

I Mina'Trentai Dos Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
275-32 (COR), P.L. 32-158	Dennis G. Rodriguez, Jr.	AN ACT TO ENSURE THE SANCTITY OF THE MEDICAL PEER REVIEW PROCESS AT THE GUAM MEMORIAL HOSPITAL AUTHORITY, BY AMENDING SUBSECTION (n) OF §80109, CHAPTER 80, TITLE 10, GUAM CODE ANNOTATED.	2/13/14 1:59 p.m.	02/14/14	Committee on Health & Human Services, Health Insurance Reform, Economic Development, and Senior Citizens	3/13/14 9:00 a.m.	5/5/14 9:22 a.m.	Fiscal Note Requested 02/20/14
	DATE PASSED	TITLE	TRANSMITTED		DUE DATE	<small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small>	PUBLIC LAW NO.	NOTES
	5/9/2014	AN ACT TO AMEND SUBSECTION (n) OF §80109 OF CHAPTER 80 OF DIVISION 4; AND TO ADD A NEW ITEM (15) TO §12203(c) OF ARTICLE 2 OF CHAPTER 12, ALL OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ENSURING THE SANCTITY OF THE MEDICAL PEER REVIEW PROCESS AT THE GUAM MEMORIAL HOSPITAL AUTHORITY.	5/12/14	2:43 p.m.	5/22/2014	5/21/2014	32-158	As substituted by Committee on Health & Human Services, Health Insurance Reform, Economic Development, and Senior Citizens; and amended on the Floor.



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam.

MAY 23 2014

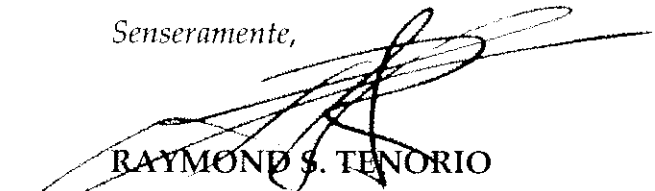
Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Dos Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

32-14-1678
5.23.14
4:49pm
2014 MAY 27 AM 8:56
JTB

Dear Madame Speaker:

Transmitted herewith is Bill No. 275-32 (COR) "AN ACT TO AMEND SUBSECTION (n) OF § 80109 OF CHAPTER 80 OF DIVISION 4; AND TO ADD A NEW ITEM (15) TO § 12203(c) OF ARTICLE 2 OF CHAPTER 12, ALL OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ENSURING THE SANCTITY OF THE MEDICAL PEER REVIEW PROCESS AT THE GUAM MEMORIAL HOSPITAL AUTHORITY" which I signed into law on May 21, 2014 as Public Law 32-158.

Senseramente,

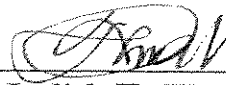

RAYMOND S. TENORIO
I Maga'låhen Guåhan, para pa'go
Acting Governor of Guam

1678

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

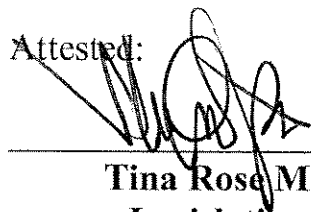
CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that Substitute Bill No. 275-32 (COR), "AN ACT TO *AMEND SUBSECTION (n) OF §80109 OF CHAPTER 80 OF DIVISION 4; AND TO ADD A NEW ITEM (15) TO §12203(c) OF ARTICLE 2 OF CHAPTER 12, ALL OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ENSURING THE SANCTITY OF THE MEDICAL PEER REVIEW PROCESS AT THE GUAM MEMORIAL HOSPITAL AUTHORITY,*" was on the 9th day of May, 2014, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

Attested:



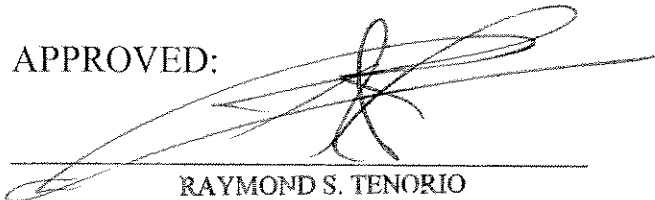
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 12th day of May, 2014, at 2:43 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



RAYMOND S. TENORIO
Acting Governor of Guam

Date: MAY 21 2014

Public Law No. 32-158

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 275-32 (COR)

As substituted by Committee on Health & Human Services,
Health Insurance Reform, Economic Development,
and Senior Citizens; and amended on the Floor.

