licensing board office. Executive meeting may be called if necessary.

Funding source for this ad is Government funds.



SENATOR FRANK B. AGUION, JR., Chairman
COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH & HUMAN SERVICES, AND JUDICIARY
1 Mile "Trough" No. Liberatorum Guahan
30th Guam Legislature
218 Archbishop F.C. Flores St., DHA Bldg., Ste. 701A, Hagatna,
Guam 96910 • Tel: (671) 969-1495 • Fax: (671) 969-1497
Email: Aguionfguam@gmail.com

NOTICE OF PUBLIC HEARING

WEDNESDAY, JUNE 16, 2010, 5:30pm and THURSDAY, JUNE 17, 2010, 5:30pm
GUAM LEGISLATURE PUBLIC HEARING ROOM

WEDNESDAY, JUNE 16, 2010, 5:30 PM:

APPOINTMENT – Mr. Wilfred G. Aflague to serve as Director of Department of Mental Health & Substance Abuse

BILL 378-30 (LS) – Relative to include the provision of preventive healthcare, wellness, and fitness; by amending Subsection (a), §54301 Group Insurance, Art. 3, Ch. 4, 4GCA.

BILL 386-30 (COR) – Relative to establishing autonomy of GMHA by repealing and re-enacting Ch. 80, 10GCA.

BILL 387-30 (COR) – Relative to mentally ill persons and civil commitments; by repealing and reenacting §82101 et seq §82810, Ch. 82, 10GCA.

BILL 396-30 (COR) – Making it illegal to possess HU-210, JWH-018, JWH-073, and Salvia Divinorum or Salvinorin A, also known as Spice.

BILL 409-30 (COR) – Relative to include DMHSA in group purchasing of drugs with other agencies by amending §5270, Art. 4, Ch. 5, 5GCA.

THURSDAY, JUNE 17, 2010, 5:30 PM:

BILL 361-30 (COR) – Relative to approval of terms and conditions of issuance of one or more series of bonds to be purchased by USDA on behalf of the government of Guam to finance the costs of the landfill, the closure of Ordut Dump, and other system costs.

BILL 385-30 (COR) – To repeal the statute of limitation for prosecution of a sex crime involving a victim under the age of the majority by adding a new §10.16 to Ch. 10, 8GCA.

BILL 388-30 (COR) – To add a new Subsection (g) to §50103.1, Ch. 50, Art. 1, 12GCA, relative to local sale of bonds.

BILL 394-30 (COR) – To amend §15105 and to repeal and reenact §15107(a)(2) of Ch. 15, 18GCA relative to limited liability companies.

BILL 398-30 (COR) – Adding a new Ch. 10 to 6GCA relative to protecting journalists and the freedom of the press, and to add a new Ch. 91 to 9GCA relative to providing penalties for violating the freedom of the press.

BILL 399-30 (COR) – To give "super lien" priority to common area assessments, fees and penalties imposed by associations of apartment owners through amendment of §§45124 & 45125 and addition of new §45125.1 of Ch. 45, 21GCA.

BILL 405-30 (COR) – To amend §5270 of Ch. 5, Art. 4, 5GCA, relative to government purchase for drugs from manufacturer.

BILL 406-30 (COR) – To repeal §64.50 of Ch. 64, 9GCA, and repeal and reenact Ch. 5, 11GCA, relative to restricting greyhound racing.

To view full text of Bills, visit www.guamlegislature.com. If written testimonies are to be presented, the Committee requests copies be submitted 1 day prior to hearing date to OFFICE OF SEN. FRANK B. AGUION, JR., 238 ARCHBISHOP F.C. FLORES ST., DHA BLDG., STE. 701A, HAGATNA, GU 96910, email: aguionfguam@gmail.com, or fax to 969-1497.

Individuals requiring special accommodations/services, or for more information, please contact Ron Tezhan or Gina Taboares at 969-1495/6.

THIS AD WAS PAID FOR BY GOVERNMENT FUNDS



**COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH AND HUMAN SERVICES, AND JUDICIARY**
I Mina'Trenta Na Liheslaturan Guåhan • 30th Guam Legislature
238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910
Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

FRANK B. AGUON, JR.
SENATOR, CHAIRMAN

July 22, 2010

MEMORANDUM

ADOLPHO B. PALACIOS, SR.
SENATOR, VICE CHAIRMAN

To: ALL MEMBERS
Committee on Economic Development, Health & Human Services, and
Judiciary

JUDITH T. WON PAT
SPEAKER
EX-OFFICIO MEMBER

From: SENATOR FRANK B. AGUON, JR.
Committee Chairperson

BENJAMIN J.F. CRUZ
VICE SPEAKER

Subject: Legislative Digest on Bill No. 386-30 ((COR)).

TINA ROSE MUÑA BARNES
LEGISLATIVE SECRETARY

As requested by members of the Committee during the June 16, 2010, public hearing, I am transmitting herewith the **legislative digest on Bill No. 386-30 (COR); AN ACT RELATIVE TO ESTABLISHING THE AUTONOMY OF THE GUAM MEMORIAL HOSPITAL AUTHORITY BY REPEALING AND RE-ENACTING CHAPTER 80 OF TITLE 10, GUAM CODE ANNOTATED;** Sponsored by Frank B. Aguon, Jr..

THOMAS C. ADA
SENATOR

JUDITH P. GUTHERTZ
SENATOR

RORY J. RESPICIO
SENATOR

I hope this helps to answer some of the questions you may have relative to the proposed changes be made to the existing GMHA statute.

FRANK F. BLAS, JR.
SENATOR

Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

TELO TAITAGUE
SENATOR

Si Yu'os ma'åse'!

RAY TENORIO
SENATOR

Attachment

LEGISLATIVE DIGEST - B.386-30 Inbox X

from **Frances Lizama** <lizama.frances@gmail.com>
 to "SEN. PALACIOS, Adolpho B., Sr." <abpalacios@gmail.com>,
 "VICE SPKR CRUZ, Benjamin J.F." <senadotbjcruz@gmail.com>,
 "SEN. MUNA BARNES, Tina Rose" <tinamunabarnes@gmail.com>,
 "SEN. ADA, Thomas C." <tom@senatorada.org>,
 "SEN. GUTHERTZ, Judith P." <judiguthertz@pticom.com>,
 "SEN. RESPICIO, Rory J." <roryforguam@gmail.com>,
 "SPKR WON PAT, Judi" <speaker@judiwonpat.com>,
 "SEN. BLAS, Frank F., Jr." <frank.blasjr@gmail.com>,
 "SEN. TAITAGUE, Telo" <senatortelo@gmail.com>,
 "SEN. TENORIO, Ray" <ray@raytenorio.com>

cc "BURGOS, Fred" <feaburgos@gmail.com>,
 "CEPEDA, Patrick" <patrickcepeda@hotmail.com>,
 "CRUZ, Priscilla" <pjtcruz@yahoo.com>,
 "DIAZ, Jonathan" <jonbdiaz@gmail.com>,
 "ALONSO, Maya" <maya@guamlegislature.org>,
 "BLAS, Jon" <jonatwork2010@gmail.com>,
 "CRUZ, Jose Jr." <josecruzjr17@yahoo.com>,
 "LG, Peter" <peterlg@gmail.com>,
 "LIDIA, Mike" <mike.lidia9@gmail.com>,
 "MATANANE, Tammy" <tpmatanane@yahoo.com>,
 "ODOCA, Chris" <codoca@gmail.com>,
 rikeke05@gmail.com,
 "BAUTISTA, Ana" <anaaleah@yahoo.com>,
 "BRECHT, Chelsa Muna" <cmunabrecht@guamlegislature.org>,
 "KOMIYAMA, Velma" <vel.komiyama@yahoo.com>,
 "McDONALD, Elaine" <andrasgrandma@yahoo.com>,
 "CAMACHO, Jimmy" <jcamacho@senatorada.org>,
 "GILLHAM, Juliette" <office@senatorada.org>,
 "LUHR, Cyrus" <cyrus@senatorada.org>,
 "SANTOS, Nicole" <nsantos@senatorada.org>,
 "SUNGA, Jay" <ajsunga@senatorada.org>,
 "MUNA, Rose" <rsmuna@yahoo.com>,
 "TUPAZ, Robert" <rob.tupaz@gmail.com>,
 "WYTTENBACH-SANTOS, Richard" <doc.wyittenbachsantos@gmail.com>,
 "MENDIOLA, Stephanie" <sem@guamlegislature.org>,
 "OKADA, Tina" <tinaokada@gmail.com>,
 "PHILLIPS, Bill R." <phillipsguam@gmail.com>,
 "TAJALLE, Elaine V." <elainevtll@gmail.com>,
 "BLAS, Roland" <roland@judiwonpat.com>,
 "DEFENSOR, Sahara" <sahara@judiwonpat.com>,
 "DUARTE, Mark" <mark@judiwonpat.com>,
 "TORRES, Frank B." <fbtorres@judiwonpat.com>,
 "CASTRO, James P." <jamespcastro@gmail.com>,
 "FEJERAN, Mary C." <maryfejeraan@gmail.com>,
 "SAYAMA, Mark" <sayama01@yahoo.com>,
 "LEE, Edward G." <teddytaz_222@yahoo.com>,
 "PEREZ, Mike" <mjperez48@yahoo.com>,
 "CEPEDA, Mermae" <mermae@raytenorio.com>,
 "EVARISTO, Jessica" <jessica@raytenorio.com>,
 "LG, Phillip" <phill@raytenorio.com>

date Fri, Jul 23, 2010 at 11:24 AM

subject LEGISLATIVE DIGEST - B.386-30

mailed-by gmail.com

Hafa Adai to All:

Please find attached Legislative Digest on Bill No. 386-30.
Un dangkulo' na Si Yu'os Ma'ase' and have a great day.

FRANCES S. LIZAMA
 Office of Senator Frank B. Aguon, Jr.
 30th Guam Legislature
 Committee on Economic Development,
 Health & Human Services, and Judiciary
 238 Archbishop F.C. Flores St.
 DNA Bldg (old PDN), Suite 701A
 Hagatna, Guam 96910
 Tel: 671.969.1495/6
 Fax: 671.969.1497

I MINA' TRENTA NA LIHESLATURAN GUAHAN
2010 (Second) REGULAR SESSION

Bill No. 386-30 (COR)

Introduced by:

FRANK B. AGUON, JR.

AN ACT RELATIVE TO ESTABLISHING THE AUTONOMY OF
THE GUAM MEMORIAL HOSPITAL AUTHORITY BY
REPEALING AND RE-ENACTING CHAPTER 80 OF TITLE 10,
GUAM CODE ANNOTATED.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Chapter 80 of Division 4, Title 10, Guam Code Annotated, is repealed
3 and re-enacted to read:

4 "CHAPTER 80

5 GUAM MEMORIAL HOSPITAL AUTHORITY

6 § 80101. Short Title.

[Same]

7 § 80102. Establishment.

[Currently: Definitions]

8 § 80103. Definitions.

[Currently: Establishment]

9 § 80104. Prohibition Against Discrimination.

[Currently: Powers]

10 § 80105. Board of Trustees.

[Currently: Hospital Rates]

11 § 80105.1 Duties of the Board of Trustees.

[Currently: Repealed]

12 § 80105.2 Meetings.

[New §]

13 § 80105.3 Term of Office.

[New §]

14 § 80105.4 Qualifications of Members of the Board of Trustees.

[New §]

1 § 80105.5 Trustees Nominating Council; Establishment.

[New §]

2 § 80105.6 Tenure of Members Currently Serving as Trustees.

[New §]

3 § 80106. Board Members Not Deemed Officers or Employees of the Government
4 of Guam.

[Currently: ~~Board of Trustees~~]

5 § 80107. Removal From Office.

[Currently: ~~Administrator~~]

6 § 80108. Officers.

[Currently: ~~Other Officers~~]

7 § 80109. Powers.

[Currently: ~~Employment Practices~~]

8 § 80110. Administrator and Chief Executive Officer

[Currently: ~~Exemption from Taxation~~]

9 § 80111. Chief Financial Officer.

[Currently: ~~Contracts and Purchases. [Repealed]~~]

10 § 80112. Construction With Other Laws.

[Currently: ~~Fiscal Authority; Accounting and Expenditures. [Repealed]~~]

11 § 80113. Employment Practices.

[Currently: ~~Irreversible Renal Failure~~]

[~~§ 80113.1. Cancer Registry~~]

[§ Deleted]

12 § 80114. Attorney.

