

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

**DIVISION 4**  
**GUAM HEALTH ACT**

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**GUAM MEMORIAL HOSPITAL ADMINISTRATION**

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**§ 80101. Short Title.**

This Division may be cited as the *Guam Health Act of 1977*.

**SOURCE:** GC § 49000.

**§ 80102. Definitions.**

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As used in this Division, unless otherwise indicated:

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

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

(c) *Hospital* means Guam Memorial Hospital Authority.

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

**SOURCE:** GC § 49001.

**§ 80103. Establishment.**

There is within, and a public corporation and autonomous instrumentality of, the government of Guam called the Guam Memorial Hospital Authority.

**SOURCE:** GC § 49002.

**§ 80104. Powers.**

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

(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 the Territory.

(b) Establish a schedule of fees, in accordance with 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 make the hospital self-sustaining. 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 shall be paid by the Department of Public Health and Social Services.

(c) 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

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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.

(d) Establish its internal organization and management;

(e) Perform such acts as may be reasonably necessary to accomplish the purpose for which it was formed, subject, however, to the following conditions:

(1) The purchase of all supplies and materials and the construction of all works shall be subject to the provisions of § 80111 of this Article;

(2) No contract requiring an expenditure of more than Ten Thousand Dollars (\$10,000) shall be entered unless the Attorney General shall have approved its form and found that its purpose is within the powers of the hospital;

(f) Adopt a seal;

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

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

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

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

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

(l) 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 Act. Such rules and regulations shall

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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.

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

(n) Contract with a corporation to exercise any or all the powers of the Administrator and of those officers authorized by §80108 of this Article, if the Board so chooses. Any such contract shall be subject to the provisions of Subsection (e)(2) of this Section;

(o) Arrange a line of credit not to exceed Three Million Dollars (\$3,000,000) with banks or other lending institutions licensed on Guam. All terms of the line of credit agreement shall be negotiated by the Authority in the best interests of the people of Guam. The terms of the line of credit agreement shall include the following:

(1) The line of credit shall be used by the Authority when a cash shortage which hampers the operation of the hospital is imminent, provided that the line of credit shall not be used to finance capital improvements or non-health care professionals.

(2) No charge shall be levied by a lender for opening the line of credit.

(3) The interest rate shall be subjected to negotiation between the Authority and the lender. Such interest rate shall be computed on a monthly average and based on the actual amount extended to the Authority.

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

(5) The Authority may pledge only its revenues as a security for repayment of the loan.

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(6) Any money borrowed shall be repaid within three (3) years. In no case shall any amount borrowed be refinanced permitting repayment more than three (3) years after the loan is made.

(p) 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 Article.

(q) Arrange a line of credit not to exceed Five Million Dollars (\$5,000,000) with banks or other lending institutions licensed on Guam for the purchase of medical equipment. The terms of the line of credit shall be identical to the provisions of items (2) through (4) of subsection (o) of this Section. Any money borrowed shall be repaid within five (5) years. As part of any loan agreement the Board shall identify the source of the repayment and such source shall constitute a trust fund of the Authority which shall be used for no purpose other than repayment until the sum borrowed is repaid in full.

(r) Arrange, with the consent of the Governor, a loan not to exceed Twenty-seven Million Dollars (\$27,000,000). The loan shall be upon such terms and conditions as established by a Loan Agreement, and such other documents and instruments as are executed by the Authority with the approval of the Governor containing such terms as are consistent with this Subsection. The Governor, on behalf of the government of Guam, is authorized to guaranty the loan and to grant the pledge of Section 30 revenues as provided below as security for repayment of the loan.

(1) The loan shall be for such term, not to exceed twelve (12) years, and upon such conditions as to maturity and repayment as agreed by the Lender and the Authority with the approval of the Governor. The rate of interest upon the loan shall be as negotiated between the Lender and the Authority and approved by the Governor.

(2) Interest shall be computed upon the declining balance of principal outstanding from time to time upon the loan.

(3) Prepaid charges shall not be levied by the Lender for making the loan. The Lender may charge and be paid either from the loan funds or other funds of the Authority or of the government of Guam its expenses incurred in making the loan, including legal fees, recording, title insurance and appraisal fees, and like expenses.

