



MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 45-82 (16)

Introduced by:

Brant T. McCreadie 
R. J. Respicio 

**AN ACT TO ADD §5004.1 OF CHAPTER 5, TITLE 5,
GUAM CODE ANNOTATED, RELATIVE TO
ALLOWING THE GUAM MEMORIAL HOSPITAL
TO OBTAIN PROFESSIONAL SERVICES IN
ACCORDANCE WITH INDUSTRY PRACTICE.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
3 the Guam Memorial Hospital Authority has an ongoing need to identify and retain
4 health care professionals. Because Guam is a relatively small, insular community, it is
5 often difficult to find doctors and nurses here on island who are able, available, and
6 willing to provide services to the hospital. Frequently, it is necessary to look off-
7 island to retain such services.

8 *I Liheslaturan Guåhan* further finds that typically in the health care industry,
9 individuals willing to provide services to a health care provider are identified with the
10 assistance of private agencies and persons. These agencies and persons are in turn
11 compensated for securing a position by the health care provider or, in some instances,
12 by the health care professional. Currently the Guam procurement law allows methods

1 for the retention and employment of these professionals but does not allow
2 compensation to a person or agency for assistance in contracting health care
3 professionals. This severely hampers the Hospital in finding and retaining
4 appropriate, qualified health care professionals.

5 Therefore, it is the intent of *I Liheslaturan Guåhan* to allow the Hospital to
6 obtain professional services in accordance with industry practice by adding a new
7 §5004.1 to Chapter 5, Title 5, Guam Code Annotated.

8 **Section 2.** Section 5004.1 of Chapter 5, Title 5, Guam Code Annotated, is
9 hereby *added* to read:

10 **“§ 5004.1 Exemption for procurement of Professional Medical Services at**
11 **Guam Memorial Hospital.**

12 The provisions of this chapter shall not apply to the procurement of
13 professional services by the Guam Memorial Hospital Authority. This
14 exemption shall be limited to the procurement of certified, registered, or
15 licensed health care professionals and pharmacists, or to essential positions
16 critical to the Guam Memorial Hospital for maintaining accreditation.

17 Notwithstanding any other provision of law, the Guam Memorial
18 Hospital is authorized to employ or contract with an outside person or agency
19 for the procurement of professional medical services. In the instance that the
20 Guam Memorial Hospital solicits the assistance of an outside person or agency

1 for the procurement of professional medical services, the Administrator shall be
2 able to remit a service fee or payment to said person or agency that is no more
3 than fifteen percent (15%) of the total contracted salary amount of the person
4 hired to perform professional services for the Guam Memorial Hospital in the
5 first contract year.

6 The Administrator is authorized to enter into contracts with certified,
7 registered and licensed health care professionals and pharmacists employed at
8 the Guam Memorial Hospital at the time of enactment of this statute for a
9 period not to exceed two (2) years. Nothing in this section shall be interpreted
10 to prevent the Administrator from entering into contract with same certified,
11 registered and licensed health care professionals and pharmacists for additional
12 contract terms after expiration of the initial contract entered into under this
13 section.”

14 **Section 3. Effective Date.** This Act shall be effective upon enactment.

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