



FILE COPY

***I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN***  
THIRTY THIRD GUAM LEGISLATURE  
155 Hesler Place, Hagåtña, Guam 96910

April 4, 2016

The Honorable Edward J.B. Calvo  
*I Maga'låhen Guåhan*  
*Ufisinan I Maga'låhi*  
*Hagåtña, Guam*

Dear *Maga'låhi* Calvo:

Transmitted herewith are Substitute Bill Nos. 160-33 (COR), 253-33 (COR), 264-33 (LS), 273-33 (COR), 275-33 (COR), 277-33 (COR), and 279-33 (COR), which were passed by *I Mina'Trentai Tres Na Liheslaturan Guåhan* on April 2, 2016.

Sincerely,

TINA ROSE MUÑA BARNES  
Legislative Secretary

Enclosure (7)

OFFICE OF THE GOVERNOR  
CENTRAL FILES

RECEIVED BY \_\_\_\_\_  
DATE 04 APR 2016  
TIME P: 20

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

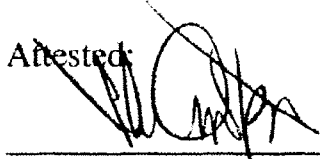
**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LÅHEN GUÅHAN**

This is to certify that Substitute Bill No. 277-33 (COR), "AN ACT TO ADD A NEW CHAPTER 68A TO DIVISION 2, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO DIRECTING THE GUAM ECONOMIC DEVELOPMENT AUTHORITY TO DEVELOP AND PUBLISH A REQUEST FOR INFORMATION RELATIVE TO HOW AN INTERESTED CONTRACTOR, HOSPITAL MANAGEMENT TEAM, OR OPERATOR WOULD TRANSITION FROM GOVERNMENT OPERATION OF THE GUAM MEMORIAL HOSPITAL TO A PUBLIC-PRIVATE PARTNERSHIP WHILE CONTINUING TO PROVIDE QUALITY HOSPITAL SERVICES ACCESSIBLE TO ALL THE PEOPLE OF GUAM AND THE OVERALL ASSESSMENT OF GUAM'S DELIVERY OF HEALTH CARE SERVICES," was on the 2<sup>nd</sup> day of April 2016, duly and regularly passed.



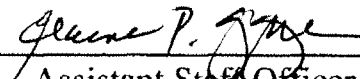
**Judith T. Won Pat, Ed.D.**  
**Speaker**

Attested:



**Tina Rose Muña Barnes**  
**Legislative Secretary**

This Act was received by *I Maga'låhen Guåhan* this 04 day of APRIL, 2016, at 12:24 o'clock P.M.

  
**Assistant Staff Officer**  
*Maga'låhi's Office*

APPROVED:

**EDWARD J.B. CALVO**  
*I Maga'låhen Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

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

**Bill No. 277-33 (COR)**

As substituted by the Committee on Health,  
Economic Development, Homeland Security,  
and Senior Citizens; and amended on the Floor.

Introduced by:

Dennis G. Rodriguez, Jr.  
T. C. Ada  
R. J. Respicio  
V. Anthony Ada  
Tommy Morrison  
N. B. Underwood, Ph.D.  
Judith T. Won Pat, Ed.D.  
FRANK B. AGUON, JR.  
Frank F. Blas, Jr.  
B. J.F. Cruz  
James V. Espaldon  
Brant T. McCreadie  
T. R. Muña Barnes  
Mary Camacho Torres

**AN ACT TO ADD A NEW CHAPTER 68A TO DIVISION 2, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO DIRECTING THE GUAM ECONOMIC DEVELOPMENT AUTHORITY TO DEVELOP AND PUBLISH A REQUEST FOR INFORMATION RELATIVE TO HOW AN INTERESTED CONTRACTOR, HOSPITAL MANAGEMENT TEAM, OR OPERATOR WOULD TRANSITION FROM GOVERNMENT OPERATION OF THE GUAM MEMORIAL HOSPITAL TO A PUBLIC-PRIVATE PARTNERSHIP WHILE CONTINUING TO PROVIDE QUALITY HOSPITAL SERVICES ACCESSIBLE TO ALL THE PEOPLE OF GUAM AND THE OVERALL ASSESSMENT OF GUAM'S DELIVERY OF HEALTH CARE SERVICES.**

