

I Mina Trentai Kuattro Na Liheslaturan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
202-34 (LS) As substituted by the Committee on Health, Tourism, Military Affairs and Senior Citizens.	Mary Camacho Torres James V. Espaldon	AN ACT TO AMEND § 12212.1 OF CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING ACCESS TO PHYSICIANS' PROFESSIONAL PROFILES.	10/26/17 12:04 p.m.	11/03/17	Committee on Appropriations and Adjudication	12/15/17 11:00 a.m.	1/18/18 10:48 a.m. As Substituted by the Committee	Fiscal Note Request 11/03/17	
				11/08/17	Re-referred : Committee on Health, Tourism, Military Affairs and Senior Citizens			Fiscal Note 11/16/17	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES	
1/22/2018	AN ACT TO REPEAL AND REENACT § 12212.1, AND TO REPEAL §§ 12212.2 AND 12212.3, ALL OF ARTICLE 2, PART 1, CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING ACCESS TO PHYSICIANS' PROFESSIONAL PROFILES.	01/26/18	01/29/18 1:45 p.m.	2/9/18	34-79	2/9/2018	Received: 2/13/18 Mess and Comm. Doc. No. 34GL-18-1527.		



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor Of Guam.

FEB 13 2018

Honorable Benjamin J.F. Cruz
Speaker
I Mina'trentai Kuättro Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

GC 34-18-1527
Speaker Benjamin J.F. Cruz

FEB 13 2018

Time: 7:08 AM File No. 34-1526
Received By: ateno

Dear Mr. Speaker:

Transmitted herewith is Substitute Bill No. 202-34 (LS), "AN ACT TO REPEAL AND REENACT § 12212.1, AND TO REPEAL §§ 12212.2 AND 12212.3, ALL OF ARTICLE 2, PART 1, CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING ACCESS TO PHYSICIANS' PROFESSIONAL PROFILES," which was signed on February 9, 2018, as **Public Law 34-79**.

Senseramente,


EDDIE BAZA CALVO

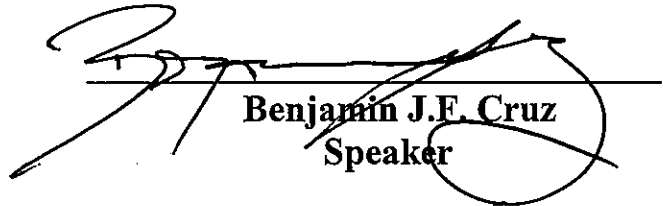
2018 FEB 13 PM 3:49 A.S.



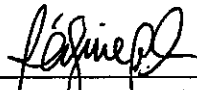
I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
2018 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LÁHEN GUÁHAN

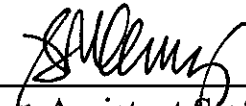
This is to certify that Substitute Bill No. 202-34 (LS), "AN ACT TO REPEAL AND REENACT § 12212.1, AND TO REPEAL §§ 12212.2 AND 12212.3, ALL OF ARTICLE 2, PART 1, CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING ACCESS TO PHYSICIANS' PROFESSIONAL PROFILES," was on the 26th day of January 2018, duly and regularly passed.


Benjamin J.F. Cruz
Speaker


Attested:


Régine Biscoe Lee
Legislative Secretary

This Act was received by *I Maga'láhen Guáhan* this 29 day of JAN,
2018, at 1:45 o'clock P.M.


Assistant Staff Officer
Maga'láhi's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'láhen Guáhan

Date: FEB 09 2018

Public Law No. 3479

I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Bill No. 202-34 (LS)

As substituted by the Committee on Health,
Tourism, Military Affairs and Senior Citizens.

Introduced by:

Mary Camacho Torres
James V. Espaldon
Thomas C. Ada
FRANK B. AGUON, JR.
William M. Castro
B. J.F. Cruz
Fernando Barcinas Esteves
Régine Biscoe Lee
Tommy Morrison
Louise B. Muña
Telena Cruz Nelson
Dennis G. Rodriguez, Jr.
Joe S. San Agustin
Michael F.Q. San Nicolas
Therese M. Terlaje

AN ACT TO REPEAL AND REENACT § 12212.1, AND TO REPEAL §§ 12212.2 AND 12212.3, ALL OF ARTICLE 2, PART 1, CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING ACCESS TO PHYSICIANS' PROFESSIONAL PROFILES.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that there is a need for patients to have access to professional information about
4 physicians licensed on Guam in order to make an informed decision when choosing

1 a medical care provider, and to further promote a culture of trust when selecting
2 healthcare professionals.