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(4) Interest earned by the Lender shall be exempt from taxation by the government of Guam, including without limitation taxation under the Guam Business Privilege Tax and Guam Territorial Income Tax.

(5) The government of Guam waives immunity from suit as to the government of Guam, the Guam Memorial Hospital Authority and any other agency or instrumentality of the government of Guam making any mortgage, pledge, security agreement or other instrument in connection with the loan.

(6) The provisions of Title 10 Guam Code Annotated § 80104(e)(2) shall be inapplicable to the loan and to all documents given in connection therewith.

(7) The provisions of Title 12 Guam Code Annotated §2103(k) shall be inapplicable to the loan.

(8) The loan may be secured by:

(i) pledge of revenues of the Guam Memorial Hospital Authority;

(ii) a guaranty of the government of Guam;

(iii) pledge of all or any part of the revenues derived by the government of Guam under Section 30 of the Organic Act (Any such pledge shall be made by a certificate approved by the Governor authorizing the pledge and the terms and conditions thereof. The Governor may appoint a trustee authorized to receive revenues derived by the government of Guam under Section 30 of the Organic Act, and after applying such revenues to obligations under prior loans or bonds issued by the government of Guam and secured thereby, applying them to obligations under the loan. Any such pledge shall be valid and binding from the time the pledge is made, subject to prior pledges upon such revenues. The revenues pledged and thereafter received by the government of Guam or by any trustee appointed pursuant hereto shall upon receipt immediately be subject to the lien of the pledge without any physical delivery thereof or further act, and the lien of such pledge shall be valid and binding against all parties having claims of any kind in tort, contract, or otherwise against the government of Guam irrespective of whether the parties have notice thereof.); and

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(iv) mortgage upon and security interest in the real property, improvements and related facilities known as the Guam Memorial Hospital, and the equipment, furniture, fixtures located thereat. In furtherance of the mortgage, any agency or instrumentality of the government of Guam having an interest in the Guam Memorial Hospital facility, including without limitation the Authority and the Chamorro Land Trust Commission, shall, upon the authorization of the Governor, enter into and join in such mortgage. The Lender is authorized to enforce the mortgage in accordance with its terms, and in the event of default, title may be conveyed in accordance with the terms of the mortgage.

(9) There are appropriated from any pledged revenues of the Authority, the pledged Section 30 funds, and from the General Fund such sums as will in each year equal the amount of money necessary to pay the principal and interest and other obligations upon the loan.

(s) With the concurrence 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.

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 the Governor for his review and approval.

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

(1) the line of credit 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 to finance capital improvements or the hiring of non-health care professionals not involved with providing direct patient care or patient care support, except for funding of the Guam Memorial Hospital Authority long-term care facility in Barrigada Heights;

(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, I Maga'láhen Guáhan and the lender; such interest rate shall

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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'lahren Guåhan is authorized to pledge funds which Guam shall receive from the State Attorneys General Tobacco Litigation, as provided by Public Law Number 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'lahren Guåhan and the Authority is hereby authorized to execute the 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.

**SOURCE:** GC § 49003. Subsection (a) amended by P.L. 17-21. Subsection (b) amended by P.L. 15-141, P.L. 17-83 and P.L. 18-26:7. Subsection (c) amended by P.L. 16-124; further amended by P.L. 20-228 as subsection (c) of §80103; amended by P.L. 29-014:2 (Sept. 7, 2007). Subsection (e)(2) amended by P.L. 16-7 and P.L.16-98. Subsection (n) amended by P.L. 16-98. Subsection (o)(6) amended by P.L. 23-112:2. Subsection (p) added by P.L. 16-124. Subsection (q) added by P.L. 18-26:13. Subsection (r) added by P.L. 24-14:44, amended by P.L. 24-058:2, repealed and reenacted by P.L. 24-59:IV:21. Subsection (s) added by P.L. 24-173:2. Subsection (t), relettered from subsection (s) by Compiler, added by P.L. 25-150:2. Subsection (l) added by P.L. 28-068:II:III:33 (Sept. 30, 2005). Amended by P.L. 29-002:VI:28 (May 18, 2007) the name, Gross Receipts Tax, changed to Business Privilege Tax.

