



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, GU 96932
Tel: (671) 472-8931 • Fax: (671) 477-4826 • Email: governor@guam.gov

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

SEP 14 2010

2010 SEP 16 AM 10:43 EDM

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Bill 386-30(COR) "AN ACT TO REPEAL AND REENACT CHAPTER 80 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE AUTONOMY OF THE GUAM MEMORIAL HOSPITAL AUTHORITY," which I signed into law on August 28, 2010 as Public Law 30-190.

Sinseru yan Magåhet,

FELIX P. CAMACHO
I Maga'låhen Guahan
Governor of Guahan

Attachment: copy of Bill

30-10-0788
Office of the Speaker
Judith T. Won Pat, Ed.D.
Date: 9/15/10
Time: 4:30
Received by: [Signature]

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

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

This is to certify that **Bill No. 386-30 (COR)**, "AN ACT TO REPEAL AND RE-ENACT CHAPTER 80 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE AUTONOMY OF THE GUAM MEMORIAL HOSPITAL AUTHORITY", was on the 16th day of August, 2010, duly and regularly passed.



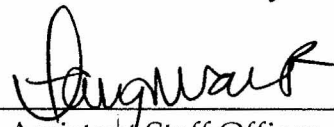
Judith T. Won Pat, Ed. D.
Speaker

Attested



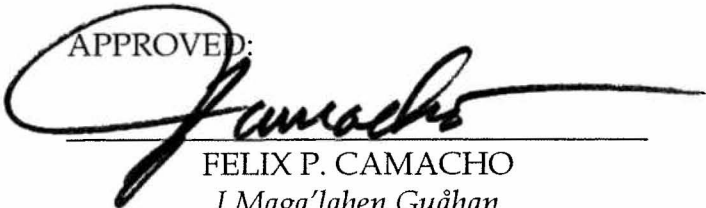
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 17th day of Aug; 2010, at
4:40 o'clock P.M.



Assistant Staff Officer
Maga'laha's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: AUG 28 2010

Public Law No. P.L. 30-190

- 1 **§80102. Establishment.**
- 2 **§80103. Definitions.**
- 3 **§80104. Prohibition Against Discrimination.**
- 4 **§80105. Board of Trustees.**
- 5 **§80105.1. Duties of the Board of Trustees.**
- 6 **§80105.2. Meetings.**
- 7 **§80105.3. Term of Office.**
- 8 **§80105.4. Qualifications of Members of the Board of Trustees.**
- 9 **§80105.5. Trustees Nominating Council; Establishment.**
- 10 **§80105.6. Tenure of Members Currently Serving as Trustees.**
- 11 **§80106. Board Members Not Deemed Officers or Employees**
12 **of the Government of Guam.**
- 13 **§80107. Removal From Office.**
- 14 **§80108. Officers.**
- 15 **§80109. Powers.**
- 16 **§80110. Administrator and Chief Executive Officer.**
- 17 **§80111. Chief Financial Officer.**
- 18 **§80112. Construction With Other Laws.**
- 19 **§80113. Employment Practices.**
- 20 **§80114. Attorney.**
- 21 **§80115. Exemption From Taxation.**
- 22 **§80116. Fiscal Authority; Accounting and Expenditures.**
- 23 **§80117. Irreversible Renal Failure.**
- 24 **§80117.1. Cancer Data Collection.**
- 25 **§80118. Patients' Records Confidential.**
- 26 **§80119. Mandatory Annual Budget.**

1 **§80120. Solicitation, Acceptance, Utilization and**
2 **Administration of Donations, Contributions, Gifts, and Bequests**
3 **for Specific Purposes.**

4 **§80121. Receiving of Revenues from Vending Machines.**

5 **§80101. Short Title.** This Chapter may be cited as the *Guam Health*
6 *Act of 2010.*

7 **§80102. Establishment.** There is established within the government of
8 Guam a public corporation and an autonomous instrumentality called the
9 Guam Memorial Hospital Authority. It *shall* have title to all real and
10 personal property now or hereafter set aside for or conveyed to it. Its
11 property *shall* be administered and disposed of according to law. All the
12 rights, immunities, franchises and endowments heretofore granted thereto by
13 Guam are hereby perpetuated unto the said Authority.

14 **§80103. Definitions.** As used in this Chapter, unless otherwise
15 indicated:

- 16 (a) *Board* means the Board of Trustees of the Guam Memorial
17 Hospital Authority.
18 (b) *Administrator* means the Administrator of the Guam Memorial
19 Hospital Authority.
20 (c) *Hospital* means the Guam Memorial Hospital Authority.
21 (d) *Health Professionals* means those persons licensed or certified
22 to practice the healing art within Guam.

