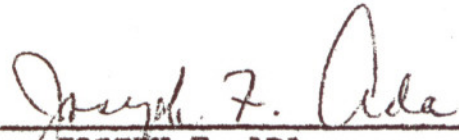



THIRTEENTH GUAM LEGISLATURE  
1975 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 441, "An Act to add a new Chapter XV to Title X of the Government Code of Guam to provide for prompt and effective resolution of Medical Malpractice Claims," was on the 26th day of November, 1975, duly and regularly passed.

  
\_\_\_\_\_  
JOSEPH F. ADA  
Speaker

ATTESTED:

  
\_\_\_\_\_  
CONCEPCION CRUZ BARRETT  
Legislative Secretary

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This Act was received by the Governor this 11<sup>th</sup> day of December, 1975 at 4:10 o'clock P.M.

/s/ Ruth F. Won-Pat

\_\_\_\_\_  
RUTH F. WON PAT  
Assistant Staff Officer  
Governor's Office

APPROVED:

/s/ RICARDO J. BORDALLO  
\_\_\_\_\_  
RICARDO J. BORDALLO  
Governor of Guam

DATED: DEC 23 1975

3:59 P.M.

Public Law 13-115

THIRTEENTH GUAM LEGISLATURE  
1975 (FIRST) Regular Session

Bill No. 441  
(As Substituted by  
the Committee on  
Health, Welfare  
and Ecology)

Introduced by E. M. Espaldon

AN ACT TO ADD A NEW CHAPTER XV TO TITLE X  
OF THE GOVERNMENT CODE OF GUAM TO PROVIDE  
FOR PROMPT AND EFFECTIVE RESOLUTION OF  
MEDICAL MALPRACTICE CLAIMS.

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

2 Section 1. Statement of Policy. The Legislature  
3 finds that:

4 (a) The health of the territory's people is  
5 the foundation of the territory's productivity,  
6 strength and well-being;

7 (b) Adequate medical care for all Guam citizens  
8 is a necessity of living;

9 (c) Resulting from the provision of compre-  
10 hensive health care is an incidence of rising medical  
11 practice claims;

12 (d) Higher judgments, settlements and the  
13 filing of suits are increasing the costs  
14 of malpractice insurance and making it unavailable  
15 altogether;

16 (e) It is essential to assure the resolution  
17 of malpractice claims with optimum efficiency both  
18 for the benefit of the consumer and the medical  
19 profession;

20 (f) Mandatory Screening of Medical Malpractice  
21 claims and mandatory arbitration of valid claims, will  
22 provide an effective alternative to litigation;

23 (g) Arbitration is widely accepted as a forum  
24 for the settlement of such disputes; and

25 (h) There is a definite role in the malpractice



1                   problem for the Government of GUAM.

2                   Section 2. A new Chapter XV is hereby added to Title  
3 X of the Government Code of Guam to read as follows:

4                                   "CHAPTER XV

5                   Medical Malpractice Claims Mandatory Screening and  
6                                   Mandatory Arbitration Act

7                   Section 9990. Title. This Act may be cited as the  
8 'Malpractice Claims Mandatory Screening and Mandatory  
9 Arbitration Act'.

10                   Section 9990.1. Definitions. As used in this  
11 Chapter:

12                           (a) 'Health Professional' means any person  
13 licensed or certified to practice the healing arts  
14 within the Territory of Guam.

15                           (b) 'Health Care Institution' means any health  
16 care facility or health maintenance organization  
17 operated primarily to provide the services of health  
18 professionals.

19                           (c) 'Malpractice' means any tort or breach  
20 of contract based on health care or professional  
21 services rendered or which should have been rendered  
22 by a health professional or health care institution  
23 to a patient.

24                   Section 9990.2. Civil Action. Any civil action arising  
25 from a claim for damages on account of alleged medical  
26 malpractice on the part of any health professional or  
27 health care institution may be instituted in the Superior  
28 Court of Guam only after there has been a screening and  
29 arbitration of the claim which forms the basis for such  
30 action in accordance with this Chapter, except as provided in  
31 Subsection (b) of Section 9990.9.