[Currently: ~~Patients' Records Confidential~~]

13 § 80115. Exemption From Taxation.

[Currently: ~~Mandatory Annual Budget~~]

14 § 80116. Fiscal Authority; Accounting and Expenditures.

[Currently: ~~Insurance Coverage. [Repealed]~~]

15 § 80117. Irreversible Renal Failure.

[Currently: ~~Insurance Payments. Agreements. Deposits.~~]

1 § 80117.1 Cancer Data Collection.

[New §]

2 § 80118. Patients' Records Confidential.

[Currently: ~~Receiving of Revenues from Vending Machine~~]

3 § 80119. Mandatory Annual Budget.

[New §]

4 § 80120. Solicitation, Acceptance, Utilization and Administration of Donations,
5 Contributions, Gifts, and Bequests for Specific Purposes.

[New §]

6 § 80121. Receiving of Revenues from Vending Machine.

[New § (Current §80118)]

7 **§ 80101. Short Title.** This Division may be cited as the *Guam Health Act of*
8 *2010.*

9 **§ 80102. Establishment.**¹ [~~Definitions~~²]

10 There is within, and a public corporation and autonomous instrumentality of, the
11 government of Guam called the Guam Memorial Hospital Authority. It shall have title to
12 all real and personal property now or hereafter set aside for or conveyed to it. Its property
13 shall be administered and disposed of according to law. All the rights, immunities,
14 franchises and endowments heretofore granted thereto by Guam are hereby perpetuated
15 unto the said Authority.

16 **§ 80103. Definitions** [~~Establishment~~³]. As used in this Division, unless otherwise
17 indicated:

18 (a) *Board* means the Board of Trustees of the Guam Memorial Hospital
19 Authority.

¹ Text taken from current §80103 Establishment; And amended by new provisions taken from §16101, Ch. 16, Title 17, GCA (UOG Charter). New text underscored.

² Definitions moved to §80103, pursuant to this Act.

³ Establishment mover to §80102, pursuant to this Act.

1 (b) *Administrator* means the Administrator of the Guam Memorial Hospital
2 Authority.

3 (c) *Hospital* means Guam Memorial Hospital Authority.

4 (d) *Health Professionals* means those persons licensed or certified to practice the
5 healing art within the territory of Guam. ⁴

6 **§ 80104 Prohibition Against Discrimination** ⁵ [Powers ⁶]. It shall be the policy of the
7 Guam Memorial Hospital Authority that discrimination against any individual or group
8 for reasons of age, race, color, sex, national origin, religious belief, marital status,
9 physical/mental disability, political affiliation and retaliation is specifically prohibited
10 under any program, employment or activity for which the Board of Trustees is
11 responsible.

12 **§ 80105. Board of Trustees.** [Hospital Rates ⁷]

13 (a) The government and control of [All powers vested in] the Guam Memorial
14 Hospital Authority [, except as provided herein, shall be exercised by the Board, which
15 shall consist of nine (9) members, called ‘Trustees.’] are vested in a Board of Trustees to
16 be known as ‘the Board of Trustees of the Guam Memorial Hospital’ (hereinafter referred
17 to as ‘the Board’). The Board [nine (9) Trustees] shall be composed of nine (9)
18 members: four (4) members representing the general public, who shall possess
19 background and experience in healthcare, management, finance or any other business-
20 related field; one (1) member representing the Allied Health Professions; two (2)
21 members representing the Guam Nursing Association; two (2) members representing the
22 Guam Medical Community [Society], appointed by I Maga’Lahan Guåhan [shall appoint
23 the members] as provided herein, with the advice and consent of I Liheslaturan Guåhan.
24 [A Trustee shall serve for a term of five (5) years. All vacancies occurring in the office
25 shall be filled in the same manner as full term appointments, but only for the unexpired
26 term of the Board member whose vacancy is being filled. The Governing Board shall

⁴ Same language. No changes.

⁵ Language taken from §16103, Ch. 16, Title 17, Guam Code Annotated (UOG Charter).

⁶ Powers moved to §80109, with significant amendments being incorporated.

⁷ Hospital Rates incorporated into §80109. Powers. See: §§ 80109(e).

1 ~~elect a Chairperson, Vice Chairperson, Secretary and Treasurer from among its~~
2 ~~membership every two (2) years.~~⁸ ⁹

3 (b) ~~Five (5) Trustees shall constitute a quorum of the Board for the transaction~~
4 ~~of business. The concurrence of five (5) members present shall constitute official action~~
5 ~~of the Board. The Board may adopt such rules and regulations governing the conduct of~~
6 ~~its affairs~~¹⁰

7 (b) Each Trustee shall ~~[receive]~~ be entitled to receive the sum of Fifty Dollars
8 (\$50.00) for his/her attendance at any meeting of the Board, but such compensation shall
9 not apply to more than four (4) meetings or exceed Two Hundred Dollars (\$200) in any
10 one calendar month. No Trustee shall receive any other compensation, but shall be
11 reimbursed for actual travel, subsistence and out-of-pocket expenses incurred in the
12 discharge of his or her responsibilities, including authorized attendance at meetings held
13 away from Guam.¹¹

14 **§ 80105.1**¹² **Duties of the Board of Trustees.**¹³

15 (a) The Board [~~Guam Memorial Hospital Authority~~] shall be liable for the
16 negligent act of any hospital employees or officer if the Board knew or had notice that
17 said employee or officer was inefficient and incompetent to perform the services for
18 which he was hired, or said Board retained such inefficient or incompetent person after
19 knowledge or notice of such inefficiency or incompetency.¹⁴

20 (b) No Director shall be liable for any decision made in the good faith non-
21 malicious fulfillment of his duties.¹⁵

22 (c) The Board shall be liable as fiduciaries in the execution of their duties.¹⁶

23 (d) No Trustee shall be actively engaged in the selling of services or goods to the
24 Hospital without the express approval of the Board of Trustees [~~in excess of One~~

⁸ Deleted text moved, in significant part, with amendments, to new §80105.3.

⁹ Significant portions of this new Subsection (a) taken from current §80106, with amendments.

¹⁰ Text moved, in part, with amendments, to new §80105.2.

¹¹ Current §80106(c), with minor changes.

¹² Note: §80105.1 was previously “Fees [Repealed]”.

¹³ Current §80106, with significant amendments, and the incorporation of other current Sections and Subsections.

¹⁴ Current §80106(d), with minor changes.

¹⁵ Current §80106(e), unchanged.

¹⁶ Current §80106(f), unchanged.

1 Hundred Thousand Dollars per year]. The form of approval shall be by the adoption of a
 2 Board Resolution confirming said approval.¹⁷ This restriction shall not apply to health
 3 care professionals who provide direct patient care services to the Hospital.¹⁸

4 (e) No Trustee shall act when a conflict of interest occurs. The Trustee shall
 5 disclose the nature of the conflict of interest to the members present and abstain from any
 6 discussion or voting on the issue until it has been disposed of by action of the remaining
 7 members present. If a Trustee knowingly fails to disclose a conflict of interest in the
 8 manner listed herein and subsequently votes on an action to be taken by the Board, then
 9 the vote of the conflicted Trustee shall not be counted for purposes of constituting official
 10 Board action. Any Trustee who knowingly fails to disclose a conflict of interest in the
 11 manner listed herein shall be subject to ~~[immediate]~~ removal from the Board ~~[by~~
 12 ~~Maga'lahaen Guahan [Governor of Guam]]~~, pursuant to Section 80107 of this Chapter.¹⁹

13 (f) The Board may ~~[shall]~~, in accordance with all relevant procurement laws,
 14 contract with a professional management firm, or individual or group of individuals with
 15 at least five (5) years demonstrated experience in hospital management in the United
 16 States, to manage the hospital facility and all or any part of its functions. The
 17 management firm shall exercise, on the Board's behalf, all of the executive authority
 18 granted to the Board by the laws of Guam, provided that the Board shall retain its
 19 rulemaking authority and shall monitor the firm's performance of the contract. The
 20 contract shall be for a term not to exceed five (5) years. *If* the contract is terminated or
 21 becomes invalid for any reason, *all* authority shall revert to the Board, which shall
 22 appoint an interim manager until a new contractor is selected. The Board shall determine
 23 the firm's compensation, which shall be paid from the Hospital Operations Fund.

24 (1) ~~The management firm shall:~~

25 ~~(aa) manage the Guam Memorial Hospital Authority in~~
 26 ~~accordance with the laws of Guam.~~

¹⁷ Highlighted underscored text was requested by GMHA, but was DELETED PRIOR to INTRODUCTION. Also highlighted and struck-through for reference was the current authorization of providing services or goods of up to \$100,000, which was also deleted.

¹⁸ Current §80106(g), with significant changes. No cap on personal business conducted by Trustee with GMHA.

¹⁹ Current §80106(h). Note: The new §80107 only provides for removal of a Trustee by the Board. The Governor would no longer have authority to remove a Trustee pursuant to Ch. 80.

- 1 ~~(bb) provide periodic reports to the Board on the operations and~~
2 ~~functioning of the hospital.~~
- 3 ~~(cc) recommend changes in the law to improve the hospital's~~
4 ~~functioning and create a written plan to achieve JCAHO~~
5 ~~accreditation for the hospital, within five (5) years, with said plan~~
6 ~~to include benchmarks by which to measure progress towards this~~
7 ~~goal; and~~
- 8 ~~(dd) provide training to hospital staff as shall be specified in the~~
9 ~~contract.²⁰~~

10 § **80105.2 Meetings.** Meetings of the Board shall be held at a regular time and place as
11 determined by the Board. Special meetings may be called by the Chairman or by a
12 majority of the members, as often as may be necessary. Meetings of the Board, regular or
13 special, shall be subject to the Open Government Law of Guam. A majority of the
14 members shall constitute a quorum and an affirmative vote of five (5) members is
15 required for any action to be valid.²¹

16 ~~(b) Five (5) Trustees shall constitute a quorum of the Board for the transaction of~~
17 ~~business. The concurrence of five (5) members present shall constitute official action of~~
18 ~~the Board. The Board may adopt such rules and regulations governing the conduct of its~~
19 ~~affairs.~~

20 § **80105.3 Term of Office.** The members of the Board of Trustees shall serve staggered
21 terms of six (6) years. On the expiration of the term of any member, or in the event of a
22 vacancy on the Board due to resignation, death or any other cause, the Governor shall in
23 the manner provided herein and with the advice and consent of the Legislature appoint
24 another member for a full term in the first instance, or for the remainder of the unexpired
25 term. When there is a change of administration of the government of Guam after a

²⁰ Current §80106(i), with significant changes, making the contracting of a management firm optional. Deletes numerous specific responsibilities of a management firm.

²¹ Current §80106(b), with changes further clarifying the conduct of Board actions.

1 gubernatorial election, no courtesy resignation shall be requested by the new
2 administration nor offered by any member of the Board. ²²

{Note: a portion of current §80106(a), now deleted, read: [. . . ~~A trustee shall serve a term of five (5) years. All vacancies occurring in the office shall be filled in the same manner as full term appointments, but only for the unexpired term of the Board member whose vacancy is being filled. The Governing Board shall elect a Chairperson, Vice Chairperson, Secretary and Treasurer from among its membership every two (2) years.~~] Note: Vacancies are now addressed in this Act in a new §80105.5 Trustees Nominating Council; Establishment.}

3 **§ 80105.4 Qualifications of Members of the Board of Trustees.** The composition of
4 the members of the Board shall be broadly based in terms of its members' personal
5 expertise and shall strive for a balanced representation of the general population.
6 Trustees, and Trustees candidates, must be United States citizens or permanent resident
7 aliens domiciled in Guam for at least three (3) years prior to appointment to the Board.
8 No person shall sit on the Board as a member who is an employee of the Guam Memorial
9 Hospital Authority. ²³

{The intent of the above new §80105.4, is taken, in part, from:

~~**§ 80106. Board of Trustees.** (a) All powers vested in the Guam Memorial Hospital Authority, except as provided herein, shall be exercised by the Board, which shall consist of nine (9) members, called 'Trustees.' The nine (9) Trustees shall consist of four (4) members representing the general public, who shall possess background and experience in healthcare, management, finance or any other business related field; one (1) member representing the Allied Health Professions; two (2) members representing the Guam Nursing Association; two (2) members representing the Guam Medical Society. I Maga'lahaen Guåhan shall appoint the members with the advice and consent of I Liheslaturan Guåhan. /AND/~~

~~**§ 80108. Other Officers.** (a) All powers vested in the Guam Memorial Hospital Authority, except as provided herein, shall be exercised by the Board, which shall consist of nine (9) members, called 'Trustees.' The nine (9) Trustees shall consist of four (4) members representing the general public, who shall possess background and experience in healthcare, management, finance or any other business related field; one (1) member representing the Allied Health Professions;~~

²² Current §80106 and §80108; portions taken there, from, as well as §16104.3, Ch. 16 Charter, Title 17, GCA.

