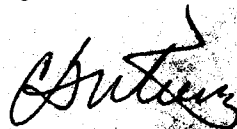


SEVENTEENTH GUAM LEGISLATURE
1984 (SECOND) Regular Session

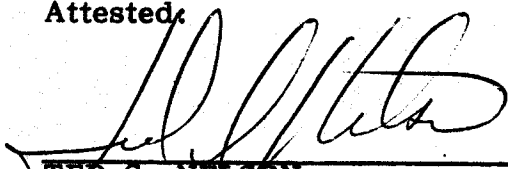
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 369, "AN ACT TO AMEND SECTION 80104(d), 10 GCA TO ADD A NEW SUBSECTION 2103(c), 10 GCA AND TO ADD A NEW ARTICLE 9 TO CHAPTER 2, 10 GCA RELATIVE TO MEDICALLY INDIGENT PERSONS," was on the 7th day of December 1984, duly and regularly passed.




CARL T. C. GUTIERREZ
Speaker

Attested:



TED S. NELSON
Senator and Acting Legislative Secretary

This Act was received by the Governor this 10th day of December 1984, at 4:55 o'clock p.m.


for Assistant Staff Officer
Governor's Office

APPROVED:



RICARDO J. BORDABERO
Governor of Guam

Date: 12/21/84 3:05 pm

Public Law No. 17-83

SEVENTEENTH GUAM LEGISLATURE
1983 (FIRST) Regular Session

Bill No. 369
Substitute by the Committee on
Health, Welfare & Ecology

Introduced by:

F. R. Santos
M. K. Hartsock
C. T. C. Gutierrez

T. S. Nelson
M. D. A. Manibusan
J. P. Aguon
J. F. Ada
E. P. Arriola
E. T. Charfauros
E. R. Duenas
F. J. Gutierrez
A. C. Lamorena III
P. C. Lujan
D. Parkinson
J. F. Quan
F. J. Quitugua
J. T. San Agustin
T. V. C. Tanaka
J. H. Underwood
A. R. Unpingco

AN ACT TO AMEND SECTION 80104(d), 10 GCA TO
ADD A NEW SUBSECTION 2103(c), 10 GCA AND TO
ADD A NEW ARTICLE 9 TO CHAPTER 2, 10 GCA
RELATIVE TO MEDICALLY INDIGENT PERSONS.

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

2 Section 1. 10 GCA Section 80104(b) is amended to read:

3 "(b) Establish a schedule of fees to be charged for care and
4 services at or by the hospital, including care and services for the
5 mentally ill pursuant to Chapter 82 of this Division. The schedule of
6 fees shall be sufficient to recover the operating costs and fixed costs
7 and to generate such revenue as is necessary to make the hospital
8 self-sustaining. The cost of medical care and services rendered to
9 any person under the Old Age Assistance for the Aged Program, Aid
10 to the Blind Program and Aid to the Permanently and Totally Disabled

1 Program of the Social Security Act, at the request of the Division of
2 Public Health and Social Services, as well as those persons considered
3 medically indigent as the term is defined in Chapter 2 of this Title,
4 shall be paid by said Division."

5 Section 2. A new Subsection 2103(c) 10 GCA, is added to read:

6 "(c) To pay medical claims of indigent persons as they are
7 defined in and in accordance with the guidelines and the cost-sharing
8 program developed pursuant to Article 8 of this Chapter."

9 Section 3. A new Article 9 is added to Chapter 2 of Title 10 of the
10 Guam Code Annotated to read:

11 "ARTICLE 9

12 Medically Indigent Program

13 Section 2901. Legislative Intent. The intent of the Legislature
14 is to provide, to the extent practicable, through the provisions of
15 this Article, for access to hospitals for those persons who lack
16 sufficient annual income to meet the costs of hospitalization, and
17 whose other assets are so limited that their application toward the
18 costs of such care would jeopardize the person or family's future
19 minimum self maintenance and security. It is intended that whenever
20 possible the benefits available under this Article shall not duplicate
21 those provided under other federal or territorial laws or under other
22 contractual or legal entitlements of the person or persons receiving
23 them.

24 Section 2902. Medically Indigent Program. There is established
25 within the Department of Public Health and Social Services, a
26 'Medically Indigent Program' for the purpose of:

- 27 1. Defining eligibility for financial assistant with health care
28 costs, consistent with Sections 2903, of this Act;
- 29 2. Determining a scope of services which will be covered by
30 payments under this program;
- 31 3. Establishing a cost-sharing program for persons with the
32 ability to pay for a portion of their health care costs, which shall
33 be based upon family size, monthly income and resources as these
34 terms are defined in this Article;

1 4. Establishing procedures to verify the validity of need
2 and eligibility of persons applying for assistance under this
3 program; and

4 5. Designing implementation procedures for this program.

