

On Thu, May 14, 2020 at 8:04 PM Chris Malafunkshun Barnett

<malafunkshun@kuam.com> wrote:

This is a FOIA request for any and all communications - to include letters and emails - relative to negotiations conducted by the Office of the Governor with the Guam Regional Medical City, FHP, SDA and AMC clinics for services to be rendered during the COVID 19 public health emergency.

Please include in this FOIA request any and all communications relative to negotiations to include letters and emails of Tony Babauta, Jon Junior Calvo, Haig Huynh, Sophia Diaz, and/or any representatives of the Governor and/or Lt. Governor to GRMC, FHP, SDA and AMC clinics relative to services to be rendered during the COVID 19 Public health emergency.

Senseramente
Chris Barnett
KUAM News
688-3865

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR



JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

May 21, 2020

VIA ELECTRONIC MAIL: malafunkshun@kuam.com

Chris Barnett
KUAM News

Dear Mr. Barnett:

I am writing in response to your request for information dated May 14, 2020, in which you seek:

"...any and all communications - to include letters and emails - relative to negotiations conducted by the Office of the Governor with the Guam Regional Medical City, FHP, SDA and AMC clinics for services to be rendered during the COVID 19 public health emergency.

Please include in this FOIA request any and all communications relative to negotiations to include letters and emails of Tony Babauta, Jon Junior Calvo, Haig Huynh, Sophia Diaz, and/or any representatives of the Governor and/or Lt. Governor to GRMC, FHP, SDA and AMC clinics relative to services to be rendered during the COVID 19 Public health emergency."

Enclosed are the following responsive documents:

- *Emails originating from legal counsel Sophia Diaz*
- *Emails originating from legal counsel Haig Huynh*
- *Emails originating from Tony Babauta*

We note that additional responsive documents were not provided and are exempt from disclosure pursuant to 5 GCA 10108(q).

Please let me know if you have any questions or concerns.

Sincerely,

Janela Carrera
Director of Communications



Tony Babauta <tony.babauta@guam.gov>

Fwd: COVID

6 messages

Shamra L.A. Chargualaf <shamra.chargualaf@guam.gov>

Tue, Apr 28, 2020 at 7:51 AM

To: Tony Babauta <tony.babauta@guam.gov>

Cc: "Eliza G. Dames" <eliza.dames@guam.gov>

Hafa Adai and Good Morning COS:

Please see the email below from Dr. Duenas.

Thank you,
Shamra

----- Forwarded message -----

From: **Vincent Duenas** <ithreev@yahoo.com>

Date: Tue, Apr 28, 2020 at 5:37 AM

Subject: COVID

To: Shamra L.A. Chargualaf <shamra.chargualaf@guam.gov>

Hi Shamra hope you are all safe and well! Would you happen to know if any of the tier 2 designated medical facilities; FHP, AMC, and SDA will be receiving any sort of direct financial relief related to COVID? It is my understanding that many of the clinics are struggling to remain operational these days due to stay at home orders and lower patient volumes. Doctors, nurses, and other medical professionals in the private sector are facing reduced hours and possibility of furlough. I think that access to primary care remains a huge part of the COVID response as well as the overall health of our island and I'm hoping that the Governor can look into it. Thanks for your help and take care!

- Dr. Duenas

Sent from my iPhone

Shamra L.A. Chargualaf <shamra.chargualaf@guam.gov>

Thu, Apr 30, 2020 at 9:36 AM

To: Tony Babauta <tony.babauta@guam.gov>

Hafa Adai COS:

Were you able to reply to Mr. Duenas?

Thank you,
Shamra

[Quoted text hidden]

Tony Babauta <tony.babauta@guam.gov>

Thu, Apr 30, 2020 at 10:45 AM

To: "Shamra L.A. Chargualaf" <shamra.chargualaf@guam.gov>

Cc: "Eliza G. Dames" <eliza.dames@guam.gov>

I forwarded to legal. They were working on tier 2 compensation proposals to support the clinics.

[Quoted text hidden]

--



Anthony M. Babauta

Chief of Staff

Ufisinan I Maga' Håga

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Hagatña, Guam 96910

(671) 472-8931

tony.babauta@guam.gov

Shamra L.A. Chargualaf <shamra.chargualaf@guam.gov>
To: Tony Babauta <tony.babauta@guam.gov>

Thu, Apr 30, 2020 at 10:53 AM

Noted. Thank you

[Quoted text hidden]

Haig Huynh <haig.huynh@guam.gov>
To: "Shamra L.A. Chargualaf" <shamra.chargualaf@guam.gov>
Cc: Sophia Diaz <sophia.diaz@guam.gov>, "Eliza G. Dames" <eliza.dames@guam.gov>, Tony Babauta <tony.babauta@guam.gov>

Fri, May 1, 2020 at 11:40 AM

Shamra,

I do not know who this doctor is, but the answer is that there has been no arrangements with any clinics. There was a hope that the CUREs team would come up with some SOPs, protocols, and specific procedures needed to respond to the COVID-19 pandemic. To our knowledge, nothing formal has occurred. We have received proposals which included a specific amount, but no scope of work.