²³ This new § intended to replace a portion of §80106(a) & §80108.

~~two (2) members representing the Guam Nursing Association; two (2) members representing the Guam Medical Society. I Maga'Lahen Guåhan shall appoint the members with the advice and consent of I Liheslaturan Guåhan. A Trustee shall serve a term of five (5) years. All vacancies occurring in the office shall be filled in the same manner as full term appointments, but only for the unexpired term of the Board member whose vacancy is being filled. The Governing Board shall elect a Chairperson, Vice Chairperson, Secretary and Treasurer from among its membership every two (2) years.}~~

1 § 80105.5 **Trustees Nominating Council; Establishment.** There is established the
2 Trustees Nominating Council ('Council') with sole responsibility to identify, recruit,
3 evaluate and nominate all qualified candidates for membership on the Board of Trustees
4 of the Guam Memorial Hospital Authority ('GMHA').²⁴

5 (a) **Membership.**

6 (1) The Council shall consist of eleven (11) members:

7 one (1) Mayor-member to be appointed by the Mayor's Council;

8 one (1) member of the GMHA Board of Trustees to be appointed by the
9 GMHA Board of Trustees;

10 two (2) members of the GMHA Executive Management Council to be
11 appointed by the GMHA Executive Management Council;

12 two (2) members of the GMHA Medical Executive Committee to be
13 appointed by the GMHA Medical Executive Committee;

14 two (2) members of the Guam Nursing Association to be appointed by the
15 Guam Nursing Association;

16 one (1) member of the Allied Health Profession to be appointed by the
17 Allied Health Profession Association;

18 and two (2) members from the community at large to be appointed by the
19 Trustees Nominating Council.

20 The Members of the Council shall serve a term of two (2) years.

21 Community at large members must be United States citizens or permanent
22 resident aliens domiciled on Guam for at least two (2) years prior to appointment
23 to the Council.

²⁴ §80105.5(a) Membership., & (b) Duties., taken in significant part from §16104.5, Ch. 16 Charter, Title 17, GCA.

1 (2) The GMHA Board of Trustee member shall serve as temporary
2 chairperson, and shall convene the first meeting of the Council. At its first
3 meeting the Council shall elect from among its members a chairperson and a vice-
4 chairperson. The chairperson shall preside at all meetings of the Council, shall act
5 as the spokesperson of the Council and perform such other duties as the Council
6 shall direct.

7 The vice-chairperson shall succeed to the duties of the chairperson in the
8 absence or inability of the chairperson to serve. From among its members, the
9 Council shall select a secretary and any other officers that the Council may deem
10 necessary.

11 **(b) Duties.**

12 (1) The Council shall develop a statement of the selection criteria to be
13 applied and a description of the responsibilities and duties of a trustee, and shall
14 distribute this to potential candidates.

15 (2) In making its nominations, the Council shall: consider the needs of the
16 Guam Memorial Hospital Authority; advertise; locate potential candidates;
17 maintain a list of their names and contact information; match potential candidates
18 with projected vacancies; review candidates' qualifications and references;
19 conduct interviews; and carry out other recruitment and screening activities as
20 necessary.

21 (3) The Council shall be responsible for submitting a list of at least one (1)
22 and no more than three (3) qualified candidates for every vacancy on the Board to
23 I Maga'lahaen Guåhan.

24 (4) Nominations shall be made thirty (30) days prior to the expiration of a
25 term, or within fourteen (14) days following an unforeseen vacancy. I
26 Liheslaturan Guåhan [Guam Legislature] finds that it is critical that a vacancy on
27 the Board be filled promptly. Therefore, I Maga'lahaen Guåhan [Governor] shall
28 make the appointment of the qualified candidate from a list of candidates
29 provided by the Council, which list shall contain at least one (1) and no more than
30 three (3) qualified candidates submitted by the Council within forty-five (45) days
31 of a vacancy, subject to the advice and consent of I Liheslaturan Guåhan.

1 If I Maga'lahren Guåhan does not make the appointment within forty-five
2 (45) days of a vacancy, the Speaker of I Liheslaturan Guåhan [Guam Legislature]
3 shall make the appointment of the qualified candidate from the identical list
4 submitted to I Maga'lahren Guåhan [Governor] by the Council, subject to the
5 advice and consent of I Liheslaturan Guåhan. Any appointment to fill a vacancy
6 which is made by the Speaker of I Liheslaturan Guåhan pursuant to this Section
7 shall not become void due to a later appointment by I Maga'lahren Guåhan
8 [Governor] to fill the same vacancy.

9 (5) The Council shall make an annual report to I Maga'lahren Guåhan
10 [Governor] and I Liheslaturan Guåhan [Guam Legislature] at the termination of
11 each fiscal year setting forth a summation of its activities and general
12 recommendations.

13 (c) Council Meetings. The Council shall hold at least one (1) meeting quarterly
14 and as often as necessary. The Council shall conduct its first meeting within fourteen (14)
15 days after approval of this Act. A majority of the Council members shall constitute a
16 quorum. The vote of six (6) Council members shall be required for any action of the
17 Council. The Council may adopt rules to govern its procedures.

18 (d) Support Services. The Administrator of GMHA shall provide administrative
19 and support services for the Council. ²⁵

20 **§ 80105.6 Tenure of Members Currently Serving as Trustees.** The current members
21 of the Board shall continue to serve until the expiration of their term as set out in
22 §80105.3 of this Chapter and in the event of a vacancy, the Governor shall fill said
23 vacancy in accordance with this Chapter. ²⁶

24 **§ 80106. Board Members Not Deemed Officers or Employees of the Government of**
25 **Guam.** The members of the Board shall not, by reason of such membership, be deemed
26 employees of the government of Guam. ²⁷

²⁵ Taken in great part from §16104, CH. 16, Title 17, GCA, (UOG Charter).

²⁶ Taken from §16104.7, CH. 16, Title 17, GCA (UOG Charter).

²⁷ Taken from §16105, CH. 16, Title 17, GCA (UOG Charter).

1 § **80107. Removal From Office.** A member of the Board may be removed by a vote of
 2 five (5) members for malfeasance in office or for persistent neglect of, or inability to
 3 discharge, duties, or for offenses involving moral turpitude, and for no other cause.
 4 However, no member of the Board shall be removed from office before a written bill of
 5 particulars shall have been given to the accused and before an investigation and an open
 6 and public hearing shall have been had. Any member who removes his residence from
 7 Guam shall be deemed to have vacated his office, thereby creating a vacancy on the
 8 Board.²⁸

9 § **80108. ~~Other~~ Officers.** ~~[(a) All powers vested in the Guam Memorial Hospital~~
 10 ~~Authority, except as provided herein, shall be exercised by the Board, which shall~~
 11 ~~consist of nine (9) members, called Trustees. The nine (9) Trustees shall consist of four~~
 12 ~~(4) members representing the general public, who shall possess background and~~
 13 ~~experience in healthcare, management, finance or any other business-related field; one~~
 14 ~~(1) member representing the Allied Health Professions; two (2) members representing~~
 15 ~~the Guam Nursing Association; two (2) members representing the Guam Medical~~
 16 ~~Society. I Maga'Laha Guåhan shall appoint the members with the advice and consent of~~
 17 ~~I Liheslaturan Guåhan. A Trustee shall serve a term of five (5) years. All vacancies~~
 18 ~~occurring in the office shall be filled in the same manner as full-term appointments, but~~
 19 ~~only for the unexpired term of the Board member whose vacancy is being filled.] The~~
 20 ~~[Governing] Board shall elect a Chairman, a Vice-Chairman, a Secretary and a Treasurer~~
 21 ~~from among its membership every two (2) years.~~²⁹

22 § **80109. Powers.**

23 The hospital shall have and exercise each and all of the following powers:
 24 (a) Maintain and operate a facility providing acute, chronic and all other
 25 health care services, including those services specifically provided by contract for
 26 the Department of Mental Health and Substance Abuse, for the people of the
 27 Territory.

²⁸ Taken from §§16106, Ch. 16, Title 17, GCA (UOG Charter). Only current §80106(h), Ch. 80, Title 10, GCA (GMHA) references removal of a Trustee by the Governor. Currently, matter not adequately addressed in said Section.

²⁹ Deleted provisions in this §80108, are now located, in significant part, in §80105(a) & §80105.5 Note: Current §80106(a) & §80108(a) appear to be redundant.

1 (b) Establish a schedule of fees, in accordance with 10 GCA §80105, to be
2 charged for care and services at or by the hospital. The schedule of fees shall be
3 sufficient to recover the operating costs and fixed costs and to generate such
4 revenue as is necessary to enable [make] the hospital to meet its financial
5 obligations, operating expenses and capital improvement needs [self-sustaining].
6 The Guam Public Utilities Commission shall not have any purview over the
7 Authority rates.³⁰ The rates established per fee schedule may be increased by the
8 Board of Trustees up to five percent (5%) per year; provided, that the total
9 revenues from all increases per fee schedule shall not exceed five percent (5%) of
10 the total revenues adopted by the Board in the Authority's budget for that fiscal
11 year, or decreased as necessary. [The cost of medical care and services rendered
12 to any person under the Old Age Assistance for the Aged Program, Aid to the
13 Blind Program, and Aid to the Permanently and Totally Disabled Program of the
14 Social Security Act, as well as those persons considered medically indigent as the
15 term is defined in Chapter 2 of this Title shall be paid by the Department of Public
16 Health and Social Services. ^{31]}

17 Fees for new services, medications, or supplies, or rate increases of more
18 than five percent (5%) annually shall be established by the Authority, approved
19 and ratified by the Board of Trustees and forwarded to I Liheslaturan Guåhan for
20 approval. Prior to the approval and ratification by the Board of Trustees, public
21 hearings must be conducted by the Authority for any new fee or rate increase of
22 more than five percent (5%). ³²

23 I Liheslaturan Guåhan shall have forty-five (45) days from the receipt of
24 the proposed new fee or rate increase to conduct a public hearing and approve the
25 increase or new fee. If I Liheslaturan Guåhan does not disapprove or amend the
26 proposed new fee or increase in rates within the forty-five (45) days, new fee or
27 rate increase will immediately become effective. ³³

³⁰ Current §80105(a), Ch. 80, Title 10, GCA.

³¹ Deleted text moved and incorporated into new §80109(d).

³² Text moved from current §80105(a), and incorporated into this new §80109(b).

³³ Text moved from current §80105(a), and incorporated into this new §80109(b).

1 (c) The Authority may establish interim fees for new, un-tariffed services,
2 medication and supplies, without prior legislative approval and without
3 compliance with the Administrative Adjudication Law; provided, that:

4 (1) the interim fees are consistent with the Authority's Net
5 Revenue Enhancement Engagement Pricing Model, as prepared by Deloitte &
6 Touche, dated February 7, 1992, or such other protocol as may be approved by
7 the Board of Trustees; and

8 (2) a petition for permanent approval of the interim fees is filed by
9 the Authority with I Liheslaturan Guåhan within three (3) months of the
10 Authority's establishment of the interim fee.³⁴

11 (d) Forward the billings for the cost of medical care and services rendered
12 to any person under the Old Age Assistance for the Aged Program, Aid to the
13 Blind Program, and Aid to the Permanently and Totally Disabled Program of the
14 Social Security Act, as well as those persons considered medically indigent as the
15 term is defined in Chapter 2 of this Title, of which shall be paid by the
16 Department of Public Health and Social Services.³⁵

17 (e) Acquire, subject to the laws of Guam, by grant, purchase, gift, devise
18 or lease, and hold and use any real property necessary or convenient or useful for
19 the carrying on of any of its powers pursuant to the provisions of this Article;
20 upon written certification of the Administrator, that specified and specialized
21 medical equipment and related supplies are needed immediately for the health and
22 welfare of the patients of the Hospital in particular, and the people of Guam in
23 general, the Guam Memorial Hospital Authority shall be exempt from the
24 provisions of §§ 5210 and 5211 of Title 5, Guam Code Annotated, in the
25 acquisition of the medical equipment and related supplies specified in such
26 written certification of the Administrator; provided, that the Hospital shall use its
27 best judgment and efforts to secure the best equipment and supplies at the lowest
28 cost, utilizing businesses licensed to do business on Guam whenever possible.³⁶

³⁴ Text moved from current §80105(b), and incorporated into this new §80109(c).

