

**10 GCA HEALTH AND SAFETY
CH. 80 GUAM MEMORIAL HOSPITAL AUTHORITY**

**DIVISION 4
GUAM HEALTH ACT**

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**CHAPTER 80
GUAM MEMORIAL HOSPITAL AUTHORITY**

SOURCE: Entire chapter added as Title XLVII of the Government Code by P.L. 7-101:6 (Feb. 26, 1964). Entire chapter repealed and reenacted by P.L. 14-029:1 (May 27, 1977), and P.L. 30-190:1 (Aug. 28, 2010).

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§ 80101. Short Title.

This Chapter may be cited as the Guam Health Act of 2010.

SOURCE: Added by P.L. 14-029:1 (May 27, 1977) as GC § 49000. Codified as 10 GCA § 80101. Repealed and added by P.L. 30-190:1 (Aug. 28, 2010).

§ 80102. Establishment.

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

SOURCE: Added by P.L. 14-029:1 (May 27, 1977) as GC § 49002. Codified as 10 GCA § 80103. Repealed and added as 10 GCA § 80102 by P.L. 30-190:1 (Aug. 28, 2010).

2013 NOTE: This section was originally entitled, "*Definitions.*" Repealed and added to this section P.L. 30-190:1 (Aug. 28, 2010).

§ 80103. Definitions.

As used in this Chapter, unless otherwise indicated:

(a) Board means the Board of Trustees of the Guam Memorial Hospital Authority.

(b) Administrator means the Administrator of the Guam Memorial Hospital Authority.

(c) Hospital means the Guam Memorial Hospital Authority.

(d) Health Professionals means those persons licensed or certified to practice the healing art within Guam.

SOURCE: Added by P.L. 14-029:1 (May 27, 1977) as GC § 49001. Codified as 10 GCA § 80102. Repealed and added as 10 GCA § 80103 by P.L. 30-190:1 (Aug. 28, 2010).

2013 NOTE: This section was originally entitled, "*Establishment.*" Repealed and added to this section by P.L. 30-190:1 (Aug. 28, 2010).

§ 80104. Prohibition Against Discrimination.

It shall be the policy of the Guam Memorial Hospital Authority that discrimination against any individual or group for reasons of age, race, color, sex, national origin, religious belief, marital status, physical/mental disability, political affiliation and retaliation is specifically prohibited under any program, employment or activity for which the Board of Trustees is responsible.

SOURCE: Added by P.L. 30-0190:1 (Aug. 28, 2010).

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2013 NOTE: This section was originally entitled, "*Powers.*" Repealed and added as 10 GCA § 80109 by P.L. 30-190:1 (Aug. 28, 2010).

§ 80105. Board of Trustees.

(a) The governance and control of the Guam Memorial Hospital Authority are vested in a Board of Trustees (Board). The Board *shall* be composed of ten (10) members: four (4) members representing the general public, who *shall* possess a background and experience in healthcare, management, finance or any other business-related field; one (1) member representing the Allied Health Professions; two (2) members representing the Guam Nursing Association; and two (2) members representing the Guam Medical Community, appointed by *I Maga'lahen Guåhan* as provided herein, with the advice and consent of *I Liheslaturan Guåhan*. In addition, one (1) member who *shall* be the President, or designee, of the Guam Memorial Hospital Volunteers Association, who *shall* be an ex-officio member with full participatory rights and privileges, but without the right of voting. The GMH Volunteers Association President or designee *shall* have been a member of the GMH Volunteers Association for a minimum of five (5) years prior to assuming a position on the Board.

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

SOURCE: Added by P.L. 14-029:1(May 27, 1977) as GC § 49004. Subsection (a) amended by P.L. 15-041:1 (June 21, 1979). Subsection (b) amended by P.L. 15-055:6 (Aug. 10, 1979). Codified as 10 GCA § 80106. Subsection (d) amended by P.L. 19-004:16 (May 21, 1987). Subsection (f) added by P.L. 19-004:17 (May 21, 1987). Subsection (a) amended by P.L. 25-150:9 (July 7, 2000). Subsection (b) amended by P.L. 25-150:10 (July 7, 2000). Subsections (g) added by P.L. 25-150:11 (July 7, 2000). Subsection (h) added by P.L. 25-150:12 (July 7, 2000). Subsection (i) added by P.L. 28-068:II:III:35 (Sept. 30, 2005). Repealed and added by P.L. 30-190:1 (Aug. 28, 2010). Subsection (a) amended by P.L. 32-154:2 (May 21, 2014).

2013 NOTE: This section was originally entitled, "*Hospital Rates.*" Added by P.L. 14-148:3 (Sept. 30, 1978). Repealed and added by P.L. 18-026:8 (Dec. 31, 1985) and P.L. 25-005:7 (May 10, 1999). Repealed by P.L. 30-190 (Aug. 28, 2010).

§ 80105.1. Duties of the Board of Trustees.

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

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

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

(d) No Trustee shall be actively engaged in the selling of services or goods to the Hospital without the express approval of the Board of Trustees.

The form of approval shall be by the adoption of a Board Resolution confirming said approval. This restriction shall not apply to health care professionals who provide direct patient care services to the Hospital.

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

(f) [Repealed.]

SOURCE: Added by P.L. 30-190:1 (Aug. 28, 2010). Subsection (f) repealed by P.L. 31-014:4 (Apr. 4, 2011).

2013 NOTE: This section, originally entitled "*Fees*," was apparently added as untitled and uncodified law by P.L. 19-005:55 (Aug. 21, 1987), and codified as § 80105.1 by the Compiler. Repealed and added by P.L. 23-22:2 (May 30, 1995), and repealed by P.L. 25-005:8 (May 10, 1999). The authority to set fees is found in § 80109 of this Chapter.

§ 80105.2. Meetings.

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

SOURCE: Added by P.L. 30-190:1 (Aug. 28, 2010).

