

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR



JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

**Via Hand Delivery
and E-mail: speaker@guamlegislature.org**

March 24, 2020

HONORABLE TINA ROSE MUÑA BARNES

Speaker

I Mina'trentai Singko Na Liheslaturan Guåhan

35th Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

Re: Executive Order No. 2020-06

Dear Madame Speaker:

Pursuant to Public Law 34-16, transmitted herewith is the following Executive Order:

EXECUTIVE ORDER NO. 2020-06:

**RELATIVE TO THE CREATION OF COVID-19 UNIFIED
RESPONSE EFFORT ("CURE") ACTION TEAM AND
EXTENSION OF SOCIAL ISOLATION MANDATES**

If you have any questions, please contact my office at # 475-9475/76.

Senseramente,

A handwritten signature in black ink, appearing to read 'Sophia Santos Diaz', is written over a light blue horizontal line.

SOPHIA SANTOS DIAZ

Legal Counsel

Enclosure(s): Executive Order No. 2020-06

cc via email: *Maga'hågan Guåhan*
Sigundo Maga'låhen Guåhan
Compiler of Law
Central Files
Cabinet Members



**ISLAND OF GUAM
OFFICE OF THE GOVERNOR
HAGÁTÑA, GUAM 96932
U.S.A.**

EXECUTIVE ORDER NO. 2020-06

**RELATIVE TO THE CREATION OF COVID-19 UNIFIED
RESPONSE EFFORT (“CURE”) ACTION TEAM
AND EXTENSION OF SOCIAL ISOLATION MANDATES**

WHEREAS, On March 14, 2020, I, Lourdes A. Leon Guerrero, *I Maga'hågan Guåhan*, Governor of Guam, acting pursuant to the power provided to me by the Organic Act and the laws of Guam, declared a public health emergency in the island of Guam, due to the potential dangers posed by the 2019 novel coronavirus (“COVID-19”); and

WHEREAS, two additional executive orders have been issued to mitigate the spread of COVID-19 by mandating social-distancing policies; and

WHEREAS, there is a need to continue and implement further strategies to prevent unnecessary gatherings and social activities; and

WHEREAS, while important functions of our government are executed by public agencies in meetings that are open to the public, such publicly attended meetings would jeopardize our efforts to slow the spread of COVID-19 throughout our island; and

WHEREAS, since the declaration of the public health emergency, Guam has confirmed several cases of COVID-19, and such cases are being monitored at various approved facilities and homes; and

WHEREAS, after consultation with medical leaders in the community, it has been determined that both public and private medical facilities must coordinate to best provide access to care, preserve resources, and facilitate efficiencies; and

WHEREAS, to best do so, the government of Guam must prepare and transform the island’s health system to best respond to the community spread of COVID-19 on the island; and

WHEREAS, the federal government has enacted laws promising extraordinary resources to assist states and territories in their efforts to contain COVID-19; and

WHEREAS, all collaborating entities, both private and public, are prioritizing the medical response and agree that services rendered shall be subject to a uniform rate schedule and will be reimbursed by programs initiated by the federal government.

NOW, THEREFORE, I, LOURDES A. LEON GUERRERO, *I Maga'hågan Guåhan*, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, do hereby order:

- 1. CLOSURE OF NON-ESSENTIAL GOVERNMENT OF GUAM OFFICES.** All non-essential government of Guam offices already closed, and which have suspended services pursuant to Executive Order Nos. 2020-04 and 2020-05 shall remain in such status through April 13, 2020.
- 2. CLOSURE OF ALL SCHOOLS.** All public and private schools closed for educational purposes pursuant to Executive Order 2020-04 shall remain closed for such purposes through April 13, 2020. The definition of habitual truancy pursuant to Article 4, Chapter 6 of Title 17, Guam Code Annotated is suspended. Student



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absences due to school closures and absences connected to the transmission of COVID-19 during the effect of this Executive Order shall not contribute to the calculation of habitual truancy.

3. **EXTENSION OF PROHIBITION ON GATHERINGS AND MANDATORY SOCIAL ISOLATION.** The prohibition on public gatherings or congregations set forth pursuant to Item 1 of Executive Order No. 2020-05, shall be extended through April 13, 2020.
4. **CLOSURE OF PUBLIC PARKS AND BEACHES.** Effective immediately and through April 13, 2020, all government of Guam public parks and beaches shall be closed to all activities except for individual use for purposes of exercise, both physical and mental, subject to the social distancing mandates contained in Item 5 of Executive Order No. 2020-04.
5. **SUSPENSION OF CERTAIN PROVISIONS OF THE OPEN GOVERNMENT LAW.** The application of Sections 8103, 8107, 8108, 8109, 8110, 8114, and 8115 of Title 5 of the Guam Code Annotated are temporarily suspended until April 13, 2020. To ensure the public is well-informed in this time of emergency, public agencies shall document their meetings in minutes and continue compliance with Section 8113.1, Title 5 of the Guam Code Annotated. Actions taken at meetings of public agencies without compliance with all provisions of the Open Government Law shall not be effective until compliance with Section 8113.1, Title 5 of the Guam Code Annotated.
6. **CREATION OF COVID-19 UNIFIED RESPONSE EFFORT (“CURE”) ACTION TEAM.** The CURE Action Team is hereby created to offer advice relative to the appropriate medical response to the COVID-19 pandemic. COL Michael W. Cruz, M.D. who serves as the Governor’s Chief Medical Advisor and the Guam Army National Guard’s State Surgeon General, is hereby appointed by the Public Health Authority to lead this Action Team. The CURE Action Team shall consist of representatives designated by the Public Health Authority’s appointee, with approval of the Governor, from the medical and health care provider community, including representatives from the public and private sector.