1           Section 9990.3. Initiation of Screening Process.

2           The screening of any claim under this Section shall be  
3           initiated by filing a petition requesting such screening  
4           with the Superior Court of Guam, except when the United  
5           States is a party. In cases involving the United States  
6           the petition shall be filed with any court having  
7           jurisdiction to hear a civil action based upon such  
8           claim. The court shall inform the health professional  
9           or health care institution against which the claim is  
10          made of the filing of such petition, and send copies  
11          of the petition to the Guam Board of Examiners of  
12          Medicine and Osteopathy and the medical directors of  
13          all hospitals within the Territory of Guam.

14          Section 9990.4. Composition of the Screening Panel.

15          All hearings, as hereinafter provided for, shall be  
16          before a five (5) member panel, hereinafter referred to  
17          as the 'Panel', composed of the following: the President  
18          of the Commission on Licensure to Practice the Healing  
19          Art in Guam; one (1) person admitted to the practice of  
20          medicine in the territory of Guam; one (1) person  
21          admitted to the practice of law in the territory of Guam;  
22          one (1) lay person selected from the petit jury panel  
23          of the Superior Court of Guam and a Judge of the Superior  
24          Court of Guam who shall be the presiding member of the  
25          panel and shall be appointed by a blind system.

26          Section 9990.5. Appointment of Screening Panel.

27          (a) The presiding judge of the Superior Court of Guam  
28          shall prepare a list of persons to serve on Medical Mal-  
29          practice Screening Panels, whose purpose shall be to hear  
30          and facilitate the deposition of all medical malpractice  
31          actions arising within the territory of Guam. The number



1 of persons on the list shall be determined by the  
2 presiding judge, but shall be in sufficient number to  
3 efficiently carry-out the intent of this Section.

4 (b) A list of physicians licensed to practice  
5 medicine within the territory of Guam shall be prepared  
6 by the presiding judge of the Superior Court. In making  
7 the list, the presiding judge may accept the recommenda-  
8 tions of recognized professionals of the medical society.  
9 The list shall be divided into lists of physicians  
10 according to the particular specialty of each. The panel  
11 members shall be selected from this list.

12 (c) A list of practicing attorneys shall be prepared  
13 by the presiding judge of the Superior Court. In making  
14 the list, the judge may accept the recommendations of  
15 recognized professionals of legal associations. The panel  
16 members shall be selected from this list.

17 (d) The names of panel members may be added to or  
18 taken off the panel's list at any time by the presiding  
19 judge of the Superior Court at his discretion provided,  
20 however, that all names added to the list shall be placed  
21 at the bottom of the list.

22 (e) A panel member selected to be on the hearing  
23 panel for a particular case shall serve unless good cause  
24 is shown for his excuse or challenge. To show good cause  
25 for relief from serving, the panelist shall present an  
26 affidavit to the presiding judge of the Superior Court  
27 of Guam that service would constitute an unreasonable  
28 burden or hardship. A decision on requests for dis-  
29 qualification shall be made by the presiding judge, while  
30 a decision or challenge shall be by agreement of the  
31 parties or by the presiding judge.

1 (f) If both parties agree upon a doctor and an  
2 attorney to sit upon the hearing panel they may so  
3 stipulate. In the event that no agreement is reached  
4 within thirty (30) days of the filing of the petition,  
5 the clerk shall mail to the parties and the panel members  
6 hereinafter described, the names selected at random of  
7 five (5) attorneys who are members of the hearing panel  
8 and the names selected at random of five (5) physicians  
9 who are members of the hearing panel. Thereafter the  
10 panel members so selected have ten (10) days within  
11 which to disqualify themselves and the parties shall have  
12 the same time in which to challenge the panel members  
13 for cause. If there are disqualifications or challenges  
14 for cause, the Court shall appoint additional panel  
15 members as required. Thereafter from the list of five (5)  
16 attorneys and five (5) physicians the parties shall agree  
17 on one (1) attorney and one (1) physician to serve on  
18 the hearing panel. If the parties are unable to agree,  
19 each side shall strike names alternately from the  
20 attorneys' list and from the physicians' list separately,  
21 with the claimant striking first, until each side has  
22 stricken two (2) names from each list. The remaining  
23 attorney and physician shall serve on the hearing panel.

24 (g) The lay member of the panel shall be selected  
25 by the court from the Superior Court petit jury panel.

26 Section 9990.6. Effect on Statute of Limitations.  
27 The one (1) year statute of limitations during which a  
28 tort claim must be instituted in the court of law shall  
29 be suspended during the period of screening and  
30 arbitration and until the panel issues its opinion.