2013 NOTE: This section was originally entitled, "*Health Care Professional Fees Schedule.*" Added by P.L. 24-032:3 (May 19, 1997). Repealed by P.L. 30-190:1 (Aug. 28, 2010).

§ 80105.3. Term of Office.

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

SOURCE: Added by P.L. 30-190:1 (Aug. 28, 2010).

§ 80105.4. Qualifications of Members of the Board of Trustees.

The composition of the members of the Board shall be broadly based in terms of its members' personal expertise and shall strive for a balanced representation of the general population. Trustees, and Trustee candidates, must be United States citizens or permanent resident aliens domiciled in Guam for at least three (3) years prior to appointment to the Board. No person shall sit on the Board as a member who is an employee of the Guam Memorial Hospital Authority.

SOURCE: Added by P.L. 30-190:1 (Aug. 28, 2010).

§ 80105.5. Trustees Nominating Council; Establishment.

[Repealed.]

SOURCE: Added by P.L. 30-190:1 (Aug. 28, 2010). Repealed by P.L. 31-014:2 (Apr. 4, 2011).

§ 80105.6. Tenure of Members Currently Serving as Trustees.

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

SOURCE: Added by P.L. 30-190:1 (Aug. 28, 2010).

§ 80106. Board Members Not Deemed Officers or Employees of the Government of Guam.

The members of the Board shall not, by reason of such membership, be deemed employees of the government of Guam.

SOURCE: Added by P.L. 30-190:1 (Aug. 28, 2010).

CROSS-REFERENCE: *See also* 17 GCA § 16105.

2013 NOTE: This section was originally entitled, "*Board of Trustees.*" Repealed and added as 10 GCA § 80105 by P.L. 30-190 (Aug. 28, 2010).

§ 80107. Removal from Office.

[Repealed.]

SOURCE: Repealed by P.L. 31-014:3 (Apr. 4, 2011).

2013 NOTES: This section was originally entitled, "*Administrator.*" Subsection (b)(9) added by P.L. 15-112:3 (Mar. 14, 1980). Codified as 10 GCA § 80107. Repealed and added by P.L. 25-150:8 (July 7, 2000). Subsection (b) amended by P.L. 25-183:1 (July 8, 2001).

P.L. 28-068:42 (Sept. 30, 2005) transferred duties and responsibilities assigned to the Civil Service Commission to the Director of Administration, effective January 1, 2006 pursuant to P.L. 28-068:47 and 48.

§ 80108. Officers.

The Board shall elect a Chairman, a Vice-Chairman, a Secretary and a Treasurer from among its membership every two (2) years.

SOURCE: Added by P.L. 14-029:1 (May 27, 1977) as GC § 49006. Subsection (d) amended by P.L. 16-098:6 (July 2, 1982). Codified as 10 GCA § 80108. Repealed and added by P.L. 30-190:1 (Aug. 28, 2010).

§ 80109. Powers.

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

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

(b) (1) Establish a schedule of fees, in accordance with Title 10 GCA § 80105, to be charged for care and services at or by the Hospital. The schedule of fees shall be sufficient to recover the operating costs and fixed costs and to generate such revenue as is necessary to enable the Hospital to meet its financial obligations, operating expenses and capital improvement needs. The Guam Public Utilities Commission shall not have any purview over the Authority rates. The rates established per fee schedule may be increased by the Board of Trustees up to five percent (5%) per year; provided, that the total revenues from all increases per fee schedule shall not exceed five percent (5%) of the total revenues adopted by the Board in the Authority's budget for that fiscal year, or decreased as necessary.

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

(3) *I Liheslaturan Guåhan* shall have forty-five (45) days from the receipt of the proposed new fee or rate increase to conduct a public hearing and approve the increase or new fee. If *I Liheslaturan Guåhan* does not disapprove or amend the proposed new fee or increase in rates within the forty-five (45) days, the new fee or rate increase will immediately become effective.

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

(1) the interim fees are consistent with the Authority's Net Revenue Enhancement Engagement Pricing Model, as prepared by

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Deloitte & Touche, dated February 7, 1992, or such other protocol as may be approved by the Board of Trustees; and

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

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

(e) Acquire, subject to the laws of Guam, by grant, purchase, gift, devise or lease, and hold and use any real property necessary or convenient or useful for the carrying on of any of its powers pursuant to the provisions of this Article; upon written certification of the Administrator, that specified and specialized medical equipment and related supplies are needed immediately for the health and welfare of the patients of the Hospital in particular, and the people of Guam in general, the Guam Memorial Hospital Authority shall be exempt from the provisions of §§ 5210 and 5211 of Title 5, Guam Code Annotated, in the acquisition of the medical equipment and related supplies specified in such written certification of the Administrator; provided, that the Hospital shall use its best judgment and efforts to secure the best equipment and supplies at the lowest cost, utilizing businesses licensed to do business on Guam whenever possible.

(f) Establish its internal organization and management;

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

(h) Adopt a seal;

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

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

(k) Adopt such rules and regulations pursuant to the Administrative Adjudication Act as may be necessary for the exercise

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of the Hospital's powers, performance of its duties and administration of its operations;

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

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

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

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

(A) The Board *shall* provide for third-party peer review services for those peer review proceedings wherein the

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physician who is the subject of a peer review asserts that an impartial proceeding cannot otherwise be achieved.

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

(3) No “Void” or Reversal of Professional Peer Review Action by Board Without Successful Appeal; Mandatory. No GMHA medical peer review action that adversely affects the clinical privileges of physicians, dentists and other health care practitioners shall be reversed by the Board, nor shall a “void” be sought with the National Practitioners Data Bank:

(A) without the appellant having successfully appealed the initial action before a subsequent GMHA peer review committee duly conducted by medical professionals authorized to conduct the appeal proceeding; or

(B) without the finding(s) of the GMHA medical peer action having been reversed by the Guam Board of Medical Examiners, wherein the appellant successfully appealed the GMHA medical peer review action; or

(C) without the appellant having successfully appealed the GMHA medical peer review action before the Judiciary of Guam;

any one of which may be deemed satisfactory to reverse the initial GMHA medical peer review action and seek a “void” with the NPDB; *provided*, that the conduct of the appeal and action taken in granting the appeal is legally acceptable to the National Practitioner Data Bank pursuant to applicable federal law, rules and regulations.