The most recent message from DPHSS is to encourage the public to resume going to their doctors for their medical needs.

HTH

HTH

Senseremente,

Haig T. Huynh

Legal Counsel

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Adelup, Guam

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On Fri, May 1, 2020 at 8:47 AM Shamra L.A. Chargualaf <shamra.chargualaf@guam.gov> wrote:
Hafa Adai and Good Morning Legal Team-

Kind follow up on a response to Dr. Duenas' email below.
**He sent me a follow up email earlier this AM.

Thank you,
Shamra

On Thu, Apr 30, 2020 at 10:45 AM Tony Babauta <tony.babauta@guam.gov> wrote:
[Quoted text hidden]

Shamra L.A. Chargualaf <shamra.chargualaf@guam.gov>

Fri, May 1, 2020 at 12:01 PM

To: Haig Huynh <haig.huynh@guam.gov>

Cc: "Eliza G. Dames" <eliza.dames@guam.gov>, Sophia Diaz <sophia.diaz@guam.gov>, Tony Babauta <tony.babauta@guam.gov>

Hafa Adai Haig,
Dr. Duenas is with Hunterspeaks/ Guam Autism Center and may work at one of the clinics mentioned in his email below (not sure)... Is the message below ok to forward to Dr. Duenas to respond to his question?

Please advise.

Thank you,
Shamra

[Quoted text hidden]



FAIR. SAFE.
PROSPEROUS.
COMPASSIONATE.

Sophia Diaz <sophia.diaz@guam.gov>

MOU with 2d tier clinics

Mitch Thompson <MThompson@ttalaw.net>

Mon, Apr 20, 2020 at 11:40 AM

To: Sophia Santos Diaz <sophia.diaz@guam.gov>

Sophia
Thanks for the quick response.
Which number should I use?

Sent from my iPhone

On Apr 20, 2020, at 11:37 AM, Sophia Santos Diaz <sophia.diaz@guam.gov> wrote:

Mitch, are you free now? Otherwise, after 2 is good for us.

Senseremente,

Sophia Santos Diaz

Legal Counsel

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Adelup, Guam

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On Mon, Apr 20, 2020 at 11:32 AM Mitch Thompson <MThompson@ttalaw.net> wrote:

Sophia
Is there a time today when I could speak to you and Haig ?
Thanks

Sent from my iPhone

On Apr 17, 2020, at 10:29 AM, Sophia Santos Diaz <sophia.diaz@guam.gov> wrote:

Hafa Adai All,

In discussions with attorneys from throughout the National Governors Association membership, Haig and I have found that other jurisdictions have engaged in relationships with private health care facilities/providers similar to what has been sought here. In particular, the state of Delaware, through its Emergency Management entity entered into an MOU with a private children's hospital. Can you each take a look at the attached MOU?

We would like to use this as the foundation for formalizing relationships with your respective clients.

Thank you.

Senseremente,

Sophia Santos Diaz

Legal Counsel

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Adelup, Guam

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On Wed, Apr 8, 2020 at 9:53 AM Mitch Thompson <MThompson@ttalaw.net> wrote:

Dear Mr. Huynh,

My office represents the Guam SDA Clinic, and on behalf of that Clinic, and FHP and American Medical Center (whose respective counsel are cc'd), I have been communicating with Sophia Diaz regarding an MOU between the Government and the 3 clinics.

The Guam SDA Clinic is preparing documentation supporting the need for financial assistance and I hope to be submitting that information shortly. I would like to discuss this situation with you. May I call you to discuss?

Mitchell F. Thompson

Thompson Thompson & Alcantara, PC

238 Archbishop Flores Street , Suite 801

Hagåtña, Guam 96910

Telephone: (671) 472-2089

Facsimile: (671) 477-5206

Email: Mthompson@ttalaw.net

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<Final Nemours DEMA MOU.pdf>

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Sophia Diaz <sophia.diaz@guam.gov>

E.O. 2020-006

Sophia Santos Diaz <sophia.diaz@guam.gov>

Mon, Mar 30, 2020 at 10:45 AM

To: Mitch Thompson <MThompson@ttalaw.net>, "Louie J. Yanza" <lyanza@jurisguam.com>, Jacque Terlaje <jacque.terlaje@terlajelaw.com>, williamgavras@yahoo.com

Cc: Haig Huynh <haig.huynh@guam.gov>, michael.w.cruz4.mil@mail.mil

Hafa Adai All,

Several of you have reached out to our office related to the potential entry into MOU arrangements between the government of Guam and the clinics you represent.

