

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN  
2011 (FIRST) Regular Session

2011 JUN 25 AM 2:57  
274

Bill No. 274-31 (COR)

Introduced by:

V. Anthony Ada  
R.J. Respicio  
C.M. Dueñas

**AN ACT TO ADD A NEW ARTICLE 23 TO CHAPTER 12 OF  
10GCA RELATIVE TO CREATING THE PHYSICIAN  
EDUCATION INCENTIVE PROGRAM.**

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

2 **Section 1.** A new Article 23 is *added* to Chapter 12 of 10GCA to read as  
3 follows:

4  
5 **Article 23**

6 **Physician Education Fund**

7  
8 **§122301. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds student  
9 loan subsidy/repayment programs are among the most popular methods that clinics  
10 and hospitals utilize to attract newly Board Certified or Board Eligible Physicians.  
11 These programs involve the subsidy or complete repayment of a physician's  
12 student loan balance. Over the last three decades many municipalities have tried  
13 various medical tuition assistance programs and scholarships. They have found  
14 that the problem with the advance funding of medical education is the high dropout  
15 rate. In some medical schools, less than half of the first-year class makes it to  
16 graduation. Given the high cost of advance funding of medical education, the  
17 fiscal impact of the loss of tuition funds to the municipality can be staggering.

18

1 *I Liheslatura* further finds the Guam, like the rest of the United States, requires its  
2 physicians to be Board Certified or Board Eligible to qualify for a Guam  
3 physician's license. An April 10, 2010 *Wall Street Journal* article quotes studies  
4 by the *Association of American Medical Colleges* that predict that at current  
5 graduation rates, the United States could face a shortage of 150,000 qualified  
6 physicians by the year 2025. Clinics and hospitals throughout the nation are  
7 devising new and innovative incentive programs to attract doctors to work in their  
8 facilities.

9  
10 It is the intent of *I Liheslatura*, in anticipation of greater shortage of physicians on  
11 Guam, to provide student loan repayment assistance to attract more physicians to  
12 work on Guam.

13

14 **§122302. Definitions.** As used in this Chapter:

15 *Student loan* means any federal or private loan used to finance an individual's  
16 education for which the student is required to repay in cash.

17 *Board Certified* means a physician has taken and passed a medical specialty  
18 examination and has been duly certified by a Board that is a member of the  
19 *American Board of Medical Specialties*, the *American Board of Physician*  
20 *Specialties* or the *American Osteopathic Association* or their successors.

21 *Board eligible* means a physician that has completed the requirements for  
22 admission to a medical specialty board examination but has not passed the  
23 examination.

24 *Loan Interest rate* means the rate of interest on the student loan.

25 *Loan Term* means the number of periods for which the student loan is repaid.

26 *Residency* means, for purposes of this section, a period of formal graduate medical  
27 education that consists of on-the-job training of medical school graduates;

1 completion of a residency program is required for board certification in a medical  
2 or surgical specialty.

3 *Fellowship* means, for purposes of this section, a post-residency training period of  
4 in a subspecialty, which allows a specialized physician to develop a particular  
5 expertise that may have a related subspecialty board; fellowship time is often used  
6 to prepare for specialty boards examinations.

7 *Internship* means, for purposes of this section, a period of apprenticeship for a  
8 medical school graduate who serves in a hospital for a specified period before  
9 beginning a professional practice.

10 *Assistance Eligibility Period* means the period of time for which benefits from the  
11 program, herein, will be paid

12

13 **§122303. Initial Minimum Qualifications.** The qualifications for assistance  
14 from this program are as follows:

15

16 (a) The physician must be admitted and licensed to practice medicine on  
17 Guam,

18 (b) The physician must have completed internship and the residency and  
19 fellowship requirements and must be United States *board eligible* or United  
20 States *board certified*.

21 (c) The physician must not have a medical license revoked for disciplinary  
22 reasons or a criminal conviction.