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

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

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

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

(r) (1) With the concurrence of *I Maga 'lahen Guahan* [Governor], negotiate with appropriate federal official (Secretary of Defense, officials of Tripler Army Hospital, etc.) for the implementation of § 105(k) of the Compact of Free Association Act of 1985 with the Freely Associated States of Micronesia.

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

(s) Arrange a line of credit, a revolving loan fund, and/or a direct loan, the total cumulative amount not to exceed Twenty-five Million Dollars (\$25,000,000), with banks or other lending institutions licensed to do business on Guam. All terms of the line of credit, a revolving loan fund, and/or a direct loan agreement shall be negotiated by the Authority and *I Maga 'lahen Guahan* [Governor] in the best interests of the people of Guam. The terms of the line of credit, a revolving loan fund, and/or a direct loan shall include the following:

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

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

(3) the interest rate shall be subjected to negotiation between the Authority or designee as authorized by the Board of

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Trustees, *I Maga'lahaen Guåhan* and the lender; such interest rate shall be computed on a monthly average and based on the actual amount extended to the Authority; and

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

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

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

(7) The primary source of repayment for the line of credit, revolving loan fund, and/or a direct loan shall be as authorized in Public Law 30-196, Chapter III, Part I, Section 6(b) (the FY 2011 Budget Act). If required, the Authority may pledge, in addition, only its revenues as a security for repayment as determined by the negotiated agreement.

(8) Any money borrowed shall be repaid in accordance with the terms established in the negotiated agreement, but not to exceed an amortization period of more than twenty-five (25) years. In no case shall any amount borrowed be refinanced permitting repayment more than twenty-five (25) years after the loan is made.

(9) Notwithstanding the provisions of Chapter 6 of Title 5 of the Guam Code Annotated, the government of Guam hereby waives immunity from any suit or action in contract upon the loan and guaranty but *does not* waive sovereign immunity as to the personal liability of elected or appointed officials and employees of the government Guam. For the purposes of this provision only, immunity is also waived as to the award of attorney fees and related costs of the lender in connection with any suit brought by

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the lender to enforce any right or obligation incurred under the loan authorized hereby or in connection with the enforcement of any agreement, note or pledge that arises directly from the indebtedness authorized hereby.

(10) This Guarantee is a general obligation of the government of Guam, subject to the full faith and credit of the government of Guam. The Guarantor consents to any and all extension of time and waiver or modification of obligations guaranteed hereunder.

(11) *I Maga'lahaen Guåhan*, the Governor of Guam, at his discretion and with his consent, may pledge Compact Impact Funds received from the Department of Interior as a source of funding to secure the balance of the Twenty-five Million Dollar line of credit, revolving loan fund, and/or a direct loan authorized in this Act to be used for the reduction of the Guam Memorial Hospital Authority's vendor payables.

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

(u) Retain or contract, in accordance with applicable procurement law, services relative to the providing of cafeteria and/or other food vendor services, in whole or in part as determined to be necessary and appropriate. This shall include, but not be limited to, the management and operation of services for cafeteria, snack bar, restaurant, and/or other food related services or activities as deemed appropriate for non-inpatient visitors, patrons and GMHA staff.

(1) The solicitation and contracting for food services may include, to the extent deemed practicable, appropriate and necessary, the use of assets, real property and/or facilities, and as further provided for in accordance with Subsection (t) of this § 80109.

(2) The authorization pursuant to this Subsection (u) to retain and contract services relative to the providing of cafeteria and/or other food services shall not apply or pertain to replacing, supplanting and/or eliminating GMHA's in-house Dietetic Services

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department currently providing nutritional food services for inpatients.

(v) Notwithstanding Subsection (s) of this Section, to arrange a line of credit, a revolving loan fund, and/or a direct loan, the amount not to exceed Nine Million Two Hundred Thousand Dollars (\$9,200,000), to finance the Guam Memorial Hospital Authority Labor and Delivery Ward renovation Phases One through Four, and to include the “Arts In Public Buildings and Facilities” fee as required by § 852 of Article 2 of Chapter 8, Title 1, Guam Code Annotated, with banks or other lending institutions licensed to do business on Guam. All terms of the line of credit, a revolving loan fund, and/or a direct loan agreement shall be negotiated by the Guam Economic Development Authority and *I Maga'låhen Guåhan* (the Governor) in the best interests of the people of Guam. The terms of the line of credit, a revolving loan fund, and/or a direct loan shall include the following:

(1) (A) the line of credit, a revolving loan fund, and/or a direct loan shall be used by the Authority for the renovation of the Guam Memorial Hospital Labor and Delivery Ward (GMHA Maternal and Child Healthcare (MCH) Renovation Project);

(B) such line of credit shall not be authorized, nor shall any borrowing be initiated that incurs interest expenses until the architectural and engineering specifications are completed and approved by the Board of Trustees of the Guam Memorial Hospital Authority (GMHA), and the Request for Proposal or Invitation for Bid to commence renovation is pending funding;

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

(3) the interest rate shall be subject to negotiation between the Board of Directors of GEDA, *I Maga'låhen Guåhan*, and the lender; and such interest rate shall be computed on a monthly average and based on the actual amount extended for the Authority; and