The Chief Medical Advisor shall have the authority and responsibility to carry the directives of the Governor relative to the public health and medical response to the COVID-19 pandemic. The Public Health Authority’s appointee, with the approval of the Governor, shall have the authority over the following:

- a. **DIRECT USE OF HEALTH CARE FACILITIES.** In accordance with the provisions of Section 19502, Article 6, Chapter 19 of Title 10 of the Guam Code Annotated, as a condition of their licensure, authorization or the ability to continue doing business on Guam as a healthcare facility, health care facilities throughout Guam are directed to provide any and all services necessary to respond to the COVID-19 pandemic. The use of a health care facility may include transferring the management and supervision of the health care facility to the Public Health Authority.
- b. **DIRECT HEALTH CARE PROVIDERS.** In accordance with Section 19608, Article 6, Chapter 19 of Title 10 of the Guam Code Annotated, as a condition of their licensure, all health care providers on Guam are required to assist in the



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vaccination, treatment, examination or testing of any individual who, on instruction from the Department of Public Health and Social Services ("DPHSS") or the CURE Action Team, presents himself to any clinic or other health care facility for medical assistance, including at designated government of Guam quarantine facilities.

- c. CREATE STANDARDIZED PROTOCOLS.** All healthcare facilities or health care providers, their employees and agents, providing services in direct support of any CURE Action Team shall adhere to all issued standardized procedures.
- d. CONTROL HEALTH CARE SUPPLIES.** The Public Health Authority, either through the CURE Action Team or on its own, may exercise its full authority under the provisions of Section 19505, Article 5, Chapter 19 of Title 10 of the Guam Code Annotated.
- 7. LIABILITY.** Any health care facility or health care provider, its employees and agents, providing services in direct support of any CURE Action Team COVID-19 response, plan, directive, guidance, or instruction, shall be entitled to immunity under Section 19804(b)(2) of Chapter 19, Title 10, Guam Code Annotated, in connection with its performance under this order, which shall be in addition to any other immunity, limitation of liability, right or remedy to which any entity operating as a government medical facility, or its agents or employees, may be legally entitled.
- 8. GUAM MEMORIAL HOSPITAL FACILITY.** As part of the COVID-19 response plan, the Guam Memorial Hospital ("GMH") has been designated the COVID-19 hospital facility. GMH will provide medical services for patients who have tested positive for COVID-19 patients and COVID-19 related illnesses as directed by the Public Health Authority with the approval of the Governor. The terms of this collaboration between the Government and GMH for services during this state of emergency, and charges for such services and provided by GMH shall be reimbursed and/or billed at a rate set forth in a Memorandum of Understanding between GMH and the Government.
- 9. GRMC HOSPITAL FACILITY.** GMH, the designated COVID-19 hospital facility, does not have sufficient capacity to support the Island's needs. As part of the COVID-19 response plan, the Guam Regional Medical City ("GRMC") is designated as an alternate hospital treatment facility for GMH's non-COVID-19 patients, and directed to provide medical services for GMH non-COVID-19 patients as directed by the Public Health Authority, with approval of the Governor. Any and all services and use of the GRMC Hospital Facility provided by GRMC, required by the Government of Guam as determined by the CURE Action Team from time to time, including but not limited to, the use of various departments and areas of its facility (subject to availability), housekeeping, dietary need, medical service, and drugs, shall be deemed to be covered under this Order. Section 7 of this order shall apply to GRMC and its employees and agents. The terms of this collaboration between the Government and GRMC for services and use of the GRMC Hospital facility during this state of emergency, and charges for such services and use shall be reimbursed and/or billed at a rate set forth in a Memorandum of Understanding between GRMC and the Government.



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10. **HEALTH CARE CLINICS.** As part of the COVID-19 Response Plan, health care clinics, including surgical centers and the community health centers, are directed to provide such necessary health care services as instructed by CURE Action Team. Section 7 of this Order shall apply to any health care clinic, its employees and agents, who act in accordance with CURE Action Team instructions during this state of emergency. Such participating clinics shall be reimbursed or billed at a rate set forth in memoranda of understanding or such other standardized, uniform rate as developed by the CURE Action Team.
11. **ACCESS TO AND DISCLOSURE OF PROTECTED HEALTH INFORMATION.** The provisions of Section 19607, Article 6, Chapter 19, Title 10 of the Guam Code Annotated shall apply to any health care facility, health care provider, or health care clinic, its employees and agents, providing services in support of any CURE Action Team COVID-19 Response plan, directive, guidance, or instruction.
12. **ENFORCEMENT.** Individuals and businesses who refuse to comply with this Order or any of the applicable provisions of Executive Order Nos. 2020-03, 2020-04, or 2020-05, may be subject to fines and/or, in the case of businesses, the termination of business licenses. The DPHSS and the Department of Revenue and Taxation (“DRT”) may issue guidance relative to this Order. DPHSS and DRT shall enforce this Order and, if necessary, may do so with the assistance of the Guam Police Department.
13. **SEVERABILITY.** If any provision of this Order or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this order that can be given effect without the invalid provision or application, and to this end, the provisions of this order are severable.

SIGNED AND PROMULGATED at Hagåtña, Guam, this 24th day of March 2020.



LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

Attested by:

JOSHUA F. TENORIO
Sigundo Maga'låhen Guåhan
Lieutenant Governor of Guam