23 **§80104. Prohibition Against Discrimination.**

24 It *shall* be the policy of the Guam Memorial Hospital Authority that
25 discrimination against any individual or group for reasons of age, race,
26 color, sex, national origin, religious belief, marital status, physical/mental
27 disability, political affiliation and retaliation is specifically prohibited under

1 any program, employment or activity for which the Board of Trustees is
2 responsible.

3 **§80105. Board of Trustees.**

4 (a) The governance and control of the Guam Memorial Hospital
5 Authority are vested in a Board of Trustees (Board). The Board *shall* be
6 composed of nine (9) members: four (4) members representing the general
7 public, who *shall* possess a background and experience in healthcare,
8 management, finance or any other business-related field; one (1) member
9 representing the Allied Health Professions; two (2) members representing
10 the Guam Nursing Association; and two (2) members representing the Guam
11 Medical Community, appointed by *I Maga'lahaen Guåhan* as provided
12 herein, with the advice and consent of *I Liheslaturan Guåhan*.

13 (b) Each Trustee *shall* be entitled to receive the sum of One
14 Hundred Dollars (\$100.00) for his/her attendance at any meeting of the
15 Board, but such compensation *shall not* apply to more than four (4) meetings
16 or exceed Four Hundred Dollars (\$400) in any one (1) calendar month. No
17 Trustee *shall* receive any other compensation, but *shall* be reimbursed for
18 actual travel, subsistence and out-of-pocket expenses incurred in the
19 discharge of his or her responsibilities, including authorized attendance at
20 meetings held away from Guam.

21 **§80105.1. Duties of the Board of Trustees.**

22 (a) The Board *shall* be liable for the negligent act of any hospital
23 employee or officer, if the Board knew or had notice that said employee or
24 officer was inefficient and incompetent to perform the services for which he
25 was hired, or said Board retained such inefficient or incompetent person
26 after knowledge or notice of such inefficiency or incompetency.

1 (b) No Trustee *shall* be liable for any decision made in the good
2 faith, non-malicious fulfillment of his duties.

3 (c) The Board *shall* be liable as fiduciaries in the execution of their
4 duties.

5 (d) No Trustee *shall* be actively engaged in the selling of services
6 or goods to the Hospital without the express approval of the Board of
7 Trustees. The form of approval *shall* be by the adoption of a Board
8 Resolution confirming said approval. This restriction *shall not* apply to
9 health care professionals who provide direct patient care services to the
10 Hospital.

11 (e) No Trustee *shall* act when a conflict of interest occurs. The
12 Trustee *shall* disclose the nature of the conflict of interest to the members
13 present and abstain from any discussion or voting on the issue until it has
14 been disposed of by action of the remaining members present. *If* a Trustee
15 knowingly fails to disclose a conflict of interest in the manner listed herein
16 and subsequently votes on an action to be taken by the Board, then the vote
17 of the conflicted Trustee *shall not* be counted for purposes of constituting
18 official Board action. Any Trustee who knowingly fails to disclose a
19 conflict of interest in the manner listed herein *shall* be subject to removal
20 from the Board, pursuant to §80107 of this Chapter.

21 (f) The Board may, in accordance with all relevant procurement
22 laws, contract with a professional management firm, or individual or group
23 of individuals with *at least* five (5) years demonstrated experience in
24 hospital management in the United States, to manage the hospital facility
25 and all or any part of its functions. The management firm *shall* exercise, on
26 the Board's behalf, all of the executive authority granted to the Board by the
27 laws of Guam, provided that the Board *shall* retain its rulemaking authority

1 and *shall* monitor the firm's performance of the contract. The contract *shall*
2 be for a term *not to exceed* five (5) years. *If* the contract is terminated or
3 becomes invalid for any reason, all authority *shall* revert to the Board, which
4 *shall* appoint an interim manager until a new contractor is selected. The
5 Board *shall* determine the firm's compensation, which *shall* be paid from the
6 Hospital Operations Fund.

7 **§80105.2. Meetings.** Meetings of the Board *shall* be held at a
8 regular time and place as determined by the Board. Special meetings may
9 be called by the Chairman or by a majority of the members, as often as may
10 be necessary. Meetings of the Board, regular or special, *shall* be subject to
11 the Open Government Law of Guam. A majority of the members *shall*
12 constitute a quorum and an affirmative vote of five (5) members is required
13 for any action to be valid.