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

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(5) The line of credit, a revolving loan fund, municipal lease financing, and/or a direct loan may be secured by a pledge or other reservation of revenues collected by the government of Guam from the taxes collected under the “Business Privilege Tax Law” (namely, 11 GCA Chapter 25, excluding the alcoholic beverage taxes, liquid fuel taxes, automotive surcharges, tobacco taxes and real property taxes). The Business Privilege Tax pledged or reserved may only be pledged or reserved on a basis that is subordinate to the pledge of revenues from the Business Privilege Tax that secure the Government’s Business Privilege Tax Bonds (currently, the Business Privilege Tax Bonds, Series 2011A, 2012B-1, 2012B-2, 2013C and 2015D, as well as any future bonds (collectively, the “Business Privilege Tax Bonds”)) issued under the indenture relating to the Business Privilege Tax Bonds (the “Indenture”), as well as any parity obligations permitted to be issued under such Indenture, on a basis that is in accordance with and complies with such Indenture. The sum of Six Hundred Thousand Dollars (\$600,000) will be continuously appropriated annually to pay for the principal, interest, and debt reserve for the line of credit, a revolving loan fund, and/or a direct loan. *I Maga’lâhen Guåhan* and the Guam Economic Development Authority are hereby authorized to execute the loan agreement, a revolving loan fund, and/or a direct loan agreement and other necessary documentation.

(6) Any money borrowed shall be repaid in accordance with the terms established in the negotiated agreement, but not to exceed an amortization period of more than twenty-five (25) years.

(7) Notwithstanding the provisions of Chapter 6 of Title 5 of the Guam Code Annotated, the government of Guam hereby waives immunity from any suit or action in contract upon the loan and guaranty, but does not waive sovereign immunity as to the personal liability of elected or appointed officials and employees of the government of Guam. For the purpose of this provision only, immunity is also waived as to the award of attorney fees and related costs in connection with any suit brought to enforce any right or obligation incurred under the loan authorized hereby or in connection with the enforcement of any agreement, note or pledge that arises directly from the indebtedness authorized hereby.

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(8) This Guarantee is a general obligation of the government of Guam, subject to the full faith and credit of the government of Guam. The Guarantor consents to any and all extension of time and waiver or modification of obligations guaranteed hereunder.

(9) Alternative Financing. *I Maga'låhen Guåhan* and the Guam Economic Development Authority are authorized to utilize the following alternative financing if necessary:

(A) Federal Guaranteed Loan or Community Facilities Loan and Grants, instrumentalities of the United States Department of Agriculture, if such financing better serves the needs of the people of Guam; and/or

(B) Municipal Lease Financing. *I Maga'låhen Guåhan*, with the assistance of the Guam Economic Development Authority, is authorized to enter into a municipal lease financing as defined under Title 5, Guam Code Annotated, Division 5, Chapters 58, 58A, 58B, 58D and 58E.

(C) *I Maga'låhen Guåhan* is authorized to identify a fund source, except for funding sources that are already identified and earmarked for the Guam Memorial Hospital Authority, limited to the amounts in this Act, and utilize such source for the purposes of renovating the labor, delivery, recovery, postpartum ward where our babies are born. *I Maga'låhi* shall notify *I Liheslatura* (the Legislature) of the fund source(s) identified pursuant to this provision no later than ten (10) working days after identification of funds.

(10) The GMHA Board of Trustees shall cause an update of its facilities master plan that will guide the capital improvement of the Guam Memorial Hospital. The Trustees shall allocate sufficient funds from the amount obtained from the line of credit, revolving fund, and/or direct loan authorized by this Subsection for the purpose of completing a master plan update. Review and approval of the completed master plan update shall be in accordance with the AAL. Said master plan update shall be completed within one hundred eighty (180) days from the date of enactment of this statute.

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(11) That, if the labor and delivery ward operations or facilities are privatized, to include any public-private partnership, then, as a condition of such privatization agreement, the party or parties which have assumed control or ownership of the operations or facilities shall assume any outstanding debt and provide compensation to the Guam Memorial Hospital Authority for any incurred expenses that were financed under this Subsection.

SOURCE: Added by P.L. 14-029:1 (May 27, 1977) as GC § 49003. Subsection (b) amended by P.L. 14-091:2 (Dec. 27, 1977). Subsection (l) repealed and reenacted by P.L. 14-140:28 (Aug. 31, 1978), repealed by P.L. 16-098:1 (July 2, 1982). Subsection (o) added by P.L. 15-135:11 (Aug. 22, 1980). Subsection (e) amended P.L. 16-007:10 (Apr. 24, 1981), repealed and reenacted by P.L. 16-098:4 (July 2, 1982). Subsection (n) amended by P.L. 16-098:5 (July 2, 1982). Subsection (c) amended by P.L. 16-124:21 (Dec. 29, 1982). Subsection (p) added by P.L. 16-124:22 (Dec. 29, 1982). Subsection (a) amended by P.L. 17-021:1 (Aug. 18, 1983). Subsection (b) amended by P.L. 17-083:1 (Dec. 21, 1984). Codified as 10 GCA § 80104. Subsection (b) repealed and reenacted by P.L. 18-026:7 (Dec. 31, 1985). Subsections (o) (1, 5 & 6) amended by P.L. 18-026:10 (Dec. 31, 1985). Subsection (q) added by P.L. 18-026:13 (Dec. 31, 1985). Subsection (c) amended by, P.L. 20-228:1 (Jan. 30, 1991), P.L. 29-014:2 (Sept. 7, 2007). Subsection (s) added by P.L. 25-150:2 (July 7, 2000), amended by P.L. 30-200:2 (Dec. 9, 2010). Subsections (s)(10) and (11) added by P.L. 32-043:2 (July 2, 2013). Subsection (s)(9) amended by P.L. 32-105:1 (Jan. 14, 2014). Subsection (u) added by P.L. 31-002:2 (Mar. 8, 2011). Subsection (n) amended by P.L. 32-158:2 (May 21, 2014). Subsection (v) added by P.L. 32-204:1 (Oct. 13, 2014), and P.L. 33-151:1 (May 13, 2016).