31 Section 9990.7. Hearing Procedures. (a) Before



1 hearing any testimony the members of the screening panel  
2 shall be sworn to hear the claim and render a decision  
3 faithfully and fairly by an officer authorized to  
4 administer an oath.

5 (b) The presiding member of the panel shall appoint  
6 a time and place for the hearing and notify the panel  
7 members and the parties by means adequate to assure their  
8 presence. The presiding panelist shall exercise all  
9 powers relating to the conduct of the hearing and may  
10 direct the panel to proceed promptly with the hearing or  
11 postpone or adjourn the hearing as necessary.

12 (c) The parties are entitled to be heard, to present  
13 evidence and to cross-examine witnesses, but rules of  
14 evidence and the rules of judicial procedure need not  
15 be observed. On the request of any party to the screening  
16 procedure, the testimony of witnesses shall be given  
17 under oath. Members of the panel, once sworn, shall have  
18 the power to administer oaths.

19 (d) The presiding panel member shall rule on the  
20 admission and exclusion of evidence and on questions of  
21 hearing procedure and shall exercise all powers relating  
22 to the conduct of the hearing.

23 (e) The screening panel may issue or cause to be  
24 issued subpoenas for the attendance of witnesses and for  
25 the production of books, records, documents and other  
26 evidence. Subpoenas so issued shall be served, and upon  
27 application to the court, in which the petition for  
28 screening was filed, by a party or the screening panel,  
29 enforced in the manner provided by law for the  
30 service and enforcement of subpoenas in a civil action.  
31 All provisions of law compelling a person under subpoena

1 to testify are applicable.

2 (f) On application of a party and for use as  
3 evidence, the screening panel may permit a deposition to  
4 be taken, in the manner and upon the terms designated by  
5 the Rules of Civil Procedure for the Superior Court of  
6 Guam, of a witness who cannot be subpoenaed or is unable  
7 to attend the hearing.

8 (g) A party has the right to be represented by  
9 an attorney and may claim such right at any time as to  
10 any part of the screening process which has not taken  
11 place. A waiver of this right may be revoked, but if a  
12 party revokes such waiver, the other party is entitled  
13 to a reasonable continuance for the purpose of procuring  
14 an attorney.

15 (h) The hearing shall be conducted by all members  
16 of the screening panel but a majority may determine any  
17 question and may render a decision pursuant to Section  
18 9990.8.

19 Section. 9990.8. Decision of Screening Panel. (a)  
20 Within thirty (30) days after the completion of the  
21 screening hearing, the panel shall file a written decision  
22 with the clerk of the court who shall thereupon mail copies  
23 to all parties concerned and their counsel. The panel  
24 shall decide the issue of liability and shall state its  
25 conclusion in substantially the following language: 'We  
26 find the defendant was actionably negligent in his care  
27 and/or treatment of the patient and we, therefore, find  
28 for the plaintiff', or 'We find the defendant was not  
29 actionably negligent in his care and/or treatment of the  
30 patient and we, therefore, find for the defendant'. The  
31 decision shall be signed by all members of the panel,



1 however, any member of the panel may indicate a dissenting  
2 opinion.

3 (b) After a finding of liability, the panel shall  
4 serve as arbitrators within the meaning of this Chapter  
5 if there is no findings of liability the plaintiff may  
6 appeal the panel's findings in the Superior Court of Guam.

7 (c) No member of a screening panel shall be liable  
8 in damages for libel, slander or defamation of character  
9 of any party to the screening proceedings for any action  
10 taken or recommendation made by such member acting within  
11 his official capacity as a member of the screening panel.

12 Section 9990.9. Law Governing Decision of  
13 Screening Panel. (a) Except as provided in Subsection  
14 (b), the decision of the screening panel shall be in  
15 accordance with the law of the territory of Guam as  
16 applicable to civil actions for medical malpractice.

17 (b) No party to a screening procedure under this  
18 Section shall be required to produce expert testimony  
19 as prerequisite to a decision in his favor. The screening  
20 panel may consider the absence of such testimony along  
21 with other relevant factors and evidence, in determining  
22 whether the applicable burden of proof has been sustained.

23 Section 9990.10. Mandatory Arbitration Proceedings  
24 Subsequent to Decision on Liability. (a) After a finding  
25 of liability, the panel shall continue proceedings for the  
26 purpose of assisting the parties in reaching a settlement.  
27 In such event, the panel:

28 (1) May hold such hearings as are deemed  
29 necessary.

