



MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

Bill No. 333(EE)

Introduced by:

Ray Tenorio 

**AN TO ADD A NEW ITEM 15 TO §58104 OF CHAPTER 58
TITLE 12 AND A NEW §12233 TO ARTICLE 2 OF CHAPTER
12 OF TITLE 10 GUAM CODE ANNOTATED RELATIVE TO
AUTHORIZING THE GRANTING OF QUALIFYING
CERTIFICATES FOR PHYSICIANS PRACTICING IN
SPECIALTIES OF CRITICAL NEED.**

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BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Section 1303 of Title 5, Guam Code Annotated is hereby *amended*
to read:

§ 58104. Eligibility Defined.

A Qualifying Certificate shall only be issued to the following
entities:

Any trust, partnership, sole proprietorship, Limited Liability
Partnership ('LLP'), Limited Liability Company ('LLC'), corporation formed
under the laws of Guam, or possessions corporation as defined in § 58106 of this
Chapter, engaged, or about to engage in any of the following activities:

1. agriculture;
2. aquaculture;
3. mariculture;
4. manufacturing;
5. commercial fishing;
6. services;
7. tourism;

1 8. improvement of real property for purposes which are specifically
2 determined by the Authority to be beneficial, desirable, and necessary for the
3 economic development of Guam;

4 9. insurance issuance, either by commercial insurers, reinsurers, or
5 captive insurers which meet the requirements of 22 GCA Chapter 15, Article 3;

6 10. export trading company, as defined in 11 GCA § 26101(d), if the
7 main office of the export trading company is established on Guam;

8 11. producing water or disposing of wastewater, or both, jointly with
9 the Guam Waterworks Authority;

10 12. operating on a military base on Guam a Base Operating Service
11 Contract;

12 13. a small business entity operating on a military base on Guam, a
13 Base Operating Service contract, or as a subcontractor to a BOS Contractor; and

14 14. a global internet infrastructure services company(ies) providing
15 Internet connectivity and co-location facilities and its/their tenant-sellers in the
16 sales of goods, services and information over the Internet; provided that:

17 (i) the seller is legally established in and operates from Guam;

18 (ii) the sale does not include the local sale of goods, services and
19 information;

20 (iii) the sale is conducted exclusively through the Internet; and

21 (iv) the seller does not sell or distribute in any fashion material that
22 is harmful to minors as that term is defined in the Internet Tax Freedom Act, a
23 part of the Omnibus Appropriations Act of 1998, Public Law Number 105-277.
24 For purposes of this Paragraph, a "minor" is a person under the age of eighteen
25 (18).

1 15. Licensed Physicians practicing in specialties of critical need on Guam
2 as determined by §12233 of Article 2 of Chapter 12 of Title 10, Guam Code
3 Annotated.

4
5 **Section 2.** A new Section 12233 is hereby *added* to Article 2 of Chapter 12 of
6 Title 10, Guam Code Annotated to read:

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8 **§12233. Designated Critical Specialties List.** (a) The Board shall, by
9 administrative rules and regulations, develop and maintain a list of designated critical
10 specialties of medical practice. The list shall be furnished to the Guam Economic
11 Development and Commerce Authority within Ten (10) days, Saturdays, Sundays and
12 Government Guam Holidays excepted, following each addition or deletion a specialty
13 from the list.

14 (b) Notwithstanding the provisions of Item (a) of this Section, in the absence of a
15 critical specialties designation by the Board, a physician practicing on Guam or
16 physician considering licensing to practice on Guam may petition the Guam Economic
17 and Commerce Authority Board to designate a specialty as critical to Guam. The
18 petitioner shall include:

19 (1) Verifiable patient to doctor ratios for Guam

20 (2) The economic feasibility of practicing on Guam

21 (3) Comparisons of the cost to patients for such services compared to off-
22 island treatment, temporary housing, airfare and loss of wages included,
23 and

24 (4) Any other items required by the Guam Economic and Commerce
25 Authority

1 (c) Nothing herein shall be construed to constitute the automatic or implied
2 awarding of a Qualifying Certificate to a physician practicing in a designated critical
3 needs specialty. The awarding of Qualifying Certificates shall remain the authority of
4 the Guam Economic and Commerce Authority Board, by contract, and *may* require
5 concessions from the awardee that *may* include, but not be limited to:

6 (1) A minimum number of days of practice on Guam per year that the
7 Qualifying Certificate is valid, and

8 (2) The acceptance of various forms of public assistance for payment of
9 services such as Medicaid, Medicare and the Medically Indigent Program (MIP)
10 and private insurance.

11 Qualifying Certificates can only be awarded to Guam physicians and their clinics
12 that file a Guam personal and/or corporation/partnership Income Tax Return. In the
13 case of partnership or corporate income, only the tax related to income earned on Guam
14 may be considered for a Qualifying Certificate rebate. In the event a clinic's
15 partnership or corporate taxable income includes from physicians in a non-critical
16 designated specialty, the Guam Economic Development and Commerce may prorate the
17 Qualifying Certificate rebate.