2013 NOTE: This section was originally codified as GC § 49007, entitled "*Employment Practices.*" Repealed and added as 10 GCA § 80113 by P.L. 30-190:1 (Aug. 28, 2010).

Numbers and/or letters were added or altered to adhere to the Compiler's alphanumeric scheme in accordance to 1 GCA § 1606.

NOTE: P.L. 20-228:1 (Jan. 30, 1991) amended 10 GCA § 80103(c). This appeared to be a manifest error. The correct section is § 80104(e).

NOTE: The authority to establish fees was also found in § 80105.1 of this Chapter, which was apparently added as untitled and uncodified law by P.L. 19-005:55 (Aug. 21, 1987), repealed and added by P.L. 23-22:2 (May 30, 1995), and repealed by P.L. 25-005:8 (May 10, 1999).

§ 80110. Administrator and Chief Executive Officer.

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

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

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

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

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

(b) The Board shall set the tenure of office for the Administrator of the Guam Memorial Hospital Authority. The Board may hire the Hospital Administrator by direct employment as an unclassified employee of the government of Guam, or by personal services contract, as the Board deems necessary to attract and retain a qualified Administrator. However, the term of employment for the position of Administrator shall not end six (6) months prior to nor six (6) months after an election for Senators, and Governor and Lt. Governor. The Board by an affirmative vote of at least five (5) members may renew the contract of the Administrator. Similarly, the affirmative vote of at least five (5) members may terminate the services of the Administrator for cause in the same manner and procedure as a Trustee may be removed pursuant to § 80107 of this Chapter. Upon a change of administration of the government of Guam after a gubernatorial election, no courtesy resignation shall be requested by the new administration nor offered by the Administrator of the Hospital.

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

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

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

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

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

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

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

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

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

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

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

SOURCE: Added by P.L. 14-029:1 (May 27, 1977) as GC § 49005. Subsection (b)(9) added by P.L. 15-112:3 (Mar. 14, 1980). Codified as 10 GCA § 80107.

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Repealed and added by P.L. 25-150:8 (July 7, 2000). Repealed and added by P.L. 30-190:1 (Aug. 28, 2010).

2013 NOTE: This section was originally codified as GC § 49008, entitled, "*Exemption from Taxation.*" Codified as 10 GCA § 80110. Repealed and reenacted as 10 GCA § 80115 by P.L. 30-190 (Aug. 28, 2010).

§ 80111. Chief Financial Officer.

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

(1) possession of a Certified Public Accountant (CPA) certificate in the United States and a Bachelor's Degree in Health Services Management (HSM) or health related work experience, plus one (1) year supervisory experience; or

(2) graduation from a recognized college or university with a Master's Degree in accounting, finance, economics, business administration or a related field, plus four (4) years experience as an administrator for general accounting and fiscal services of which one (1) year must be management-level fiscal experience in a hospital or health care facility; or

(3) graduation from a recognized college or university with a Bachelor's Degree in accounting finance, economics, business administration or a related field, plus five (5) years as an administrator responsible for general accounting and fiscal services of which two (2) years must be management-level fiscal experience in a hospital or health care facility; and

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

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

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SOURCE: Added as uncodified law by P.L. 25-150:13 (July 7, 2000). Codified by Compiler as 10 GCA § 80107.1. Amended by 29-014:3 (Sept. 7, 2007). Repealed and added by P.L. 30-190:1 (Aug. 28, 2010).

2013 NOTE: This section was originally codified from GC § 49009, entitled, “*Contracts and Purchases.*” Subsection (d) amended by P.L. 16-098:7 (July 2, 1982). Codified as 10 GCA § 80111. Repealed by P.L. 16-124:23 (Dec. 29, 1982).

NOTE: P.L. 28-068:42 (Sept. 30, 2005) transferred duties and responsibilities assigned to the Civil Service Commission to the Director of Administration, effective January 1, 2006 pursuant to P.L. 28-068:47 and 48.

§ 80112. Construction With Other Laws.

Insofar as the provisions of this Chapter are inconsistent with the provisions of any other law, the provisions of this Chapter shall be controlling; and in particular but not by way of limitation, except as may be provided in this Chapter, no provision of any law with respect to employment of personnel, shall be applicable to the Guam Memorial Hospital Authority unless *LIHESLATURA* shall specifically so state; provided, however, that the Guam Memorial Hospital Authority may utilize in its operations the procedures and facilities provided by any such law or by the executive agencies of the government of Guam.

SOURCE: Added by P.L. 30-190:1 (Aug. 28, 2010).

2013 NOTE: This section was originally codified from GC § 49010, entitled, “*Fiscal Authority; Accounting and Expenditures.*” Codified as 10 GCA § 80112. Repealed and added as 10 GCA § 80115 by P.L. 30-190 (Aug. 28, 2010).

§ 80113. Employment Practices.

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

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

(1) This Subsection *shall* include Allied Health providers, as defined pursuant to Chapter 12, Part 1 and Part 2, of Title 10, Guam Code Annotated, practicing in their specialty and employed as Health Care Administrators (HCA) for their department who *shall* be members of the classified service of the government of Guam. These positions

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are herein referenced, but not limited to, as follows: Chief Respiratory Therapist (HCA), Chief Hospital Radiology Technologist (HCA), Chief Hospital Pharmacist (HCA), Administrator of Laboratory Services (HCA), Chief of Rehabilitative Services (HCA), and Administrator of Hospital Food Services (HCA).

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

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

SOURCE: Added by P.L. 14-029:1 (May 27, 1977) as GC § 49007. Subsection (b) amended by P.L. 16-023:13 (Aug. 11, 1981), and P.L. 16-041:5 (Sept. 28, 1981) (amending P.L.16-023:13). Codified as 10 GCA § 80109. Repealed and added by by P.L. 30-190:1 (Aug. 28, 2010). Subsection (b) amended by P.L. 33-023:1 (May 7, 2015). Subsection (b)(1) added by P.L. 33-023:1 (May 7, 2015).