³⁵ Text moved from current §80104(b), and incorporated into this new §80109(d).

³⁶ Current §80104(c); unchanged.

1 (f) Establish its internal organization and management;³⁷

2 (g) Perform such acts as may be reasonably necessary to accomplish the
3 purpose for which it was formed [~~subject, however, to the following~~
4 ~~conditions:~~

5 (1) ~~The purchase of all supplies and materials and the construction~~
6 ~~of all works shall be subject to the provisions of §80111 of this Article;~~

7 (2) ~~No contract requiring an expenditure of more than Ten~~
8 ~~Thousand Dollars (\$10,000) shall be entered unless the Attorney General~~
9 ~~shall have approved its form and found that its purpose is within the~~
10 ~~powers of the hospital];³⁸~~

11 (h) Adopt a seal;³⁹

12 (i) Sue or be sued in its own corporate name;⁴⁰

13 (j) Employ, retain or contract for the services of qualified managers,
14 specialists or as individuals or as organizations;⁴¹

15 (k) Adopt such rules and regulations pursuant to the Administrative
16 Adjudication Act as may be necessary for the exercise of the hospital's powers,
17 performance of its duties and administration of its operations;⁴²

18 (l) Adopt and maintain a uniform system of accounting;⁴³

19 (m) Adopt and maintain a travel authorization policy notwithstanding any
20 law to the contrary;⁴⁴

21 (n) Adopt rules and regulations governing selection, compensation,
22 promotion, performance evaluation, disciplinary action and other terms and
23 conditions of employment affecting personnel, subject to the provisions of the
24 Administrative Adjudication Act. Such rules and regulations shall provide for the
25 employment and retention of persons on the basis of merit, and shall include an
26 orderly and systematic method of recruitment and the establishment of a list of

³⁷ Current §80104(d); unchanged.

³⁸ Current §80104(e); with deletions pertaining to procurement guidelines.

³⁹ Current §80104(f); unchanged.

⁴⁰ Current §80104(g); unchanged.

⁴¹ Current §80104(h); unchanged.

⁴² Current §80104(i); unchanged.

⁴³ Current §80104(j); unchanged.

⁴⁴ Current §80104(k); unchanged.

1 qualified applicants for employment purposes, *except* that compensation for non-
 2 medical personnel shall remain consistent with compensation plans and pay scales
 3 as determined by the Civil Service Commission or its successor. *Non-medical*
 4 *personnel* are defined as personnel employed by the Authority who are *not*
 5 physicians, nurses, medical technicians or technologists, licensed or certificated
 6 therapists of any sort, laboratory technicians, personnel certificated in any medical
 7 or nursing field, nurse practitioners, pharmacists or other medical personnel. ⁴⁵

8 (o) Do any and all other things necessary to the full and convenient
 9 exercise of the above powers; ⁴⁶

10 (p) Contract with a corporation to exercise any or all the powers of the
 11 Administrator and of those officers authorized by '80108 of this Article, if the
 12 Board so chooses [~~Any such contract shall be subject to the provisions of~~
 13 ~~Subsection (e)(2) of this Section~~]; ⁴⁷

14 (q) Acquire in accordance with the Procurement Law (5 GCA Chapter 5)
 15 and hold and use any personal property or construct any projects necessary or
 16 convenient or useful for carrying on of any of its powers pursuant to the
 17 provisions of this Article; ⁴⁸

[Note: The following provisions, currently found in §80104(q) & (r), are not carried forward in this new §80109. Powers., pursuant to this Act.

~~(q) Arrange a line of credit not to exceed Five Million Dollars (\$5,000,000) with banks or other lending institutions licensed on Guam for the purchase of medical equipment. The terms of the line of credit shall be identical to the provisions of items (2) through (4) of subsection (e) of this Section. Any money borrowed shall be repaid within five (5) years. As part of any loan agreement the Board shall identify the source of the repayment and such source shall constitute a trust fund of the Authority which shall be used for no purpose other than repayment until the sum borrowed is repaid in full.~~

~~(r) Arrange, with the consent of the Governor, a loan not to exceed Twenty-seven Million Dollars (\$27,000,000). The loan shall be upon such terms and conditions as established by a Loan Agreement, and such other documents~~

⁴⁵ Current §80104(l); unchanged.

⁴⁶ Current §80104(m); unchanged.

⁴⁷ Current §80104(n); See footnote 28. Deletions in this new Subsection (p) refer to the deleted items not found in new Subsection (g) of this Section, which deleted certain provisions pertaining to procurement (specifically items (1) & (2) of §80104(g)).

⁴⁸ Current §80104(p); unchanged.

~~and instruments as are executed by the Authority with the approval of the Governor containing such terms as are consistent with this Subsection. The Governor, on behalf of the government of Guam, is authorized to guaranty the loan and to grant the pledge of Section 30 revenues as provided below as security for repayment of the loan.~~

~~(1) The loan shall be for such term, not to exceed twelve (12) years, and upon such conditions as to maturity and repayment as agreed by the Lender and the Authority with the approval of the Governor. The rate of interest upon the loan shall be as negotiated between the Lender and the Authority and approved by the Governor.~~

~~(2) Interest shall be computed upon the declining balance of principal outstanding from time to time upon the loan.~~

~~(3) Prepaid charges shall not be levied by the Lender for making the loan. The Lender may charge and be paid either from the loan funds or other funds of the Authority or of the government of Guam its expenses incurred in making the loan, including legal fees, recording, title insurance and appraisal fees, and like expenses.~~

~~(4) Interest earned by the Lender shall be exempt from taxation by the government of Guam, including without limitation taxation under the Guam Business Privilege Tax and Guam Territorial Income Tax.~~

~~(5) The government of Guam waives immunity from suit as to the government of Guam, the Guam Memorial Hospital Authority and any other agency or instrumentality of the government of Guam making any mortgage, pledge, security agreement or other instrument in connection with the loan.~~

~~(6) The provisions of Title 10 Guam Code Annotated §80104(e)(2) shall be inapplicable to the loan and to all documents given in connection therewith.~~

~~(7) The provisions of Title 12 Guam Code Annotated §2103(k) shall be inapplicable to the loan.~~

~~(8) The loan may be secured by:~~

~~(i) pledge of revenues of the Guam Memorial Hospital Authority;~~

~~(ii) a guaranty of the government of Guam;~~

~~(iii) pledge of all or any part of the revenues derived by the government of Guam under Section 30 of the Organic Act (Any such pledge shall be made by a certificate approved by the Governor authorizing the pledge and the terms and conditions thereof. The Governor may appoint a trustee authorized to receive revenues derived by the government of Guam under Section 30 of the Organic Act, and after applying~~

~~such revenues to obligations under prior loans or bonds issued by the government of Guam and secured thereby, applying them to obligations under the loan. Any such pledge shall be valid and binding from the time the pledge is made, subject to prior pledges upon such revenues. The revenues pledged and thereafter received by the government of Guam or by any trustee appointed pursuant hereto shall upon receipt immediately be subject to the lien of the pledge without any physical delivery thereof or further act, and the lien of such pledge shall be valid and binding against all parties having claims of any kind in tort, contract, or otherwise against the government of Guam irrespective of whether the parties have notice thereof.); and~~

~~(iv) mortgage upon and security interest in the real property, improvements and related facilities known as the Guam Memorial Hospital, and the equipment, furniture, fixtures located thereat. In furtherance of the mortgage, any agency or instrumentality of the government of Guam having an interest in the Guam Memorial Hospital facility, including without limitation the Authority and the Chamorro Land Trust Commission, shall, upon the authorization of the Governor, enter into and join in such mortgage. The Lender is authorized to enforce the mortgage in accordance with its terms, and in the event of default, title may be conveyed in accordance with the terms of the mortgage.~~

~~(9) There are appropriated from any pledged revenues of the Authority, the pledged Section 30 funds, and from the General Fund such sums as will in each year equal the amount of money necessary to pay the principal and interest and other obligations upon the loan.]~~

1 (r) With the concurrence of I Maga'lahaen Guahan [Governor], negotiate
2 with appropriate Federal official (Secretary of Defense, officials of Tripler Army
3 Hospital, etc.) for the implementation of '105(k) of the Compact of Free
4 Association Act of 1985 with the Freely Associated States of Micronesia.

5 All terms of the agreement shall be negotiated by the Guam Memorial
6 Hospital Authority in the best interests of the people of Guam. The agreement
7 must be submitted to the Governor for his review and approval. ⁴⁹

8 (s) Arrange a line of credit not to exceed Twelve Million Dollars
9 (\$12,000,000) with banks or other lending institutions licensed on Guam. All
10 terms of the line of credit agreement shall be negotiated by the Authority and I

⁴⁹ Current §80104(s); unchanged.

1 Maga'lahaen Guåhan [Governor] in the best interests of the people of Guam. The
2 terms of the line of credit shall include the following: ⁵⁰

3 (1) the line of credit shall be used by the Authority when a cash
4 shortage threatens the operation of the Hospital, and provided that the loan
5 shall not be used for the hiring of non-health care professionals not
6 involved with providing direct patient care or patient care support;

7 (2) no charge shall be levied by a lender for making the loan;

8 (3) the interest rate shall be subjected to negotiation between the
9 Authority, I Maga'lahaen Guåhan and the lender; such interest rate shall be
10 computed on a monthly average and based on the actual amount extended
11 to the Authority; and

12 (4) interest earned by the lender shall be exempt from taxation by
13 the government of Guam.

14 (5) I Maga'lahaen Guåhan is authorized to pledge funds which
15 Guam shall receive from the State Attorneys General Tobacco Litigation,
16 as provided by Public Law Number 24-174, or the General Fund, or both
17 funds in any combination, as a security for repayment of the loan, in
18 addition to any revenues which may be pledged by the Authority. I
19 Maga'lahaen Guåhan and the Authority is hereby authorized to execute the
20 loan agreement and other necessary documentation.

21 (6) The line of credit authorized in this Act shall not be used in the
22 calculation for rate relief in any rate methodology for any rate case before
23 the Public Utilities Commission.

24 (t) Notwithstanding any other provision of law, make, negotiate and enter
25 into a commercial lease, or issue a permit or license for the use of its real property
26 and other related facilities for a term not to exceed five years. ⁵¹

27 **§ 80110. Administrator and Chief Executive Officer.**

⁵⁰ Current §80104(t), inclusive of parts (1) through (6); unchanged.

⁵¹ New Subsection (t) not previously found in §80104 or other Sections. Authorizes use of facilities for commercial purposes and/or to facilitate needed and/or desired activities. Conceivable, taken to the extreme, could be

1 (a) The Board shall hire or contract an Administrator, who shall be its Chief
2 Executive Officer. The Administrator's duties and compensation, salary and
3 endowments, shall be determined by the Board. The Administrator shall meet the
4 following minimum qualifications:

5 (i) shall have graduated from a recognized college or university with a
6 Master's degree in hospital administration, health services management or a
7 related field, plus six (6) years of experience in hospital administration or
8 healthcare services management, of which three (3) years must have been
9 experience as an administrator in a hospital setting; or

10 (ii) shall have graduated from a recognized college or university with a
11 Bachelor's degree in hospital administration, health services management, or a
12 related field, plus eight (8) years of experience in hospital administration or
13 healthcare services management, of which five (5) years must have been
14 experience as an administrator in a hospital setting;

15 (iii) shall have experience in negotiating and directing activities related to
16 obtaining reimbursement from government programs, such as Medicare, Medicaid
17 or the Medically Indigent Program of the government of Guam; and

18 (iv) shall have experience in negotiating contracts with external parties,
19 including third party payers, vendors, insurance carriers and other contracting
20 parties.