**COURT DECISIONS:** SUPER.CT. 1981. The Organic Act of Guam is not inconsistent with 12 GCA § 80104 which allows the Guam Memorial Hospital Authority to sue and be sued. The Claims Act provisions are not applicable to the present case. Ramos v. Guam Memorial Hospital Authority, Civil Case #172-81. (The holding of this case has been reversed by the adoption of a new Government Claims Act. See Government Code § 6500 et seq. as reenacted by P.L. 17-29.)

**§ 80105. Hospital Rates.**

(a) The Guam Memorial Hospital Authority ('Authority') shall establish and modify from time to time, reasonable rates, fees and charges for its services, medications and supplies, which when considered together with other sources of funds and revenue, shall be at least adequate to enable the Authority to meet its financial obligations, operating expenses and capital improvement needs. The Guam Public Utilities Commission shall

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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.

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%).

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, new fee or rate increase will immediately become effective.

(b) The Authority may establish interim fees for new, un-tariffed 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 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.

**SOURCE:** GC § 49003.1 as added by P.L. 14-148, R/R by P.L. 18-26:8. Subsection (d) of §80105 is amended by P.L. 20-3:IX:4. Repealed/reenacted by P.L. 25-5:7. Amended by P.L. 26-66:4.

**§ 80105.1. Fees.**

**[Repealed]**

**SOURCE:** P.L. 19-5:8. Repealed/reenacted by P.L. 23-22:2 (5/30/95). Repealed by P.L. 25-05:8.

**§ 80105.2. Health Care Professional Fees Schedule.**

(a) Authorization to Implement Health Care Professional Fees. The Guam Memorial Hospital Authority (the "AUTHORITY") is hereby authorized to implement the attached Health Care Professional Fees known as, "Exhibit 1," as part of the Hospital's fee schedule.

(b) Revisions of the Health Care Professional Fees Schedule. The provision of this Act shall be repealed upon subsequent submission and approval of the Health Care Professional Fees through the Administrative Adjudication Law.

**SOURCE:** Added by P.L. 24-32:2.

**§ 80106. Board of Trustees.**

(a) All powers vested in the Guam Memorial Hospital Authority, except as provided herein, shall be exercised by the Board, which shall consist of nine (9) members, called 'Trustees.' The nine (9) Trustees shall consist of four (4) members representing the general public, who shall possess 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; two (2) members representing the Guam Medical Society. I Maga'lahaen Guåhan shall appoint the members with the advice and consent of I Liheslaturan Guåhan. A Trustee shall serve a term of five (5) years. All vacancies occurring in the office shall be filled in the same manner as full-term appointments, but only for the unexpired term of the Board member whose vacancy is being filled. The Governing Board shall elect a Chairperson, Vice-Chairperson, Secretary and Treasurer from among its membership every two (2) years.

(b) Five (5) Trustees shall constitute a quorum of the Board for the transaction of business. The concurrence of five (5) members present shall constitute official action of the Board. The Board may adopt such rules and regulations governing the conduct of its affairs.

(c) Each Director shall receive the sum of Fifty Dollars (\$50.00) for his attendance at any meeting of the Board, but such compensation shall not apply to more than four (4) meetings or exceed Two Hundred Dollars (\$200) in any one calendar month. No Director shall receive any other compensation, but shall be reimbursed for actual travel, subsistence and out-of-pocket expenses incurred in the discharge of his responsibilities, including authorized attendance at meetings held away from Guam.

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(d) The Guam Memorial Hospital Authority shall be liable for the negligent act of any hospital employees 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.

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

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

(g) No Trustee shall be actively engaged in the selling of services or goods to the Hospital in excess of One Hundred Thousand Dollars per year. This restriction shall not apply to health care professionals who provide direct patient care services to the Hospital

(h) 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 immediate removal from the Board by *I Maga'lahaen Guåhan* [Governor of Guam].