What has been envisioned by the COVID-19 Unified Response Effort Action Team, which is led by COL Mike Cruz, the Guam National Guard State Surgeon General, is a system of billing wherein there is a menu of services related to COVID-19 efforts. Any services provided under this menu would be considered provided at government direction and thus be afforded the government liability protection that is contemplated in Executive Order No. 2020-06 and the Governor's public health emergency powers.

Thanks very much.

*Senseremente,***Sophia Santos Diaz**

Legal Counsel

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Adelup, Guam

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On Mon, Mar 30, 2020 at 8:51 AM Mitch Thompson <MThompson@ttalaw.net> wrote:

Hi Sophia

My office represents the Guam SDA Clinic. I have been working with counsel for FHP and AMC on a suggested MOU as to the Governor's requisition of the 3 clinics under EO 2020-06. I understand that you may be the point of contact for GovGuam for this. If so, may I call you sometime today to discuss? If not, could you please advise who I should contact?

Thanks

Sent from my iPhone



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Sophia Diaz <sophia.diaz@guam.gov>

FW: MOU with health care facilities

Mitch Thompson <MThompson@ttalaw.net>
To: "sophia.diaz@guam.gov" <sophia.diaz@guam.gov>

Wed, Apr 1, 2020 at 3:00 PM

From: Mitch Thompson
Sent: Wednesday, April 01, 2020 2:57 PM
To: Sophia Santos Diaz
Cc: 'Louie J. Yanza'; Jacque Terlaje
Subject: MOU with health care facilities

Sophia,

Thanks for your response to my earlier e-mail.

Counsel for FHP Health Center, American Medical Center and the Guam SDA Clinic request that the government consider the attached MOU. While the 3 clinics are more than willing to provide the services requested under E.O. 2020-06, as a practical matter, they will need this type of funding to continue to operate. I hope that we can open a dialog for further discussions.

Mitchell F. Thompson

Thompson Thompson & Alcantara, PC

**238 Archbishop Flores Street , Suite 801
Hagåtña, Guam 96910
Telephone: (671) 472-2089**

Facsimile: (671) 477-5206

Email: Mthompson@ttalaw.net

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Memorandum of Understanding9 (009).docx
29K



Haig Huynh <haig.huynh@guam.gov>

Memorandum of Understanding

1 message

Janet Sardoma <jsardoma@jurisguam.com>

Mon, May 4, 2020 at 10:43 AM

To: "sophia.diaz@guam.gov" <sophia.diaz@guam.gov>, "haig.huynh@guam.gov" <haig.huynh@guam.gov>

Cc: "Louie J. Yanza" <lyanza@jurisguam.com>, Theresa Blas <tblas@jurisguam.com>

Dear Counsel:

Attached hereto is Attorney Louie J. Yanza's letter dated May 4, 2020 with enclosure regarding the above matter.

Should you have any questions, please feel free to contact our office.

Thank you!

Regards,
Janet S. Sardoma, Secretary
Law Office of Louie J. Yanza

A Professional Corporation
One Agana Bay
446 East Marine Corps Drive, Suite 202
Hagatña, Guam 96910
Telephone No.: (671) 477-7059
Facsimile No.: (671) 472-5487
E-mail: jsardoma@jurisguam.com

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**Counsel 05-04-20 (E).pdf**

113K

Law Office of Louie J. Yanza
A Professional Corporation

One Agana Bay
446 East Marine Corps Drive, Suite 202
Hagatña, Guam 96910

Telephone: (671) 477-7059
Facsimile: (671) 472-5487
Email: lyanza@jurisguam.com

May 4, 2020

VIA EMAIL

Sophia Santos Diaz (sophia.diaz@guam.gov)
Legal Counsel
Office of the Governor of Guam
Ricardo J. Bordallo Governor's Complex
Adelup, Guam

Haig T. Huynh (haig.huynh@guam.gov)
Legal Counsel
Office of the Governor of Guam
Ricardo J. Bordallo Governor's Complex
Adelup, Guam

RE: MEMORANDUM OF UNDERSTANDING

Dear Sophia and Haig:

Since my last letter to you, you have not responded whether my client FHP Health Center is under the Tier Two Health Care Facility despite being ordered so under Executive Order 2020-06.

I am attaching a recent summary of FHP's expenses from March 17, 2020 to April 25, 2020, which consists of \$955,562.00. It is apparent that the Government of Guam has received over \$117 Million from the federal government. Is it the Government's intention to pay FHP out of that federal monies? My client wishes to continue working with the Government in providing in assisting the Government to stop the spread of Covid-19 but the Government needs to reimburse FHP. FHP is also open to any other reasonable means of payment. In the alternative, is the Government open to providing tax credits to FHP for FHP's medical services? I believe this is a reasonable solution if the Government of Guam does not intend to or cannot pay FHP. Your response in this matter is respectfully requested.