14 **§80105.3. Term of Office.** The members of the Board of Trustees
15 *shall* serve staggered terms of six (6) years. On the expiration of the term of
16 any member, or in the event of a vacancy on the Board due to resignation,
17 death or any other cause, *I Maga'lahi shall*, in the manner provided herein
18 and with the advice and consent of *I Liheslatura*, appoint another member
19 for a full term in the first instance, or for the remainder of the unexpired
20 term. When there is a change of administration of the government of Guam
21 after a gubernatorial election, no courtesy resignation *shall* be requested by
22 the new administration nor offered by any member of the Board.

23 **§80105.4. Qualifications of Members of the Board of Trustees.**
24 The composition of the members of the Board *shall* be broadly based in
25 terms of its members' personal expertise and *shall* strive for a balanced
26 representation of the general population. Trustees, and Trustee candidates,
27 must be United States citizens or permanent resident aliens domiciled in

1 Guam for at least three (3) years prior to appointment to the Board. No
2 person *shall* sit on the Board as a member who is an employee of the Guam
3 Memorial Hospital Authority.

4 **§80105.5. Trustees Nominating Council; Establishment.** There
5 is established the Trustees Nominating Council (Council) with sole
6 responsibility to identify, recruit, evaluate and nominate all qualified
7 candidates for membership on the Board of Trustees of the Guam Memorial
8 Hospital Authority (GMHA).

9 (a) **Membership.**

10 (1) The Council *shall* consist of eleven (11) members:

11 one (1) Mayor-member to be appointed by the Mayors Council;

12 one (1) member of the GMHA Board of Trustees to be
13 appointed by the GMHA Board of Trustees;

14 two (2) members of the GMHA Executive Management
15 Council to be appointed by the GMHA Executive Management
16 Council;

17 two (2) members of the GMHA Medical Executive Committee
18 to be appointed by the GMHA Medical Executive Committee;

19 two (2) members of the Guam Nursing Association to be
20 appointed by the Guam Nursing Association;

21 one (1) member of the Allied Health Profession to be appointed
22 by the Allied Health Profession Association; and

23 two (2) members from the community at large to be appointed
24 by the Trustees Nominating Council.

25 The Members of the Council *shall* serve for a term of two (2) years.

1 Community at large members must be United States citizens or
2 permanent resident aliens domiciled on Guam for at least two (2)
3 consecutive years immediately preceding appointment to the Council.

4 (2) The GMHA Board of Trustee member *shall* serve as
5 temporary Chairperson, and *shall* convene the first meeting of the
6 Council. At its first meeting the Council *shall* elect from among its
7 members a Chairperson and a Vice-chairperson. The Chairperson
8 *shall* preside at all meetings of the Council, *shall* act as the
9 spokesperson of the Council and perform such other duties as the
10 Council *shall* direct.

11 The Vice-chairperson *shall* succeed to the duties of the
12 chairperson in the absence or inability of the Chairperson to serve.
13 From among its members, the Council *shall* select a secretary and any
14 other officers that the Council may deem necessary.

15 **(b) Duties.**

16 (1) The Council *shall* develop a statement of the selection
17 criteria to be applied and a description of the responsibilities and
18 duties of a Trustee, and *shall* distribute this to potential candidates.

19 (2) In making its nominations, the Council *shall*: consider
20 the needs of the Guam Memorial Hospital Authority; advertise; locate
21 potential candidates; maintain a list of their names and contact
22 information; match potential candidates with projected vacancies;
23 review candidates' qualifications and references; conduct interviews;
24 and carry out other recruitment and screening activities as necessary.

25 (3) The Council *shall* be responsible for submitting a list of
26 at least one (1) and no more than three (3) qualified candidates for
27 every vacancy on the Board to *I Maga'lahaen Guåhan*.

1 (4) Nominations *shall* be made thirty (30) days prior to the
2 expiration of a term, or within fourteen (14) days following an
3 unforeseen vacancy. *I Liheslaturan Guåhan* [Guam Legislature] finds
4 that it is critical that a vacancy on the Board be filled promptly.
5 Therefore, *I Maga'lahren Guåhan* [Governor] *shall* make the
6 appointment of the qualified candidate from a list of candidates
7 provided by the Council, which list *shall* contain at least one (1) and
8 no more than three (3) qualified candidates submitted by the Council
9 within forty-five (45) days of a vacancy, subject to the advice and
10 consent of *I Liheslaturan Guåhan*.

11 If *I Maga'lahren Guåhan* does not make the appointment within
12 forty-five (45) days of a vacancy, the Speaker of *I Liheslaturan*
13 *Guåhan* [Guam Legislature] *shall* make the appointment of the
14 qualified candidate from the identical list submitted to *I Maga'lahren*
15 *Guåhan* [Governor] by the Council, subject to the advice and consent
16 of *I Liheslaturan Guåhan*. Any appointment to fill a vacancy which
17 is made by the Speaker of *I Liheslaturan Guåhan* pursuant to this
18 Section *shall* not become void due to a later appointment by *I*
19 *Maga'lahren Guåhan* [Governor] to fill the same vacancy.

