



**MINA' TRENTAI TRES NA LIHESLATURAN GUÅHAN**  
**2016 (SECOND) Regular Session**

Bill No. 341-33 (COR)

Introduced by:

D.G. RODRIGUEZ, JR. 

V. Anthony Ada 

Rory J. Respicio 

**AN ACT TO AMEND §80109 TO CHAPTER 80, DIVISION 4  
OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO  
ESTABLISHING RATES AND FEES FOR SERVICES OF THE  
GUAM MEMORIAL HOSPITAL AUTHORITY AT A LEVEL  
WHICH IS COMMENSURATE WITH, BUT NOT TO  
EXCEED, MEDICARE RATES.**

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

**Section 1. Legislative Finding and Intent.** *I Liheslaturan Guåhan* finds

that the Guam Memorial Hospital Authority (“GMHA”), Guam’s only public hospital, has been unable to generate sufficient revenue to support its operations and that this situation has been an ongoing concern for a number of years despite the best efforts of *I Liheslaturan Guåhan* and the current Administration which has infused millions of dollars into GMHA in recent years. This financial challenge also prevents GMHA from obtaining much needed new technology and diagnostic equipment along with undertaking capital improvements to the facility.

*I Liheslaturan Guåhan* further finds that the current rates and fee schedules currently in place are below the Medicare, which should at the very least be a baseline rate setting benchmark for the Guam Memorial Hospital Authority.

It is the intent of *I Liheslaturan Guåhan* to establish a schedule of fees and rates to be charged for care and services at or by the Hospital, which shall, at a minimum, be charged at the Medicare rate for all of the Hospital’s services and

1 supplies. It is, further, the intent that the Guam Memorial Hospital Authority *shall*  
2 be allowed to amend and adopt new fees and rates without requiring legislative  
3 concurrence.

4 **Section 2.** § 80109 of Chapter 80, Division 4 of Title 10, Guam Code  
5 Annotated is hereby *amended* to read, as follows:

6 “§ 80109. Powers. The Hospital shall have and exercise each and all of the  
7 following powers:

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

11 (b) (1) Establish a schedule of fees, in accordance with Title 10 GCA §  
12 80105, to be charged for care and services at or by the Hospital, which shall, at a  
13 minimum, be charged at the current year Medicare rate for the Hospital’s services  
14 and supplies. The schedule of fees shall be sufficient to recover the operating costs  
15 and fixed costs and to generate such revenue as is necessary to enable the Hospital  
16 to meet its financial obligations, operating expenses and capital improvement  
17 needs. The Guam Public Utilities Commission shall not have any purview over the  
18 Authority rates. ~~The rates established per fee schedule may be increased by the~~  
19 ~~Board of Trustees up to five percent (5%) per year; provided, that the total~~  
20 ~~revenues from all increases per fee schedule shall not exceed five percent (5%) of~~  
21 ~~the total revenues adopted by the Board in the Authority’s budget for that fiscal~~  
22 ~~year, or decreased as necessary.~~

23 (2) Fees for new services, medications, or supplies, or rate increases of  
24 more than five percent (5%) annually shall be established by the Authority,  
25 approved and ratified by the Board of Trustees and forwarded to I Liheslaturan  
26 Guåhan ~~for approval~~. Prior to the approval and ratification by the Board of

1 Trustees, public hearings must be conducted by the Authority for any new fee or  
2 rate increase of more than five percent (5%).

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

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