(i) The Board shall, in accordance with all relevant procurement laws, contract with a professional management firm with at least five (5) years demonstrated experience in hospital management in the United States, to manage the hospital facility and all of its functions. The management firm shall exercise, on the Board's behalf, all of the executive authority granted to the Board by the laws of Guam, provided that the Board shall retain its rulemaking authority and shall monitor the firm's performance of the contract. The contract shall be for a period of five (5) years. *If* the contract is terminated or becomes invalid for any reason, *all* authority shall revert to the Board, which shall appoint an interim manager until a new contractor is selected. The Board shall determine the firm's compensation, which shall be paid from the Hospital Operations Fund.

(1) The management firm shall:

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(aa) manage the Guam Memorial Hospital Authority in accordance with the laws of Guam;

(bb) provide periodic reports to the Board on the operations and functioning of the hospital;

(cc) recommend changes in the law to improve the hospital's functioning and create a written plan to achieve JCAHO accreditation for the hospital, within five (5) years, with said plan to include benchmarks by which to measure progress towards this goal; and

(dd) provide training to hospital staff as shall be specified in the contract.

**SOURCE:** GC § 49004; Subsections (a) amended by P.L. 15-41; (b) amended by P.L. 15-55; amended by P.L. 19-4:16(d), added by P.L. 19-4:17(f). Subsections (a) and (b) amended by P.L. 25:150:9, 10. Subsections (g) & (h) added by P.L. 25-150:11, 12. Subsection (i) added by P.L. 28-068:II:III:35 (Sept. 30, 2005); amended by P.L. 28-150: II:IV:6 (Sept. 30, 2006).

**§ 80107. Administrator.**

(a) The Board shall hire or contract an Administrator, who shall be its Chief Executive Officer. The Administrator shall meet the following minimum qualifications:

(i) 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

(ii) 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;

(iii) 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

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

(b) The Administrator shall serve at the pleasure of the Board, which shall be responsible for the annual evaluation of the Hospital Administrator's performance. The Board, in consultation with the Director of Administration, 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 and the Director of Administration deem necessary to attract and retain a qualified Administrator. Notwithstanding the provisions of 4 GCA § 6206.1, the salary of the Hospital Administrator shall be established by the Director of Administration. The Director of Administration shall consider income levels of private and government practitioners on Guam and worldwide. Implementation of the salary structure is subject to the approval of the Director of Administration.

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

(i) 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;

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

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

(iv) 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;

(v) 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;

(vi) to prepare and cause to be prepared all plans and specification 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;

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(vii) to devote that person's entire 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;

(viii) 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;

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

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

**SOURCE:** GC § 49005; Subsection (b)(9) added by P.L. 15-112. Section repealed/reenacted by P.L. 25-150:8. Subsection (b) amended by P.L. 25-183:1. Amended by P.L. 28-068:IV:42 and 47 (Sept. 30, 2005), effective January 1, 2006; reference to Civil Service Commission changed to Director of Administration.

**§ 80107.1. 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:

(i) 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

(ii) 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

(iii) 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*

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health care facility; and

(iv) *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, in consultation with the Director of Administration, 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 and the Director of Administration to attract and retain a qualified Chief Financial Officer. Notwithstanding the provisions of 4 GCA § 6206.1, the salary of the Chief Financial Officer shall be established by the Director of Administration. The Director of Administration shall consider income levels of private and government practitioners on Guam and worldwide. Implementation of the salary structure is subject to the approval of the Director of Administration.

**SOURCE:** Added by P.L. 25-150:13. Codified by Compiler. Subsection (b) amended by P.L. 25-183:2 as an amendment to P.L. 25-15:13(b). Amended by P.L. 28-068:IV:42 and 47 (Sept. 30, 2005), effective January 1, 2006; reference to Civil Service Commission changed to Director of Administration. Subsection (a) amended by P.L. 29-014:3, (Sept. 7, 2007).