Introduced by:

Dennis G. Rodriguez, Jr.
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Limtiaco
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
Vicente (ben) C. Pangelinan
R. J. Respicio
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* SUBSECTION (n) OF §80109 OF
CHAPTER 80 OF DIVISION 4; AND TO *ADD* A NEW
ITEM (15) TO §12203(c) OF ARTICLE 2 OF CHAPTER
12, ALL OF TITLE 10, GUAM CODE ANNOTATED,
RELATIVE TO ENSURING THE SANCTITY OF THE
MEDICAL PEER REVIEW PROCESS AT THE GUAM
MEMORIAL HOSPITAL AUTHORITY.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that all necessary efforts must be taken to further ensure the quality, safety and
4 provision of health care at the Guam Memorial Hospital\ Authority by holding it to
5 the highest professional standards. This is, in a significant part, assured and

1 accomplished through strict adherence to national health care standards, and
2 related applicable laws, rules and regulations intended to provide for this.

3 Further, Section 423(a)(1) of the Health Care Quality Improvement Act, as
4 amended (HCQIA), of Title IV of Public Law 99-660 (42 U.S.C. 11101 et seq.),
5 states that a health care entity (including hospitals) must report to the National
6 Practitioners Data Bank (NPDB) each time it “takes a professional review action
7 that adversely affects the clinical privileges of a physician for a period longer than
8 30 days.”

9 *I Liheslaturan Guåhan* takes due note of the mandate and example provided
10 in federal law, rules and regulations, as stated in the NPDB Guidebook, Publication
11 No. HRSA-95-255, at Chapter E5, wherein it provides an example of a valid action
12 to ‘void’ (reverse, rescind): “Example: A State Medical Board submits an AAR
13 when it revokes a physician’s license. Six months later, the revocation is
14 overturned by a State court. The State Medical Board should submit a Void of
15 Initial Report.” There is a clear process, and any effort to ‘void’, reverse, rescind
16 and/or amend/correct a report to the NPDB must follow specific and stringent
17 criteria and guidelines pursuant to federal law, rules and regulations.

18 *I Liheslaturan Guåhan* takes further note that, “Reporting clinical privilege
19 actions and certain other adverse actions against health care practitioners is
20 mandatory and cannot be the subject of negotiations. Any such attempts would be
21 viewed as trying to skirt the law. . .”, as stated by the Director, Division of
22 National Practitioner Data Banks, U.S. Department of Health & Human Services,
23 in a communication to GMHA received on September 10, 2012, relative to the
24 actions by the GMHA Board to “void” a GMHA medical peer action conducted by
25 qualified medical professionals, pursuant to a negotiated settlement agreement in
26 an effort to avoid litigation.

1 It is the intent of *I Liheslaturan Guåhan* to ensure that the sanctity and
2 integrity of the GMHA medical peer process *shall* be reestablished, reaffirmed and
3 strictly adhered to, as provided pursuant to applicable federal law, rules and
4 regulations, and as further provided pursuant to the standards and processes, duly
5 adopted by GMHA, of the American Medical Association relative to procedures
6 and practices for the conduct of medical peer reviews.

7 **Section 2.** Subsection (n) of § 80109, Chapter 80 of Division 4, Title 10,
8 Guam Code Annotated, is *amended* to read as follows:

9 “(n) Adopt rules and regulations governing selection, compensation,
10 promotion, performance evaluation, disciplinary action and other terms and
11 conditions of employment affecting personnel, subject to the provisions of
12 the Administrative Adjudication Law. Such rules and regulations *shall*
13 provide for the employment and retention of persons on the basis of merit,
14 and *shall* include an orderly and systematic method of recruitment and the
15 establishment of a list of qualified applicants for employment purposes,
16 *except* that compensation for non-medical personnel *shall* remain consistent
17 with compensation plans and pay scales as determined by the Civil Service
18 Commission or its successor. Non-medical personnel are defined as
19 personnel employed by the Authority who are *not* physicians, nurses,
20 medical technicians or technologists, licensed or certificated therapists of
21 any sort, laboratory technicians, personnel certificated in any medical or
22 nursing field, nurse practitioners, pharmacists or other medical personnel. It
23 is further provided:

24 (1) that the conduct of any GMHA Medical Peer Review
25 proceeding *shall* be conducted in strict compliance with the Health
26 Care Quality Improvement Act, as amended (HCQIA), of Title IV of
27 Public Law 99-660 (42 U.S.C. 11101 et seq.) authorizing the

1 Secretary of the U.S. Department of Health and Human Services to
2 establish a National Practitioner Data Bank (NPDB) to collect and
3 release certain information relating to the professional competence
4 and conduct of physicians, dentists and other health care practitioners;
5 and §1921 of the Social Security Act (42 U.S.C. 1396r-2) (§1921)
6 requiring each state to adopt a system of reporting to the Secretary of
7 adverse licensure actions taken against health care practitioners and
8 entities;

9 (A) The Board *shall* provide for third-party peer
10 review services for those peer review proceedings wherein the
11 physician who is the subject of a peer review asserts that an
12 impartial proceeding cannot otherwise be achieved.