2015 NOTE: Pursuant to P.L. 33-023:2:

Section 2. Classification Without Loss or Reduction in Salary, Status or Benefits. As provided pursuant to Section 1 of this Act, and notwithstanding any provision of law, rule, or regulation, the personnel in the positions identified in Item (1) of § 80113(b) of Chapter 80 of Division 4, Title 10, Guam Code Annotated, *shall* have their admission as members in the classified service of the government of Guam occur without a disruption in service, or loss or reduction in salary, status or benefits.

2013 NOTE: This section was originally codified from GC § 49010, entitled, "*Fiscal Authority; Accounting and Expenditures.*" Codified as 10 GCA § 80112. Repealed and added as 10 GCA § 80116 by P.L. 30-190:1 (Aug. 28, 2010).

§ 80114. Attorney.

(a) The Guam Memorial Hospital Authority may employ an attorney to assist and represent the Hospital and to advise the Board in all civil matters in which the Hospital is a party or in which the Hospital is legally interested; provided that the Attorney General shall represent the Hospital in litigation concerning the affairs of the Authority, unless he or she delegates this duty to the Attorney of the Hospital, with respect to any such litigation.

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

(c) The Attorney so employed or engaged shall be admitted to practice before the courts of Guam under the same conditions as are attorneys employed by the government pursuant to 7 GCA Section 9A114 and 9A114A.

SOURCE: Added by P.L. 30-190:1 (Aug. 28, 2010).

2013 NOTE: This section was originally codified from GC § 49011, entitled, “*Patients’ Records.*” Codified as 10 GCA § 80114, entitled, “*Patients’ Records Confidential.*” Repealed and added as 10 GCA § 80118 by P.L. 30-190:1 (Aug. 28, 2010).

§ 80115. Exemption From Taxation.

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

SOURCE: Added by P.L. 14-029:1 (May 27, 1977) as GC § 49008. Codified as 10 GCA § 80110. Repealed and added to this section by P.L. 30-190:1 (Aug. 28, 2010).

2013 NOTE: This section was originally entitled “*Mandatory Annual Budget.*” Repealed and reenacted as 10 GCA § 80119 by P.L. 30-190:1 (Aug. 28, 2010).

§ 80116. Fiscal Authority; Accounting and Expenditures.

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

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

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

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

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

(f) Bi-weekly Receivables Updates. The Hospital shall post on its official website, and shall update such postings on a bi-weekly basis, a complete listing of each of its accounts receivable, aged according to established accounting practices, and further defined as follows:

(1) Government receivables, billings and payments, which include amounts due and paid from the U.S. Government (Medicare), from the Government of Guam (Medicaid, Medically Indigent Program, Worker's Compensation), and from other governments, including the various Freely Associated States. Receivables from each entity shall be individually labeled and entered.

(2) Health insurance receivables, billings and payments, which include all amounts due and paid from individual private sector health insurance providers. Receivables from each entity shall be individually labeled and entered when the total amount due from each entity amounts to Ten Thousand Dollars (\$10,000) or more. Receivables from entities in this category amounting to less than Ten Thousand Dollars (\$10,000) shall be entered as a lump sum.

(3) Self-payer receivables, billings and payments, which include amounts due and paid from entities, including individuals, corporations, organizations, or other business entities without any reference to specific names of such entities. Receivables from entities in this category shall be labeled as "Self-payer Receivables", "Self-payer

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Billings”, and “Self-payer Payments”, each of which shall be entered as a lump sum.

(4) All discounts granted to all payers in the reports under this Subsection (f) shall be made a part of the report.

(5) Nothing in this reporting mandate shall authorize the Hospital to violate the federal Health Insurance Portability and Accountability Act (HIPAA) Law.

SOURCE: Added by 14-029:1 (May 27, 1977) as GC § 49010, entitled, “*Fiscal Authority; Accounting and Expenditures.*” Codified as 10 GCA § 80112. Subsection (f) added by P.L. 31-036:2 (Apr. 18, 2011). Repealed and added as 10 GCA § 80116 by P.L. 30-190:1 (Aug. 28, 2010).

2013 NOTE: This section was originally entitled “*Insurance Coverage.*” Added by P.L. 20-017:8 (June 9, 1989). Repealed by P.L. 24-011:2 (Mar. 21, 1997).

§ 80117. Irreversible Renal Failure.

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

SOURCE: Added by P.L. 30-190:1 (Aug. 28, 2010).

2013 NOTE: Added by P.L. 24-176:4 (April 17, 1998), entitled, “*Solicitation, Acceptance, Utilization and Administration of Donations, Contributions, Gifts, and Bequests for Specific Purposes.*” Repealed and added as 10 GCA § 80120 by P.L. 30-190:1 (Aug. 28, 2010).

This section was originally entitled, “*Insurance Payments. Agreements. Deposits. Patient Treatment Costs.*” Added by P.L. 23-128:27 (Dec. 12, 1996). Repealed by P.L. 24-011:2 (Mar. 21, 1997).

§ 80117.1. [Vacant.]

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2013 NOTE: Formerly entitled “Cancer Data Collection,” this section was codified to § 80124 by the Compiler pursuant to the authority granted by 1 GCA § 1606.

§ 80118. Patients’ Records Confidential.

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

SOURCE: Added by 14-029:1 (May 27, 1977) as GC § 49011, entitled, “*Patient Records Confidential.*” Codified as 10 GCA § 80114. Repealed and added as 10 GCA § 80118 by P.L. 30-190:1 (Aug. 28, 2010).

