



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

Honorable Judith T. Won Pat, Ed.D
Speaker
I Mina' Bente Nuebe Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

2008 JUL 31 AM 11:44

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 245 (LS), "AN ACT TO ADD A NEW SUBITEM 8 TO § 12202(b) OF CHAPTER 12 PART 1 OF TITLE 10 OF THE GUAM CODE ANNOTATED, AND TO CITE THE ACT AS 'THE TELEMEDICINE ACT OF 2008'" which I have signed into law on July 22, 2008 as Public Law No. 29-92.

Telemedicine allows our patients to have greater access to services and innovative technologies from some of the best medical facilities around the country. This law provides the framework to ensure our people and physicians are protected as we take advantage of the life-saving technologies in the medical field that will greatly enhance cost savings for Guam's families.

The new law outlines numerous requirements that must be met by non-resident physicians before they are allowed to provide consultations to local doctors and patients. One of the guidelines ensures that non-resident licensed consulting physicians cannot provide final written or documented final medical opinions concerning the diagnosis or treatment of Guam patients. I also recommend that the law be amended to require the physicians to be licensed in the United States.

As a physician, I look forward to using the technology to help keep our patients on island when possible and having them better served when they do have to go off-island.

Sinseru yan Magåhet,

[Handwritten signature of Michael W. Cruz]

MICHAEL W. CRUZ, M.D.
I Maga'låhen Guåhan, para pa'go
Acting Governor of Guam

Attachment

29-08-0561
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 7/29/08
Time
Received by

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

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

This is to certify that **Substitute Bill No. 245(LS)**, "AN ACT TO *ADD A NEW SUBITEM 8 TO § 12202(b) OF CHAPTER 12 PART 1 OF TITLE 10 OF THE GUAM CODE ANNOTATED, AND TO CITE THE ACT AS 'THE TELEMEDICINE ACT OF 2008'*", was on the 3rd day of July, 2008, duly and regularly passed.



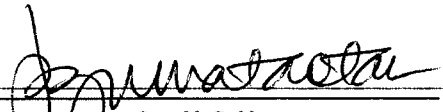
Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 7 day of July 2008, at
3:25 o'clock P.M.



Assistant Staff Officer
Maga'laha's Office

APPROVED:



MIKE W. CRUZ, MD
GOVERNOR OF GUAM ACTING

Date: 18 JULY 2008

Public Law No. 29-92

I MINA'BENTI NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

Bill No. 245 (LS)

As substituted by the Committee on
Health, Human Services and Homeland
Security and amended on the Floor.

Introduced by:

R. J. Respicio
B. J.F. Cruz
Judith P. Guthertz, DPA
Tina Rose Muña Barnes
F. F. Blas, Jr.
Edward J.B. Calvo
James V. Espaldon
Mark Forbes
Frank T. Ishizaki
J. A. Lujan
A. B. Palacios, Sr.
v. c. pangelinan
Dr. David L.G. Shimizu
Ray Tenorio
J. T. Won Pat, Ed.D.

**AN ACT TO *ADD* A NEW SUBITEM 8 TO § 12202(b)
OF CHAPTER 12 PART 1 OF TITLE 10 OF THE
GUAM CODE ANNOTATED, AND TO CITE THE
ACT AS "*THE TELEMEDICINE ACT OF 2008*".**

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

2 **Section 1.** Title.

3 **Section 2.** Legislative Findings and Purpose.

4 **Section 3.** Subitem (8) is *added* to Section 12202(b)

5 of Chapter 12, Part 1 of Title 10 of the

6 Guam Code Annotated.

1 **Section 1. Title.** This Act may be cited or referred to as “*The Telemedicine*
2 *Act of 2008*”.

3 **Section 2. Legislative Findings and Purpose.** *I Liheslaturan Guåhan*
4 hereby finds and declares that, due to technological advances and changing practice
5 patterns, the practice of medicine is occurring with increasing frequency requiring
6 consultation across state lines and that certain technological advances in the practice
7 of medicine are in the public interest. *I Liheslaturan Guåhan* further finds and
8 declares that the practice of medicine is a privilege and consultation with practitioners
9 outside Guam engaging in such medical practice is necessary for the protection of the
10 citizens of Guam and for the public interest, health, welfare and safety.

11 **Section 3.** A new subitem (8) is hereby *added* to § 12202(b) of Chapter 12,
12 Part 1 of Title 10 of the Guam Code Annotated to read as follows:

13 “(8) A licensed physician who resides outside of Guam within a State,
14 Federal jurisdiction or country is *not* subject to Guam medical licensure
15 requirements where said licensed physician is providing consultation to a Guam
16 licensed physician through the use of telemedicine technology if:

17 (i) the non-resident licensed consulting physician operates *no*
18 clinical practice or office on Guam;

19 (ii) the non-resident licensed consulting physician *does not*
20 render any final written or otherwise documented final medical opinion
21 concerning the diagnosis or treatment of a patient on Guam directly to the
22 patient; and

23 (iii) the non-resident licensed consulting physician *does not*
24 render any treatment to any patient on Guam.

25 (iv) The non-resident licensed consulting physician may render
26 care and provide final diagnostic and treatment decisions without an

1 active Guam license *if* the consultant is to act as a receiving physician for
2 the patient in the consultant's jurisdiction.

3 (v) The non-resident licensed consulting physician may render
4 care and provide diagnostic and treatment recommendations without an
5 active Guam license *if* the consulting physician acts jointly and directly
6 with the local attending physician of the patient who is the subject of the
7 consultation.

8 (vi) The non-resident licensed consulting physician rendering
9 consultation shall abide by all local and federal laws with regard to
10 patient confidentiality."