[Current §80107(a) inclusive of parts (i) through (iv); unchanged]

21 (b) The Board shall set the tenure of office for the Administrator of the Guam
22 Memorial Hospital Authority. The Board may hire the Hospital Administrator by direct
23 employment as an unclassified employee of the government of Guam, or by personal
24 services contract, as the Board deems necessary to attract and retain a qualified
25 Administrator. However, the term of employment for the position of Administrator shall
26 not end six months prior to nor six months after an election for Senators and Governor
27 and Lt. Governor. The Board by an affirmative vote of at least five (5) members may
28 renew the contract of the Administrator. Similarly, the affirmative vote of at least five
29 (5) members may terminate the services of the Administrator for cause in the same
30 manner and procedure as a Trustee may be removed pursuant to Section 80107 of this

1 Chapter. Upon a change of administration of the government of Guam after a
 2 gubernatorial election, no courtesy resignation shall be requested by the new
 3 administration nor offered by the Administrator of the Hospital.

~~§80107(b) The Administrator shall serve at the pleasure of the Board, which shall be responsible for the annual evaluation of the Hospital Administrator's performance. The Board, in consultation with the Director of Administration, may hire the Hospital Administrator by direct employment as an unclassified employee of the government of Guam, or by personal services contract, as the Board and the Director of Administration deem necessary to attract and retain a qualified Administrator. Notwithstanding the provisions of 4 GCA § 6206.1, the salary of the Hospital Administrator shall be established by the Director of Administration. The Director of Administration shall consider income levels of private and government practitioners on Guam and worldwide. Implementation of the salary structure is subject to the approval of the Director of Administration.~~

[NOTE: The deletion of this provision, and additionally, its reference to 4 GCA §6206.1, would now leave to the Boards' sole discretion, without limitation, the sole authority to determine the salary of the Administrator based upon a contractual agreement. §6206.1, provides:

“4 GCA §6206.1. Limitation on Salaries of Directors and Deputy Directors: (a) If the salary level of a Director or Deputy Director, by whatever title denominated, is not specifically set out in law but is set by a Board, Commission or other administrative body, that Board, Commission or other administrative body shall not set the salary level of a Director to exceed the current salary level of the Governor, and shall not set the salary level of a Deputy Director to exceed the current salary level of the Lieutenant Governor. This Section shall apply to all departments, agencies, corporations expending funds appropriated by the government of Guam or instrumentalities of the government of Guam, and whether or not the agency is a line, autonomous, or semi-autonomous agency.

(b) 4 GCA § 6206.1 shall not apply to persons occupying Director or Deputy Director positions under the terms of a contract in effect on the effective date of this Act, however 4 GCA § 6206.1 shall be effective for any subsequent contract or renewal of a current contract when salary is negotiable.”

SOURCE: Added by P.L. 18-32:24 and 25.]

4 (c) The Administrator shall have full charge and control of the operations and
 5 maintenance of the Hospital. The powers of the Administrator shall include:

1 (i) to recommend rules and regulations for adoption by the Board of
2 Trustees and to see that all rules and regulations of the Hospital are enforced;

3 (ii) to ensure compliance with all federal and local regulations;

4 (iii) to act as liaison to the governing body for the medical, nursing, and
5 other professional staff and all facility departments;

6 (iv) to attend, unless excused by the Board, all meetings of the Board and
7 to submit written reports on the affairs of the Hospital each month;

8 (v) to keep the Board advised on the needs of the Hospital and approve
9 demands for payment of obligations within the purposes and amounts authorized
10 by the Board;

11 (vi) to prepare and cause to be prepared all plans and specification for
12 purchased services and the construction and repair of equipment and facilities
13 operated by the Hospital and serve as the Hospital's Chief Procurement Officer;

14 (vii) to devote that person's time to the business of the Hospital, to select
15 and appoint the employees of the Hospital except as otherwise provided in this
16 Chapter, and to plan, organize, coordinate and control the services of such
17 employees in the exercise of the powers of the Hospital under the general
18 direction of the Board;

19 (viii) to prepare within one hundred twenty (120) days from the end of
20 each fiscal year an annual report of the results of the operations for the preceding
21 fiscal year and the financial status of the Hospital on the last day thereof;

22 (ix) to perform and issue such other additional duties as the Board may
23 require; and

24 (x) to arrange for the burial of any fetus not claimed by its mother or
25 father within thirty (30) days.

[Current §80107(c) inclusive of parts (i) through (x); unchanged]

26 **§ 80111 [80107.1]. Chief Financial Officer.** ⁵²

⁵² Current §80111. Contracts and Purchases. Repealed by P.L. 16-124.

1 (a) The position of Chief Financial Officer is established within the Guam
2 Memorial Hospital Authority. The Chief Financial Officer *shall* meet the following
3 minimum qualifications:

4 (i) Possession of a Certified Public Accountant (CPA) certificate in the
5 United States and a Bachelor's degree in Health Services Management (HSM) or
6 health related work experience, plus one (1) year supervisory experience; or

7 (ii) Graduation from a recognized college or university with a Master's
8 degree in accounting, finance, economics, business administration or a related
9 field, plus four (4) years experience as an administrator for general accounting
10 and fiscal services of which one (1) year must be management-level fiscal
11 experience in a hospital or health care facility; or

12 (iii) Graduation from a recognized college or university with a Bachelor's
13 degree in accounting finance, economics, business administration or a related
14 field, plus five (5) years as an administrator responsible for general accounting
15 and fiscal services of which two (2) years must be management-level fiscal
16 experience in a hospital or health care facility; and

17 (iv) *shall* have experience in negotiating contracts with external parties,
18 including third party payers, vendors, insurance carriers and other contracting
19 parties. ⁵³

20 (b) The Chief Financial Officer shall report directly to the Hospital Administrator.
21 The Hospital Administrator shall hire the Chief Financial Officer by direct employment
22 as an unclassified employee of the government of Guam, or by personal services contract,
23 as is deemed necessary by the Hospital Administrator to attract and retain a qualified
24 Chief Financial Officer. The Chief Financial Officer's duties and compensation shall be
25 determined by the Hospital Administrator, in consultation with the Board of Trustees.

26 **§ 80112. Construction With Other Laws.** Insofar as the provisions of this Chapter are
27 inconsistent with the provisions of any other law, the provisions of this Chapter shall be
28 controlling; and in particular but not by way of limitation, except as may be provided in
29 this Chapter, no provision of any law with respect to employment of personnel, shall be

⁵³ Current §80107.1 –text unchanged.

1 applicable to the Guam Memorial Hospital Authority unless the Legislature shall
2 specifically so state; provided, however, that the Guam Memorial Hospital Authority may
3 utilize in its operations the procedures and facilities provided by any such law or by the
4 executive agencies of the government of Guam. ⁵⁴

5 **§ 80113 [80109]. Employment Practices.**

6 (a) The Board shall establish and administer rules and regulations governing the
7 compensation and classification of health professionals of the hospital.

8 (b) All employees of the hospital, except physicians and healthcare
9 administrators, the Hospital Administrator, Associates Administrators for Clinical,
10 Operations, Medical Services and the Chief Financial Officer, shall be members of the
11 classified service of the Government.

12 (c) Each hospital employee shall be eligible to continue to be or to become a
13 member of the government of Guam Retirement Fund pursuant to §4204(d) of the
14 Government Code. The hospital shall pay for the employer's contribution to the
15 Retirement Fund that is assessed by the Fund's Board of Trustees for the benefit of
16 hospital employees who are members of the Fund. ⁵⁵

17 (d) Each hospital employee shall be eligible to participate in any government of
18 Guam health and life insurance plan or prepaid health plan.

19 **§ 80114. Attorney.** The Guam Memorial Hospital Authority may employ an attorney to
20 assist and represent it in all civil matters which concerns the Hospital. The Attorney
21 which the Hospital is interested, provided that the Attorney General shall designate the
22 attorney for the Hospital as a Special Assistant Attorney General for this purpose.

23 The Guam Memorial Hospital Authority may set the terms and conditions of
24 employment for the attorney, his or her compensation and whether he or she be appointed
25 as a full-time employee, an independent consultant. In the alternative, the Hospital may
26 utilize the services of a law firm.

⁵⁴ New provision - Incorporated language from §16111, Ch. 16, 17 GCA Education (UOG). Current §80112. Fiscal Authority; Accounting and Expenditures, renumbered as §80116.

⁵⁵ Current §80109, with expanded list of non-classified personnel.

1 The Attorney so employed or engaged shall be admitted to practice before the
2 courts of Guam under the same conditions as are attorneys employed by the government
3 pursuant to Section 28002.2 of the Government Code.

4 ~~[The Attorney, who must have been admitted to practice before the highest court
5 of Guam, shall advise the Board and the Administrator on all legal matters to which the
6 hospital is a party or in which the hospital is legally interested, and may represent the
7 hospital in connection with legal matters before the Legislature, boards, and other
8 agencies of the Territory and before courts in any jurisdiction. The power granted to the
9 Attorney by this Subsection shall not be in derogation or diminution of the duty imposed
10 upon the Attorney General by §80104(e) of this Article. ⁵⁶]~~

11 **§ 80115. Exemption From Taxation.**

12 As an instrumentality of the Territory, the hospital and all property acquired by or
13 for the hospital, and all revenues and income therefrom are exempt from taxation by the
14 Territory or by any political subdivision or public corporation thereof and from all taxes
15 imposed under the authority of the Legislature of the Territory, or with respect to which
16 the Legislature is authorized to grant exemption. ⁵⁷

17 **§ 80116. Fiscal Authority; Accounting and Expenditures.**

18 (a) There is hereby established a fund to be known as the 'Hospital Operations
19 Fund' which shall be maintained separate and apart from other funds of the government
20 of Guam and independent records and accounts shall be maintained in connection
21 therewith;

22 (b) All moneys received by the hospital from whatever source derived shall be
23 deposited in said fund and eligible banks as defined in 5 GCA §21112.

24 (c) All appropriations, if any, by the Guam Legislature from the General Fund to
25 the hospital shall be transferred to the fund on a quarterly basis upon certification by the
26 hospital of the need therefore;

⁵⁶ Current §80108(d), deleted, and incorporated substitute language from §16114 Attorney, Ch. 16 Charter,
17 GCA, Education (UOG).

⁵⁷ Current §80110. Same text.

1 (d) All expenditures including payments into sinking or other special accounts
2 and debts, liabilities, obligations and operational expenses of the hospital shall be paid
3 from the fund;

4 (e) The hospital shall report to the Governor and the Legislature concerning
5 administration of the affairs of the hospital. The annual report shall be presented within
6 one hundred twenty (120) days after the end of each fiscal year and special reports, if
7 any, shall be presented within thirty (30) days after the end of each intervening quarter.
8 The financial information presented in the reports shall be in accordance with the uniform
9 system of accounting adopted by the hospital. ⁵⁸

10 **§ 80117. Irreversible Renal Failure.**

11 Citizens of the territory of Guam afflicted with irreversible renal failure who are
12 medically indigent as determined by the Department of Public Health and Social Services
13 by regulations, shall receive hospitalization, medical treatment and drugs for the
14 treatment of irreversible renal failure, and any conditions directly or indirectly caused
15 thereby, without charge, provided, however, that this Section shall not apply to those
16 persons whose treatments are chargeable to health and medical insurance programs or
17 medical assistance programs. Nothing in this Section shall be construed or used as a basis
18 for the exclusion or limitation of any private or government third party health or medical
19 insurance coverage, or benefits for hospitalization, medical treatment and drugs for the
20 treatment of irreversible renal failure and any condition directly or indirectly caused
21 thereby. ⁵⁹

22 **§ 80117.1 Cancer Data Collection.**

23 The Guam Memorial Hospital Authority ('GMHA') and the GMHA Medical
24 Staff shall continue to collect information regarding cancer cases with relevant data for
25 the Cancer Registry as established by the Department of Public Health and Social
26 Services. GMHA shall provide DPHSS cancer information semiannually. ⁶⁰

27 **§ 80118. Patients' Records Confidential.**

⁵⁸ Current §80112. Same text and provisions.

⁵⁹ Current §80113. Same text and provisions.

⁶⁰ Current §80113.1. Same text and provisions.