30 (2) May order the submission of written briefs  
31 within thirty (30) days of the close of hearings.

1 In the briefs each party may summarize the evidence  
2 in testimony and may propose a comprehensive award  
3 of remedial or compensatory elements.

4 (3) May by vote of a majority of the panel  
5 grant any relief deemed equitable and just, including  
6 money damages, provision for hospitalization, medical  
7 or rehabilitation procedures, support or any  
8 combination thereof.

9 (4) Shall file a written statement of award  
10 with the court in which the petition for screening  
11 was filed. The award shall be signed by a majority  
12 of the members of the panel and shall include a  
13 determination of all questions submitted to arbitra-  
14 tion by each party, the resolution of which is  
15 necessary to determine the dispute, controversy or  
16 issue.

17 (5) Shall, in addition to the statement of  
18 award, render and file a written opinion which states  
19 its reasoning for the finding of liability and the  
20 reasoning for the amount and kind of award, if any.  
21 A panel member who disagrees with the majority may  
22 write a dissenting opinion.

23 (6) Shall render its award and opinion within  
24 thirty (30) days after the close of hearings or the  
25 submission of written briefs.

26 (7) Shall serve a signed copy of the statement  
27 of award and the opinion on each party to the pro-  
28 ceedings, personally or by registered mail.

29 (b) The panel, upon written application of a party  
30 to the arbitration, may correct the award upon any of  
31 the grounds set forth in Subdivisions (1) and (3) of Sub-



1 section (k) not later than thirty (30) days after service  
2 of a signed copy of the award on the applicant.

3 Application for such correction shall be made not  
4 later than ten (10) days after service of a signed copy  
5 of the award on the applicant. Upon or before making  
6 such application, the applicant shall deliver or mail a  
7 copy of the application to all of the other parties to  
8 the arbitration.

9 Any party to the arbitration may make written  
10 objection to such application. The objection shall be  
11 made not later than ten (10) days after the application  
12 is delivered or mailed to the objector. Upon or before  
13 making such objection, the objector shall deliver or mail  
14 a copy of the objection to the applicant and to all other  
15 parties to the arbitration.

16 The panel shall either deny the application or  
17 correct the award. The denial of the application or  
18 the correction of the award shall be in writing and  
19 signed by the panel concurring therein, and the panel shall  
20 serve a signed copy of such denial or correction on each  
21 party to the arbitration personally or by registered or  
22 certified mail or as provided in the agreement. If no  
23 denial of the application or correction of the award is  
24 served within the thirty (30) day period provided in this  
25 Subsection, the application for correction shall be  
26 deemed denied on the last day thereof.

27 (c) Any party to an arbitration in which an award  
28 has been made may petition the court to confirm, correct  
29 or vacate the award. The petition shall name as respon-  
30 dents all parties to the arbitration and may name as  
31 respondents any other persons bound by the arbitration

1 award.

2 (d) A response to a petition under this Chapter  
3 may request the court to dismiss the petition or to  
4 confirm, correct or vacate the award.

5 (e) A petition under this Chapter shall:

6 (1) Set forth the substance of or have  
7 attached a copy of the agreement to arbitrate unless  
8 the petitioner denies the existence of such an  
9 agreement.

10 (2) Set forth the names of the panel members.

11 (3) Set forth or have attached a copy of the  
12 award and the written opinion of the panel members,  
13 if any.

14 (f) Unless a copy thereof is set forth in or attached  
15 to the petition, a response to a petition under this  
16 Chapter shall:

17 (1) Set forth the substance of or have attached  
18 a copy of the agreement to arbitrate unless the  
19 respondent denies the existence of such an agreement.

20 (2) Set forth the names of the panel members.

21 (3) Set forth or have attached a copy of the  
22 award and the written opinion of the panel members.

23 (g) A petition to correct or vacate an award, or a  
24 response requesting such relief, shall set forth the  
25 grounds on which the request for such relief is based.

26 (h) If a petition or response under this Chapter is  
27 duly served and filed, the court shall confirm the award  
28 as made unless in accordance with this Chapter it corrects  
29 the award and confirms it as corrected, vacates the  
30 award or dismisses the proceeding.