20 (5) The Council *shall* submit an annual report to *I*
21 *Maga'lahren Guåhan* [Governor] and *I Liheslaturan Guåhan* [Guam
22 Legislature] at the termination of each fiscal year setting forth a
23 summation of its activities and general recommendations.

24 (c) Council Meetings. The Council *shall* hold at least one (1)
25 meeting quarterly and as often as necessary. The Council *shall*
26 conduct its first meeting within fourteen (14) days after enactment of
27 this Act. A majority of the Council members *shall* constitute a

1 quorum. The vote of six (6) Council members *shall* be required for
2 any action of the Council. The Council may adopt rules to govern its
3 procedures.

4 (d) Support Services. The Administrator of GMHA *shall*
5 provide administrative and support services for the Council.

6 **§80105.6. Tenure of Members Currently Serving as Trustees.**

7 The current members of the Board *shall* continue to serve until the
8 expiration of their term as set out in §80105.3 of this Chapter and in the
9 event of a vacancy, said vacancy *shall* be filled in accordance with this
10 Chapter.

11 **§80106. Board Members Not Deemed Officers or Employees**
12 **of the Government of Guam.** The members of the Board *shall* not, by
13 reason of such membership, be deemed employees of the government of
14 Guam.

15 **§80107. Removal From Office.** A member of the Board may be
16 removed by a vote of five (5) members for malfeasance in office or for
17 persistent neglect of, or inability to discharge, duties, or for offenses
18 involving moral turpitude, and for no other cause. However, no member of
19 the Board *shall* be removed from office before a written bill of particulars
20 *shall* have been given to the accused and before an investigation and an open
21 and public hearing *shall* have been had. Any member who removes his
22 residence from Guam *shall* be deemed to have vacated his office, thereby
23 creating a vacancy on the Board.

24 **§80108. Officers.** The Board *shall* elect a Chairman, a Vice-
25 Chairman, a Secretary and a Treasurer from among its membership every
26 two (2) years.

27 **§80109. Powers.**

1 The Hospital *shall* have and exercise each and all of the following
2 powers:

3 (a) Maintain and operate a facility providing acute, chronic and all
4 other health care services, including those services specifically provided by
5 contract for the Department of Mental Health and Substance Abuse, for the
6 people of Guam.

7 (b) Establish a schedule of fees, in accordance with Title 10 GCA
8 §80105, to be charged for care and services at or by the Hospital. The
9 schedule of fees *shall* be sufficient to recover the operating costs and fixed
10 costs and to generate such revenue as is necessary to enable the Hospital to
11 meet its financial obligations, operating expenses and capital improvement
12 needs. The Guam Public Utilities Commission *shall* not have any purview
13 over the Authority rates. The rates established per fee schedule may be
14 increased by the Board of Trustees up to five percent (5%) per year;
15 provided, that the total revenues from all increases per fee schedule *shall* not
16 exceed five percent (5%) of the total revenues adopted by the Board in the
17 Authority's budget for that fiscal year, or decreased as necessary.

18 Fees for new services, medications, or supplies, or rate increases of
19 more than five percent (5%) annually *shall* be established by the Authority,
20 approved and ratified by the Board of Trustees and forwarded to *I*
21 *Liheslaturan Guåhan* for approval. Prior to the approval and ratification by
22 the Board of Trustees, public hearings must be conducted by the Authority
23 for any new fee or rate increase of more than five percent (5%).

24 *I Liheslaturan Guåhan shall* have forty-five (45) days from the receipt
25 of the proposed new fee or rate increase to conduct a public hearing and
26 approve the increase or new fee. *If I Liheslaturan Guåhan* does not
27 disapprove or amend the proposed new fee or increase in rates within the

1 forty-five (45) days, the new fee or rate increase will immediately become
2 effective.

3 (c) The Authority may establish interim fees for new, untariffed
4 services, medication and supplies, without prior legislative approval and
5 without compliance with the Administrative Adjudication Law; provided,
6 that:

7 (1) the interim fees are consistent with the Authority's Net
8 Revenue Enhancement Engagement Pricing Model, as prepared by
9 Deloitte & Touche, dated February 7, 1992, or such other protocol as
10 may be approved by the Board of Trustees; and

11 (2) a petition for permanent approval of the interim fees is
12 filed by the Authority with *I Liheslaturan Guåhan* within three (3)
13 months of the Authority's establishment of the interim fee.