1 Patients' medical records are confidential and copies thereof may be released only
2 upon the written consent of the patient involved or by written order of the Superior Court
3 of Guam; provided, however, that any information, data or reports with respect to cases
4 of malignant diseases may be furnished to, or procured by, the Guam Tumor Registry-
5 Tumor Clinic, Guam Memorial Hospital, for statistical, scientific and medical research
6 and no physician, surgeon, dentist, institution or hospital, furnishing such information,
7 data or reports to the Guam Tumor Registry-Tumor Clinic, Guam Memorial Hospital,
8 shall by reason of such furnishing be deemed to have violated the provisions of this
9 Section, or have violated any confidential relationship or be held liable therefore. ⁶¹

10 **§ 80119. Mandatory Annual Budget.**

11 On March 30, 2010 for Fiscal Year 2011, and March 30 for the succeeding fiscal
12 years, the Board shall submit a comprehensive program and financial plan to I
13 Liheslaturan Guåhan in a budget format utilized by the Bureau of Budget and
14 Management Research for the Executive Branch. If I Liheslaturan Guåhan does not
15 reject the comprehensive program and financial plan by September 30, the program and
16 plan is deemed approved.

17 **§ 80120. Solicitation, Acceptance, Utilization and Administration of Donations,**
18 **Contributions, Gifts, and Bequests for Specific Purposes.**

19 (a) The Administrator of the Guam Memorial Hospital Authority ('GMHA'), with
20 the concurrence of the GMHA Board of Trustees, shall be authorized to solicit, accept,
21 utilize and administer on behalf of GHMA, donations, contributions, gifts and bequests
22 for any specific purpose relative to medical care, and may expend any sums so received
23 for purposes intended by the giver, or donor, in addition to the regular appropriations
24 made for such purposes. Such donations, contributions, gifts and bequests received, or
25 income accrued on a continuing basis, shall, as a matter of policy, be reflected in the
26 annual budget of the receiving agency as credit to offset the expense budget request for
27 that agency for the fiscal year under consideration.

28 (b) GMHA shall promulgate rules and regulations to reflect the purpose of this
29 Act and shall biannually report contributions, donations, gifts and bequests actually

⁶¹ Current §80114. Same text and provisions.

1 received by the Governor and the Speaker of the Guam Legislature for proper
2 acknowledgment purposes. ⁶²

3 **§ 80121. Receiving of Revenues from Vending Machine.** GMHA is hereby authorized
4 to install vending machines or similar machines, which can be contractual, for the
5 purpose of serving the Hospital and its employees and shall be entitled to all revenues
6 from such activities. The Hospital Administrator shall use such revenues for the Hospital
7 employees' health or other services for the benefit of its employees. ⁶³

⁶² Current §80117. Basically, same intent, text and provisions, with the exception of the reporting timeline of ~~periodically~~ which was substituted with biannually.

⁶³ Current §80118. Same text and provisions. Section was deleted by GMHA, but was reinstated by Author prior to introduction.

I MINA' TRENTA NA LIHESLATURAN GUAHAN
2010 (Second) REGULAR SESSION

Bill No. 386-30(COR)

Introduced by:

FRANK B. AGUON, JR.



AN ACT RELATIVE TO ESTABLISHING THE
AUTONOMY OF THE GUAM MEMORIAL
HOSPITAL AUTHORITY BY REPEALING AND
RE-ENACTING CHAPTER 80 OF TITLE 10,
GUAM CODE ANNOTATED.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Chapter 80 of Division 4, Title 10, Guam Code

3 Annotated, is repealed and re-enacted to read:

4 "CHAPTER 80

5 GUAM MEMORIAL HOSPITAL AUTHORITY

6 § 80101. Short Title.

7 § 80102. Establishment.

8 § 80103. Definitions.

9 § 80104. Prohibition Against Discrimination.

10 § 80105. Board of Trustees.

11 § 80105.1 Duties of the Board of Trustees.

12 § 80105.2 Meetings.

13 § 80105.3 Term of Office.

14 § 80105.4 Qualifications of Members of the Board of Trustees.

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- 1 § 80105.5 Trustees Nominating Council; Establishment.
- 2 § 80105.6 Tenure of Members Currently Serving as Trustees.
- 3 § 80106. Board Members Not Deemed Officers or Employees of
4 the Government of Guam.
- 5 § 80107. Removal From Office.
- 6 § 80108. Officers.
- 7 § 80109. Powers.
- 8 § 80110. Administrator and Chief Executive Officer
- 9 § 80111. Chief Financial Officer.
- 10 § 80112. Construction With Other Laws.
- 11 § 80113. Employment Practices.
- 12 § 80114. Attorney.
- 13 § 80115. Exemption From Taxation.
- 14 § 80116. Fiscal Authority; Accounting and Expenditures.
- 15 § 80117. Irreversible Renal Failure.
- 16 § 80117.1 Cancer Data Collection.
- 17 § 80118. Patients' Records Confidential.
- 18 § 80119. Mandatory Annual Budget.
- 19 § 80120. Solicitation, Acceptance, Utilization and
20 Administration of Donations, Contributions, Gifts, and Bequests for
21 Specific Purposes.
- 22 § 80121. Receiving of Revenues from Vending Machine.

1 **§ 80101. Short Title.** This Division may be cited as the *Guam*
2 *Health Act of 2010.*

3 **§ 80102. Establishment.**

4 There is within, and a public corporation and autonomous
5 instrumentality of, the government of Guam called the Guam
6 Memorial Hospital Authority. It shall have title to all real and
7 personal property now or hereafter set aside for or conveyed to it. Its
8 property shall be administered and disposed of according to law. All
9 the rights, immunities, franchises and endowments heretofore
10 granted thereto by Guam are hereby perpetuated unto the said
11 Authority.

12 **§ 80103. Definitions .** As used in this Division, unless otherwise
13 indicated:

14 (a) *Board* means the Board of Trustees of the Guam Memorial
15 Hospital Authority.

16 (b) *Administrator* means the Administrator of the Guam
17 Memorial Hospital Authority.

18 (c) *Hospital* means Guam Memorial Hospital Authority.

19 (d) *Health Professionals* means those persons licensed or certified
20 to practice the healing art within the territory of Guam.

1 **§ 80104. Prohibition Against Discrimination.** It shall be the policy
2 of the Guam Memorial Hospital Authority that discrimination
3 against any individual or group for reasons of age, race, color, sex,
4 national origin, religious belief, marital status, physical/mental
5 disability, political affiliation and retaliation is specifically prohibited
6 under any program, employment or activity for which the Board of
7 Trustees is responsible.

8 **§ 80105. Board of Trustees.**

9 (a) The government and control of the Guam Memorial
10 Hospital Authority are vested in a Board of Trustees to be known as
11 'the Board of Trustees of the Guam Memorial Hospital' (hereinafter
12 referred to as 'the Board'). The Board shall be composed of nine (9)
13 members: four (4) members representing the general public, who
14 shall possess background and experience in healthcare, management,
15 finance or any other business-related field; one (1) member
16 representing the Allied Health Professions; two (2) members
17 representing the Guam Nursing Association; two (2) members
18 representing the Guam Medical Community, appointed by I
19 Maga'Lahan Guåhan as provided herein, with the advice and consent
20 of I Liheslaturan Guåhan.

21 (b) Each Trustee shall be entitled to receive the sum of Fifty
22 Dollars (\$50.00) for his/her attendance at any meeting of the Board,

1 but such compensation shall not apply to more than four (4) meetings
2 or exceed Two Hundred Dollars (\$200) in any one calendar month.
3 No Trustee shall receive any other compensation, but shall be
4 reimbursed for actual travel, subsistence and out-of-pocket expenses
5 incurred in the discharge of his or her responsibilities, including
6 authorized attendance at meetings held away from Guam.

7 **§ 80105.1 Duties of the Board of Trustees.**

8 (a) The Board shall be liable for the negligent act of any hospital
9 employees or officer if the Board knew or had notice that said
10 employee or officer was inefficient and incompetent to perform the
11 services for which he was hired, or said Board retained such
12 inefficient or incompetent person after knowledge or notice of such
13 inefficiency or incompetency.

14 (b) No Director shall be liable for any decision made in the
15 good faith non-malicious fulfillment of his duties.

16 (c) The Board shall be liable as fiduciaries in the execution of
17 their duties.

18 (d) No Trustee shall be actively engaged in the selling of
19 services or goods to the Hospital. This restriction shall not apply to
20 health care professionals who provide direct patient care services to
21 the Hospital.

1 (e) No Trustee shall act when a conflict of interest occurs. The
2 Trustee shall disclose the nature of the conflict of interest to the
3 members present and abstain from any discussion or voting on the
4 issue until it has been disposed of by action of the remaining
5 members present. If a Trustee knowingly fails to disclose a conflict of
6 interest in the manner listed herein and subsequently votes on an
7 action to be taken by the Board, then the vote of the conflicted
8 Trustee shall not be counted for purposes of constituting official
9 Board action. Any Trustee who knowingly fails to disclose a conflict
10 of interest in the manner listed herein shall be subject to removal
11 from the Board, pursuant to Section 80107 of this Chapter.

12 (f) The Board may, in accordance with all relevant procurement
13 laws, contract with a professional management firm, or individual or
14 group of individuals with at least five (5) years demonstrated
15 experience in hospital management in the United States, to manage
16 the hospital facility and all or any part of its functions. The
17 management firm shall exercise, on the Board's behalf, all of the
18 executive authority granted to the Board by the laws of Guam,
19 provided that the Board shall retain its rulemaking authority and
20 shall monitor the firm's performance of the contract. The contract
21 shall be for a term not to exceed five (5) years. *If* the contract is
22 terminated or becomes invalid for any reason, *all* authority shall
23 revert to the Board, which shall appoint an interim manager until a

1 new contractor is selected. The Board shall determine the firm's
2 compensation, which shall be paid from the Hospital Operations
3 Fund.

4 **§ 80105.2 Meetings.** Meetings of the Board shall be held at a regular
5 time and place as determined by the Board. Special meetings may be
6 called by the Chairman or by a majority of the members, as often as
7 may be necessary. Meetings of the Board, regular or special, shall be
8 subject to the Open Government Law of Guam. A majority of the
9 members shall constitute a quorum and an affirmative vote of five (5)
10 members is required for any action to be valid.

11 **§ 80105.3 Term of Office.** The members of the Board of Trustees
12 shall serve staggered terms of six (6) years. On the expiration of the
13 term of any member, or in the event of a vacancy on the Board due to
14 resignation, death or any other cause, the Governor shall in the
15 manner provided herein and with the advice and consent of the
16 Legislature appoint another member for a full term in the first
17 instance, or for the remainder of the unexpired term. When there is a
18 change of administration of the government of Guam after a
19 gubernatorial election, no courtesy resignation shall be requested by
20 the new administration nor offered by any member of the Board.

1 **§ 80105.4 Qualifications of Members of the Board of Trustees.** The
2 composition of the members of the Board shall be broadly based in
3 terms of its members' personal expertise and shall strive for a
4 balanced representation of the general population. Trustees, and
5 Trustees candidates, must be United States citizens or permanent
6 resident aliens domiciled in Guam for at least three (3) years prior to
7 appointment to the Board. No person shall sit on the Board as a
8 member who is an employee of the Guam Memorial Hospital
9 Authority.

10 **§ 80105.5 Trustees Nominating Council; Establishment.** There is
11 established the Trustees Nominating Council ('Council') with sole
12 responsibility to identify, recruit, evaluate and nominate all qualified
13 candidates for membership on the Board of Trustees of the Guam
14 Memorial Hospital Authority ('GMHA').

15 **(a) Membership.**

16 (1) The Council shall consist of eleven (11) members:

17 one (1) Mayor-member to be appointed by the Mayor's
18 Council;

19 one (1) member of the GMHA Board of Trustees to be
20 appointed by the GMHA Board of Trustees;

1 two (2) members of the GMHA Executive Management
2 Council to be appointed by the GMHA Executive Management
3 Council;

4 two (2) members of the GMHA Medical Executive
5 Committee to be appointed by the GMHA Medical Executive
6 Committee;

7 two (2) members of the Guam Nursing Association to be
8 appointed by the Guam Nursing Association;

9 one (1) member of the Allied Health Profession to be
10 appointed by the Allied Health Profession Association;

11 and two (2) members from the community at large to be
12 appointed by the Trustees Nominating Council.

13 The Members of the Council shall serve a term of two (2)
14 years.

15 Community at large members must be United States
16 citizens or permanent resident aliens domiciled on Guam for at
17 least two (2) years prior to appointment to the Council.

18 (2) The GMHA Board of Trustee member shall serve as
19 temporary chairperson, and shall convene the first meeting of
20 the Council. At its first meeting the Council shall elect from
21 among its members a chairperson and a vice-chairperson. The
22 chairperson shall preside at all meetings of the Council, shall

1 act as the spokesperson of the Council and perform such other
2 duties as the Council shall direct.

