

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) REGULAR SESSION

Bill No. 288-31(COR)
Introduced by:

R.J. RESPICIO



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AN ACT TO AMEND TITLE 11 GUAM CODE ANNOTATED CHAPTER 26 § 26216 SUBITEM (a), RELATIVE TO PROVIDING FOR ASSIGNABILITY OF OFFSETS AGAINST BUSINESS PRIVILEGE TAXES FOR PAST DUE MEDICALLY INDIGENT PROGRAM BILLINGS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Title 11 Guam Code Annotated Chapter 26 § 26216 is
3 *amended* by adding a *new* subitem (a) (6) to read:

4 "§ 26216. Health Care Service Provider.

5 (a) Offset Against Business Privilege Taxes for Past Due
6 Medically Indigent Program Billings.

7 (1) If the Medically Indigent Program (MIP) fails to pay a
8 claim for services and products for more than ninety (90) days
9 after receiving an invoice, the health care provider, unless he
10 has a qualifying certificate, that provided said services or
11 products *shall* be entitled to an offset equal to the value of
12 unpaid for MIP services it provides against the Business
13 Privilege Taxes it owes for any given month. The value of said
14 services and products *shall* be the MIP rates for the provider's

1 claims that are approved by the MIP.

2 (2) Any unused offset authorized by this Section against
3 Business Privilege Taxes owed for any given month may be
4 carried over into subsequent months until said offset is
5 exhausted.

6 (3) The government *shall not* pay health care providers for
7 services *if* an offset against total Business Privilege Taxes has
8 been exercised.

9 (4) Any health care service provider that claims an offset
10 against Business Privilege Taxes pursuant hereto must
11 “participate” and continuously provide services to MIP
12 recipients to qualify for said offsets for any given month. The
13 term “participate” in this subsection means that ten percent
14 (10%) of the patients *or* clients serviced by the provider in a
15 given month must be recipients of the Medically Indigent
16 Program.

17 (5) “*Health Care Service Provider*”, in this subsection means
18 a properly licensed business that provides medical equipment
19 *or* supplies; pharmaceutical health care services and products;
20 medical health care services; dental health care services;
21 behavioral health care services; and allied health care services,
22 including a clinic, hospital, specialized health care facility,

1 licensed practitioner, hospital or health care providers to
2 recipients of the Medically Indigent Program.

3 (6) Assignment of offsets. A healthcare service provider
4 may assign any offsets authorized by subitem (a)(1), supra.

5 **(b) Reimbursements.** The Director of Administration *shall*
6 reduce the amount of a provider's MIP payables by the amount of
7 Business Privilege Taxes offset it exercises. Tax offsets exercised by a
8 provider *shall* constitute final payment of MIP obligations. The
9 appropriations for MIP for a fiscal year *shall* be automatically reduced
10 by the amount of any tax offsets taken in that year.

11 **(c) Coordination.** To avoid double payment to providers, the
12 Director of Revenue and Taxation *shall* immediately notify the
13 Director of Administration and the appropriate department *or* agency
14 when a health care service provider claims an offset pursuant to this
15 section.

16 **(d) Administrative Rules and Regulations.** The Director of
17 Revenue and Taxation *shall*, pursuant to the Administrative
18 Adjudication Law, enact rules and regulations to implement this
19 Section within ninety (90) days after enactment hereof."

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