

MINA' TRENTAI TRES NA LIHESLATURAN GUAHAN
2015 (FIRST) Regular Session

Bill No. 12-33 (COR)

Introduced by:

D.G. RODRIGUEZ, JR. 

AN ACT TO ADD A NEW ITEM (1) TO SUBSECTION (a) OF § 4301 OF ARTICLE 3, CHAPTER 4, 4 GCA, TO PROVIDE FOR THE ISSUANCE OF A SEPARATE REQUEST FOR PROPOSAL FOR THE SOLICITATION OF HEALTH INSURANCE OR PROVISION OF HEALTH CARE FOR FOSTER CHILDREN IN THE CARE OF THE GOVERNMENT ON TERMS COMPARABLE TO THE GOVERNMENT PLAN FOR ACTIVE AND RETIRED EMPLOYEES AND THEIR DEPENDENTS.

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

2 **Section 1. Legislative Findings and Intent:** *I Liheslaturan Guåhan* finds
3 that the provision of healthcare insurance coverage those foster children under the
4 legal custody of the Child Protective Services Division of the Department of Public
5 Health and Social Services, as provided pursuant to Article 3 of Chapter 4, 4 GCA
6 (P.L. 32-189), is appropriate. As a practical matter, however, is may be more
7 appropriate that the solicitation for health care insurance coverage be obtained
8 under a separate *Request for Proposals*, and managed under a separate contract
9 agreement.

10 Unlike the government of Guam Group Health Insurance Plan members, the
11 foster children will have one hundred percent (100%) of all costs covered by the
12 government. Further, foster children will be continually added and removed from
13 plan coverage as their custody status changes. Tracking of varying costs and
14 membership will be more problematic if co-mingled with the Government of
15 Guam Group Health Insurance Plan for active employees, retirees and dependents',

1 who remain on their selected plan for the entire fiscal year, and for which the
2 government has a known fixed cost only for its share of the members' premium.
3 Copayments and deductibles remain solely the responsibility of the member.

4 It is, therefore, the *intent* of *I Liheslaturan Guåhan* to authorize *I Maga'lahi*
5 to obtain health insurance coverage for foster children under a separate request for
6 proposals, provided however, it contains the same desired scope of coverage
7 benefits as is sought for active and retired employees of the government of Guam
8 and their dependents.

9 **Section 2.** A new Item (1) is hereby *ADDED* Subsection (a) of § 4301 of
10 Article 3, Chapter 4, Title 4, Guam Code Annotated, to read:

11 “(a) *I Maga'lahi* (the Governor) is authorized to enter contracts and reject
12 proposals, with the written concurrence of the Speaker of *I Liheslaturan Guåhan*
13 (the Guam Legislature) or the Presiding Judge of the Superior Court of Guam
14 whose consents may be withheld in their sole discretion, with one (1) or more
15 insurance companies, authorized to do business in Guam, for group insurance,
16 including, but not limited to, hospitalization, medical care, life, and accident, for
17 all employees or separate groups of employees, and foster children, of the
18 government of Guam. If the Legislative or Judicial Branches of government elect
19 to enter into separate contracts for their employees as authorized in § 4301(c), *I*
20 *Maga'lahi shall* obtain the written concurrence of the Branch electing to remain
21 with the Executive Branch before the group insurance contract is entered into or a
22 proposal rejected. The government *shall not* be construed as an agent of any
23 insurance company in negotiating or administering this group insurance program.
24 Health benefits provided under this authority may be self funded and administered
25 by a third party if it is determined to be cost-effective.

1 (1) Notwithstanding any provision of law, rule, regulation or this
2 Article 3, I Maga'lahi shall be authorized to issue a separate Request for
3 Proposals (RFP) for an exclusive medical and dental group health insurance
4 plan for foster children. The desired terms and scope benefits of the
5 requested exclusive medical and dental insurance plan in the RFP shall be
6 the same as those requested in the RFP for active employees, retirees and
7 dependents of the Government of Guam Group Health Plan. Should I
8 Maga'lahi elect to issue a separate RFP pursuant to this Item 1, then, the
9 Chief Administrator of the Division of Public Welfare of the Department of
10 Public Health and Social Services, or his or her designee and the Director of
11 the Department of Administration, or his or her designee shall develop the
12 request for proposals, publish it, rate the best three (3) offerors and
13 subsequently negotiate a single contract for the healthcare coverage under an
14 exclusive contract plan for those foster children under the legal custody of
15 the Child Protective Services Division of the Department of Public Health
16 and Social Services.

17 All benefits and provisions of coverage for foster children pursuant to
18 this Article shall be applicable.”

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

24 **Section 4. Effective Date.** This Act shall become immediately effective
25 upon enactment.