

I MINA' TRENTA NA LIHESLATURAN GUÅHAN  
2010 (SECOND) REGULAR SESSION

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MM

Bill No. 500-30 (cor)

Introduced by:

v.c. pangelinan

**“AN ACT TO AMEND SECTION 81113 OF CHAPTER 81  
OF TITLE 12 GCA.”**

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

**SECTION 1. Legislative Statement and Intent.** *I' Liheslaturan Guahan* finds the Guam Memorial Hospital Authority (GMHA) continues to maintain high levels of accounts payables in excess of 90 days. One Hundred Ninety Two (192) GMHA vendors owed are beyond 90 days for receipt of payments due totalling Thirteen Million Nine Hundred Fourteen Thousand One Dollars (\$13,914,001). The obligations to vendors who provide essential supplies and commodities which enable the hospital to maintain minimum threshold standards for patient care are adversely affected endangering patient care as vendors have refused to continue doing business with GMHA when past due payables exceeded 90 days.

*I' Liheslaturan Gua-han* finds that Two Million Dollars (\$2,000,000) in bond proceeds are available to re-program specifically for payment of essential GMHA vendor accounts which exceed ninety (90) days due.

1           **SECTION 2. Section 81113 of Chapter 81 of Title 12 GCA is amended to read as**  
2 **follows:**

3           **“§ 81113. Bond Proceeds to Refund the Guam Economic Development and**  
4 **Commerce Authority Tobacco Settlement Asset-Backed Bonds, Series 2001A and Series**  
5 **2001B, and for other purposes.**

1 (a) Notwithstanding any other Sections in this Chapter, including § 81104(b), or Article  
2 13 of Chapter 22 of Division 2 of Title 5 of the Guam Code Annotated, the proceeds of bonds  
3 issued pursuant to this Chapter to refund the Authority's Tobacco Settlement Asset-Backed  
4 Bonds, Series 2001A and Series 2001B (the Prior Bonds) shall be used to: (1) refund the Prior  
5 Bonds; (2) pay costs arising from issuance of the bonds; (3) fund any required reserve or  
6 operating funds for the bonds; and (4) provide a minimum of Seven Million Dollars (\$7,000,000)  
7 for transfer from the Authority to the General Fund for the payment of the expenditures listed in  
8 subsection (b).

9 (b)(1) Two Million Dollars (\$2,000,000) ~~for radiation therapy for cancer treatment~~  
10 ~~provided through the Medically Indigent Program (MIP). The Guam Memorial Hospital~~  
11 ~~Authority shall enter into a contract or a public-private partnership agreement for the operation~~  
12 ~~of a Radiation Therapy Machine. Said contract or public-private partnership agreement shall~~  
13 ~~provide for the care of indigent patients under the Medically Indigent Program (MIP) and~~  
14 ~~Medicaid Program and shall require that invoices for cancer treatment be paid within sixty (60)~~  
15 ~~days after receipt.~~ for the payment of accounts which are a direct result of procuring essential  
16 medication and medical supplies for treatment of dialysis patients, pharmacy and drug suppliers  
17 for medication critical to direct care of patients and supplies required for the performance of  
18 diagnostic laboratory and radiology procedures critical to patient care. Such accounts shall be  
19 those which are past due beyond ninety (90) days but not beyond September 30 of the respective  
20 fiscal year whichever occurs first.

21 i. Use of funds shall be restricted to the procurement of hospital and  
22 patient care supplies and shall not be used for the purchase or payment of  
23 personnel and contractual services, payroll, overtime and any other pay  
24 differential (i.e., night and hazardous pay) or for the procurement of materials,  
25 equipment or professional services or other uses not directly related to patient  
26 care.

27 ii. Subject to the approval of the Board of Trustees of the Guam  
28 Memorial Hospital Authority, the funds may be used for payment to vendors who  
29 provide supplies deemed essential to the welfare of hospital patients or operations  
30 of the hospital and for accounts or expenses which if left unpaid, may result in or  
31 cause an emergency situation at the hospital.

1           (2)     Six Million Dollars (\$6,000,000) to the Department of Public Health and  
2     Social Services to fund the renovation and capital improvement needs of the Southern  
3     Regional Health Center.

4           (c) To the extent that the bond proceeds available for the purposes of subsection (a) are  
5     *more or less* than the sum of the amounts in subsection (b), the amounts in subsection (b) *shall*  
6     be increased *or* decreased, as applicable, pro rata.”

7           **SECTION 3. Reporting Requirements.** The Guam Memorial Hospital Authority  
8     *shall* transmit the following reports to *I Maga'lahaen Guåhan* and to the Speaker of *I*  
9     *Liheslaturan Guåhan*, no later than the 25<sup>th</sup> day of the following month:

10          (1)     Monthly FTE report - The hospital's ratio of full-time equivalent employees by  
11          department to the number of beds as determined under paragraph (b) of Title 42 Code of  
12          Federal Regulations § 412.105;

13          (2)     Monthly accounts payable report by vendor.

14          **SECTION 4. Severability.** If any provision of this Law or its application to any person  
15     or circumstances is found to be invalid or contrary to law, such invalidity shall not affect other  
16     provisions or applications of this Law which can be given effect without the invalid provisions or  
17     application, and to this end the provisions of this Law are severable.