Should you have any questions or comments, please feel free to call or contact me.

Best regards,



Louie J. Yanza

Enclosure

cc: Client

SUMMARY OF EXPENSES (FROM START OF COVID-19 PANDEMIC DECLARATION)

[illegible]



Haig Huynh <haig.huynh@guam.gov>

CURE Tier 2 - AMC

1 message

Haig Huynh <haig.huynh@guam.gov>

Wed, Apr 22, 2020 at 11:16 AM

To: Jacque Terlaje <jacque.terlaje@terlajelaw.com>

Cc: Sophia Diaz <sophia.diaz@guam.gov>

Bcc: mwcruzin@hotmail.com, Francis Santos <fesantos57@gmail.com>

Hi Jackie,

I spoke with State Surgeon General Cruz on this matter and we should be able to meet today. On our side, we would like Dr. Cruz, Francis Santos, myself, and maybe Sophia to be able to meet.

I do want to clarify and make sure our conversation starts on the same set of facts.

1. On March 24, 2020 - the Governor executed EO 2020-06, establishing the CURE Action Team. This appointed Dr. Cruz as the Chief Medical Advisor and allowing him to direct facilities, providers, and supplies. This would be based on standardized operating procedures (SOPs)

2. To this date, no SOPs have been developed and no facilities, providers, nor supplies have been directed for government use.

3. The government is actively working to help clinics get reimbursed for medicaid/mip more quickly to help with cashflow.

4. There is no legal or equitable way to subsidize a clinic for past operations outside of the CURE framework. An idea about developing a grant program may help if it's competitive.. but that will take time and cannot be retroactive.

We appreciate AMC and all of its efforts to keep the island safe. We wish others would have taken this position and exercised Dr. Nguyen's healthy and responsible messaging as it relates to COVID-19

Please let us know what time we can meet this afternoon. It would help if we can meet at Adelup.

HTH

*Senseremente,***Haig T. Huynh**

Legal Counsel

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Adelup, Guam

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OFFICE OF LEGAL COUNSEL

Ufisinan I Maga'hågan Guåhan
Office of the Governor of Guam

LOURDES A. LEON GUERRERO
Governor of Guam

JOSHUA F. TENORIO
Lieutenant Governor of Guam

Via Email: info@terlajelaw.com

April 23, 2020

JACQUELINE TAITANO TERLAJE, Esq.
Law Office of Jacqueline Taitano Terlaje, P.C.
284 W. Chalan Santo Papa
Hagåtña, Guam 96910

Re: American Medical Center

Dear Jacque:

Thank you for arranging the conversation with your client, AMC, yesterday afternoon. We apologize that COL Michael Cruz, the Guam National Guard State Surgeon General and the Governor's Chief Medical Advisor, was not available and that we were not in a position or have the authority to make any decisions.

First off, we would highly encourage that your client change its position regarding seeking expedited reimbursement for Medicaid/MIP reimbursement. Other clinics have provided us with over FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) worth of billings. If your client has been seeing Medicaid patients, this amount does not seem insignificant. Please let us know if your client changes its position on this issue.

Second, we want to reemphasize that we have not been informed by any of the members of the Physicians Advisory group on any developments pursuant to Executive Order 2020-06. That order allowed the Chief Medical Advisor to develop a strategy and standard operating procedures for working with certain clinics. Its main purpose was to allow for government liability coverage to extend to any operations undertaken in support of the Public Health authority's COVID-19 response efforts.

It is our understanding that AMC continues to want to be considered to assist the Public Health authority as a Tier 2 clinic. We fully support that involvement; however, we need more direction from the Physicians Advisory group, which includes your client through its designated representative. We have not received any indication that any medical facilities, supplies, or providers have been formally directed to act as government entities. This would have been in the form of a contract for procurement purposes. And as you know, procurement law does not allow for payment of services prior to the execution of an agreement.

To: Jacqueline Taitano Terlaje, Esq.
Fr: Sophia Santos Diaz, Esq.
Haig T. Huynh, Esq.
Date: April 23, 2020
Re: American Medical Center

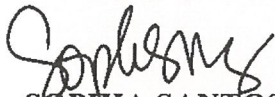
Page 2 of 2

Your previous proposal called for the government to provide your client with THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00) for a two-week period. The proposed memorandum of understanding did not clearly identify what the scope of work would be and that it would be limited to services directly related to COVID-19. We understand that your client is preparing an unsolicited proposal for the government to consider. Once that is received, we will consider its appropriateness for emergency procurement and whether a competitive process is necessary.

Finally, your client had expressed its desire to temporarily close the Mangilao clinic in the next few weeks. We hope that the environment changes substantially before then. Even so, the administration would like an opportunity to recognize the strong sense of civic duty that AMC has exhibited throughout this public health emergency.