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

1           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
2 that the manner and method of operating the Guam Memorial Hospital Authority  
3 (GMHA or Hospital) requires significant changes in order to provide quality health  
4 care services to the people of Guam. Challenges in financial stability date back to  
5 the inception of the Hospital in the late 1970s. The original Guam Memorial Hospital  
6 was constructed at *Satpon* Point in 1956, representing a major change in the history  
7 of the local government's attaining a direct role in the delivery of hospital services.  
8 Previously, the U.S. government provided free hospital and healthcare services to  
9 the people of Guam. This provision of free health care initially created an  
10 expectation within portions of the community that continues somewhat to this day,  
11 as evidenced by the historical lack of payment by a significant portion of the self-  
12 pay patients, uninsured patient categories, and even insured patients' copayments.  
13 In 1964, the Guam Memorial Hospital was established as a line agency of the  
14 government of Guam's executive branch. Thirteen (13) years later, in 1977, the  
15 Guam Memorial Hospital Authority was established as a public corporation, and has  
16 since been operating as a governmental, nonprofit institution serving the people of  
17 Guam under the governance of a nine (9) member Board of Trustees.

18           In the late 1970s, the government transitioned from the rapidly deteriorating  
19 facility at *Satpon* Point by purchasing and transferring to the nearby Medical Center  
20 of the Marianas at *Oka* Point, which was initially constructed by the Catholic  
21 Archdiocese of *Agaña*. The Hospital's historically tumultuous financial difficulties  
22 can be traced to its beginning with a deficit of Nine Million Dollars by 1978 during  
23 its initial operation as a public corporation, with continual deficits, to date. That  
24 deficit has grown to Twenty Million Dollars in 2015, and the Hospital has never  
25 been without significant deficits since those early times. From the initial  
26 commencement of services, the practice of the government was to provide

1 subsequent funding to maintain and continue services for all patients, regardless of  
2 their ability to pay.

3 *I Liheslaturan Guåhan* further finds that history is again repeating itself and  
4 the current situation will not change unless we assess a different path. Continuous  
5 parades of boards of appointed trustees and administrators have passed through the  
6 doors of GMHA. Notwithstanding the qualifications and expertise of the generations  
7 of appointees, the challenge continues to be dependable stability in the leadership  
8 and operational management of the Hospital. The continuing administrative  
9 instability impedes implementing and following through with well-planned,  
10 consistent efforts towards establishing a firm financial footing.

11 *I Liheslaturan Guåhan* therefore directs the Guam Economic Development  
12 Authority to develop a Request for Information (RFI) and put forth that RFI to the  
13 market. The purpose of this RFI is to seek information on how an interested  
14 contractor/hospital operator would transition government operation of the Guam  
15 Memorial Hospital Authority to a public-private partnership while continuing to  
16 provide quality care that is accessible to all the people of Guam. The Compilation  
17 and Analysis of any respondent will assist the community and policymakers to move  
18 in a direction that finally provides long-term sustainability of Guam's public  
19 hospital.

