

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

FILE 6-27

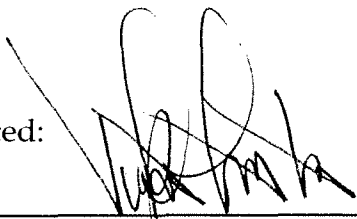
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 378-30 (LS), "AN ACT TO AMEND SUBSECTION (a) AND TO ADD A NEW SUBSECTION (g) OF §4301, ARTICLE 3, CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO RECOGNIZING THE TREMENDOUS BENEFIT AND IMPORTANCE OF PREVENTIVE HEALTHCARE ACTIVITIES AND PROGRAMS IN PROMOTING HEALTHIER LIVES, THROUGH REQUIRING THAT THE ACQUISITION OF HEALTH OR MEDICAL INSURANCE THROUGH THE GOVERNMENT OF GUAM INCLUDE THE PROVISION OF PREVENTIVE HEALTHCARE, WELLNESS, AND FITNESS", was on the 2nd day of July, 2010, duly and regularly passed.



Judith T. Won Pat, Ed. D.
Speaker

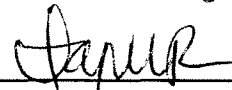
Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 2th day of July 2010, at

5 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTA NA LIHESLATURAN GUÁHAN
2010 (SECOND) Regular Session

Bill No. 378-30 (LS)

As amended on the Floor.

Introduced by:

F. B. Aguon Jr.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
E. J.B. Calvo
B. J.F. Cruz
J. V. Espaldon
Judith P. Guthertz, DPA
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
R. J. Respicio
Telo Taitague
Ray Tenorio
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* SUBSECTION (a) AND TO *ADD* A NEW SUBSECTION (g) OF §4301, ARTICLE 3, CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO RECOGNIZING THE TREMENDOUS BENEFIT AND IMPORTANCE OF PREVENTIVE HEALTHCARE ACTIVITIES AND PROGRAMS IN PROMOTING HEALTHIER LIVES, THROUGH REQUIRING THAT THE ACQUISITION OF HEALTH OR MEDICAL INSURANCE THROUGH THE GOVERNMENT OF GUAM INCLUDE THE PROVISION OF PREVENTIVE HEALTHCARE, WELLNESS, AND FITNESS.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds

3 that the promotion and application of preventive healthcare, wellness, and fitness
4 activities is one of the best approaches to realizing a healthy community.
5 Activities such as regular physical examinations, proper diet and healthy eating
6 habits, regular exercise, and other similar healthcare activities or programs are very
7 useful in preventing illness. Thus, it would be advantageous that these activities be
8 incorporated into the group health insurance policy that the government of Guam
9 procures on behalf of its employees and retirees. It is believed that by encouraging
10 people in the community to participate in preventive healthcare, wellness, and
11 fitness activities, the costs associated with the direct medical care of these
12 individuals may be significantly less in the long run.

13 Therefore, it is the intent of *I Liheslaturan Guåhan* to promote, to the
14 greatest extent possible, the application and use of preventive healthcare, wellness,
15 and fitness programs and activities. This can be done through ensuring that
16 preventive healthcare services and programs are included as coverage in any health
17 or medical insurance program that is acquired by the government of Guam on
18 behalf of its employees or retirees. The primary objective is to encourage as many
19 of its employees and retirees to stay healthy and physically fit, through their
20 participation in preventive healthcare, wellness, and fitness activities and
21 programs, eventually reducing major costs associated with personal and family
22 care.

23 **Section 2. Incorporation of Preventive Healthcare, Wellness, and**
24 **Fitness in the Government of Guam Group Insurance Benefits.** Subsection (a)
25 of §4301 of Article 3, Chapter 4, Title 4, Guam Code Annotated, is hereby
26 *amended* to read as follows:

1 “(a) *I Maga'lahaen Guåhan* is authorized to enter contracts and reject
2 proposals, with the written concurrence of the Speaker of *I Liheslaturan*
3 *Guåhan* or the Presiding Judge of the Superior Court of Guam, whose
4 consents may be withheld in their sole discretion, with one (1) or more
5 insurance companies authorized to do business on Guam, for group
6 insurance, including, but *not limited to*, hospitalization, medical care, life
7 and accident, preventive healthcare, wellness, and fitness, for all employees
8 or separate groups of employees of the government of Guam. *If* the
9 Legislative or Judicial Branches of government elect to enter into separate
10 contracts for their employees as authorized in §4301 (c), *I Maga'lahaen shall*
11 obtain the written concurrence of the Branch electing to remain with the
12 Executive Branch before the group insurance contract is entered into or a
13 proposal rejected. The government *shall not* be construed as an agent of any
14 insurance company in negotiating or administering this group insurance
15 program. For purposes of this Subsection (a), the term *preventative*
16 *healthcare, wellness, and fitness* means services and education programs that
17 promote and encourage good health habits, healthful behaviors and lifestyles
18 that help to prevent the onset or worsening of a health condition, and assists
19 with identifying and minimizing risk factors for disease, improving the
20 course of an existing disease and screening for early detection of disease,
21 including gymnasiums and fitness centers.”

22 **Section 3. Requirements of Preventive Healthcare, Wellness, and**
23 **Fitness Benefits in the Government of Guam Group Insurance Benefits.** A
24 new Subsection (g) of §4301 of Article 3, Chapter 4, Title 4, Guam Code
25 Annotated, is hereby *added* to read:

1 “(g) The negotiating team, as defined in §4302(c), *shall* develop an
2 incentive program for all subscribers and dependents of the government of
3 Guam Group Health Plan that:

- 4 (1) promotes wellness;
- 5 (2) promotes primary care and preventive care; and
- 6 (3) manages and coordinates care for persons with chronic
7 health conditions or acute illness.

8 The incentive program *shall*:

- 9 (1) meet the requirements set forth in the federal Health
10 Insurance Portability and Accountability Act of 1996 (HIPAA) for
11 bona fide wellness programs;
- 12 (2) provide financial incentives to covered employees or
13 individuals for participating in the program; and
- 14 (3) provide to covered employees or individuals for whom it
15 is unreasonably difficult to satisfy the program's applicable standards
16 reasonable alternative methods for achieving program participation.

17 Carriers that propose to charge additional premiums for the Preventive
18 Healthcare, Wellness and Fitness programs *shall* specify how the premium
19 charged to the government of Guam will vary based on the anticipated
20 efficacy of the program in reducing expected utilization or medical claim
21 costs. The methodology must take into consideration:

- 22 (1) the anticipated average percentage of employees or
23 individuals eligible to participate in the program;
- 24 (2) the anticipated efficacy of the financial incentives in
25 producing high levels of program participation;
- 26 (3) the expected success rate for program participants;

1 (4) the level of program participation achieved in prior
2 coverage periods; and

3 (5) the realized savings achieved in prior coverage periods.”

4 **Section 4. Effective Date.** The provisions contained herein *shall* be
5 applicable and take effect upon the next negotiated term for group health insurance
6 coverage for the government of Guam employees and retirees.

7 **Section 5. Severability Clause.** *If* any provision of this Act or its
8 application to any person or circumstances is held invalid, the invalidity shall *not*
9 affect other provisions or applications of this Act which can be given effect
10 without the invalid provision or application, and to this end the provisions of this
11 Act are severable.