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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

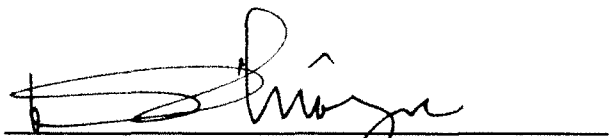
Enclosures (9)

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

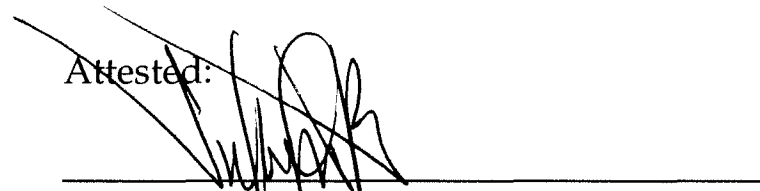
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 223 (LS), "AN ACT TO AMEND §11102, AND TO ADD A NEW §11112 TO CHAPTER 11, DIVISION 1, OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO EXPRESSIONS OF SYMPATHY OR BENEVOLENCE IN CIVIL ACTIONS AGAINST PHYSICIANS," was on the 25th day of April, 2008, duly and regularly passed.



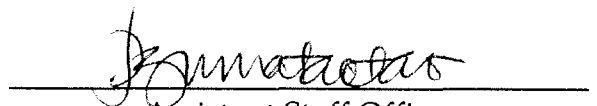
Dr. David L.G. Shimizu
Acting Speaker

Attested:



Tina Rose Muña Barnes
Senator and Secretary of the Legislature

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



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

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

Bill No. 223 (LS)

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

Introduced by:

v. c. pangelinan
J. T. Won Pat, Ed. D.
Dr. David L.G. Shimizu
Frank F. Blas, Jr.
Edward J.B. Calvo
B. J.F. Cruz
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
Ray Tenorio

**AN ACT TO *AMEND* §11102, AND TO *ADD* A NEW §11112 TO
CHAPTER 11, DIVISION 1, OF TITLE 10 OF THE GUAM
CODE ANNOTATED, RELATIVE TO EXPRESSIONS OF
SYMPATHY *OR* BENEVOLENCE IN CIVIL ACTIONS
AGAINST PHYSICIANS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that laws have been enacted across the nation to protect medical professionals in
4 circumstances where communication has been exchanged between physicians and
5 patients or their families expressing sympathy concerning pain, suffering, or death.
6 The expressions of sympathy *or* benevolence have, in many instances, conveyed a

1 sense of responsibility on the part of the physician that oftentimes builds trust
2 between him *or* her and the patient and their families. The trust established also
3 creates a sense of compassion on both parties and as a result, patients and/or their
4 families are *less* inclined to initiate a suit, such as civil actions, against the
5 physician.

6 Therefore, it is the intent of *I Liheslaturan Guåhan* to protect such
7 communication expressing sympathy *or* benevolent gestures from being used
8 against health professionals in medical malpractice actions.

9 **Section 2.** §11102 of Chapter 11, Division 1 of Title 10 of the Guam Code
10 Annotated is hereby *amended* by *adding* Items (d) and (e) to read as follows:

11 “(d) *Benevolent gesture* means any action which conveys a sense of
12 compassion or commiseration emanating from human impulses.

13 (e) *Family* means the spouse, reciprocal beneficiary, parent,
14 grandparent, stepmother, stepfather, child, grandchild, brother, sister, half
15 brother, half sister, adopted children of parent, *or* spouse's parent of the
16 injured party.”

17 **Section 3.** A new §11112 is hereby *added* to Chapter 11 of Division 1 of
18 Title 10 Guam Code Annotated to read as follows:

19 **“§11112. Admissibility of Expressions of Sympathy *or***
20 **Benevolence.** (a) In any civil action that is brought against a health
21 professional, as defined in §11102, *or* in any arbitration proceeding that
22 relates to the civil action, a statement, writing *or* benevolent gesture that:

23 (1) expresses sympathy *or* a general sense of benevolence relating
24 to the pain, suffering *or* death of the patient involved in the incident with the
25 health professional; and

26 (2) is made to the patient *or* to the family of the patient is
27 inadmissible as evidence of an admission of liability.

1 A statement of fault, however, which is part of, *or* in addition to, any of the
2 above *shall* be admissible.”

3 **Section 4.** The Act shall *not* affect the rights *or* duties that matured,
4 penalties that were incurred, and proceedings that were begun before its effective
5 date.

6 **Section 5. Severability.** *If* any of the provisions of this Act or the
7 application thereof to any person or circumstance is held invalid, such invalidity
8 shall *not* affect any other provision or application of this Act which can be given
9 effect without the invalid provision or application, and to this end the provisions of
10 this Act are severable.