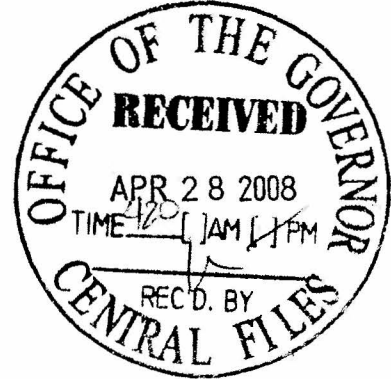




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MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN
TWENTY-NINTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

April 28, 2008



The Honorable Felix P. Camacho
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 99(LS), 161(LS), 243(LS), 247(LS), 264(EC); and Substitute Bill Nos. 95(LS), 205(EC), 223(LS) & 226(LS) which were passed by *I Mina'Bente Nuebi Na Liheslaturan Guåhan* on April 25, 2008.

Sincerely,

TINA ROSE MUNA BARNES
Senator and Secretary of the Legislature

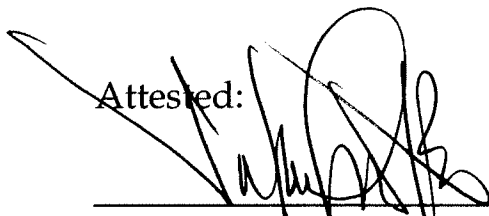
Enclosures (9)

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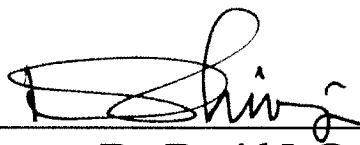
I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

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

This is to certify that Substitute Bill No. 205 (EC), "AN ACT TO ADD A NEW SUBSECTION (e) TO §6103, CHAPTER 6, ARTICLE 1; AND TO AMEND §6301(d) OF TITLE 5, CHAPTER 6, ARTICLE 3, GUAM CODE ANNOTATED, RELATIVE TO EXTENDING THE MAXIMUM LIMITS OF GOVERNMENT LIABILITY COVERAGE TO PRIVATE PHYSICIANS WHO ATTEND TO HOUSE PATIENTS AT THE GUAM MEMORIAL HOSPITAL WHEN CONDUCTING FOLLOW UP VISITS AT THEIR PRIVATE MEDICAL FACILITY," was on the 25th day of April, 2008, duly and regularly passed.

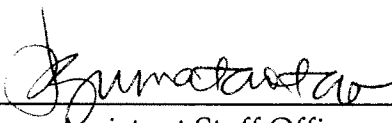
Attested: 

Tina Rose Muña Barnes
Senator and Secretary of the Legislature



Dr. David L.G. Shimizu
Acting Speaker

This Act was received by *I Maga'lahen Guåhan* this 28 day of April, 2008, at
4:20 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

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

Bill No. 205 (EC)

As substituted by the Committee on Health,
Human Services and Homeland Security.

Introduced by:

v. c. pangelinan
B. J.F. Cruz
Frank F. Blas, Jr.
Edward J.B. Calvo
James V. Espaldon
Mark Forbes
Judith Paulette Guthertz, DPA
Frank T. Ishizaki
J. A. Lujan
Tina Rose Muña Barnes
A. B. Palacios, Sr.
R. J. Respicio
Dr. David L.G. Shimizu
Ray Tenorio
J. T. Won Pat, Ed. D.

AN ACT TO *ADD* A NEW SUBSECTION (e) TO §6103, CHAPTER 6, ARTICLE 1; AND TO *AMEND* §6301(d) OF TITLE 5, CHAPTER 6, ARTICLE 3, GUAM CODE ANNOTATED, RELATIVE TO EXTENDING THE MAXIMUM LIMITS OF GOVERNMENT LIABILITY COVERAGE TO PRIVATE PHYSICIANS WHO ATTEND TO HOUSE PATIENTS AT THE GUAM MEMORIAL HOSPITAL WHEN CONDUCTING FOLLOW UP VISITS AT THEIR PRIVATE MEDICAL FACILITY.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the utilization of the Guam Memorial Hospital (GMH) by private physicians to
4 treat their patients is a privilege. As part of the privilege to see their private

1 patients at GMH, the participating physicians are required to treat patients who
2 present themselves at GMH, typically at the emergency room and are medically
3 indigent, without any health insurance and most often do *not* have a private
4 physician. These participating private physicians are called “House Call
5 Physicians” and the patients are referred to as “House Patients”.

