

TERRITORY OF GUAM  
OFFICE OF THE GOVERNOR  
AGAÑA, GUAM 96910  
U. S. A.

**EXECUTIVE ORDER NO. 2000-36**

**RELATIVE TO DECLARING A FIFTH STATE OF  
EMERGENCY AT THE GUAM MEMORIAL HOSPITAL  
AUTHORITY IN ORDER TO ENSURE SAFE MEDICAL  
CARE FOR THE COMMUNITY OF GUAM.**

**WHEREAS**, Guam's community is made up, like communities all across the nation, of persons of personal financial means and those who do not have sufficient personal financial means to provide for their own medical care either personally or through medical insurance or health provider programs; and

**WHEREAS**, due to the downturn of Guam's economy, as well as the chronic incidence of families of lower economic status needing medical care, Guam expends in excess of \$5 Million per month on the Medically Indigent Program, welfare, and Medicaid through the Department of Public Health and Social Services; and

**WHEREAS**, due to the small population on our island and the distance from other locations which can provide health care, Guam has only one hospital available to the general public, including the wealthy, not so wealthy, and the poor; and

**WHEREAS**, because of Guam's unique situation, the United States Congress included provisions in the Organic Act of Guam authorizing the Governor to ensure the provision of health care to the population of our island, and the Organic Act states on this subject:

"Subject to the laws of Guam, the Governor shall establish, maintain, and operate public health services in Guam, including hospitals, dispensaries, and quarantine stations, at such places in Guam as may be necessary, and he shall promulgate quarantine and sanitary regulations for the protection of Guam against the importation and spread of disease"; and

**WHEREAS**, the above-cited section of federal law has been interpreted by the Ninth Circuit Court of Appeals to mean that the "ultimate responsibility for the governance of the Hospital be in the Governor"; and

**WHEREAS**, local law establishes the Guam Memorial Hospital Authority under §80103 of Title 80, Guam Code Annotated, and §80104 of that same title states that the hospital shall provide "acute, chronic and all other health care services"; and

**WHEREAS**, local law also provides that "no person shall be denied treatment at any designated emergency medical services facility for an emergency medical condition which will deteriorate from a failure to provide such treatment." (See §84114 of Title 10, Guam Code Annotated); and

**WHEREAS**, federal law provides for medical care for indigent persons through Medicaid, and local law provides for medical care of indigent persons through the Medically Indigent Program and high-incidence diseases such as the funding for renal failure; and

**WHEREAS**, the Guam Medical Society and the Guam Nursing Association both declared that Guam is encountering a health emergency, especially at the hospital, and



the hospital staff also concur, the Governor shall carry out the legal mandates to provide medical care to the people of Guam, and to ensure that this takes place, additional funding, hiring of personnel, and incentive pay is needed at the hospital which has not been provided for by legislative action through appropriation or other feasible funding mechanisms; and

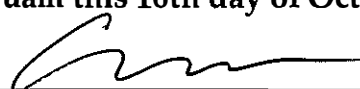
**WHEREAS**, in order to obtain funding for personnel and other critical needs, a state of emergency must be declared every Thirty (30) days to continue the source of funding for new personnel hired at the hospital and other critical items, until permanent funding is provided through appropriation or other feasible funding mechanisms;

**NOW, THEREFORE, I, CARL T.C. GUTIERREZ**, I Maga'Lahen Guåhan, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, do order:

1) **Declaration of fifth state of emergency.** A fifth state of emergency exists in the provision of medical care at the Guam Memorial Hospital Authority due to the lack of enough nursing professionals at the hospital as well as the lack of available funds within the hospital to provide goods and services that are necessary for a safe level of care for the public. Additionally, the systems which interact with the hospital, and which contribute to the current health emergency, such as emergency medical services offered through the Guam Fire Department, public health services, satellite health care clinics, other health components throughout the government, and basic sanitation and trash removal which is essential to health, shall also be examined and addressed.

2) **Emergency procurement and emergency expenses.** Pursuant to §5215 of Title 5, Guam Code Annotated, authorizing emergency procurement upon executive order, and pursuant to §22402 of Title 5, Guam Code Annotated authorizing the Governor to utilize up to Two Hundred Fifty Thousand Dollars (\$250,000) of outstanding appropriations within the General Fund for expenses caused by civil defense, public safety or health emergencies, the Director of the Bureau of Budget and Management Research is authorized to transfer to the Guam Memorial Hospital Authority an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000) from outstanding appropriations within the General Fund for immediate procurement by Guam Memorial Hospital Authority to provide goods and services to ensure safe medical care for Guam's community, to include all government services and systems which interact with Guam Memorial Hospital and impinge upon the good health of the community. Additionally, for retention, all allied health professionals who are working in the labor and delivery area of the hospital shall receive incentive pay of Thirty-five Percent (35%) of their regular base pay, effective immediately; and for retention, all other allied health professionals working at the hospital shall receive incentive pay of Twenty-five Percent (25%) of their regular base pay, effective immediately.

**SIGNED AND PROMULGATED** at Hagåtña, Guam this 16th day of October, 2000.

  
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**CARL T. C. GUTIERREZ**  
I Maga'Lahen Guåhan  
Governor of Guam