13 (2) A medical peer review *shall not* be overturned by the
14 Board, *except* as strictly prescribed by the National Practitioner Data
15 Bank, as provided pursuant to Title 45 – Public Welfare, Part 60,
16 Code of Federal Regulations, and as the regulations and authorizing
17 statutes may be revised;

18 (3) No “Void” or Reversal of Professional Peer Review
19 Action by Board Without Successful Appeal; Mandatory. No GMHA
20 medical peer review action that adversely affects the clinical
21 privileges of physicians, dentists and other health care practitioners
22 shall be reversed by the Board, nor shall a “void” be sought with the
23 National Practitioners Data Bank: (A) without the appellant having
24 successfully appealed the initial action before a subsequent GMHA
25 peer review committee duly conducted by medical professionals
26 authorized to conduct the appeal proceeding; or (B) without the
27 finding(s) of the GMHA medical peer action having been reversed by

1 the Guam Board of Medical Examiners, wherein the appellant
2 successfully appealed the GMHA medical peer review action; or (C)
3 without the appellant having successfully appealed the GMHA
4 medical peer review action before the Judiciary of Guam; any one of
5 which may be deemed satisfactory to reverse the initial GMHA
6 medical peer review action and seek a “void” with the NPDB;
7 *provided*, that the conduct of the appeal and action taken in granting
8 the appeal is legally acceptable to the National Practitioner Data Bank
9 pursuant to applicable federal law, rules and regulations.

10 (4) Personal Liability - No Waiver of Immunity. The
11 members of the Board of Trustees, and the GMHA Legal Counsel,
12 *shall not* be personally immune from legal and civil liability for a
13 knowing violation of Items (1), (2) and (3) of this Subsection (n).”

14 **Section 3.** A new Item (15) is hereby *added* to § 12203(c) of Article 2 of
15 Part 1, Chapter 12 of Title 10, Guam Code Annotated, to read:

16 “(15) receive, review and investigate a peer review finding and
17 action received from a health care organization pertinent to the professional
18 performance of a licensee. Upon the receipt of an appeal of a peer review
19 finding and action, the Board *shall* have:

20 (A) the responsibility to review the peer review
21 findings and action by a health care organization, and *shall*
22 have the authority to either,

23 (i) uphold the peer review action and finding;

24 (ii) refer the peer review action back to the
25 initiating health care organization for further
26 consideration or reconsideration; or

1 (iii) reverse, vacate, or otherwise “void” the
2 peer review action and findings. ”

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

8 **Section 5. Effective Date.** This Act *shall* become immediately effective
9 upon enactment.



I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
THIRTY-SECOND GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

May 12, 2014

The Honorable Edward J.B. Calvo
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 34-32(COR), 78-32 (COR), 131-32 (COR), 203-32 (COR), 216-32 (LS), 220-32 (LS), 227-32 (COR), 264-32 (COR), 267-32 (COR), 275-32 (COR), 279-32 (LS), 282-32 (COR), 296-32 (COR), 297-32 (COR), 298-32 (COR), 308-32 (COR) and 328-32 (COR) which was passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on May 9, 2014.

Sincerely,

TINA ROSE MUÑA BARNES
Legislative Secretary

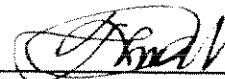
Enclosure (20)

OFFICE OF THE GOVERNOR
CENTRAL FILES
Tina Rose
RECEIVED BY
TIME *2:43 pm* DATE *5/12/14*

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

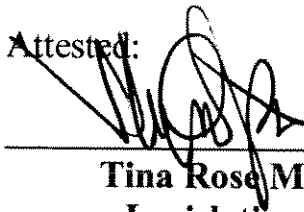
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Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 12th day of May, 2014, at 2:43 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 275-32 (COR)

As substituted by Committee on Health & Human Services,
Health Insurance Reform, Economic Development,
and Senior Citizens; and amended on the Floor.

Introduced by:

Dennis G. Rodriguez, Jr.
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Limtiaco
Brant T. McCreddie
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Vicente (ben) C. Pangelinan
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4 provision of health care at the Guam Memorial Hospital\ Authority by holding it to
5 the highest professional standards. This is, in a significant part, assured and

1 accomplished through strict adherence to national health care standards, and
2 related applicable laws, rules and regulations intended to provide for this.