23 (d) The physician must not have been denied medical license, in any  
24 jurisdiction, for disciplinary reasons or criminal conviction.

25 (e) The physician must not be facing disciplinary actions, tort actions or  
26 criminal charges in any jurisdiction at the time of application for benefits.

1 (f) The physician must agree to practice medicine on Guam for a period of  
2 not less than three (3) years not including periods of thirty (30) days or more  
3 for military deployment. Military deployments of thirty (30) days or more  
4 shall extend the three-year period, *supra*, by the amount of time of the  
5 deployment(s).

6  
7 **§122304. Physician Education Fund.** There is hereby created the Physician  
8 Education Fund (“The PEF”). The Physician Education Fund may be funded by  
9 direct appropriation by *I Liheslaturan Guåhan*. Nothing herein is construed to  
10 limit the Department of Public Health and Social Services from receiving  
11 donations from private sources or federal grants to fund the benefits of this  
12 program.

13  
14 **§122305. Medical Education Assistance.** (a) Benefits shall be paid on a monthly  
15 basis throughout the *assistance eligibility period*.

16 (b) The amount of assistance shall be the lower of either the physician’s  
17 actual monthly student loan payment or Five Hundred Dollars (\$500.00). .

18 (c) A one-time bonus of Two Thousand Five Hundred Dollars (\$2,500.00)  
19 shall be paid to physicians that complete the agreed Three-year Guam practice  
20 requirement of §122303(f) of this Chapter. A physician who does not, for any  
21 reason, complete the agreed to Three-year Guam practice requirement of  
22 §122303(f) of this Chapter is deemed to have forfeited any rights to any portion of  
23 the one-time bonus of Two Thousand Five Hundred Dollars (\$2,500.00) authorized  
24 by this paragraph.

25 (d) The benefits herein shall be reduced by amounts paid for tuition  
26 reimbursement from any other source(s).

27

1 **§122306. Medical Education Assistance Benefit Period.** The benefits provided  
2 for in §122305 of this Chapter shall be paid until the physician ceases, for any  
3 reason other than vacation or military service, practicing medicine on Guam or the  
4 student loan is repaid or (3) completes ten (10) consecutive years of practice on  
5 Guam not including vacations, continuing education or military service. Benefits  
6 shall continue to be paid throughout any period of deployment for military service  
7 provided that the physician agrees to return to Guam upon completion of  
8 deployment and resumes practice upon return.

9  
10 **§122307. Cancellation of Benefits.** (a) All benefits under this program shall be  
11 cancelled in the event of any of the following:

- 12 (1) The physician is convicted of a crime of moral turpitude,  
13 (2) The physician ceases to practice medicine on Guam (except for normal  
14 vacations), or  
15 (3) The physician's license to practice medicine on Guam or any other  
16 jurisdiction is revoked for cause.  
17 (4) Failure for Board Eligible Physicians to obtain Board Certification  
18 within reasonable time standards established by the Specialty Board.  
19 (5) Failure to maintain Board Certification, after Certification was obtained,  
20 during the Medical Education Assistance Benefit Period.

21 (b) Exceptions: The following activities are exceptions to (a)(2), *supra*, but extend  
22 the minimum three-year (3-year) practice period by the same length of such  
23 activity:

- 24 (1) Military deployment;  
25 (2) Continuing education to maintain board certification;  
26 (3) Continuing education of one (1) year or less to obtain additional board  
27 certifications.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12

**§122308. Priority of Applicants.** All benefits herein are subject to availability of funds. Priorities for assistance shall be based on criticalness of the need for a specialty as determine by the *Board of Medical Examiners*.

**§122309. Administration of the Program.** The administration of the program of this Chapter shall be the responsibility of the Department of Public Health and Social Services. The Director of the Department of Public Health and Social Services shall submit a budget annually to *I Liheslatura* for the administrative costs of the program. The president shall also submit an estimate anticipated funding requirements for the PEF program delineated by (1) existing obligations and (2) prospective awards.