Thank you.

Senseramente,



SOPHIA SANTOS DIAZ

Legal Counsel



HAIG T. HUYNH

Legal Counsel

cc via email: *Maga'hāgan Guāhan*
Sigundo Maga'lāhen Guāhan



Haig Huynh <haig.huynh@guam.gov>

MOU with 2d tier clinics

5 messages

Mitch Thompson <MThompson@ttalaw.net>

Wed, Apr 8, 2020 at 9:53 AM

To: "haig.huynh@guam.gov" <haig.huynh@guam.gov>, "sophia.diaz@guam.gov" <sophia.diaz@guam.gov>

Cc: "Louie J. Yanza" <lyanza@jurisguam.com>, Jacque Terlaje <jacque.terlaje@terlajelaw.com>

Dear Mr. Huynh,

My office represents the Guam SDA Clinic, and on behalf of that Clinic, and FHP and American Medical Center (whose respective counsel are cc'd), I have been communicating with Sophia Diaz regarding an MOU between the Government and the 3 clinics.

The Guam SDA Clinic is preparing documentation supporting the need for financial assistance and I hope to be submitting that information shortly. I would like to discuss this situation with you. May I call you to discuss?

Mitchell F. Thompson**Thompson Thompson & Alcantara, PC****238 Archbishop Flores Street , Suite 801****Hagåtña, Guam 96910****Telephone: (671) 472-2089****Facsimile: (671) 477-5206****Email: Mthompson@ttalaw.net**

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Sophia Santos Diaz <sophia.diaz@guam.gov>

Wed, Apr 8, 2020 at 1:01 PM

To: Mitch Thompson <MThompson@ttalaw.net>

Cc: "haig.huynh@guam.gov" <haig.huynh@guam.gov>, "Louie J. Yanza" <lyanza@jurisguam.com>, Jacque Terlaje <jacque.terlaje@terlajelaw.com>

Hafa Adai Mitch,

Just tried calling your office. Give us a call at 475-9475.

Thanks.

Senseremente,

Sophia Santos Diaz

Legal Counsel

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Adelup, Guam

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[Quoted text hidden]

Sophia Santos Diaz <sophia.diaz@guam.gov>

Fri, Apr 17, 2020 at 10:30 AM

To: Mitch Thompson <MThompson@ttalaw.net>

Cc: "haig.huynh@guam.gov" <haig.huynh@guam.gov>, "Louie J. Yanza" <lyanza@jurisguam.com>, Jacque Terlaje <jacque.terlaje@terlajelaw.com>

Hafa Adai All,

In discussions with attorneys from throughout the National Governors Association membership, Haig and I have found that other jurisdictions have engaged in relationships with private health care facilities/providers similar to what has been sought here. In particular, the state of Delaware, through its Emergency Management entity entered into an MOU with a private children's hospital. Can you each take a look at the attached MOU? We would like to use this as the foundation for formalizing relationships with your respective clients.

Thank you.

Senseremente,

Sophia Santos Diaz

Legal Counsel

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Adelup, Guam

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5/18/2020

The Office of the Governor of Guam Maga' Haga' Mail - MOU with 2d tier clinics

information is strictly prohibited. If you received this transmission in error, please notify us immediately by e-mail or telephone to arrange for the return of this email and any files to us or to verify it has been deleted from your system.

On Wed, Apr 8, 2020 at 9:53 AM Mitch Thompson <MThompson@ttalaw.net> wrote:

[Quoted text hidden]



Final Nemours DEMA MOU.pdf

790K

Mitch Thompson <MThompson@ttalaw.net>

Mon, Apr 20, 2020 at 11:31 AM

To: Sophia Santos Diaz <sophia.diaz@guam.gov>

Cc: "haig.huynh@guam.gov" <haig.huynh@guam.gov>, "Louie J. Yanza" <lyanza@jurisguam.com>, Jacque Terlaje <jacque.terlaje@terlajelaw.com>

Sophia

Is there a time today when I could speak to you and Haig ?

Thanks

Sent from my iPhone

[Quoted text hidden]

<Final Nemours DEMA MOU.pdf>

Sophia Santos Diaz <sophia.diaz@guam.gov>

Mon, Apr 20, 2020 at 11:38 AM

To: Mitch Thompson <MThompson@ttalaw.net>

Cc: Haig Huynh <haig.huynh@guam.gov>

Mitch, are you free now? Otherwise, after 2 is good for us.

