

**MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN**  
2011 (FIRST) Regular Session

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Bill No. 107-31 (cov)

Introduced by:

T. R Muna Barnes  
B.J.F Cruz  
V. ANTHONY ADA @

**AN ACT ADD A NEW § 12212.1, § 12212.2, and § 12212.3  
TO CHAPTER 12, OF TITLE 10, GUAM CODE  
ANNOTATED; RELATIVE TO THE PUBLIC  
DISCLOSURE OF A PHYSICIAN'S PROFESSIONAL  
PROFILE WHICH MAY BE CITED AS "THE PATIENT  
PROTECTION THROUGH INFORMATION ACT"**

- 1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**
- 2 **Section 1.** A new § 12212.1, § 12212.2, and § 12212. of Chapter 12,
- 3 Title 10 Guam of the Guam Code Annotated is hereby added to read:
- 4 **“§ 12212.1 Public Disclosure of A Physician Profile.**
- 5 Notwithstanding any other provision of law, the Board shall disclose to an
- 6 inquiring member of the public, and via the internet with the assistance of
- 7 the Bureau of Information Technology, information regarding any
- 8 enforcement actions taken against a licensee, including a former licensee, by
- 9 the board or by another state or jurisdiction, including all of the following:
- 10 (1) Temporary restraining orders issued,
- 11 (2) Interim suspension orders issued,

1 (3) Revocations, suspensions, probations, or limitations on practice  
2 ordered by the board, including those made part of a probationary order or  
3 stipulated agreement,

4 (4) Public letters of reprimand issued, and

5 (5) Infractions, citations, or fines imposed.

6 (6) Civil judgments in any amount, whether or not vacated by a settlement  
7 after entry of the judgment, that were not reversed on appeal and arbitration  
8 awards in any amount of a claim or action for damages for death or personal  
9 injury caused by the physician and surgeon's negligence, error, or omission  
10 in practice, or by his or her rendering of unauthorized professional services.

11 (7) All settlements in the possession, custody, or control of the board shall  
12 be disclosed for a licensee if there are three or more settlements for that  
13 licensee within the last 10 years, except limitations on that disclosure.

14 **“§ 12212.2 Method of Disclosure”**

15 The board shall not disclose the actual dollar amount of a settlement but  
16 shall put the number and amount of the settlement in context by doing the  
17 following:

18 (1) Comparing the settlement amount to the experience of other licensees  
19 within the same specialty or subspecialty, indicating if it is below average,  
20 average, or above average for the most recent 10-year period.

21 (2) Reporting the number of years the licensee has been in practice.

22 (3) Reporting the total number of licensees in that specialty or  
23 subspecialty, the number of those who have entered into a settlement  
24 agreement and the percentage that number represents of the total number of  
25 licensees in the specialty or subspecialty.

26 (4) Current American Board of Medical Specialty certification or board  
27 equivalent as certified by the Board.

1 (5) Approved postgraduate training.

2 (6) Any summaries of hospital disciplinary actions that result in the  
3 termination or revocation of a licensee's staff privileges for medical  
4 disciplinary cause or reason, unless a court finds, in a final judgment, that  
5 the peer review resulting in the disciplinary action was conducted in bad  
6 faith and the licensee notifies the board of that finding. In addition, any  
7 exculpatory or explanatory statements submitted by the licensee  
8 electronically or otherwise be disclosed.

9 **“§ 12212.3 Disclaimers and Explanatory Statements”**

10 The Board shall formulate appropriate disclaimers or explanatory  
11 statements to be included with any information released and shall ensure that  
12 all information provided to the public under these provisions are in  
13 compliance with the Health Insurance Portability and Accountability Act.

14 (e) The Board shall, promulgate by regulations to develop standard  
15 terminology that accurately describe the different types of disciplinary  
16 filings and actions taken against a licensee as described above”

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