

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
248-35 (LS)	Tina Rose Muña Barnes	AN ACT TO ADD A NEW CHAPTER 10A TO TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO CREATING THE ACCESS TO MEDICAL ARBITRATION FUND, ESTABLISHING NEW FEES UPON APPLICATION FOR A HEALTH PROFESSIONAL LICENSE, AND TO APPROPRIATING ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) FROM THE UNAPPROPRIATED GENERAL FUND BALANCE, AT THE END OF FISCAL YEAR 2019, TO PROVIDE AN INITIAL DEPOSIT TO THE ACCESS TO MEDICAL ARBITRATION FUND.	11/18/19 3:03 p.m.						

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN


2019 (FIRST) Regular Session

Bill No. 218-35 (LS)

Introduced by:

Tina Rose Muña Barnes 

AN ACT TO *ADD* A NEW CHAPTER 10A TO TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO CREATING THE ACCESS TO MEDICAL ARBITRATION FUND, ESTABLISHING NEW FEES UPON APPLICATION FOR A HEALTH PROFESSIONAL LICENSE, AND TO APPROPRIATING ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) FROM THE UNAPPROPRIATED GENERAL FUND BALANCE, AT THE END OF FISCAL YEAR 2019, TO PROVIDE AN INITIAL DEPOSIT TO THE ACCESS TO MEDICAL ARBITRATION FUND.

2019 NOV 10 PM 3:03 

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

2 **Section 1.** A new Chapter 10A is *added* to Title 10 of the Guam Code
3 Annotated, to read:

4 **“Chapter 10A. Access to Medical Arbitration Fund**

5 **§ 10A101. Fund**

6 There is hereby established the Access to Medical Arbitration Fund (the
7 Fund). The Fund shall be kept separate and apart from other funds of the
8 Government of Guam and used solely to provide financial assistance to petitioners,
9 who are otherwise unable to afford the cost of arbitration filing fees and arbitrator
10 fees under the provisions of Chapter 10 of Title 10, Guam Code Annotated. The
11 Fund shall be administered by the Department of Administration in conjunction
12 with the Department of Public Health and Social Services. All fees assessed and

1 collected under this Article shall be deposited into the *Fund*. The Government of
2 Guam shall provide an initial deposit of One Hundred Thousand Dollars
3 (\$100,000.00) to initiate the formation of this *Fund*.

4 **§ 10A102. Fees.**

5 The Guam Board of Medical Examiners is authorized to collect fees from a
6 health professional licensed to practice on Guam. Each health professional, except
7 Nurses licensed under Article 3 of Chapter 12, Title 10 Guam Code Annotated,
8 shall pay One Hundred Fifty-five dollars (\$150.00) at the time of initial licensure
9 and every renewal thereafter. Nurses shall pay a fee of Fifty dollars (\$50) at the
10 time of initial licensure and upon every renewal of his or her license.

11 **§ 10A103. Access to Fund**

12 (a) Applicants shall meet eligibility standards under the requirements of
13 Article 9, Chapter 2, Title 10 G.C.A;

14 (b) Submit a request to the Office of the Attorney General to appoint a
15 Hearing Officer;

16 (c) Representatives of Petitioner and health professional shall participate in
17 the review of the claim with a Hearing Officer appointed by the Office of the
18 Attorney General;

19 (d) The Certificate or Affidavit of Merit shall be issued by the appointed
20 Hearing Officer;

21 (e) The petitioner shall agree upon furnishing a statutory lien to repay the
22 full amount of the financial assistance approved should a settlement, or any
23 financial resolution is disbursed to the petitioner.

24
25 Application for Financial Assistance from the *Fund* shall be submitted at the
26 Guam Department of Public Health and Social Services in addition to the

1 Certificate or Affidavit of Merit and documents evidencing eligibility requirements
2 of Article 9, Chapter 2, Title 10 G.C.A.

3 **§ 10A104. Hearing Officer**

4 The Hearing Office appointed to this claim shall be determined by the Office
5 of the Attorney General. The appointed Hearing Officer shall consider evidence
6 and materials submitted by the health professional that is subject to the claim and
7 the petitioner. Hearing Officer shall consult with the members of the Guam Board
8 of Medical Examiners before furnishing a Certificate or Affidavit of Merit. The
9 Certificate or Affidavit of Merit shall be admissible during any proceeding or trial.

10 **§ 10A105. Approval of Assistance from Fund**

11 (a)The statutory lien is to be filed at the Superior Court of Guam before the
12 release of any appropriated funds.

13 (b)The *Fund* may then pay the filing fee for arbitration, and/or arbitrators'
14 fees directly to the Association defined under Chapter 10, Title 10 §10100(a). The
15 *Fund* shall not pay or reimburse any other expenses of arbitration.

16 (c)Any proceeds awarded to the petitioner shall be repaid to the *Fund* within
17 ten (10) days of receipt by the petitioner or petitioner's representative. Any and all
18 persons responsible in any part for such non-payment back to the *Fund* shall be
19 liable for repayment.

20 **Section 2. Severability.**

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