14 (d) Forward the billings for the cost of medical care and services
15 rendered to any person under the Old Age Assistance for the Aged Program,
16 Aid to the Blind Program, and Aid to the Permanently and Totally Disabled
17 Program of the Social Security Act, as well as those persons considered
18 medically indigent as the term is defined in Chapter 2 of this Title, of which
19 *shall* be paid by the Department of Public Health and Social Services.

20 (e) Acquire, subject to the laws of Guam, by grant, purchase, gift,
21 devise or lease, and hold and use any real property necessary or convenient
22 or useful for the carrying on of any of its powers pursuant to the provisions
23 of this Article; upon written certification of the Administrator, that specified
24 and specialized medical equipment and related supplies are needed
25 immediately for the health and welfare of the patients of the Hospital in
26 particular, and the people of Guam in general, the Guam Memorial Hospital
27 Authority *shall* be exempt from the provisions of §§ 5210 and 5211 of Title

1 5, Guam Code Annotated, in the acquisition of the medical equipment and
2 related supplies specified in such written certification of the Administrator;
3 provided, that the Hospital *shall* use its best judgment and efforts to secure
4 the best equipment and supplies at the lowest cost, utilizing businesses
5 licensed to do business on Guam whenever possible.

6 (f) Establish its internal organization and management;

7 (g) Perform such acts as may be reasonably necessary to
8 accomplish the purpose for which it was formed;

9 (h) Adopt a seal;

10 (i) Sue or be sued in its own corporate name;

11 (j) Employ, retain or contract for the services of qualified
12 managers, specialists or as individuals or as organizations;

13 (k) Adopt such rules and regulations pursuant to the Administrative
14 Adjudication Act as may be necessary for the exercise of the Hospital's
15 powers, performance of its duties and administration of its operations;

16 (l) Adopt and maintain a uniform system of accounting;

17 (m) Adopt and maintain a travel authorization policy,
18 notwithstanding any law to the contrary;

19 (n) Adopt rules and regulations governing selection, compensation,
20 promotion, performance evaluation, disciplinary action and other terms and
21 conditions of employment affecting personnel, subject to the provisions of
22 the Administrative Adjudication Act. Such rules and regulations *shall*
23 provide for the employment and retention of persons on the basis of merit,
24 and *shall* include an orderly and systematic method of recruitment and the
25 establishment of a list of qualified applicants for employment purposes,
26 *except* that compensation for non-medical personnel *shall* remain consistent
27 with compensation plans and pay scales as determined by the Civil Service

1 Commission or its successor. *Non-medical personnel* are defined as
2 personnel employed by the Authority who are *not* physicians, nurses,
3 medical technicians or technologists, licensed or certificated therapists of
4 any sort, laboratory technicians, personnel certificated in any medical or
5 nursing field, nurse practitioners, pharmacists or other medical personnel.

6 (o) Do any and all other things necessary to the full and convenient
7 exercise of the above powers;

8 (p) Contract with a corporation to exercise any or all the powers of
9 the Administrator, and of those officers authorized by §80108 of this
10 Chapter, if the Board so chooses;

11 (q) Acquire in accordance with the Procurement Law (5 GCA
12 Chapter 5) and hold and use any personal property or construct any projects
13 necessary or convenient or useful for carrying on of any of its powers
14 pursuant to the provisions of this Chapter;

15 (r) With the concurrence of *I Maga'lahaen Guahan* [Governor],
16 negotiate with appropriate federal official (Secretary of Defense, officials of
17 Tripler Army Hospital, etc.) for the implementation of §105(k) of the
18 Compact of Free Association Act of 1985 with the Freely Associated States
19 of Micronesia.

20 All terms of the agreement *shall* be negotiated by the Guam Memorial
21 Hospital Authority in the best interests of the people of Guam. The
22 agreement must be submitted to *I Maga'lahi* for his review and approval.

23 (s) Arrange a line of credit not to exceed Twelve Million Dollars
24 (\$12,000,000) with banks or other lending institutions licensed on Guam.
25 All terms of the line of credit agreement *shall* be negotiated by the Authority
26 and *I Maga'lahaen Guahan* [Governor] in the best interests of the people of
27 Guam. The terms of the line of credit *shall* include the following:

1 (1) the line of credit *shall* be used by the Authority when a
2 cash shortage threatens the operation of the Hospital, and provided
3 that the loan *shall* not be used for the hiring of non-health care
4 professionals not involved with providing direct patient care or patient
5 care support;

6 (2) no charge *shall* be levied by a lender for making the loan;

7 (3) the interest rate *shall* be subjected to negotiation between
8 the Authority, *I Maga'lahaen Guåhan* and the lender; such interest rate
9 *shall* be computed on a monthly average and based on the actual
10 amount extended to the Authority; and

11 (4) interest earned by the lender *shall* be exempt from
12 taxation by the government of Guam.