2013 NOTE: This section was originally entitled, “*Receiving of Revenues from Vending Machines.*” Added by P.L. 24-0176:5 (April 17, 1998). Repealed and added as 10 GCA § 80121 by P.L. 30-190:1 (Aug. 28, 2010).

§ 80119. Mandatory Annual Budget.

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

SOURCE: Added by P.L. 19-005-54 (Aug. 21, 1987) as 10 GCA § 80115. Amended by P.L. 19-010:XI:35 (Nov. 17, 1987). Amended by P.L. 28-068:27 (Sept. 30, 2005). Repealed and reenacted to this section by P.L. 30-190:1 (Aug. 28, 2010).

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

(a) The Administrator of the Guam Memorial Hospital Authority (GMHA), with the concurrence of the GMHA Board of Trustees, shall be authorized to solicit, accept, utilize and administer on behalf of GMHA, donations, contributions, gifts and bequests for any specific purpose relative

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to medical care, and may expend any sums so received for the purposes intended by the giver, or donor, in addition to the regular appropriations made for such purposes. Such donations, contributions, gifts and bequests received, or income accrued on a continuing basis, shall, as a matter of policy, be reflected in the annual budget of the receiving agency as credit to offset the expense budget request for that agency for the fiscal year under consideration.

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

SOURCE: Added by P.L. 24-176:4 (April 17, 1998) as 10 GCA § 80117. Repealed and added as 10 GCA § 80120 by P.L. 30-190:1 (Aug. 28, 2010).

§ 80121. Receiving of Revenues from Vending Machines.

GMHA is hereby authorized to install vending machines or similar machines, which can be contractual, for the purpose of serving the Hospital and its employees, and shall be entitled to all revenues from such activities. The Hospital Administrator shall use such revenues for the Hospital employees' health or other services for the benefit of its employees.

SOURCE: Added as 10 GCA § 80118 by P.L. 24-176:5 (April 17, 1998). Repealed and added as 10 GCA § 80121 by P.L. 30-190:1 (Aug. 28, 2010).

§ 80122. Net Pay Not Permitted.

Notwithstanding any other provisions of law, rule, or regulation, no certifying officer, administrator, or employee of the Guam Memorial Hospital Authority shall authorize the issuance of net pay at the authority. For the purpose of this Section, "net pay" shall mean the remaining amount after deductions from the gross salary, where net means ultimate and an amount is issued to an employee without the full payment of all payroll deductions due to each employee at the Authority. The issuance of net pay by any certifying officer, administrator, or employee of the Guam Memorial Hospital Authority shall be grounds for termination.

SOURCE: Added as uncodified law by P.L. 32-043:3 (July 1, 2013). Codified to this section by the Compiler pursuant to the authority granted by 1 GCA § 1606.

§ 80123. Urgent Healthcare Center, Established.

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(a) The Guam Memorial Hospital Authority shall establish, within the premises of the hospital facility, an urgent healthcare medical services center for non-emergency outpatient medical services. The urgent care center shall serve as a center to treat patients who have an injury or illness that requires immediate care, but are not apparently serious enough to require emergency room attention.

(b) Criteria for Urgent Healthcare Center. The Urgent Healthcare Center shall seek to develop and maintain a standard of medical care that meets the minimum criteria and requirements for primary care or urgent care services, as set forth by the Joint Commission and the CMS.

(c) The Guam Memorial Hospital Authority (GMHA) shall within thirty (30) days of enactment of this Act: establish a working group comprised of the necessary expertise, including the Chairperson of the GMHA Emergency Medicine Department or his designee to develop:

- (1) Urgent Healthcare Center operational criteria;
- (2) identify adequate, available space for the establishment of the Urgent Healthcare Center; and,
- (3) a plan of action, inclusive of the financial requirements to commence the requisite processes necessary for GMHA to establish an Urgent Healthcare Center.

(d) Within ninety days of the establishment of the working group, the Administrator shall present a report addressing items (1), (2) and (3) of Subsection (c) to the GMHA Board of Trustees for their approval of the execution to establish the Urgent Healthcare Center.

(e) The Administrator shall, upon approval of the plan of action by the GMHA Board of Trustees, submit to *I Liheslaturan Guåhan* a copy of the final report.

SOURCE: Added as § 80122 by P.L. 32-060:5 (July 9, 2013), recodified to this section by the Compiler pursuant to the authority granted by 1 GCA § 1606.

§ 80124. Cancer Data Collection.

The Guam Memorial Hospital Authority (GMHA) and the GMHA Medical Staff shall continue to collect information regarding cancer cases with relevant data for the Cancer Registry, as established by the Department

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of Public Health and Social Services (DPHSS). GMHA shall provide DPHSS cancer information semiannually.

SOURCE: Repealed and reenacted as 10 GCA 80113.1 by P.L. 24-198:3 (May 6, 1998), and P.L. 30-190:1 (Aug. 28, 2010). Renumbered by the Compiler to this section pursuant to authority granted by 1 GCA § 1606.

§ 80125. Authorization of One or More Series of Limited Obligation (Section 30) Bonds.

(a) *I Liheslaturan Guåhan*, pursuant to § 50103(k) of Article 1, Chapter 50 of Title 12, Guam Code Annotated, hereby authorizes *I Maga'låhen Guåhan* to issue one or more additional series of tax-exempt and/or taxable Limited Obligation (Section 30) Bonds of the government of Guam, as provided in this Section, in an aggregate principal amount not to exceed

(1) Forty-five Million Dollars (\$45,000,000) for the following:

(A) up to Thirty Million Dollars (\$30,000,000) for the express authorization of paying off Guam Memorial Hospital Authority account payables; and

(B) Fifteen Million Dollars (\$15,000,000) for Guam Memorial Hospital Authority Fiscal Year 2017 account payables subject to legislative authorization and appropriation in the General Appropriations Act of FY 2017;

(2) the principal amount necessary in order to provide for one or more of the following purposes:

(A) to finance a reserve fund;