3 The vice-chairperson shall succeed to the duties of the
4 chairperson in the absence or inability of the chairperson to
5 serve. From among its members, the Council shall select a
6 secretary and any other officers that the Council may deem
7 necessary.

8 **(b) Duties.**

9 (1) The Council shall develop a statement of the selection
10 criteria to be applied and a description of the responsibilities
11 and duties of a trustee, and shall distribute this to potential
12 candidates.

13 (2) In making its nominations, the Council shall: consider
14 the needs of the Guam Memorial Hospital Authority; advertise;
15 locate potential candidates; maintain a list of their names and
16 contact information; match potential candidates with projected
17 vacancies; review candidates' qualifications and references;
18 conduct interviews; and carry out other recruitment and
19 screening activities as necessary.

20 (3) The Council shall be responsible for submitting a list
21 of at least one (1) and no more than three (3) qualified
22 candidates for every vacancy on the Board to I Maga'laha
23 Guåhan.

1 (4) Nominations shall be made thirty (30) days prior to
2 the expiration of a term, or within fourteen (14) days following
3 an unforeseen vacancy. I Liheslaturan Guåhan [Guam
4 Legislature] finds that it is critical that a vacancy on the Board
5 be filled promptly. Therefore, I Maga'lahren Guåhan [Governor]
6 shall make the appointment of the qualified candidate from a
7 list of candidates provided by the Council, which list shall
8 contain at least one (1) and no more than three (3) qualified
9 candidates submitted by the Council within forty-five (45) days
10 of a vacancy, subject to the advice and consent of I Liheslaturan
11 Guåhan.

12 If I Maga'lahren Guåhan does not make the appointment
13 within forty-five (45) days of a vacancy, the Speaker of I
14 Liheslaturan Guåhan [Guam Legislature] shall make the
15 appointment of the qualified candidate from the identical list
16 submitted to I Maga'lahren Guåhan [Governor] by the Council,
17 subject to the advice and consent of I Liheslaturan Guåhan. Any
18 appointment to fill a vacancy which is made by the Speaker of I
19 Liheslaturan Guåhan pursuant to this Section shall not become
20 void due to a later appointment by I Maga'lahren Guåhan
21 [Governor] to fill the same vacancy.

22 (5) The Council shall make an annual report to I
23 Maga'lahren Guåhan [Governor] and I Liheslaturan Guåhan

1 [Guam Legislature] at the termination of each fiscal year setting
2 forth a summation of its activities and general
3 recommendations.

4 (c) Council Meetings. The Council shall hold at least one (1)
5 meeting quarterly and as often as necessary. The Council shall
6 conduct its first meeting within fourteen (14) days after approval of
7 this Act. A majority of the Council members shall constitute a
8 quorum. The vote of six (6) Council members shall be required for
9 any action of the Council. The Council may adopt rules to govern its
10 procedures.

11 (d) Support Services. The Administrator of GMHA shall
12 provide administrative and support services for the Council.

13 **§ 80105.6 Tenure of Members Currently Serving as Trustees.** The
14 current members of the Board shall continue to serve until the
15 expiration of their term as set out in §80105.3 of this Chapter and in
16 the event of a vacancy, the Governor shall fill said vacancy in
17 accordance with this Chapter.

18 **§ 80106. Board Members Not Deemed Officers or Employees of the**
19 **Government of Guam.** The members of the Board shall not, by
20 reason of such membership, be deemed employees of the
21 government of Guam.

1 **§ 80107. Removal From Office.** A member of the Board may be
2 removed by a vote of five (5) members for malfeasance in office or for
3 persistent neglect of, or inability to discharge, duties, or for offenses
4 involving moral turpitude, and for no other cause. However, no
5 member of the Board shall be removed from office before a written
6 bill of particulars shall have been given to the accused and before an
7 investigation and an open and public hearing shall have been had.
8 Any member who removes his residence from Guam shall be
9 deemed to have vacated his office, thereby creating a vacancy on the
10 Board.

11 **§ 80108. Officers.** The Board shall elect a Chairman, a Vice-
12 Chairman, a Secretary and a Treasurer from among its membership
13 every two (2) years.

14 **§ 80109. Powers.**

15 The hospital shall have and exercise each and all of the
16 following powers:

17 (a) Maintain and operate a facility providing acute,
18 chronic and all other health care services, including those
19 services specifically provided by contract for the Department of
20 Mental Health and Substance Abuse, for the people of the
21 Territory.

1 (b) Establish a schedule of fees, in accordance with 10
2 GCA §80105, to be charged for care and services at or by the
3 hospital. The schedule of fees shall be sufficient to recover the
4 operating costs and fixed costs and to generate such revenue as
5 is necessary to enable the hospital to meet its financial
6 obligations, operating expenses and capital improvement
7 needs. The Guam Public Utilities Commission shall not have
8 any purview over the Authority rates. The rates established
9 per fee schedule may be increased by the Board of Trustees up
10 to five percent (5%) per year; provided, that the total revenues
11 from all increases per fee schedule shall not exceed five percent
12 (5%) of the total revenues adopted by the Board in the
13 Authority's budget for that fiscal year, or decreased as
14 necessary.

15 Fees for new services, medications, or supplies, or rate
16 increases of more than five percent (5%) annually shall be
17 established by the Authority, approved and ratified by the Board of
18 Trustees and forwarded to I Liheslaturan Guåhan for approval.
19 Prior to the approval and ratification by the Board of Trustees, public
20 hearings must be conducted by the Authority for any new fee
21 or rate increase of more than five percent (5%).

22 I Liheslaturan Guåhan shall have forty-five (45) days
23 from the receipt of the proposed new fee or rate increase to

1 conduct a public hearing and approve the increase or new fee. If I
2 Liheslaturan Guåhan does not disapprove or amend the proposed
3 new fee or increase in rates within the forty-five (45) days, new fee or
4 rate increase will immediately become effective.

5 (c) The Authority may establish interim fees for new, un-
6 tariffed services, medication and supplies, without prior legislative
7 approval and without compliance with the Administrative
8 Adjudication Law; provided, that:

9 (1) the interim fees are consistent with the
10 Authority's Net Revenue Enhancement Engagement Pricing
11 Model, as prepared by Deloitte & Touche, dated February 7,
12 1992, or such other protocol as may be approved by the Board
13 of Trustees; and

14 (2) a petition for permanent approval of the interim
15 fees is filed by the Authority with I Liheslaturan Guåhan within
16 three (3) months of the Authority's establishment of the interim
17 fee.

18 (d) Forward the billings for the cost of medical care and
19 services rendered to any person under the Old Age Assistance
20 for the Aged Program, Aid to the Blind Program, and Aid to
21 the Permanently and Totally Disabled Program of the Social
22 Security Act, as well as those persons considered medically
23 indigent as the term is defined in Chapter 2 of this Title, of

1 which shall be paid by the Department of Public Health and
2 Social Services.

3 (e) Acquire, subject to the laws of Guam, by grant,
4 purchase, gift, devise or lease, and hold and use any real
5 property necessary or convenient or useful for the carrying on
6 of any of its powers pursuant to the provisions of this Article;
7 upon written certification of the Administrator, that specified
8 and specialized medical equipment and related supplies are
9 needed immediately for the health and welfare of the patients
10 of the Hospital in particular, and the people of Guam in
11 general, the Guam Memorial Hospital Authority shall be
12 exempt from the provisions of §§ 5210 and 5211 of Title 5,
13 Guam Code Annotated, in the acquisition of the medical
14 equipment and related supplies specified in such written
15 certification of the Administrator; provided, that the Hospital
16 shall use its best judgment and efforts to secure the best
17 equipment and supplies at the lowest cost, utilizing businesses
18 licensed to do business on Guam whenever possible.

19 (f) Establish its internal organization and management;

20 (g) Perform such acts as may be reasonably necessary to
21 accomplish the purpose for which it was formed;

22 (h) Adopt a seal;

23 (i) Sue or be sued in its own corporate name;

1 (j) Employ, retain or contract for the services of qualified
2 managers, specialists or as individuals or as organizations;

3 (k) Adopt such rules and regulations pursuant to the
4 Administrative Adjudication Act as may be necessary for the
5 exercise of the hospital's powers, performance of its duties and
6 administration of its operations;

7 (l) Adopt and maintain a uniform system of accounting;

8 (m) Adopt and maintain a travel authorization policy
9 notwithstanding any law to the contrary;

10 (n) Adopt rules and regulations governing selection,
11 compensation, promotion, performance evaluation, disciplinary
12 action and other terms and conditions of employment affecting
13 personnel, subject to the provisions of the Administrative
14 Adjudication Act. Such rules and regulations shall provide for
15 the employment and retention of persons on the basis of merit,
16 and shall include an orderly and systematic method of
17 recruitment and the establishment of a list of qualified
18 applicants for employment purposes, *except* that compensation
19 for non-medical personnel shall remain consistent with
20 compensation plans and pay scales as determined by the Civil
21 Service Commission or its successor. *Non-medical personnel* are
22 defined as personnel employed by the Authority who are *not*
23 physicians, nurses, medical technicians or technologists,

1 licensed or certificated therapists of any sort, laboratory
2 technicians, personnel certificated in any medical or nursing
3 field, nurse practitioners, pharmacists or other medical
4 personnel.

5 (o) Do any and all other things necessary to the full and
6 convenient exercise of the above powers;

7 (p) Contract with a corporation to exercise any or all the
8 powers of the Administrator and of those officers authorized by
9 '80108 of this Article, if the Board so chooses;

10 (q) Acquire in accordance with the Procurement Law (5
11 GCA Chapter 5) and hold and use any personal property or
12 construct any projects necessary or convenient or useful for
13 carrying on of any of its powers pursuant to the provisions of
14 this Article;

15 (r) With the concurrence of I Maga'lahaen Guahan
16 [Governor], negotiate with appropriate Federal official
17 (Secretary of Defense, officials of Tripler Army Hospital, etc.)
18 for the implementation of '105(k) of the Compact of Free
19 Association Act of 1985 with the Freely Associated States of
20 Micronesia.

21 All terms of the agreement shall be negotiated by the
22 Guam Memorial Hospital Authority in the best interests of the

1 people of Guam. The agreement must be submitted to the
2 Governor for his review and approval.

3 (s) Arrange a line of credit not to exceed Twelve Million
4 Dollars (\$12,000,000) with banks or other lending institutions
5 licensed on Guam. All terms of the line of credit agreement
6 shall be negotiated by the Authority and I Maga'lahañ Guåhan
7 [Governor] in the best interests of the people of Guam. The
8 terms of the line of credit shall include the following:

9 (1) the line of credit shall be used by the Authority
10 when a cash shortage threatens the operation of the
11 Hospital, and provided that the loan shall not be used for
12 the hiring of non-health care professionals not involved
13 with providing direct patient care or patient care support;

14 (2) no charge shall be levied by a lender for making
15 the loan;

16 (3) the interest rate shall be subjected to negotiation
17 between the Authority, I Maga'lahañ Guåhan and the
18 lender; such interest rate shall be computed on a monthly
19 average and based on the actual amount extended to the
20 Authority; and

21 (4) interest earned by the lender shall be exempt
22 from taxation by the government of Guam.

1 (5) I Maga'láhen Guåhan is authorized to pledge
2 funds which Guam shall receive from the State Attorneys
3 General Tobacco Litigation, as provided by Public Law
4 Number 24-174, or the General Fund, or both funds in
5 any combination, as a security for repayment of the loan,
6 in addition to any revenues which may be pledged by the
7 Authority. I Maga'láhen Guåhan and the Authority is
8 hereby authorized to execute the loan agreement and
9 other necessary documentation.

10 (6) The line of credit authorized in this Act shall not
11 be used in the calculation for rate relief in any rate
12 methodology for any rate case before the Public Utilities
13 Commission.

14 (t) Notwithstanding any other provision of law, make,
15 negotiate and enter into a commercial lease, or issue a permit or
16 license for the use of its real property and other related facilities
17 for a term not to exceed five years.