13 (5) *I Maga'lahaen Guåhan* is authorized to pledge funds
14 which Guam *shall* receive from the State Attorneys General Tobacco
15 Litigation, as provided by Public Law 24-174, or the General Fund, or
16 both funds in any combination, as a security for repayment of the
17 loan, in addition to any revenues which may be pledged by the
18 Authority. *I Maga'lahaen Guåhan* and the Authority are hereby
19 authorized to execute the loan agreement and other necessary
20 documentation.

21 (6) The line of credit authorized in this Act *shall* not be used
22 in the calculation for rate relief in any rate methodology for any rate
23 case before the Public Utilities Commission.

24 (t) Notwithstanding any other provision of law, make, negotiate
25 and enter into a commercial lease, or issue a permit or license for the use of
26 its real property and other related facilities for a term not to exceed five (5)
27 years.

1 **§80110. Administrator and Chief Executive Officer.**

2 (a) The Board *shall* hire or contract an Administrator, who *shall* be
3 its Chief Executive Officer. The Administrator’s duties and compensation,
4 salary and endowments, *shall* be determined by the Board. The
5 Administrator *shall* meet the following minimum qualifications:

6 (1) *shall* have graduated from a recognized college or
7 university with a Master’s Degree in hospital administration, health
8 services management or a related field, plus six (6) years of
9 experience in hospital administration or healthcare services
10 management, of which three (3) years must have been experience as
11 an administrator in a hospital setting; or

12 (2) *shall* have graduated from a recognized college or
13 university with a Bachelor’s Degree in hospital administration, health
14 services management, or a related field, plus eight (8) years of
15 experience in hospital administration or healthcare services
16 management, of which five (5) years must have been experience as an
17 administrator in a hospital setting;

18 (3) *shall* have experience in negotiating and directing
19 activities related to obtaining reimbursement from government
20 programs, such as Medicare, Medicaid or the Medically Indigent
21 Program of the government of Guam; and

22 (4) *shall* have experience in negotiating contracts with
23 external parties, including third party payers, vendors, insurance
24 carriers and other contracting parties.

25 (b) The Board *shall* set the tenure of office for the Administrator of
26 the Guam Memorial Hospital Authority. The Board may hire the Hospital
27 Administrator by direct employment as an unclassified employee of the

1 government of Guam, or by personal services contract, as the Board deems
2 necessary to attract and retain a qualified Administrator. However, the term
3 of employment for the position of Administrator *shall* not end six (6) months
4 prior to nor six (6) months after an election for Senators, and Governor and
5 Lt. Governor. The Board by an affirmative vote of at least five (5) members
6 may renew the contract of the Administrator. Similarly, the affirmative vote
7 of at least five (5) members may terminate the services of the Administrator
8 for cause in the same manner and procedure as a Trustee may be removed
9 pursuant to §80107 of this Chapter. Upon a change of administration of the
10 government of Guam after a gubernatorial election, no courtesy resignation
11 *shall* be requested by the new administration nor offered by the
12 Administrator of the Hospital.

13 (c) The Administrator *shall* have full charge and control of the
14 operations and maintenance of the Hospital. The powers of the
15 Administrator *shall* include:

16 (1) to recommend rules and regulations for adoption by the
17 Board of Trustees, and to see that all rules and regulations of the
18 Hospital are enforced;

19 (2) to ensure compliance with all federal and local
20 regulations;

21 (3) to act as liaison to the governing body for the medical,
22 nursing, and other professional staff and all facility departments;

23 (4) to attend, unless excused by the Board, all meetings of
24 the Board and to submit written reports on the affairs of the Hospital
25 each month;

1 (5) to keep the Board advised on the needs of the Hospital
2 and approve demands for payment of obligations within the purposes
3 and amounts authorized by the Board;

4 (6) to prepare and cause to be prepared all plans and
5 specifications for purchased services and the construction and repair
6 of equipment and facilities operated by the Hospital and serve as the
7 Hospital's Chief Procurement Officer;

8 (7) to devote that person's time to the business of the
9 Hospital, to select and appoint the employees of the Hospital, except
10 as otherwise provided in this Chapter, and to plan, organize,
11 coordinate and control the services of such employees in the exercise
12 of the powers of the Hospital under the general direction of the Board;

13 (8) to prepare, within one hundred twenty (120) days from
14 the end of each fiscal year, an annual report of the results of the
15 operations for the preceding fiscal year and the financial status of the
16 Hospital on the last day thereof;

17 (9) to perform and issue such other additional duties as the
18 Board may require; and

19 (10) to arrange for the burial of any fetus not claimed by its
20 mother or father within thirty (30) days.