20 **Section 2.** A new Chapter 68A is *added* to Division 2 of Title 12, Guam  
21 Code Annotated, to read:

22 **“CHAPTER 68A**

23 **GUAM MEMORIAL HOSPITAL AUTHORITY REQUEST FOR**  
24 **INFORMATION; MANAGEMENT AND OPERATIONS**

25 **§ 68A101.** (a) Request for Information. The Guam Economic  
26 Development Authority (GEDA) *shall* develop and publish a Request for  
27 Information (RFI) for the purpose of soliciting and determining public interest

1 and the desired direction public policymakers may take relative to the  
2 management and operation(s) of the Guam Memorial Hospital Authority  
3 (GMHA). The information to be solicited *shall* include, at a minimum, but  
4 *shall not* be limited to:

5 (1) the transfer of the management and operation of GMHA  
6 in its entirety to either a for-profit or non-profit entity;

7 (2) the transfer of limited management and operation of only  
8 specific GMHA operations and assets;

9 (3) a public/private collaboration in the operation of the  
10 hospital;

11 (4) a public/private collaboration in renovations to the  
12 existing hospital structure or rebuilding a new hospital facility;

13 (5) the re-use of the existing GMHA facility and/or property;

14 (6) an assessment of Guam's healthcare industry and market  
15 and gaps in overall healthcare services;

16 (7) information related to the level of available federal and  
17 non-governmental funding mandated by law and how any change in  
18 GMHA's operational structure would impact the availability of federal  
19 and non-governmental funding;

20 (8) an assessment of Guam's healthcare information and  
21 research infrastructure;

22 (9) the continued provision of quality hospital services  
23 accessible to all the people of Guam;

24 (10) information relative to an annual health care summit that  
25 will gather industry leaders, policymakers, regulators, providers, payers  
26 and patient representatives to discuss what it takes to make innovation  
27 affordable and medicine safe and accessible;

1                   (11) a feasibility study for a universal regional health insurance  
2 plan to include the FSM and RMI;

3                   (12) a feasibility study for a universal regional health insurance  
4 plan to include Guam, CNMI, FSM and RMI; and

5                   (13) a feasibility study for a health insurance plan to cover  
6 indigent programs (MIP and Medicaid).

7                   The publication of the RFI *shall* expressly state that it is being issued  
8 solely for the purpose of soliciting public information for planning purposes,  
9 does not constitute a Request for Proposal (RFP), and does not commit the  
10 government to contract for any supply or service. GEDA *shall not* accept  
11 unsolicited submissions that are deemed beyond the scope and intent of the  
12 RFI.

13                   Respondents *shall* be advised that the government of Guam will not pay  
14 for any information received or administrative costs incurred in responding to  
15 this RFI. All costs experienced or associated with responding to this RFI will  
16 be incurred solely at the contributing party's expense. Not responding to this  
17 RFI does not preclude participation in any future RFP, if any is issued. All  
18 submissions to this Request for Information *shall* become the property of the  
19 government of Guam, subject to public review, and will not be returned. Any  
20 issues relating to intellectual property and copyright must be clarified by the  
21 respondent and clearly marked.

22                   (b) Delivery Period/Dissemination. GEDA *shall* publicly  
23 disseminate the RFI in a manner to solicit the broadest number of qualified  
24 interested respondents. Registries, direct mailings, and other methods, at a  
25 minimum, *shall* be utilized to maximize the potential number of responses to  
26 the RFI.

27                   GEDA *shall* adhere to the following schedule:

1                   (1)    within sixty (60) days from enactment of this Act, develop  
2 and publish the Request for Information (RFI);

3                   (2)    provide for a fifteen (15) day question period, Saturday,  
4 Sunday, and government holidays excepted, commencing from the date  
5 of publication, for requested clarification(s) on the RFI from interested  
6 parties/potential respondents;

7                   (3)    provide a thirty (30) day period, Saturday, Sunday, and  
8 government holidays excepted, after the close of the question period for  
9 submission to the RFI by respondents;

10                  (3)    compilation by GEDA of the RFI submissions by  
11 respondents; and

12                  (4)    transmittal of the RFI compilation/results from GEDA to  
13 *I Maga'låhen Guðhan* and *I Liheslaturan Guðhan* no more than thirty  
14 days (30) days after the receipt of information to the RFI.”

15           **Section 3. Effective Date.**   This Act *shall* become effective upon  
16 enactment.