31 (i) Subject to Subsection (j) of this Section, the



1 court shall vacate the award if the court determines that:

2 (1) The award was procured by corruption,  
3 fraud or other undue means;

4 (2) There was corruption in any of the panel  
5 members;

6 (3) The rights of such party were substantially  
7 prejudiced by misconduct of a panel member;

8 (4) The panel members exceeded their powers  
9 and the award cannot be corrected without affecting  
10 the merits of the decision upon the controversy sub-  
11 mitted; or

12 (5) The rights of such party were substantially  
13 prejudiced by the refusal of the panel members to  
14 postpone the hearing upon sufficient cause being shown  
15 therefor or by the refusal of the panel members to  
16 hear evidence material to the controversy or by other  
17 conduct of the panel members contrary to the provisions  
18 of this Chapter.

19 (j) The court may not vacate an award unless:

20 (1) A petition or response requesting that the  
21 award be vacated has been duly served and filed; or

22 (2) A petition or response requesting that the  
23 award be corrected has been duly served and filed  
24 and:

25 (i) All petitioners and respondents are  
26 before the court; or

27 (ii) All petitioners and respondents have  
28 been given reasonable notice that the court will  
29 be requested at the hearing to vacate the award  
30 or that the court on its own motion has  
31 determined to vacate the award and all peti-

1           tioners and respondents have been given an  
2           opportunity to show why the award should not be  
3           vacated.

4           (k) Subject to Subsection (l) of this Section,  
5           the court, unless it vacates the award pursuant to Sub-  
6           section (i) of this Section, shall correct the award and  
7           confirm it as corrected if the court determines that:

8                   (1) There was an evident miscalculation of  
9                   figures or an evident mistake in the description of  
10                   any person, thing or property referred to in the  
11                   award;

12                   (2) The panel members exceeded their powers  
13                   but the award may be corrected without affecting the  
14                   merits of the decision upon the controversy sub-  
15                   mitted; or

16                   (3) The award is imperfect in a matter of form,  
17                   not affecting the merits of the controversy.

18           (1) The court may not correct an award unless:

19                   (1) A petition or response requesting that  
20                   the award be corrected has been duly served and  
21                   filed; or

22                   (2) A petition or response requesting that the  
23                   award be vacated has been duly served and filed and:

24                           (i) All petitioners and respondents are  
25                           before the court; or

26                           (ii) All petitioners and respondents  
27                           have been given reasonable notice that the  
28                           court will be requested at the hearing to  
29                           correct the award or that the court on its  
30                           own motion has determined to correct the  
31                           award and all petitioners and respondents



1           have been given an opportunity to show why  
2           the award should not be corrected.

3           (m) If the award is vacated, the court may order  
4           a rehearing before new panel members. If the award is  
5           vacated on the grounds set forth in Subdivision (4) or  
6           (5) of Subsection (i), the court with the consent of  
7           the parties to the court proceeding may order a re-  
8           hearing before the original panel members.

9           If the arbitration agreement requires that the  
10          award be made within a specified period of time, the  
11          rehearing may nevertheless be held and the award made  
12          within an equal period of time beginning with the  
13          date of the order for rehearing but only if the court  
14          determines that the purpose of the time limit agreed  
15          upon by the parties to the arbitration agreement will  
16          not be frustrated by the application of this provision.

17          (n) The court shall dismiss the proceeding under  
18          this Chapter as to any person named as a respondent if  
19          the court determines that such person was not bound by  
20          the arbitration award and was not a party to the arbi-  
21          tration.

22          (o) If an award is confirmed, judgment shall be  
23          entered in conformity therewith. The judgment so  
24          entered has the same force and effect as, and is subject  
25          to all the provisions of law relating to, a judgment  
26          in a civil action; and it may be enforced like any other  
27          judgment of the court in which it is entered.

28          (p) An award that has not been confirmed or vacated  
29          has the same force and effect as a contract in writing  
30          between the parties to the arbitration.

31          (q) A petition to confirm an award shall be served

1 and filed not later than four (4) years after the date  
2 of service of a signed copy of the award on the petitioner.  
3 A petition to vacate an award or to correct an award  
4 shall be served and filed not later than one hundred  
5 (100) days after the date of the service of a signed  
6 copy of the award on the petitioner.

7 (r) A response requesting that an award be vacated  
8 or that an award be corrected shall be served and filed  
9 not later than one hundred (100) days after the date  
10 of service of a signed copy of the award upon:

11 (1) The respondent if he was a party to the  
12 arbitration; or

13 (2) The respondent's representative if the  
14 respondent was not a party to the arbitration.