(B) to refund all of the 2009A Bonds with a final maturity that does not exceed the existing final maturity of the 2009A Bonds;

(C) to refinance the outstanding loan of the Bank of Guam to the Guam Memorial Hospital Authority currently outstanding in the approximate principal amount of 20.1 Million Dollars, with a final maturity that does not exceed the existing final maturity of the outstanding loan of the Bank of Guam to the Guam Memorial Hospital;

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(D) to refinance all of the Government's obligations with respect to the Series 2013B Guam Education Financing Foundation II, Inc. Certificates of Participation (Okkodo High School Expansion Project) (the 2013 Certificates), with a final maturity that does not exceed the existing final maturity of the 2013B Certificates; and

(E) to pay expenses relating to the authorization, sale and issuance of the bonds, including without limitation, printing costs, costs of reproducing documents, credit enhancement fees, underwriting, legal, feasibility, financial advisory and accounting fees and charges, fees paid to banks or other financial institutions providing credit enhancement, costs of credit ratings and other costs, charges and fees in connection with the issuance, sale and delivery of the bonds, not to exceed 1.5% of the PAR and subject to the following additional conditions:

(i) The terms and conditions of the bonds shall be as determined by *I Maga'låhen Guåhan* by the execution of a certificate or indenture authorizing the issuance of the bonds, prior to the issuance of the bonds and shall be issued under the master indenture pursuant to which the 2009A Bonds were issued (including any amendments thereto) or under a new master indenture; provided, however, that such terms and conditions shall be consistent with this Section, that the bonds shall mature not later than thirty-one (31) years after their date of issuance, shall bear interest at such rates and be sold for such price or prices as shall result in a yield to the bondholders that does not exceed five percent (5%) per annum; and that the combined present value of debt service on the bonds issued to refund the 2009A Bonds, the above-referenced Bank of Guam loan and the 2013B Certificates shall be at least two percent (2%) less than the present value of debt service on the bonds and loan being refunded or refinanced.

(ii) The proceeds from such bonds shall be used and are hereby appropriated

(aa) to finance the payment of the Guam Memorial Hospital Authority outstanding vendor payables;

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(bb) to fund a reserve fund;

(cc) to refund all of the 2009A Bonds and the 2013B Certificates;

(dd) to refinance the outstanding loan of the Bank of Guam to the Guam Memorial Hospital Authority, currently outstanding in the approximate principal amount of 20.1 Million Dollars; and

(ee) to pay expenses relating to the authorization, sale and issuance of the bonds including, without limitation, printing costs, costs of reproducing documents, credit enhancement fees, underwriting, legal, feasibility, financial advisory and accounting fees and charges, fees paid to banks or other financial institutions providing credit enhancement, costs of credit ratings and other costs, charges and fees in connection with the issuance, sale and delivery of the bonds.

(iii) No bonds authorized by this Section shall be sold until the Board of Directors of Guam Economic Development Authority has approved the sale by resolution.

(iv) The issuance of bonds pursuant to this Section shall not be subject to the approval of the voters of Guam.

(b) All bonds issued pursuant to this Section shall be secured by a statutory lien on all revenues derived by the government of Guam under Section 30 of the Organic Act (Section 30 revenues). This lien shall arise automatically without the need for any action or authorization by *I Maga'låhen Guåhan*, the government of Guam, or any other person or entity. Such lien shall be valid and binding from the time such bonds are issued. The Section 30 revenues shall immediately be subject to such lien, and the lien shall automatically attach to the Section 30 revenues and be effective, binding, and enforceable against *I Maga'låhen Guåhan*, the government of Guam, their successors, assignees, and creditors, and all others asserting the rights therein, irrespective of whether those parties have notice of the lien and without the need for any physical delivery, recordation, filing, or further Act. Section 30 revenues that are not required to make payments on the bonds shall automatically, and without the need for any

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further action, be released from such lien and shall be available for appropriation for any other lawful purpose of the government. The statutory lien described in this Subsection shall not be subject to Division 9 of Title 13, Guam Code Annotated, or any successor statute. The Section 30 revenues received by the government of Guam or by any trustee, depository or custodian shall be deposited in accordance with the provisions of the applicable indenture.

(c) In addition to the statutory lien provided for above, all or any part of the Section 30 revenues may be pledged, if and to the extent determined by *I Maga'låhen Guåhan*, to secure the payment of any bonds issued pursuant to this Section. Any such pledge shall be valid and binding against all parties in accordance with its terms and have priority against all parties in accordance with its terms from the time the pledge is made, and property so pledged shall immediately be subject to the lien of the pledge without the need for physical delivery, recordation, filing, or other further Act. The pledge shall not be subject to Division 9 of Title 13, Guam Code Annotated, or any successor statute. The indenture by which such pledge is created need not be recorded. All Section 30 revenue so pledged is hereby appropriated for the purpose for which it has been pledged. Indebtedness issued by the government pursuant to this Section and that is payable from Section 30 revenue may not be issued in an amount that would cause a violation of the debt limitation provisions of Section 11 of the Organic Act.

SOURCE: Added by P.L. 33-183:1 (July 22, 2016).

2016 NOTE: P.L. 33-183 stated further:

Section 3. All elements contained in Section 2 of this Act shall be included in the indenture pursuant to this Act. Additionally, the trustee shall not release the Fifteen Million Dollars (\$15,000,000) until such authorization and appropriation in the General Appropriation Act of FY 2017 is duly passed by *I Liheslaturan Guåhan*.

Section 4. Any fee(s) to be paid to the Guam Economic Development Authority for their assistance in refinancing the Series 2009 A Limited Obligation (Section 30) Bonds, the Series 2013B Guam Education Financing Foundation II, Inc. Certificates of Participation (Okkodo High School Expansion Project), and the Guam Memorial Hospital Authority Bank of Guam Loan shall be from the source of debt service for these bonds, certificates and loan.
