I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

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

This is to certify that **Substitute Bill No. 107-31 (COR), "AN ACT TO *ADD* NEW §§12212.1, 12212.2 AND 12212.3 TO ARTICLE 2, PART 1 OF CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE PUBLIC DISCLOSURE OF A PHYSICIAN'S PROFESSIONAL PROFILE; AND WHICH MAY BE CITED AS "THE PATIENT PROTECTION THROUGH INFORMATION ACT"**," was on the 19th day of September, 2011, 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'lahen Guåhan* this 20th day of Sept., 2011, at 4:10 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 107-31 (COR)
As substituted by the Committee on Health & Human Services, Economic Development, Senior Citizens, and Election Reform, and amended on the Floor.

Introduced by: T. R. Muña Barnes
B. J.F. Cruz
V. Anthony Ada
T. C. Ada
F. F. Blas, Jr.
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
Adolpho B. Palacios, Sr.
v. c. pangelinan
Dennis G. Rodriguez, Jr.
R. J. Respicio
M. Silva Taijeron
Aline A.Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *ADD* NEW §§12212.1, 12212.2 AND 12212.3 TO ARTICLE 2, PART 1 OF CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE PUBLIC DISCLOSURE OF A PHYSICIAN'S PROFESSIONAL PROFILE; AND WHICH MAY BE CITED AS "THE PATIENT PROTECTION THROUGH INFORMATION ACT".

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. New §§12212.1, 12212.2 and 12212.3 are hereby *added* to Article 2, Part 1 of Chapter 12, Title 10, Guam Code Annotated, to read:

"**§12212.1. Public Disclosure of A Physician Profile.** Notwithstanding any other provision of law, the Board *shall* disclose to an inquiring member of the public, within four (4) working days which *shall* include via the internet, information regarding any enforcement actions taken against a licensee, including a former licensee, by the Board or by another state board or licensing jurisdiction, including all of the following:

(a) restraining orders issued;

(b) interim suspension orders issued;

(c) revocations, suspensions, probations, or limitations on practice ordered by the Board, including those made part of a probationary order or stipulated agreement;

(d) public letters of reprimand issued;

(e) infractions, citations, or fines imposed;

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

(g) all settlements in the possession, custody, or control of the Board *shall* be disclosed for a licensee if there are two (2) or more settlements for that licensee within the last ten (10) years, *except* limitations on that disclosure.

§12212.2. Method of Disclosure. The Board *shall not* disclose the actual dollar amount of a settlement, but *shall* put the number and amount of the settlement in context by doing the following:

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

(b) reporting the number of years the licensee has been in practice;

(c) reporting the total number of licensees in that specialty or subspecialty, the number of those who have entered into a settlement agreement and the percentage that number represents of the total number of licensees in the specialty or subspecialty;

(d) current American Board of Medical Specialty certification or board equivalent as certified by the Board;

(e) approved postgraduate training; and

(f) any summaries of hospital disciplinary actions that result in the termination or revocation of a licensee's staff privileges for medical disciplinary cause or reason, *unless* a court finds, in a final judgment, that the peer review resulting in the disciplinary action was conducted in bad faith and the licensee notifies the Board of that finding. In addition, any exculpatory or explanatory statements *shall* be submitted by the licentiate electronically, *or* otherwise be disclosed.

§12212.3. Disclaimers and Explanatory Statements. (a) The Board *shall* formulate appropriate disclaimers or explanatory statements to be included with any information released and *shall* ensure that all information provided to the public under these provisions are in compliance with the Health Insurance Portability and Accountability Act.

(b) The Board *shall*, within one hundred twenty (120) days, develop regulations establishing the standard terminology that accurately describes the different types of disciplinary filings and actions taken against a licensee, as provided pursuant to applicable provisions of Article 2 of Chapter 12, Title 10, Guam Code Annotated. The standard terminology regulations *shall* be promulgated pursuant to Article 3 – Rule Making Procedures, of Chapter 9, Title 5, Guam Code Annotated."