3 Therefore, it is the intent of *I Liheslaturan Guåhan* to require the Guam Board
4 of Medical Examiners to upgrade the information found on its website by providing
5 pertinent information on medical professionals it licenses on Guam.

6 **Section 2.** § 12212.1 of Article 2, Part 1, Chapter 12, Title 10, Guam Code
7 Annotated, is *repealed* and *reenacted* to read:

8 **“§ 12212.1. Public Disclosure of a Physician Profile.**

9 (a) The Board *shall* establish and maintain a searchable website that
10 *shall* contain a separate profile page for all current and former licensees,
11 whether active or inactive.

12 (b) Current Status. The Board *shall* post on the profile page of the
13 licensee the following information on the current status of the licensee, along
14 with the full name and all aliases or other names ever used as reported by the
15 licensee pursuant to § 12205 of this Article:

16 (1) whether or not the licensee is presently in good standing;

17 (2) the current American Board of Medical Specialties
18 certification, or equivalent, as certified by the Board. No licensee
19 profile shall contain certification information or words that imply
20 certification (i.e., “board certified”), unless such certification has been
21 reviewed and verified by the Board; and

22 (3) any of the following enforcement actions or proceedings
23 to which the licensee is actively subjected:

24 (A) temporary restraining orders;

25 (B) interim suspension orders;

26 (C) revocations, suspensions, probations, or limitations
27 on practice ordered by the Board, or the board of another state or

1 jurisdiction, including those made part of a probationary order or
2 stipulated agreement;

3 (D) current accusations filed by the Attorney General,
4 including those accusations that are on appeal. For purposes of
5 this paragraph, "current accusation" means an accusation that has
6 not been dismissed, withdrawn, or settled, and has not been
7 finally decided upon by the Board unless an appeal of that
8 decision is pending; or

9 (E) citations issued that have not been resolved or
10 appealed within thirty (30) days.

11 (c) Historical Information. The Board *shall* post on the profile page
12 of the licensee the following historical information in the Board's possession,
13 custody, or control:

14 (1) approved postgraduate training;

15 (2) any final revocations and suspensions, or other equivalent
16 actions, taken against the licensee by the Board, or the board of another
17 state or jurisdiction, or the surrender of a license by the licensee in
18 relation to a disciplinary action or investigation, including the operative
19 accusation resulting in the license surrender or discipline by the Board;

20 (3) probation or other equivalent action ordered by the Board,
21 or the board of another state or jurisdiction, completed or terminated,
22 including the operative accusation resulting in discipline by the Board;

23 (4) any felony convictions; provided, that upon receipt of a
24 certified copy of an expungement order, the Board *shall*, within six (6)
25 months of receipt of the expungement order, post notification of the
26 expungement order and the date thereof on its website;

1 (5) misdemeanor convictions resulting in a disciplinary action
2 or accusation that is not subsequently withdrawn or dismissed;
3 provided, that upon receipt of a certified copy of an expungement order
4 from a licensee, the Board *shall*, within six (6) months of receipt of the
5 expungement order, post notification of the expungement order and the
6 date thereof on its website;

7 (6) civil judgments issued in any amount, whether or not
8 vacated by a settlement after entry of the judgment, that were not
9 reversed on appeal, and arbitration awards issued in any amount, for a
10 claim or action for damages for death or personal injury caused by the
11 physician and surgeon's negligence, error, or omission in practice, or
12 by his or her rendering of unauthorized professional services;

13 (7) except as provided in subparagraphs (A) and (B) of this
14 paragraph, a summary of any final hospital disciplinary actions that
15 resulted in the termination or revocation of a licensee's hospital staff
16 privileges for a medical disciplinary cause or reason. The posting *shall*
17 provide any additional explanatory or exculpatory information
18 submitted by the licensee.

19 (A) If a licensee's hospital staff privileges are restored
20 and the licensee notifies the Board of the restoration, the
21 information pertaining to the termination or revocation of those
22 privileges *shall* remain posted on the website for a period of ten
23 (10) years from the restoration date of the privileges, and at the
24 end of that period *shall* be removed.