6 *I Liheslaturan Guåhan* further finds that according to the GMH Medical
7 Staff bylaws, private physicians are considered agents of GMH and are covered
8 under the Government of Guam Claims Act for liability and insurance when they:
9 (1) provide care to a patient when: (a) on house call; (b) called in consultation by
10 the house call physician to provide additional expertise to a patient; (c) called to
11 provide emergency expertise not otherwise available to a patient; and (d) acting as
12 health professionals of the hospital as delineated in Section 2 of Public Law 24-80;
13 and (2) accept reimbursement through the GMH's Physician Reimbursement
14 Program at the house patient reimbursement rate.

15 Oftentimes, house patients require follow up care outside of the hospital
16 setting. When the private physicians conduct the necessary follow up medical
17 treatment on these patients outside of the hospital, the liability coverage does not
18 extend to the follow-up care given at their private medical facility.

19 *I Liheslaturan Guåhan* intends to extend coverage of the Government
20 Claims Act to physicians for follow-up treatment of house patients given at their
21 private medical facility and *only* for treatment based on the initial diagnosis while
22 the house patient was treated at GMH. Additionally, *I Liheslaturan Guåhan* finds
23 by extending this coverage, house patients will receive the continuity of care for
24 the betterment of their health and welfare, while extending liability and insurance
25 coverage to the private physicians protects them and their practice when treating
26 house patients at a private medical facility rather than at GMH reduces the cost of
27 healthcare to the government for the treatment of house patients.

1 **Section 2.** A new Subsection (e), §6103, Title 5, Chapter 6, Article 1,
2 Guam Code Annotated is hereby *added* to read:

3 "(e) *House Patient* means a patient who presents themselves to
4 Guam Memorial Hospital who does *not* have a private practitioner *or* who
5 does *not* request and/*or* is unable to identify an accepting practitioner. For
6 the purposes of the Government Claims Act and for Agent for Hospital
7 Reimbursement, 'House Patient' designation is given to the care provided by
8 agents of the hospital."

9 **Section 3.** Subsection (d), §6301, Chapter 6, Article 3, Title 5, Guam Code
10 Annotated is hereby *amended* to read:

11 “(d) (1) In the case of the Guam Memorial Hospital Authority, it
12 *shall* also be liable in tort, *not to exceed* the limits stated in subsection
13 (b), above, for damages arising from negligent acts of Government
14 Health Professionals performed within facilities operated by said
15 Authority as agents of the government of Guam at the request of the
16 Government *or* performed at the private medical facility of a private
17 physician acting as a Government Health Professional for follow up
18 care to a house patient limited to specific treatment for the
19 condition(s) medically diagnosed by the physician *or* the Emergency
20 Room physician while treating House Patients at the Guam Memorial
21 Hospital. Government Health Professionals *shall* be considered agents
22 of the government of Guam within the meaning of §6212 of this
23 Chapter.

24 (2) Government Health Professionals performing services in
25 government facilities other than those operated by the Guam
26 Memorial Hospital Authority *shall* be considered agents of the line
27 department or autonomous agency they serve.

1 (3) A Government Health Professional is any person who is
2 licensed *or* certified to practice a healing art in Guam and (i) is
3 practicing that art within a government of Guam facility as an agent of
4 the government of Guam; or (ii) performing follow up care to a House
5 Patient within a private medical facility, which follow up care is
6 limited to specific treatment for the condition(s) medically diagnosed
7 by the physician *or* the Emergency Room physician while treating the
8 House Patient at the Guam Memorial Hospital.

9 (4) Government Health Professionals, including independent
10 contractors serving as agents of the government and government
11 employees covered under the provisions of the Government Claims
12 Act, shall *not* be liable for more than the amount stated in Subsection
13 (b). Any award against the government employer as herein provided
14 bars further award from the Health Professional *or* the government
15 employee in the same cause of action for injuries arising out of the
16 same acts *or* omissions unless:

17 (i) to the extent that any liability of the government of
18 Guam *or* all other government agencies, (including, but *not*
19 *limited to*, all instrumentalities, autonomous agencies,
20 semiautonomous agencies, public corporations), is covered by a
21 policy *or* policies of insurance, the government waives the
22 limitation of liability found in Title 5 of the Guam Code
23 Annotated, §6301; provided, that the government shall not be
24 liable in damages for tort in any amount which *exceeds* the
25 coverage of insurance and the limitation of liability contained in
26 5 GCA §6213; or

1 (ii) the Court finds that the agent *or* the government
2 employee was acting outside the scope of her/his employment.”

3 **Section 4. Severability.** *If* any provision of this Act or its application to
4 any person or circumstance is held invalid, the invalidity does *not* affect other
5 provisions or applications of this Act which can be given effect without the invalid
6 provision or application, and to this end the provisions of this Act are severable.