3 Further, Section 423(a)(1) of the Health Care Quality Improvement Act, as
4 amended (HCQIA), of Title IV of Public Law 99-660 (42 U.S.C. 11101 et seq.),
5 states that a health care entity (including hospitals) must report to the National
6 Practitioners Data Bank (NPDB) each time it “takes a professional review action
7 that adversely affects the clinical privileges of a physician for a period longer than
8 30 days.”

9 *I Liheslaturan Guåhan* takes due note of the mandate and example provided
10 in federal law, rules and regulations, as stated in the NPDB Guidebook, Publication
11 No. HRSA-95-255, at Chapter E5, wherein it provides an example of a valid action
12 to ‘void’ (reverse, rescind): “Example: A State Medical Board submits an AAR
13 when it revokes a physician’s license. Six months later, the revocation is
14 overturned by a State court. The State Medical Board should submit a Void of
15 Initial Report.” There is a clear process, and any effort to ‘void’, reverse, rescind
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10 promotion, performance evaluation, disciplinary action and other terms and
11 conditions of employment affecting personnel, subject to the provisions of
12 the Administrative Adjudication Law. Such rules and regulations *shall*
13 provide for the employment and retention of persons on the basis of merit,
14 and *shall* include an orderly and systematic method of recruitment and the
15 establishment of a list of qualified applicants for employment purposes,
16 *except* that compensation for non-medical personnel *shall* remain consistent
17 with compensation plans and pay scales as determined by the Civil Service
18 Commission or its successor. Non-medical personnel are defined as
19 personnel employed by the Authority who are *not* physicians, nurses,
20 medical technicians or technologists, licensed or certificated therapists of
21 any sort, laboratory technicians, personnel certificated in any medical or
22 nursing field, nurse practitioners, pharmacists or other medical personnel. It
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10 review services for those peer review proceedings wherein the
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17 statutes may be revised;

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8 the appeal is legally acceptable to the National Practitioner Data Bank
9 pursuant to applicable federal law, rules and regulations.

10 (4) Personal Liability - No Waiver of Immunity. The
11 members of the Board of Trustees, and the GMHA Legal Counsel,
12 *shall not* be personally immune from legal and civil liability for a
13 knowing violation of Items (1), (2) and (3) of this Subsection (n).”

14 **Section 3.** A new Item (15) is hereby *added* to § 12203(c) of Article 2 of
15 Part 1, Chapter 12 of Title 10, Guam Code Annotated, to read:

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25 initiating health care organization for further
26 consideration or reconsideration; or

1 (iii) reverse, vacate, or otherwise “void” the
2 peer review action and findings.”

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

8 **Section 5. Effective Date.** This Act *shall* become immediately effective
9 upon enactment.

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2014 (SECOND) Regular Session

Voting Sheet

Bill No. 275-32 (COR)

Speaker Antonio R. Unipingco Legislative Session Hall

As substituted by the Committee on Health & Human Services, Health Insurance Reform, Economic Developments, and Senior Citizens and amended on the Floor.

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO		/			
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN	✓				
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				

TOTAL

<u>14</u>	<u>1</u>	<u> </u>	<u> </u>	<u> </u>
Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent

CERTIFIED TRUE AND CORRECT:



 Clerk of the Legislature

I = Pass

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 275-32 (COR)

As substituted by Committee on Health & Human Services,
Health Insurance Reform, Economic Development,
and Senior Citizens; and amended on the Floor.

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Introduced by:

Dennis G. Rodriguez, Jr.

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13 viewed as trying to shirt the law. . .”, as stated by the Director, Division of
14 National Practitioner Data Banks, U.S. Department of Health & Human Services,
15 in a communication to GMHA received on September 10, 2012, relative to the
16 actions by the GMHA Board to “void” a GMHA medical peer action conducted by
17 qualified medical professionals, pursuant to a negotiated settlement agreement in
18 an effort to avoid litigation.

19 It is the intent of *I Liheslaturan Guåhan* to ensure that the sanctity and
20 integrity of the GMHA medical peer process *shall* be reestablished, reaffirmed and
21 strictly adhered to, as provided pursuant to applicable federal law, rules and
22 regulations, and as further provided pursuant to the standards and processes, duly
23 adopted by GMHA, of the American Medical Association relative to procedures
24 and practices for the conduct of medical peer reviews.