18 **§ 80110. Administrator and Chief Executive Officer.**

19 (a) The Board shall hire or contract an Administrator, who shall
20 be its Chief Executive Officer. The Administrator's duties and
21 compensation, salary and endowments, shall be determined by the

1 Board. The Administrator shall meet the following minimum
2 qualifications:

3 (i) shall have graduated from a recognized college or
4 university with a Master's degree in hospital administration,
5 health services management or a related field, plus six (6) years
6 of experience in hospital administration or healthcare services
7 management, of which three (3) years must have been
8 experience as an administrator in a hospital setting; or

9 (ii) shall have graduated from a recognized college or
10 university with a Bachelor's degree in hospital administration,
11 health services management, or a related field, plus eight (8)
12 years of experience in hospital administration or healthcare
13 services management, of which five (5) years must have been
14 experience as an administrator in a hospital setting;

15 (iii) shall have experience in negotiating and directing
16 activities related to obtaining reimbursement from government
17 programs, such as Medicare, Medicaid or the Medically
18 Indigent Program of the government of Guam; and

19 (iv) shall have experience in negotiating contracts with
20 external parties, including third party payers, vendors,
21 insurance carriers and other contracting parties.

1 (b) The Board shall set the tenure of office for the
2 Administrator of the Guam Memorial Hospital Authority. The Board
3 may hire the Hospital Administrator by direct employment as an
4 unclassified employee of the government of Guam, or by personal
5 services contract, as the Board deems necessary to attract and retain a
6 qualified Administrator. However, the term of employment for the
7 position of Administrator shall not end six months prior to nor six
8 months after an election for Senators and Governor and Lt. Governor.
9 The Board by an affirmative vote of at least five (5) members may
10 renew the contract of the Administrator. Similarly, the affirmative
11 vote of at least five (5) members may terminate the services of the
12 Administrator for cause in the same manner and procedure as a
13 Trustee may be removed pursuant to Section 80107 of this Chapter.
14 Upon a change of administration of the government of Guam after a
15 gubernatorial election, no courtesy resignation shall be requested by
16 the new administration nor offered by the Administrator of the
17 Hospital.

18 (c) The Administrator shall have full charge and control of the
19 operations and maintenance of the Hospital. The powers of the
20 Administrator shall include:

21 (i) to recommend rules and regulations for adoption by
22 the Board of Trustees and to see that all rules and regulations of
23 the Hospital are enforced;

1 (ii) to ensure compliance with all federal and local
2 regulations;

3 (iii) to act as liaison to the governing body for the
4 medical, nursing, and other professional staff and all facility
5 departments;

6 (iv) to attend, unless excused by the Board, all meetings
7 of the Board and to submit written reports on the affairs of the
8 Hospital each month;

9 (v) to keep the Board advised on the needs of the Hospital
10 and approve demands for payment of obligations within the
11 purposes and amounts authorized by the Board;

12 (vi) to prepare and cause to be prepared all plans and
13 specification for purchased services and the construction and
14 repair of equipment and facilities operated by the Hospital and
15 serve as the Hospital's Chief Procurement Officer;

16 (vii) to devote that person's time to the business of the
17 Hospital, to select and appoint the employees of the Hospital
18 except as otherwise provided in this Chapter, and to plan,
19 organize, coordinate and control the services of such employees
20 in the exercise of the powers of the Hospital under the general
21 direction of the Board;

22 (viii) to prepare within one hundred twenty (120) days
23 from the end of each fiscal year an annual report of the results

1 of the operations for the preceding fiscal year and the financial
2 status of the Hospital on the last day thereof;

3 (ix) to perform and issue such other additional duties as
4 the Board may require; and

5 (x) to arrange for the burial of any fetus not claimed by its
6 mother or father within thirty (30) days.

7 **§ 80111. Chief Financial Officer.**

8 (a) The position of Chief Financial Officer is established within
9 the Guam Memorial Hospital Authority. The Chief Financial Officer
10 *shall* meet the following minimum qualifications:

11 (i) Possession of a Certified Public Accountant (CPA)
12 certificate in the United States and a Bachelor's degree in
13 Health Services Management (HSM) or health related work
14 experience, plus one (1) year supervisory experience; or

15 (ii) Graduation from a recognized college or university
16 with a Master's degree in accounting, finance, economics,
17 business administration or a related field, plus four (4) years
18 experience as an administrator for general accounting and fiscal
19 services of which one (1) year must be management-level fiscal
20 experience in a hospital or health care facility; or

21 (iii) Graduation from a recognized college or university
22 with a Bachelor's degree in accounting finance, economics,

1 business administration or a related field, plus five (5) years as
2 an administrator responsible for general accounting and fiscal
3 services of which two (2) years must be management-level
4 fiscal experience in a hospital or health care facility; and

5 (iv) *shall* have experience in negotiating contracts with
6 external parties, including third party payers, vendors,
7 insurance carriers and other contracting parties.

8 (b) The Chief Financial Officer shall report directly to the
9 Hospital Administrator. The Hospital Administrator shall hire the
10 Chief Financial Officer by direct employment as an unclassified
11 employee of the government of Guam, or by personal services
12 contract, as is deemed necessary by the Hospital Administrator to
13 attract and retain a qualified Chief Financial Officer. The Chief
14 Financial Officer's duties and compensation shall be determined by
15 the Hospital Administrator, in consultation with the Board of
16 Trustees.

17 **§ 80112. Construction With Other Laws.** Insofar as the provisions of
18 this Chapter are inconsistent with the provisions of any other law, the
19 provisions of this Chapter shall be controlling; and in particular but
20 not by way of limitation, except as may be provided in this Chapter,
21 no provision of any law with respect to employment of personnel,
22 shall be applicable to the Guam Memorial Hospital Authority unless

1 the Legislature shall specifically so state; provided, however, that the
2 Guam Memorial Hospital Authority may utilize in its operations the
3 procedures and facilities provided by any such law or by the
4 executive agencies of the government of Guam.

5 **§ 80113. Employment Practices.**

6 (a) The Board shall establish and administer rules and
7 regulations governing the compensation and classification of health
8 professionals of the hospital.

9 (b) All employees of the hospital, except physicians and
10 healthcare administrators, the Hospital Administrator, Associates
11 Administrators for Clinical, Operations, Medical Services and the
12 Chief Financial Officer, shall be members of the classified service of
13 the Government.

14 (c) Each hospital employee shall be eligible to continue to be or
15 to become a member of the government of Guam Retirement Fund
16 pursuant to §4204(d) of the Government Code. The hospital shall pay
17 for the employer's contribution to the Retirement Fund that is
18 assessed by the Fund's Board of Trustees for the benefit of hospital
19 employees who are members of the Fund.

20 (d) Each hospital employee shall be eligible to participate in any
21 government of Guam health and life insurance plan or prepaid health
22 plan.

1 **§ 80114. Attorney.** The Guam Memorial Hospital Authority may
2 employ an attorney to assist and represent it in all civil matters which
3 concerns the Hospital. The Attorney which the Hospital is interested,
4 provided that the Attorney General shall designate the attorney for
5 the Hospital as a Special Assistant Attorney General for this purpose.

6 The Guam Memorial Hospital Authority may set the terms and
7 conditions of employment for the attorney, his or her compensation
8 and whether he or she be appointed as a full-time employee, an
9 independent consultant. In the alternative, the Hospital may utilize
10 the services of a law firm.

11 The Attorney so employed or engaged shall be admitted to
12 practice before the courts of Guam under the same conditions as are
13 attorneys employed by the government pursuant to Section 28002.2
14 of the Government Code.

15 **§ 80115. Exemption From Taxation.**

16 As an instrumentality of the Territory, the hospital and all
17 property acquired by or for the hospital, and all revenues and income
18 there-from are exempt from taxation by the Territory or by any
19 political subdivision or public corporation thereof and from all taxes
20 imposed under the authority of the Legislature of the Territory, or
21 with respect to which the Legislature is authorized to grant
22 exemption.

1 **§ 80116. Fiscal Authority; Accounting and Expenditures.**

2 (a) There is hereby established a fund to be known as the
3 'Hospital Operations Fund' which shall be maintained separate and
4 apart from other funds of the government of Guam and independent
5 records and accounts shall be maintained in connection therewith;

6 (b) All moneys received by the hospital from whatever source
7 derived shall be deposited in said fund and eligible banks as defined
8 in 5 GCA §21112.

9 (c) All appropriations, if any, by the Guam Legislature from the
10 General Fund to the hospital shall be transferred to the fund on a
11 quarterly basis upon certification by the hospital of the need
12 therefore;

13 (d) All expenditures including payments into sinking or other
14 special accounts and debts, liabilities, obligations and operational
15 expenses of the hospital shall be paid from the fund;

16 (e) The hospital shall report to the Governor and the Legislature
17 concerning administration of the affairs of the hospital. The annual
18 report shall be presented within one hundred twenty (120) days after
19 the end of each fiscal year and special reports, if any, shall be
20 presented within thirty (30) days after the end of each intervening
21 quarter. The financial information presented in the reports shall be in
22 accordance with the uniform
23 system of accounting adopted by the hospital.

1 **§ 80117. Irreversible Renal Failure.**

2 Citizens of the territory of Guam afflicted with irreversible
3 renal failure who are medically indigent as determined by the
4 Department of Public Health and Social Services by regulations, shall
5 receive hospitalization, medical treatment and drugs for the
6 treatment of irreversible renal failure, and any conditions directly or
7 indirectly caused thereby, without charge, provided, however, that
8 this Section shall not apply to those persons whose treatments are
9 chargeable to health and medical insurance programs or medical
10 assistance programs. Nothing in this Section shall be construed or
11 used as a basis for the exclusion or limitation of any private or
12 government third party health or medical insurance coverage, or
13 benefits for hospitalization, medical treatment and drugs for the
14 treatment of irreversible renal failure and any condition directly or
15 indirectly caused thereby.

16 **§ 80117.1 Cancer Data Collection.**

17 The Guam Memorial Hospital Authority ('GMHA') and the
18 GMHA Medical Staff shall continue to collect information regarding
19 cancer cases with relevant data for the Cancer Registry as established
20 by the Department of Public Health and Social Services. GMHA shall
21 provide DPHSS cancer information semiannually.

22 **§ 80118. Patients' Records Confidential.**

1 Patients' medical records are confidential and copies thereof
2 may be released only upon the written consent of the patient
3 involved or by written order of the Superior Court of Guam;
4 provided, however, that any information, data or reports with respect
5 to cases of malignant diseases may be furnished to, or procured by,
6 the Guam Tumor Registry-Tumor Clinic, Guam Memorial Hospital,
7 for statistical, scientific and medical research and no physician,
8 surgeon, dentist, institution or hospital, furnishing such information,
9 data or reports to the Guam Tumor Registry-Tumor Clinic, Guam
10 Memorial Hospital, shall by reason of such furnishing be deemed to
11 have violated the provisions of this Section, or have violated any
12 confidential relationship or be held liable therefore.

13 **§ 80119. Mandatory Annual Budget.**

14 On March 30, 2010 for Fiscal Year 2011, and March 30 for the
15 succeeding fiscal years, the Board shall submit a comprehensive
16 program and financial plan to I Liheslaturan Guåhan in a budget
17 format utilized by the Bureau of Budget and Management Research
18 for the Executive Branch. If I Liheslaturan Guåhan does not reject the
19 comprehensive program and financial plan by September 30, the
20 program and plan is deemed approved.

1 **§ 80120. Solicitation, Acceptance, Utilization and Administration of**
2 **Donations, Contributions, Gifts, and Bequests for Specific**
3 **Purposes.**

4 (a) The Administrator of the Guam Memorial Hospital
5 Authority ('GMHA'), with the concurrence of the GMHA Board of
6 Trustees, shall be authorized to solicit, accept, utilize and administer
7 on behalf of GHMA, donations, contributions, gifts and bequests for
8 any specific purpose relative to medical care, and may expend any
9 sums so received for purposes intended by the giver, or donor, in
10 addition to the regular appropriations made for such purposes. Such
11 donations, contributions, gifts and bequests received, or income
12 accrued on a continuing basis, shall, as a matter of policy, be reflected
13 in the annual budget of the receiving agency as credit to offset the
14 expense budget request for that agency for the fiscal year under
15 consideration.

16 (b) GMHA shall promulgate rules and regulations to reflect the
17 purpose of this Act and shall biannually report contributions,
18 donations, gifts and bequests actually received by the Governor and
19 the Speaker of the Guam Legislature for proper acknowledgment
20 purposes.

21 **§ 80121. Receiving of Revenues from Vending Machine.** GMHA is
22 hereby authorized to install vending machines or similar machines,

1 which can be contractual, for the purpose of serving the Hospital and
2 its employees and shall be entitled to all revenues from such
3 activities. The Hospital Administrator shall use such revenues for the
4 Hospital employees health or other services for the benefit of its
5 employees.