Senseremente,

Sophia Santos Diaz

Legal Counsel

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Adelup, Guam

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[Quoted text hidden]



Haig Huynh <haig.huynh@guam.gov>

Fwd: E.O. 2020-006

2 messages

Sophia Santos Diaz <sophia.diaz@guam.gov>
To: Haig Huynh <haig.huynh@guam.gov>

Mon, Mar 30, 2020 at 8:54 AM

----- Forwarded message -----

From: **Mitch Thompson** <MThompson@ttalaw.net>

Date: Mon, Mar 30, 2020, 08:51

Subject: E.O. 2020-006

To: sophia.diaz@guam.gov <sophia.diaz@guam.gov>Cc: Louie J. Yanza <lyanza@jurisguam.com>, Jacque Terlaje <jacque.terlaje@terlajelaw.com>

Hi Sophia

My office represents the Guam SDA Clinic. I have been working with counsel for FHP and AMC on a suggested MOU as to the Governor's requisition of the 3 clinics under EO 2020-06. I understand that you may be the point of contact for GovGuam for this. If so, may I call you sometime today to discuss? If not, could you please advise who I should contact?

Thanks

Sent from my iPhone

Sophia Santos Diaz <sophia.diaz@guam.gov>

Mon, Mar 30, 2020 at 10:45 AM

To: Mitch Thompson <MThompson@ttalaw.net>, "Louie J. Yanza" <lyanza@jurisguam.com>, Jacque Terlaje <jacque.terlaje@terlajelaw.com>, williamgavras@yahoo.comCc: Haig Huynh <haig.huynh@guam.gov>, michael.w.cruz4.mil@mail.mil

Hafa Adai All,

Several of you have reached out to our office related to the potential entry into MOU arrangements between the government of Guam and the clinics you represent.

What has been envisioned by the COVID-19 Unified Response Effort Action Team, which is led by COL Mike Cruz, the Guam National Guard State Surgeon General, is a system of billing wherein there is a menu of services related to COVID-19 efforts. Any services provided under this menu would be considered provided at government direction and thus be afforded the government liability protection that is contemplated in Executive Order No. 2020-06 and the Governor's public health emergency powers.

Thanks very much.

*Senseremente,***Sophia Santos Diaz**

Legal Counsel

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Adelup, Guam

5/18/2020

The Office of the Governor of Guam Maga' Haga' Mail - Fwd: E.O. 2020-006

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[Quoted text hidden]

FAIR. SAFE.
PROSPEROUS.
COMPASSIONATE.

Haig Huynh <haig.huynh@guam.gov>

FHP - Memorandum of Understanding

1 message

june.borja@guam.gov <june.borja@guam.gov>

Thu, Apr 23, 2020 at 11:02 AM

To: lyanza@jurisguam.com

Cc: Haig Huynh <haig.huynh@guam.gov>, Sophia Santos Diaz <sophia.diaz@guam.gov>, "Tricia T. Guzman" <tricia.guzman@guam.gov>

Hafa Adai Attorney Yanza,

Please find attached letter dated April 23, 2020 from the Governor's Legal Counsels Haig T. Huynh and Sophia Santos Diaz regarding the above matter.

Thank you.

Sincerely,

**June M.C. Borja**

Administrative Services Officer
Legal Office, Office of the Governor of Guam
Ricardo J. Bordallo Governor's Complex
Adelup, Guam 96910
P.O. Box 2950, Hagatna, Guam 96932
Telephone No.: (671) 475-9475
Facsimile No.: (671) 475-9480

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20.0423 HTH-SSD to ATTORNEY LOUIE YANZA re Letter dated April 22, 2020 re FHP - Memorandum of Understanding.pdf

60K



OFFICE OF LEGAL COUNSEL

Ufisinan I Maga'hågan Guåhan
Office of the Governor of Guam

LOURDES A. LEON GUERRERO
Governor of Guam

JOSHUA F. TENORIO
Lieutenant Governor of Guam

Via Email: lyanza@jurisguam.com

April 23, 2020

LOUIE J. YANZA, Esq.
Law Office of Louie J. Yanza, P.C.
One Agana Bay, Suite 202
446 E. Marine Corps. Dr.
Hagåtña, Guam 96910

Re: FHP Letter Dated April 22, 2020 – Memorandum of Understanding

Attorney Yanza:

Thank you for your letter. To this date, we have not been informed by any of the members of the Physicians Advisory group on any developments pursuant to Executive Order 2020-06. That order allowed the Chief Medical Advisor to develop a strategy and standard operating procedures for working with certain clinics. Its main purpose was to allow for government liability coverage to extend to any operations undertaken in support of the Public Health authority's COVID-19 response efforts.

It is our understanding that FHP continues to want to be considered to assist the Public Health authority as a Tier 2 clinic. We fully support that involvement; however, we need more direction from the Physicians Advisory group, which includes your client or a designated representative. We have not received any indication that any medical facilities, supplies, or providers have been formally directed to act as government entities. This would have been in the form of a contract for procurement purposes. And as you know, procurement law does not allow for payment of services prior to the execution of an agreement.