25 **Section 2.** Subsection (n) of § 80109, Chapter 80 of Division 4, Title 10,
26 Guam Code Annotated, is *amended* to read as follows:

1 “(n) Adopt rules and regulations governing selection, compensation,
2 promotion, performance evaluation, disciplinary action and other terms and
3 conditions of employment affecting personnel, subject to the provisions of
4 the Administrative Adjudication Law. Such rules and regulations *shall*
5 provide for the employment and retention of persons on the basis of merit,
6 and *shall* include an orderly and systematic method of recruitment and the
7 establishment of a list of qualified applicants for employment purposes,
8 *except* that compensation for non-medical personnel *shall* remain consistent
9 with compensation plans and pay scales as determined by the Civil Service
10 Commission or its successor. Non-medical personnel are defined as
11 personnel employed by the Authority who are *not* physicians, nurses,
12 medical technicians or technologists, licensed or certificated therapists of
13 any sort, laboratory technicians, personnel certificated in any medical or
14 nursing field, nurse practitioners, pharmacists or other medical personnel. It
15 is further provided:

16 (1) that the conduct of any GMHA Medical Peer Review
17 proceeding *shall* be conducted in strict compliance with the Health
18 Care Quality Improvement Act, as amended (HCQIA), of Title IV of
19 Public Law 99-660 (42 U.S.C. 11101 et seq.) authorizing the
20 Secretary of the U.S. Department of Health and Human Services to
21 establish a National Practitioner Data Bank (NPDB) to collect and
22 release certain information relating to the professional competence
23 and conduct of physicians, dentists and other health care practitioners;
24 and §1921 of the Social Security Act (42 U.S.C. 1396r-2) (§1921)
25 requiring each state to adopt a system of reporting to the Secretary of
26 adverse licensure actions taken against health care practitioners and
27 entities;

1 (A) The Board *shall* provide for third-party peer
2 review services for those peer review proceedings wherein the
3 physician who is the subject of a peer review asserts that an
4 impartial proceeding cannot otherwise be achieved.

5 (2) A medical peer review *shall not* be overturned by the
6 Board, *except* as strictly prescribed by the National Practitioner Data
7 Bank, as provided pursuant to Title 45 – Public Welfare, Part 60,
8 Code of Federal Regulations, and as the regulations and authorizing
9 statutes may be revised;

10 (3) No “Void” or Reversal of Professional Peer Review
11 Action by Board Without Successful Appeal; Mandatory. No GMHA
12 medical peer review action that adversely affects the clinical
13 privileges of physicians, dentists and other health care practitioners
14 shall be reversed by the Board, nor shall a “void” be sought with the
15 National Practitioners Data Bank: (A) without the appellant having
16 successfully appealed the initial action before a subsequent GMHA
17 peer review committee duly conducted by medical professionals
18 authorized to conduct the appeal proceeding; or (B) without the
19 finding(s) of the GMHA medical peer action having been reversed by
20 the Guam Board of Medical Examiners, wherein the appellant
21 successfully appealed the GMHA medical peer review action; or (C)
22 without the appellant having successfully appealed the GMHA
23 medical peer review action before the Judiciary of Guam; any one of
24 which may be deemed satisfactory to reverse the initial GMHA
25 medical peer review action and seek a “void” with the NPDB;
26 *provided*, that the conduct of the appeal and action taken in granting

1 the appeal is legally acceptable to the National Practitioner Data Bank
2 pursuant to applicable federal law, rules and regulations.

3 (4) Personal Liability - No Waiver of Immunity. The
4 members of the Board of Trustees, and the GMHA Legal Counsel,
5 *shall not* be personally immune from legal and civil liability for a
6 knowing violation of Items (1), (2) and (3) of this Subsection (n).”

7 **Section 3.** A new Item (15) is hereby *added* to § 12203(c) of Article 2 of
8 Part 1, Chapter 12 of Title 10, Guam Code Annotated, to read:

9 “(15) receive, review and investigate a peer review finding and
10 action received from a health care organization pertinent to the professional
11 performance of a licensee. Upon the receipt of an appeal of a peer review
12 finding and action, the Board *shall* have:

13 (A) the responsibility to review the peer review
14 findings and action by a health care organization, and *shall*
15 have the authority to either,

16 (i) uphold the peer review action and finding;

17 (ii) refer the peer review action back to the
18 initiating health care organization for further
19 consideration or reconsideration; or

20 (iii) reverse, vacate, or otherwise “void” the
21 peer review action and findings. ”

22 **Section 4. Severability.** *If* any provision of this Act or its application to
23 any person or circumstance is found to be invalid or contrary to law, such
24 invalidity shall not affect other provisions or applications of this Act which can be
25 given effect without the invalid provisions or application, and to this end the
26 provisions of this Act are severable.

1 **Section 5. Effective Date.** This Act *shall* become immediately effective
2 upon enactment.