15 (s) No petition may be served and filed under this  
16 Chapter until at least ten (10) days after service of  
17 the signed copy of the award upon the petitioner.

18 (t) If an application is made to the panel for  
19 correction of the award, a petition may not be served  
20 and filed under this Chapter until the determination of  
21 that application.

22 (u) If an application is made to the panel for  
23 correction of the award, the date of the service of  
24 the award for the purposes of this Chapter shall be  
25 deemed to be whichever of the following dates is the  
26 earlier:

27 (1) The date of service upon the petitioner  
28 of a signed copy of the correction of the award  
29 or of the denial of the application.

30 (2) The date that such application is deemed  
31 to be denied under Subsection (b) of this Section.



1                   Section 9990.11. Reporting of Screening Decisions.

2           (a) Decisions rendered by screening panels pursuant  
3 to this Section with respect to claims made against  
4 any health professional shall be reported to the  
5 director of the Department of Public Health and  
6 Social Services, the President of the Commission on  
7 Licensure to Practice the Healing Art in Guam and  
8 the Medical Directors of all hospitals within the  
9 territory of Guam.

10           (b) The Commission on Licensure to Practice the  
11 Healing Art in Guam shall investigate all incidents  
12 which have resulted in an affirmative finding by the  
13 screening panel, pursuant to the Licensure Commission's  
14 obligation under Title XXVIII of the Government Code  
15 to assure a quality practice of medicine in Guam.

16           (c) The Medical Director of any hospital in Guam  
17 shall review or cause to be reviewed each petition  
18 filed with the screening panel which relates to a  
19 person or persons who perform any healing arts in his  
20 or her hospital, in order to determine the conditions  
21 which caused the petition to be filed and to seek methods  
22 of improving the practice of medicine in Guam.

23           Section 9990.12. Witness Fees and Mileage. Counsel  
24 fees or other expenses incurred by a party for his own  
25 benefit shall be paid for by that party.

26           Except for the parties to the screening proceedings  
27 and their agents, officers and employees, all witnesses  
28 appearing pursuant to subpoena are entitled to receive  
29 fees and mileage in the same amount and under the same  
30 circumstances as prescribed by law for witnesses in  
31 civil actions in the Superior Court. The fee and

1 mileage of a witness subpoenaed upon the application  
2 of a party to the arbitration shall be paid by such  
3 party. The fee and mileage of a witness subpoenaed  
4 solely upon the determination of the screening panel  
5 shall be paid in the manner provided for in Section  
6 2114 of the Code of Civil Procedure.

7 Section 9990.13. Agreement for Binding Arbitration.  
8 Nothing in this Section shall be construed  
9 to impose any limitation on the right of any person  
10 to enter into an agreement to arbitrate a dispute or  
11 to be bound by the decision of the panel. The provision  
12 to submit to mandatory arbitration any controversy  
13 arising between the parties is valid and binding as a  
14 proper exercise of public policy.

15 (a) It is the express intention of this Statute  
16 to preserve to every litigant the right to a trial by  
17 jury, following the decision of the Arbitrator. This  
18 right is guaranteed by this Statute. All Regulations  
19 adopted under this Statute shall prescribe the pro-  
20 cedures to be followed in the guarantee of the right  
21 to trial by jury.

22 (b) In any action for such injury against a  
23 government health professional, or government health  
24 care institution, allegedly based on professional  
25 negligence, the injured party shall be entitled to  
26 recover non-economic losses to compensate for pain  
27 and suffering and other non-economic or non-pecuniary  
28 damage. In no event shall the amount of damages in  
29 any action for non-economic losses exceed Fifty Thousand  
30 Dollars (\$50,000.00).

31 Professional negligence is defined herein as an



1 action for personal injury, fatal or non-fatal, pro-  
2 ximately caused by a government health professionals  
3 or government health care institutions negligent or  
4 careless act or omission to act in the providing of  
5 professional services.

6 Section 9990.14. General Provisions.

7 (a) Repealer. All Acts and parts of Acts are  
8 repealed insofar as they are inconsistent with this  
9 Act.

10 (b) Effective Date. This Act shall take effect  
11 immediately upon enactment.

12 (c) Severability. If any provision of this Act  
13 or the application thereof to any person or circumstances  
14 is held invalid, the remainder of this Act and the  
15 application to other persons not similarly situated or  
16 to different circumstances shall not be affected thereby."