Your previous proposal called for the government to provide your client with THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00) for a two-week period. The proposed MOU did not clearly identify what the scope of work would be and that it would be limited to services directly related to COVID-19. Your recent letter provides a description of your client's operating expenses for a twenty-five (25) day time period. That description correlates with the proposal in your MOU. Please know that the government is not and cannot be in a position to subsidize a private entity's normal operations.

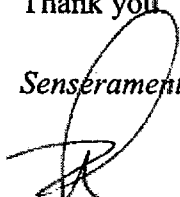
To: Louie J. Yanza, Esq.
Fr: Haig T. Huynh, Esq.
Date: April 23, 2020
Re: FHP – MOU


Page 2 of 2

However, we may be in a position to expedite the reimbursement to Medicaid/MIP providers to help with cash flow issues. We are attempting to do this to the best of our ability and if your client would like assistance in that regard, please let us know.

Thank you

Senseramente,


HAIG T. HUYNH
Legal Counsel


SOPHIA SANTOS DIAZ
Legal Counsel

cc via email: *Maga'hågan Guåhan*
Sigundo Maga'låhen Guåhan



Haig Huynh <haig.huynh@guam.gov>

Memorandum of Understanding

1 message

Theresa Blas <tblas@jurisguam.com>

Fri, Apr 24, 2020 at 1:27 PM

To: Theresa Blas <tblas@jurisguam.com>, "haig.huynh@guam.gov" <haig.huynh@guam.gov>

Cc: "husslein@gmail.com" <husslein@gmail.com>, "Perez, Jeanette" <Jeanie.Perez@takecareasia.com>, "Lucio.Almira@takecareasia.com" <Lucio.Almira@takecareasia.com>, "Louie J. Yanza" <lyanza@jurisguam.com>, Janet Sardoma <jsardoma@jurisguam.com>

Dear Counsel:

Please find enclosed Attorney Louie J. Yanza's letter of April 24, 2020 in reference to the above matter.

Should you have any questions, please feel free to contact our office.

Have a nice day!

Theresa M.A. Blas, Secretary

LAW OFFICE OF LOUIE J. YANZA

A Professional Corporation

One Agana Bay

446 East Marine Corps Drive, Suite 202

Hagatña, Guam 96910

Telephone No.: (671) 477-7059

Facsimile No.: (671) 472-5487

E-mail: tblas@jurisguam.com

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**Counsel 04-24-20.pdf**

86K

Law Office of Louie J. Yanza
A Professional Corporation

One Agana Bay
446 East Marine Corps Drive, Suite 202
Hagatña, Guam 96910

Telephone: (671) 477-7059
Facsimile: (671) 472-5487
Email: lyanza@jurisguam.com

April 24, 2020

VIA EMAIL

Sophia Santos Diaz (sophia.diaz@guam.gov)
Legal Counsel
Office of the Governor of Guam
Ricardo J. Bordallo Governor's Complex
Adelup, Guam

Haig T. Huynh (haig.huynh@guam.gov)
Legal Counsel
Office of the Governor of Guam
Ricardo J. Bordallo Governor's Complex
Adelup, Guam

RE: MEMORANDUM OF UNDERSTANDING

Dear Sophia and Haig:

Thank you for your April 23, 2020 letter.

Under the Emergency Health Powers Act, 10 G.C.A. et seq., in particular, § 19502(b), the Department of Public Health and Social Services, has the statutory authority:

To require a health care facility to provide services or the use of its facility if such services or use are reasonable and necessary to respond to the public health emergency as a condition of licensure, authorization or the ability to continue doing business on Guam as a health care facility. The use of the health care facility may include transferring the management and supervision of the health care facility to the public health authority for a limited or unlimited period of time, but shall not exceed the termination of the declaration of a state of public health emergency.

Under Executive Order 2020-06 by Maga'hågan Guåhan, Lourdes A. Leon Guerrero issued on March 23, 2020, ordered:

Sophia Santos Diaz
Haig T. Huynh
Page 2 of 2
April 24, 2020

... health care clinics, including surgical centers and 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.

In light of the above, FHP Health Care Center was designated as a Tier Two urgent care facility. FHP has been directed to provide necessary health care services as instructed by CURE.

In your letter, you said:

We have not received any indication that any medical facilities, supplies, or providers have been formally directed to act as government entities.

We are confused as to whether FHP is part of the Tier Two urgent care facilities. Your letter seems to indicate that not only FHP, but also the Seventh day Adventist Clinic ("SDA"), and the American Medical Center ("AMC") clinics are not part of the Tier Two health care facilities despite EO 2020-06.

When the CURE Action Team initially met, the CURE team agreed that all the three (3) clinics and the hospitals would have different roles such as new operating hours and that GMH would only receive Covid-19 patients. FHP, SDA, and AMC, have not been acting on their own, and in fact, Dr. Michael Cruz, the surgeon general, knows full well that the three (3) clinics have been acting under the directions of EO 2020-06. Therefore, please clarify whether the three (3) clinics are operating under EO 2020-06 as government entities.

