



I MINA'BENTE NUEBE NA LIHESLATURAN GUÅHAN
2007 (FIRST) Regular Session

Bill No. 57(EC)

Introduced by:

F. F. Blas, Jr. 
T. R. Muna-Barnes
J. V. Espaldon 

AN ACT TO *AMEND* SECTION 80104(c) AND TO
REPEAL AND *REENACT* SECTION 80107.1 ALL OF
CHAPTER 80 OF TITLE 10 OF THE GUAM CODE
ANNOTATED, RELATIVE TO THE GUAM
MEMORIAL HOSPITAL AUTHORITY.

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

2 **Section 1. Legislative Findings and Intent.** The Hospital's procurement
3 process involves purchasing goods and services necessary for the provision of
4 healthcare services. Some of these purchasing activities for goods and services
5 include "Sole Source" procurements that allows the Authority to benefit from
6 federally negotiated prices or direct purchases from the manufacturer or through
7 authorized distributors. Presently the Hospital is required to have sole source
8 procurement documents also signed by the Board Chair. This can lead to delays in
9 procuring these critically needed items and also requires the Chair to participate in
10 routine operational activities. There are clearly defined and documented guidelines to
11 determine eligibility for "sole source" designation.

12 The Hospital has been attempting to recruit for a Chief Financial Officer since
13 the departure of the previous incumbent. The Hospital has placed the recruitment

1 announcements on its website as well as the on employment websites with national
2 distribution. Since these announcements, there have been no less than five (5)
3 applicants including interested off-island individuals. Unfortunately, none of these
4 applicants have been determined to be eligible for interview because of the
5 requirement mandating lengthy work experience.

6 **Section 2.** §80104(c) of Chapter 80 of Title 10 Guam Code Annotated is
7 hereby *amended* to read as follows:

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

21 **Section 3.** §80107.1. of Chapter 80 of Title 10 Guam Code Annotated is
22 hereby *repealed* and *reenacted* to read as follows:

23 “**Section 80107.1. Chief Financial Officer.** (a) The position of Chief
24 Financial Officer is established within the Guam Memorial Hospital Authority.
25 The Chief Financial Officer shall meet the following minimum qualifications:

26 (i) Possession of a Certified Public Accountant (CPA)
27 certificate in the United States and a Bachelor’s degree in Health Services

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

3 (ii) 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 (1)
7 year must be management-level fiscal experience in a hospital or health
8 related work experience; or

9 (iii) 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 (2)
13 years must be management-level fiscal experience in a hospital or health
14 related work experience; and

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

18 **Section 4. Severability.** *If* any provision of this Act or its application to
19 any person or circumstances is found to be invalid or contrary to law, such invalidity
20 shall *not* affect other provisions or applications of this Act which can be given effect
21 without the invalid provisions or applications, and to this end the provisions of this
22 Act are severable.