5 Section 2903. Medically Indigent Persons; Defined. A 'medically
6 indigent person' is a resident of Guam who applies for and qualifies
7 for assistance under this Article and is unable to pay the cost of the
8 necessary medical care administered and who also:

9 (1) is not eligible for medicaid coverage under Title XIX of
10 the Social Security Act; and

11 (2) does not have medical insurance coverage nor the
12 financial ability to pay for medical insurance coverage or for
13 medical services as determined by the cost-sharing program
14 developed by the Director upon the criteria established in of this
15 Article; or

16 (3) who has medical insurance coverage but such coverage
17 is inadequate to cover the cost of medically required treatment
18 and who is otherwise qualified for the program as a result of
19 inadequate income or other resources.

20 Included under this definition are children in foster care for
21 whom public agencies are assuming financial responsibility in whole or
22 in part.

23 Section 2904. Income. The Director may set standards for
24 determining monthly income, for purposes of eligibility, which shall
25 consider the individuals average pattern of income and earnings
26 subject to subsequent adjustment if actual experience deviates
27 substantially from the amount determined by such method.

28 Section 2905. Residency. No period of residency in this
29 territory shall be required as a condition of eligibility under this
30 Article, but an individual who does not reside in this territory shall
31 not be eligible. A recipient must be either a U.S. citizen and a
32 resident of Guam or an alien legally admitted for permanent residence
33 to the U.S and as resident of Guam for at least three (3) years.

1 Section 2906. Resources. For the purposes of this Article, the
2 term 'resources' shall include all real or personal property or any
3 combination of both held by an individual. If the holdings are in the
4 form of real property, the value shall be the assessed value
5 determined under the most recent territorial property tax assessment
6 less the unpaid amount of any encumbrance of record. If the holdings
7 consist of money on deposit, the value shall be the actual amount
8 thereof. If the holdings are in any other form of personal property or
9 investment, except life insurance, the value shall be the conversion
10 value as of the date of application. If the holdings are in the form of
11 life insurance, the value shall be the cash value as of the policy
12 anniversary nearest the date of such application.

13 The value of property holdings shall be determined as of the date
14 of application and, if the person is found eligible, this determination
15 shall establish the amount of such holdings. Exemptions of resources
16 may be determined by the Director in establishing the program's rules
17 and regulations.

18 Section 2907. Resources; Disposition. (a) The providing of
19 assistance under this Article shall not impose any limitation or
20 restriction upon the individuals right to sell, exchange or change the
21 form of property holdings nor shall the care provided constitute any
22 encumbrance on the holdings. However, any transfer of the holdings
23 by gift or, knowingly, without adequate or reasonable consideration,
24 shall be presumed to constitute a gift of property with intent to
25 qualify for assistance and such act shall disqualify the owner for
26 assistance under this Article for future claims for a period determined
27 under standards established by the Director, and in no event for less
28 than half of the period that the capital value of the transferred
29 property would have supplied the person's maintenance needs based on
30 his circumstances at the time of his transfer plus the cost of his
31 medical care.

1 (b) Within sixty (60) days of enactment of this law, the Director
2 shall conduct a public hearing on the program as described in
3 Executive Order 84-18 as amended and file a report of the hearing on
4 the program with the Legislature for its approval. If the Legislature
5 rejects the program, the Director shall make the necessary amendments
6 and refile the program with the Legislature for approval. Any
7 subsequent changes to the program shall likewise require public
8 hearing and legislative approval.

9 Section 2908. Applications. Applications for the Medically
10 Indigent Program shall be made by the applicant or by someone acting
11 on his behalf to the Director in the manner place and form prescribed
12 by the Director. Upon receipt of an application, the Director shall
13 investigate and prepare a complete record of the circumstances of the
14 applicant and provide the applicant with a written response as to his
15 eligibility under the program.

16 Section 2909. Application Requirements. Each applicant shall be
17 required to file an affirmation setting forth such facts about his annual
18 income and other resources and qualifications for eligibility as may be
19 required by the Director. Such statements shall be on forms
20 prescribed by the Director, and may be accepted as evidence of the
21 facts stated but shall not be interpreted to preclude a full and
22 complete investigation by the Department of Public Health and Social
23 Services, whenever in its judgment such investigation is indicated.

24 Section 2910. System for Investigation. The Director shall
25 establish a system for investigation of a sufficient sample of
26 applications and affirmation as shall be deemed necessary to assure the
27 validity of such applications.

28 Section 2911. False Declarations as to Eligibility; Liability for
29 Repayment; Penalty. Any individual receiving assistance under this
30 Article for which he was not eligible on the basis of false declarations
31 as to eligibility on behalf of any other person receiving assistance
32 under this Article, for which such other individual was not eligible,
33 shall be liable for repayment and shall be guilty for a misdemeanor or

1 felony depending on the amount paid in his behalf for which he was
2 not eligible, as specified in the Criminal and Correctional Code."

3 Section 4. Section 3 of P.L. 14-29 is amended to read:

4 "Section 3. Notwithstanding the provisions of Section 4 of this
5 Act, the programs for the free hospitalization and medical care of
6 persons afflicted with tuberculosis or lytico (Amyotrophic Lateral
7 Sclerosis or Parkinsonism-Dementia), insulin injections for diabetic
8 patients shall continue under the Medically Indigent program, Article
9 9, Chapter 2, 10 GCA. The Director is hereby directed to furnish an
10 impact statement on the provisions of this Section to be submitted to
11 the Legislature on or before June 30, 1985."