21 **§80111. Chief Financial Officer.**

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

25 (1) possession of a Certified Public Accountant (CPA)
26 certificate in the United States and a Bachelor's Degree in Health

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

3 (2) 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
7 (1) year must be management-level fiscal experience in a hospital or
8 health care facility; or

9 (3) 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
13 (2) years must be management-level fiscal experience in a hospital or
14 health care facility; and

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

18 (b) The Chief Financial Officer *shall* report directly to the Hospital
19 Administrator. The Hospital Administrator *shall* hire the Chief Financial
20 Officer by direct employment as an unclassified employee of the
21 government of Guam, or by personal services contract, as is deemed
22 necessary by the Hospital Administrator to attract and retain a qualified
23 Chief Financial Officer. The Chief Financial Officer's duties and
24 compensation *shall* be determined by the Hospital Administrator, in
25 consultation with the Board of Trustees.

26 **§80112. Construction With Other Laws.** Insofar as the
27 provisions of this Chapter are inconsistent with the provisions of any other

1 law, the provisions of this Chapter *shall* be controlling; and in particular but
2 not by way of limitation, except as may be provided in this Chapter, no
3 provision of any law with respect to employment of personnel, *shall* be
4 applicable to the Guam Memorial Hospital Authority *unless I Liheslatura*
5 *shall* specifically so state; provided, however, that the Guam Memorial
6 Hospital Authority may utilize in its operations the procedures and facilities
7 provided by any such law or by the executive agencies of the government of
8 Guam.

9 **§80113. Employment Practices.**

10 (a) The Board *shall* establish and administer rules and regulations
11 governing the compensation and classification of health professionals of the
12 hospital.

13 (b) All employees of the hospital, except physicians and healthcare
14 administrators, the Hospital Administrator, Associate Administrators for
15 Clinical, Operations and Medical Services, and the Chief Financial Officer,
16 *shall* be members of the classified service of the government of Guam.

17 (c) Each hospital employee *shall* be eligible to continue to be or to
18 become a member of the government of Guam Retirement Fund pursuant to
19 Chapter 8 of Title 4 of the Guam Code Annotated. The hospital *shall* pay
20 for the employer's contribution to the Retirement Fund that is assessed by
21 the Fund's Board of Trustees for the benefit of hospital employees who are
22 members of the Fund.

23 (d) Each hospital employee *shall* be eligible to participate in any
24 government of Guam health and life insurance plan or prepaid health plan.

25 **§80114. Attorney.** The Guam Memorial Hospital Authority may
26 employ an attorney to assist and represent the Hospital and to advise the
27 Board in all civil matters in which the Hospital is a party or in which the

1 Hospital is legally interested; provided that the Attorney General *shall*
2 represent the Hospital in litigation concerning the affairs of the Authority,
3 unless he or she delegates this duty to the Attorney of the Hospital, with
4 respect to any such litigation.

5 The Guam Memorial Hospital Authority may set the terms and
6 conditions of employment for the attorney, his or her compensation, and
7 whether he or she will be appointed as a full-time employee, or an
8 independent consultant. In the alternative, the Hospital may utilize the
9 services of a law firm.

10 The Attorney so employed or engaged *shall* be admitted to practice
11 before the courts of Guam under the same conditions as are attorneys
12 employed by the government pursuant to 7 G.C.A. Section 9A114 and
13 9A114A.

14 **§80115. Exemption From Taxation.**

15 As an instrumentality of the government of Guam, the Hospital and all
16 property acquired by or for the Hospital, and all revenues and income there-
17 from are exempt from taxation by the government of Guam, or by any
18 political subdivision or public corporation thereof, and from all taxes of
19 Guam imposed under the authority of *I Liheslatura*, or with respect to which
20 *I Liheslatura* is authorized to grant exemption.

21 **§80116. Fiscal Authority; Accounting and Expenditures.**

22 (a) There is hereby established a fund to be known as the “Hospital
23 Operations Fund” (Fund), which *shall* be maintained separate and apart from
24 other funds of the government of Guam and independent records and
25 accounts *shall* be maintained in connection therewith;

1 (b) All moneys received by the Hospital from whatever source
2 derived *shall* be deposited in said Fund and eligible banks as defined in Title
3 5 GCA §21112.

