EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor Of Guam

SEP 27 2016

33-16-2046
Office of the Speaker
Judith T. Won Pat, Ed.D

Date: 09-27-16
Time: 10:07 AM
Received By:

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Tres Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

Dear Madame Speaker:

Transmitted herewith is Bill No. 297-33 (COR), "**AN ACT TO *ADD* A NEW § 3107.1 TO ARTICLE 1 OF CHAPTER 3, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE PROMULGATION OF A FEE SCHEDULE FOR SERVICES PROVIDED TO CLIENTS OF THE FAMILY PLANNING PROGRAM, AND TO ESTABLISHING AN INTERIM FEE SCHEDULE BY AUTHORIZING AND ADOPTING THE FEE SCHEDULE OF THE REGIONAL COMMUNITY HEALTH CENTERS,**" which was signed into law on September 26, 2016, as **Public Law 33-188.**

Senseramente,

EDDIE BAZA CALVO

2016 SEP 27 PM 4:46

2046

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

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

This is to certify that **Bill No. 297-33 (COR), "AN ACT TO *ADD* A NEW § 3107.1 TO ARTICLE 1 OF CHAPTER 3, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE PROMULGATION OF A FEE SCHEDULE FOR SERVICES PROVIDED TO CLIENTS OF THE FAMILY PLANNING PROGRAM, AND TO ESTABLISHING AN INTERIM FEE SCHEDULE BY AUTHORIZING AND ADOPTING THE FEE SCHEDULE OF THE REGIONAL COMMUNITY HEALTH CENTERS,"** was on the 14th day of September 2016, 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'låhen Guåhan* this 14th day of SEPT, 2016, at 3:00 pm o'clock P.M.

Assistant Staff Officer
Maga'låhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: SEP 26 2016

Public Law No. 33-188

OFFICE OF THE GOVERNOR
CENTRAL FILES
RECEIVED BY
TIME 3:00 pm **DATE** 14 SEPT 16

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

Bill No. 297-33 (COR)

Introduced by:

Dennis G. Rodriguez, Jr.
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
Frank F. Blas, Jr.
B. J.F. Cruz
James V. Espaldon
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
R. J. Respicio
Michael F.Q. San Nicolas
Mary Camacho Torres
N. B. Underwood, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *ADD* A NEW § 3107.1 TO ARTICLE 1 OF CHAPTER 3, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE PROMULGATION OF A FEE SCHEDULE FOR SERVICES PROVIDED TO CLIENTS OF THE FAMILY PLANNING PROGRAM, AND TO ESTABLISHING AN INTERIM FEE SCHEDULE BY AUTHORIZING AND ADOPTING THE FEE SCHEDULE OF THE REGIONAL COMMUNITY HEALTH CENTERS.

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

2 **Section 1. Legislative Findings and Intent.** The Department of Public
3 Health and Social Services (DPHSS) Bureau of Family Health and Nursing

4 Services (BFHNS) is responsible for the Family Planning (FP) Program. The FP
5 Program is one hundred percent (100%) federally funded by Title X of the Public
6 Health Service Act, 42 U.S.C. § 300, *et seq*. This bill is introduced at the request
7 of the Director of DPHSS, on behalf of the Bureau of Family Health and Nursing
8 Services.

9 One of the special terms and requirements of the grant Notice of Award,
10 issued on September 4, 2015, is that by June 01, 2016, the project must
11 demonstrate compliance that reasonable efforts have been made to obtain
12 payments from third parties (including government agencies) that are authorized or
13 are legally obligated to pay for services, without application of any discounts. If
14 this requirement is not met, the FP Program will lose its funding, affecting the
15 salaries of four (4) staff members, including the services of a nurse practitioner.

16 It is the intent of *I Liheslaturan Guåhan* to authorize the utilization of the fee
17 schedule promulgated for the Regional Community Health Centers of the
18 Department of Public Health and Social Services until such time that a fee
19 schedule is duly promulgated specifically for the services provided by the Family
20 Planning Program, in accordance with the Administrative Adjudication Law and as
21 may be required to qualify for grants-in-aid.

22 **Section 2.** A new § 3107.1 is *added* to Article 1 of Chapter 3, Title 10,
23 Guam Code Annotated, to read:

24 "**3107.1. Bureau of Health and Nursing Services; Family**
25 **Planning Program Fees.**

26 (a) The Department of Public Health and Social Services (DPHSS)
27 Bureau of Family Health and Nursing Services (BFHNS) *shall* promulgate
28 the required fee schedule for health services provided by the Family
29 Planning (FP) Program, in accordance with the Administrative Adjudication
30 Law, and as may be required for continuing qualification and compliance for

31 grants-in-aid federally funded by Title X of the Public Health Service Act,
32 42 U.S.C. § 300, *et seq.*, and other funding sources. The fee schedule *shall*
33 be based on the current Centers for Medicare and Medicaid Services fees,
34 and *shall* be amended as necessary to maintain continuing compliance.
35 (b) Interim Fee Schedule; Adoption. Notwithstanding any other
36 provision of law, rule, or regulation to the contrary, the promulgated fee
37 schedule of the Regional Community Health Centers of the Department of
38 Public Health and Social Services *shall* be applicable and *shall* be assessed
39 for health care services provided to clients of the FP Program until such time
40 as a fee schedule has been duly promulgated specifically for the services
41 provided by the FP Program. In the event there is any difference between
42 the Regional Community Health Centers fee schedule and the current fee
43 schedule of the Centers for Medicare and Medicaid Services, then the fee
44 schedule of the Centers for Medicare and Medicaid Services *shall* be
45 utilized."
46 **Section 3. Severability.** If any provision of this law or its application to
47 any person or circumstance is found to be invalid or contrary to law, such
48 invalidity *shall not* affect other provisions or applications of this law that can be
49 given effect without the invalid provisions or application, and to this end the
50 provisions of this law are severable.