**§ 80108. Other Officers.**

(a) All powers vested in the Guam Memorial Hospital Authority, except as provided herein, shall be exercised by the Board, which shall consist of nine (9) members, called *Trustees*. The nine (9) Trustees shall consist of four (4) members representing the general public, who shall possess 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; two (2) members representing the Guam Medical Society. I Maga'lahaen Guåhan shall appoint the members with the advice and consent of I Liheslaturan Guåhan. A Trustee shall serve a term of five (5) years. All vacancies occurring in the office shall be filled in the same manner as full-term appointments, but only for the unexpired term of the Board member whose vacancy is being filled. The Governing Board shall elect a Chairperson, Vice-Chairperson, Secretary and Treasurer from among its membership every two (2) years.

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(b) Five (5) Trustees shall constitute a quorum of the Board for the transaction of business. The concurrence of five (5) members present shall constitute official action of the Board. The Board may adopt such rules and regulations governing the conduct of its affairs.

(c) The treasurer shall have custody of all moneys of the hospital and shall pay out such money only in accordance with the direction of the Board.

(d) The Attorney, who must have been admitted to practice before the highest court of Guam, shall advise the Board and the Administrator on all legal matters to which the hospital is a party or in which the hospital is legally interested, and may represent the hospital in connection with legal matters before the Legislature, boards and other agencies of the Territory and before courts in any jurisdiction. The power granted to the Attorney by this Subsection shall not be in derogation or diminution of the duty imposed upon the Attorney General by §80104(e) of this Article.

**SOURCE:** GC § 49006; Subsection (a) amended by P.L. 14-91; Subsection (d) amended by P.L. 16-98.

**§ 80109. 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 health care administrators, shall be members of the classified service of the Government.

(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 §4204(d) of the Government Code. 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:** GC § 49007; Subsection (b) amended by P.L. 16-23 and 16-41.

**§ 80110. Exemption from Taxation.**

As an instrumentality of the Territory, the hospital and all property acquired by or for the hospital, and all revenues and income therefrom are

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exempt from taxation by the Territory or by any political subdivision or public corporation thereof and from all taxes imposed under the authority of the Legislature of the Territory, or with respect to which the Legislature is authorized to grant exemption.

**SOURCE:** GC § 49008.

**§ 80111. Contracts and Purchases.**

**[Repealed by P.L. 16-124]**

**§ 80112. Fiscal Authority; Accounting and Expenditures.**

(a) There is hereby established a fund to be known as the 'Hospital Operations 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 5 GCA §21112.

(c) All appropriations, if any, by the Guam Legislature 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) [Repealed by P.L. 23-117:2]

(f) The hospital shall report to the Governor and the Legislature 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.

**SOURCE:** GC § 49010, R/R by P.L. 19-10: IX:2. Subsection (e) repealed by P.L. 23-117:2.

**§ 80113. Irreversible Renal Failure.**

Citizens of the territory 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

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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:** GC § 49010.4 added by P.L. 16-47.

**§ 80113.1. 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 of Public Health and Social Services. GMHA shall provide DPHSS cancer information semiannually.

**SOURCE:** Added by P.L. 17-81:4. Repealed and reenacted by P.L. 24-198:3.

**§ 80114. 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:** GC § 49011.

**§ 80115. Mandatory Annual Budget.**

On March 30, 2006 for Fiscal Year 2007, and January 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. The program and financial plan shall contain the information set out in 5

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GCA §5106, which is used by Executive Branch departments and agencies. 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 P.L. 19-5:54, as amended by P.L. 19-10:35. Amended by P.L. 28-068:II:III:27 (Sept. 30, 2005).

**§ 80116. Insurance Coverage.**

**[Repealed]**

**SOURCE:** Added by P.L. 20-17:8. Repealed by P.L. 24-11:2.

**§ 80117. 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 to medical care, and may expend any sums so received for 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 periodically report contributions, donations, gifts and bequests actually received by the Governor and the Speaker of the Guam Legislature for proper acknowledgment purposes.

**SOURCE:** Added by P.L. 23-128:IV:27. Repealed by P.L. 24-11:2. Added by P.L. 24-176:4.

**§ 80118. Receiving of Revenues from Vending Machine.**

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 by P.L. 24-176:5.

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