4 (c) All appropriations, if any, by *I Liheslaturan Guåhan* from the
5 General Fund to the Hospital *shall* be transferred to the Fund on a quarterly
6 basis upon certification by the Hospital of the need therefore;

7 (d) All expenditures, including payments into sinking or other
8 special accounts and debts, liabilities, obligations and operational expenses
9 of the Hospital *shall* be paid from the Fund;

10 (e) The Hospital *shall* report to *I Maga'lahi* and *I Liheslatura*
11 concerning administration of the affairs of the Hospital. The annual report
12 *shall* be presented within one hundred twenty (120) days after the end of
13 each fiscal year and special reports, if any, *shall* be presented within thirty
14 (30) days after the end of each intervening quarter. The financial
15 information presented in the reports *shall* be in accordance with the uniform
16 system of accounting adopted by the Hospital.

17 **§80117. Irreversible Renal Failure.**

18 Citizens of Guam afflicted with irreversible renal failure who are
19 medically indigent, as determined by the Department of Public Health and
20 Social Services by regulations, *shall* receive hospitalization, medical
21 treatment and drugs for the treatment of irreversible renal failure, and any
22 conditions directly or indirectly caused thereby, without charge, provided,
23 however, that this Section *shall* not apply to those persons whose treatments
24 are chargeable to health and medical insurance programs or medical
25 assistance programs. Nothing in this Section *shall* be construed or used as a
26 basis for the exclusion or limitation of any private or government third party
27 health or medical insurance coverage, or benefits for hospitalization, medical

1 treatment and drugs for the treatment of irreversible renal failure and any
2 condition directly or indirectly caused thereby.

3 **§80117.1. Cancer Data Collection.**

4 The Guam Memorial Hospital Authority (GMHA) and the GMHA
5 Medical Staff *shall* continue to collect information regarding cancer cases
6 with relevant data for the Cancer Registry, as established by the Department
7 of Public Health and Social Services (DPHSS). GMHA *shall* provide
8 DPHSS cancer information semiannually.

9 **§80118. Patients' Records Confidential.**

10 Patients' medical records are confidential, and copies thereof may be
11 released only upon the written consent of the patient involved or by written
12 order of the Superior Court of Guam; provided, however, that any
13 information, data or reports with respect to cases of malignant diseases may
14 be furnished to, or procured by, the Guam Tumor Registry-Tumor Clinic,
15 Guam Memorial Hospital for statistical, scientific and medical research, and
16 no physician, surgeon, dentist, institution or hospital, furnishing such
17 information, data or reports to the Guam Tumor Registry-Tumor Clinic,
18 Guam Memorial Hospital, *shall* by reason of such furnishing be deemed to
19 have violated the provisions of this Section, or have violated any
20 confidential relationship or be held liable therefore.

21 **§80119. Mandatory Annual Budget.**

22 On March 30, 2010 for Fiscal Year 2011, and March 30 for the
23 succeeding fiscal years, the Board *shall* submit a comprehensive program
24 and financial plan to *I Liheslaturan Guåhan* in a budget format utilized by
25 the Bureau of Budget and Management Research for the Executive Branch.
26 If *I Liheslaturan Guåhan* does not reject the comprehensive program and
27 financial plan by September 30, the program and plan is deemed approved.

1 **§80120. Solicitation, Acceptance, Utilization and**
2 **Administration of Donations, Contributions, Gifts, and Bequests for**
3 **Specific Purposes.**

4 (a) The Administrator of the Guam Memorial Hospital Authority
5 (GMHA), with the concurrence of the GMHA Board of Trustees, *shall* be
6 authorized to solicit, accept, utilize and administer on behalf of GMHA,
7 donations, contributions, gifts and bequests for any specific purpose relative
8 to medical care, and may expend any sums so received for the purposes
9 intended by the giver, or donor, in addition to the regular appropriations
10 made for such purposes. Such donations, contributions, gifts and bequests
11 received, or income accrued on a continuing basis, *shall*, as a matter of
12 policy, be reflected in the annual budget of the receiving agency as credit to
13 offset the expense budget request for that agency for the fiscal year under
14 consideration.

15 (b) GMHA *shall* promulgate rules and regulations to reflect the
16 purpose of this Act, and *shall* biannually report contributions, donations,
17 gifts and bequests actually received to *I Maga'lahi* and the Speaker of *I*
18 *Liheslaturan Guåhan* for proper acknowledgment purposes.

19 **§80121. Receiving of Revenues from Vending Machines.**
20 GMHA is hereby authorized to install vending machines or similar
21 machines, which can be contractual, for the purpose of serving the Hospital
22 and its employees, and *shall* be entitled to all revenues from such activities.
23 The Hospital Administrator *shall* use such revenues for the Hospital
24 employees' health or other services for the benefit of its employees.”