25 (B) If a court finds, in a final judgment, that a hospital
26 disciplinary action was conducted in bad faith and the licensee
27 notifies the Board of that finding, the information concerning that

1 hospital disciplinary action posted on the website *shall* be
2 immediately removed;

3 (8) public letters of reprimand issued within the past ten (10)
4 years by the Board, or the board of another state or jurisdiction,
5 including the operative accusation, if any, resulting in discipline by the
6 Board;

7 (9) citations issued within the last three (3) years that have
8 been resolved by payment of the administrative fine or compliance with
9 the order of abatement.

10 (10) All settlements within the last five (5) years in the
11 possession, custody, or control of the Board *shall* be disclosed if there
12 are four (4) or more settlements for that licensee within the last five (5)
13 years.

14 (A) For the purposes of this paragraph, “settlement”
15 means a settlement in an amount of Thirty Thousand Dollars
16 (\$30,000) or more of any claim or action for damages for death
17 or personal injury caused by the physician and surgeon’s
18 negligence, error, or omission in practice, or by his or her
19 rendering of unauthorized professional services.

20 (B) For the purposes of this paragraph, “settlement”
21 does not include a settlement by a licensee, regardless of the
22 amount paid, when (i) the settlement is made as a part of the
23 settlement of a class claim; (ii) the amount paid in settlement of
24 the class claim is the same amount paid by the other licensees in
25 the same class or similarly situated licensees in the same class;
26 and (iii) the settlement was paid in the context of a case for which

1 the complaint that alleged class liability on behalf of the licensee
2 also alleged a products liability class action cause of action.

3 (C) The Board *shall not* disclose the actual dollar
4 amount of a settlement, but *shall* disclose settlement information
5 by doing the following:

6 (i) comparing the settlement amount to the
7 experience of other licensees within the same specialty or
8 subspecialty, indicating if it is below average, average, or
9 above average for the most recent ten (10)-year period;

10 (ii) reporting the number of years the licensee has
11 been in practice; and

12 (iii) reporting the total number of licensees in that
13 specialty or subspecialty, the number of those who have
14 entered into a settlement agreement, and the percentage
15 that number represents of the total number of licensees in
16 the specialty or subspecialty.

17 (11) Appropriate disclaimers and explanatory statements *shall*
18 be developed by the Board to accompany any information disclosed
19 under paragraphs (1) through (10) of this subsection.

20 (d) Optional Disclosures. The Board *shall* post on the profile page
21 the following optional information upon request by the licensee:

22 (1) addresses and telephone numbers of the offices maintained
23 by the practitioner;

24 (2) office hours regularly maintained by the practitioner;

25 (3) affiliations with hospitals or clinics;

26 (4) whether a licensee provides services under a specified
27 private or public insurance plan, or health care plan;

1 (5) languages, other than English, fluently spoken by the
2 practitioner or a person in the practitioner's office;

3 (6) an otherwise lawful image of the licensee;

4 (7) names of schools or postgraduate clinical training
5 programs from which the practitioner has graduated, together with the
6 degrees received;

7 (8) publications authored by the practitioner; and

8 (9) teaching positions currently or formerly held by the
9 practitioner, together with pertinent dates.

10 The Board *shall* develop and provide appropriate disclaimers and
11 explanatory statements to accompany any of the information disclosed under
12 paragraphs (1) through (9) of this subsection.

13 (e) Web Links. The Board *shall* provide links to websites that
14 provide information on board certifications. The Board may also provide links
15 to any other websites that provide information on the affiliations of licensed
16 physicians and surgeons. The Board may provide links to other websites that
17 provide information on health care service plans, health insurers, hospitals, or
18 other facilities.

19 (f) Funding. The Board *shall* be authorized to utilize funds collected
20 from licensees through application fees, licensing fees, or other fees, for the
21 purpose of developing and maintaining the website established under this
22 Section; provided, that the website is developed and maintained pursuant to
23 the requirements of this Section.

24 (g) Notwithstanding any other provision of law, the Board *shall*
25 disclose to an inquiring member of the public within four (4) working days,
26 by traditional or electronic means, any information made publicly available
27 under subsections (a) through (d).”

1 **Section 3.** § 12212.2 of Article 2, Part 1, Chapter 12, Title 10, Guam Code
2 Annotated, is *repealed*.

3 **Section 4.** § 12212.3 of Article 2, Part 1, Chapter 12, Title 10, Guam Code
4 Annotated, is *repealed*.

5 **Section 5. Effective Date.** This Act *shall* be effective no later than one
6 hundred twenty (120) days following its enactment.