Finally, FHP appreciates your effort to expedite the payment of Medicaid/MIP to FHP.

Should you have any questions or comments, please feel free to call or contact me.

Best regards,



Louie J. Yanza

cc: Client



Haig Huynh <haig.huynh@guam.gov>

Re: COVID

4 messages

Shamra L.A. Chargualaf <shamra.chargualaf@guam.gov>

Fri, May 1, 2020 at 8:47 AM

To: Haig Huynh <haig.huynh@guam.gov>, Sophia Diaz <sophia.diaz@guam.gov>

Cc: "Eliza G. Dames" <eliza.dames@guam.gov>, Tony Babauta <tony.babauta@guam.gov>

Hafa Adai and Good Morning Legal Team-

Kind follow up on a response to Dr. Duenas' email below.

**He sent me a follow up email earlier this AM.

Thank you,
Shamra

On Thu, Apr 30, 2020 at 10:45 AM Tony Babauta <tony.babauta@guam.gov> wrote:

I forwarded to legal. They were working on tier 2 compensation proposals to support the clinics.

On Tue, Apr 28, 2020 at 7:52 AM Shamra L.A. Chargualaf <shamra.chargualaf@guam.gov> wrote:

Hafa Adai and Good Morning COS:

Please see the email below from Dr. Duenas.

Thank you,
Shamra

----- Forwarded message -----

From: **Vincent Duenas** <ithreev@yahoo.com>

Date: Tue, Apr 28, 2020 at 5:37 AM

Subject: COVID

To: Shamra L.A. Chargualaf <shamra.chargualaf@guam.gov>

Hi Shamra hope you are all safe and well! Would you happen to know if any of the tier 2 designated medical facilities; FHP, AMC, and SDA will be receiving any sort of direct financial relief related to COVID? It is my understanding that many of the clinics are struggling to remain operational these days due to stay at home orders and lower patient volumes. Doctors, nurses, and other medical professionals in the private sector are facing reduced hours and possibility of furlough. I think that access to primary care remains a huge part of the COVID response as well as the overall health of our island and I'm hoping that the Governor can look into it. Thanks for your help and take care!

- Dr. Duenas

Sent from my iPhone

**Anthony M. Babauta**

Chief of Staff

Ufisinan I Maga' Haga

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Hagatña, Guam 96910
(671) 472-8931
tony.babauta@guam.gov

Haig Huynh <haig.huynh@guam.gov>

Fri, May 1, 2020 at 11:40 AM

To: "Shamra L.A. Chargualaf" <shamra.chargualaf@guam.gov>

Cc: Sophia Diaz <sophia.diaz@guam.gov>, "Eliza G. Dames" <eliza.dames@guam.gov>, Tony Babauta <tony.babauta@guam.gov>

Shamra,

I do not know who this doctor is, but the answer is that there has been no arrangements with any clinics. There was a hope that the CUREs team would come up with some SOPs, protocols, and specific procedures needed to respond to the COVID-19 pandemic. To our knowledge, nothing formal has occurred. We have received proposals which included a specific amount, but no scope of work.

The most recent message from DPHSS is to encourage the public to resume going to their doctors for their medical needs.

HTH

HTH

Senseremente,

Haig T. Huynh

Legal Counsel

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Adelup, Guam

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[Quoted text hidden]

Shamra L.A. Chargualaf <shamra.chargualaf@guam.gov>

Fri, May 1, 2020 at 12:01 PM

To: Haig Huynh <haig.huynh@guam.gov>

Cc: "Eliza G. Dames" <eliza.dames@guam.gov>, Sophia Diaz <sophia.diaz@guam.gov>, Tony Babauta <tony.babauta@guam.gov>

Hafa Adai Haig,

Dr. Duenas is with Hunterspeaks/ Guam Autism Center and may work at one of the clinics mentioned in his email below (not sure)... Is the message below ok to forward to Dr. Duenas to respond to his question?

Please advise.

Thank you,
Shamra

[Quoted text hidden]

Shamra L.A. Chargualaf <shamra.chargualaf@guam.gov>

Sat, May 2, 2020 at 11:17 AM

5/21/2020

The Office of the Governor of Guam Maga' Haga' Mail - Re: COVID

To: Haig Huynh <haig.huynh@guam.gov>

Cc: "Eliza G. Dames" <eliza.dames@guam.gov>, Jon Junior Calvo <jon.calvo@guam.gov>, Sophia Diaz <sophia.diaz@guam.gov>

Hafa Adai Haig-

Kind follow up. Please advise if your response below can be provided to Dr. Duenas.

Thank you,

Shamra

[Quoted text hidden]