

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

JAN 08 2015

33-15-72

Office of the Governor
2000 ...

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

01-15-15
4 PM

[Handwritten signature]

2015 JAN 15 PM 4:44

Dear Madame Speaker:

Transmitted herewith is Bill No. 402-32 (COR) "AN ACT TO ADD A NEW § 103121 TO CHAPTER 103, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR THE COVERAGE OF BLOOD AND BLOOD DERIVATIVES BY A HEALTH INSURANCE COMPANY OR HEALTH CARE PROVIDER CONTRACTED TO PROVIDE PRIVATE SECTOR SMALL OR LARGE GROUP HEALTH PLANS" which lapsed into law on January 2, 2015, as Public Law 32-235.

Senseramente,

EDDIE BAZA CALVO

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I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

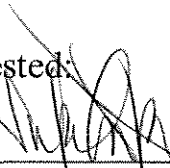
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 402-32 (COR), "AN ACT TO ADD A NEW § 103121 TO CHAPTER 103, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR THE COVERAGE OF BLOOD AND BLOOD DERIVATIVES BY A HEALTH INSURANCE COMPANY OR HEALTH CARE PROVIDER CONTRACTED TO PROVIDE PRIVATE SECTOR SMALL OR LARGE GROUP HEALTH PLANS," was on the 17th day of December, 2014, 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 21 day of Dec

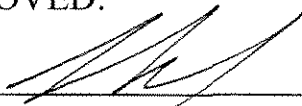
2014, at

6:35 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: JAN 02 2015

Public Law No. 32-235

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 402-32 (COR)

Introduced by:

Dennis G. Rodriguez, Jr.

T. C. Ada

V. Anthony Ada

FRANK B. AGUON, JR.

B. J.F. Cruz

Chris M. Dueñas

Michael T. Limtiaco

Brant T. McCreadie

Tommy Morrison

T. R. Muña Barnes

R. J. Respicio

Michael F. Q. San Nicolas

Aline A. Yamashita, Ph.D.

Judith T. Won Pat, Ed.D.

**AN ACT TO ADD A NEW § 103121 TO CHAPTER 103,
TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO
PROVIDING FOR THE COVERAGE OF BLOOD AND
BLOOD DERIVATIVES BY A HEALTH INSURANCE
COMPANY OR HEALTH CARE PROVIDER
CONTRACTED TO PROVIDE PRIVATE SECTOR
SMALL OR LARGE GROUP HEALTH PLANS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the health insurance coverage of blood and blood derivatives is covered by
4 government of Guam and federal civil service health plans, but not private sector
5 plans for small and large group plans.

1 *I Liheslaturan Guåhan* takes due notice of the necessity of establishing
2 essential health benefits, guaranteed availability, and a prohibition on rescissions.

3 It is, therefore, the intent of *I Liheslaturan Guåhan* to provide a mandate for
4 this coverage, just as it is mandated pursuant to § 4302(i) of Article 3 of Chapter 4,
5 Title 4, Guam Code Annotated, as an essential health benefit for government of
6 Guam employees, retirees and dependents.

7 **Section 2.** A new § 103121 is hereby *added* to Chapter 103, Title 11,
8 Guam Code Annotated, to read:

9 “§ 103121. **Health Insurance Coverage; Blood and Blood**
10 **Derivatives, Mandate Established.**

11 (a) No health insurance company or health care provider
12 contracted to provide health care to employees in a small group or
13 large group plan may deny coverage to the employee or dependent on
14 the basis of blood or blood derivatives. Blood and blood derivatives
15 *shall* be covered and may be subject to maximum limitations per
16 annum.

17 (1) Guaranteed Availability.

18 (A) Prohibition of Preexisting Condition
19 Exclusions or Other Discrimination Based on Health
20 Status. As a condition of conducting health insurance
21 coverage on Guam, a group health plan and a health
22 insurance issuer offering group or individual health
23 insurance coverage *shall not* impose any preexisting
24 condition exclusion with respect to such plan or
25 coverage, pursuant to Subsection 2 of this Section.

26 (B) Definition, for the purposes of this Part. The
27 term “preexisting condition exclusion” means, with

1 respect to coverage, a limitation or exclusion of benefits
2 relating to a condition based on the fact the condition was
3 present before the date of enrollment for such coverage,
4 whether or not any medical advice, diagnosis, care, or
5 treatment was recommended or received before such
6 date.

7 (2) Prohibition on Rescissions. For the purposes of
8 this Section, and in conformance with SEC. 2712 [42 U.S.C.
9 300gg-12] *Prohibition On Rescissions*, a group health plan and
10 a health insurance issuer offering group or individual health
11 insurance coverage *shall not* rescind such plan or coverage with
12 respect to an enrollee once the enrollee is covered under such
13 plan or coverage involved, except that this Section *shall not*
14 apply to a covered individual who has performed an act or
15 practice that constitutes fraud or makes an intentional
16 misrepresentation of material fact as prohibited by the terms of
17 the plan or coverage. Such plan or coverage may not be
18 cancelled except with prior notice to the enrollee, and only as
19 permitted under Sections 2702(c), 2703(b) or 2742(b) of the
20 Public Health Service Act.”

21 **Section 3. Severability.** If any provision of this Act or its application to
22 any person or circumstance is found to be invalid or contrary to law, such
23 invalidity shall not affect other provisions or applications of this Act which can be
24 given effect without the invalid provisions or application, and to this end the
25 provisions of this Act are severable.

26 **Section 4. Effective Date.** This Act *shall* become effective upon
27 enactment.