

I Mina'trentai Sais Na Lihelaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
112-36 (COR)	Therese M. Terlaje Telo T. Taitague Joanne Brown Tina Rose Muña Barnes Joe S. San Agustin V. Anthony Ada Telena Cruz Nelson Christopher M. Duenas Clynton E. Ridgell Amanda L. Shelton Jose "Pedo" Terlaje Sabina Flores Perez	AN ACT TO ADD A NEW CHAPTER 10 TO DIVISION 1, TITLE 10, GUAM CODE ANNOTATED; TO ADD A NEW § 42A101(i)(20) TO CHAPTER 42A OF DIVISION 3, TITLE 7, GUAM CODE ANNOTATED; TO AMEND § 42A101(j) OF CHAPTER 42A, DIVISION 3, TITLE 7, GUAM CODE ANNOTATED; AND, TO REPEAL CHAPTER 10 OF DIVISION 1, TITLE 10, GUAM CODE ANNOTATED; ALL RELATIVE TO MEDICAL MALPRACTICE IN THE TERRITORY OF GUAM.	4/12/21 9:23 a.m.	4/15/21	Committee on Health, Land, Justice, and Culture			Request: 4/16/21 4/26/21	



Vice Speaker

TINA ROSE MUÑA BARNES

CHAIRPERSON, COMMITTEE ON RULES

I Mina'trentai Sais Na Liheslaturan Guåhan

GUAM CONGRESS BUILDING
163 CHALAN SANTO PAPA
HAGÁTÑA, GUAM 96910
TEL 671-472-2461
COR@GUAMLEGISLATURE.ORG

April 26, 2021

MEMO

To: **Rennae Meno**
Clerk of the Legislature

From: **Vice Speaker Tina Rose Muña Barnes**
Chairperson, Committee on Rules

Re: **Fiscal Notes**

Buenas yan Håfa adai.

Attached, please find the fiscal notes for the following bills:

Bill No. 112-36 (COR)

Bill No. 114-36 (COR)

Bill No. 121-36 (COR)

Please forward the same to Management Information Services (MIS) for posting on our website.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.



**Bureau of Budget & Management Research
Fiscal Note of Bill No. 112-36 (COR)**

AN ACT TO ADD A NEW CHAPTER 10 TO DIVISION 1, TITLE 10, GUAM CODE ANNOTATED; TO ADD A NEW § 42A101(i)(20) TO CHAPTER 42A OF DIVISION 3, TITLE 7, GUAM CODE ANNOTATED; TO AMEND § 42A101(j) OF CHAPTER 42A, DIVISION 3, TITLE 7, GUAM CODE ANNOTATED; AND, TO REPEAL CHAPTER 10 OF DIVISION 1, TITLE 10, GUAM CODE ANNOTATED; ALL RELATIVE TO MEDICAL MALPRACTICE IN THE TERRITORY OF GUAM.

Department/Agency Appropriation Information	
Dept./Agency Affected: Office of the Attorney General (OAG)	Dept./Agency Head: Leevin Camacho, Attorney General
Department's General Fund (GF) appropriation(s) to date:	\$14,253,761
Department's Other Fund appropriation(s) to date: N/A	\$0
Total Department/Agency Appropriation(s) to date:	\$14,253,761

Fund Source Information of Proposed Appropriation			
	General Fund:	Special Fund:	Total:
FY 2020 Unreserved Fund Balance	\$0	\$0	\$0
FY 2021 Adopted Revenues	\$0	0	0
FY 2021 Appro. (P.L. 35-99)	\$0	0	0
Sub-total:	\$0	0	0
Less appropriation in Bill	\$0	0	0
Total:	\$0	0	0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2021 (if applicable)	FY 2022	FY 2023	FY 2024	FY 2025
General Fund	1/	\$0	\$0	\$0	\$0	\$0
Special Fund	\$0	\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / / Yes / X / No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A / / Yes / / No
If no, what is the additional amount required? \$ _____ /X/ N/A
- Does the Bill establish a new program/agency? / / Yes / X / No
If yes, will the program duplicate existing programs/agencies? /X/ N/A / / Yes / / No
Is there a federal mandate to establish the program/agency? / / Yes / X / No
- Will the enactment of this Bill require new physical facilities? / / Yes / X / No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /X/ Yes / / No
/X/ Requested agency comments not received by due date: OAG / / Other:

Analyst: <u>Raymond Rieta, BMA II</u>	Date: <u>4/22/2021</u>	Director: <u>Lester L. Carlson, Jr., Director</u>	Date: <u>APR 26 2021</u>
---------------------------------------	------------------------	---	--------------------------

Notes:
1/: See Additional Comments.

Bureau of Budget & Management Research
Comments on Bill No. 112-36 (COR)

Bill No. 112-36 seeks to amend the current Medical Malpractice laws on Guam by repealing Chapter 10 of Division 1, Title 10, Guam Code Annotated (GCA) relative to the Medical Malpractice Mandatory Arbitration and replacing it with the Medical Malpractice Pre-Trial Screening Act. Current law requires that any medical malpractice claim that accrues or is being pursued in the territory of Guam shall be submitted to mandatory arbitration before filing in court.

The Bill adds a new chapter 10 to Division 1, Title 10, GCA, referred to as the Medical Malpractice Pre-Trial Screening Act, whereas any claim for damages for personal injury or death on account of alleged medical malpractice of a healthcare provider shall be submitted (sealed) from either the Superior Court of Guam or the District Court of Guam to medical malpractice pre-trial screening by a Magistrate Judge. The Bill further includes the following:

- Upon the rendering of the judge's opinion, either party may pursue their right to a jury trial within 30 days.
- Parties may agree upon mutual consent to make a motion to the Magistrate Judge to hold proceedings in abeyance, while they submit their dispute pursuant to the provisions of either the Guam International Arbitration Law or Guam's Mediation Statute.
- Claims against defendants for \$20,000 or less may be exempted from the legislation if filed with the Small Claims Division upon mutual consent of the parties.
- Claims against the government of Guam and its agencies are governed by the Government Claims Act and are not subject to the Bill.

The intent of the Bill is to relieve the upfront costs of arbitration for residents seeking medical malpractice claims. However, with no substantive information regarding the litigation, procedural, and judicial costs of medical practice claims on Guam, the fiscal impact of this legislation cannot be determined at this time. Furthermore, as stipulated by the Bill, claims against the Government of Guam and its agencies are governed by the Government Claims Act and are not subject to this proposed legislation.