

**MINA' TRENTAI TRES NA LIHESLATURAN GUÅHAN**  
**2016 (SECOND) Regular Session**

**Bill No. 297 -33 (COR)**

Introduced by:

D.G. RODRIGUEZ, JR. *WR*

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**AN ACT TO ADD A NEW § 3107.1 TO ARTICLE 1 OF CHAPTER 3, TITLE 10, GUAM CODE ANNOTATED, MANDATING THE PROMULGATION OF A FEE SCHEDULE FOR SERVICES PROVIDED TO CLIENTS OF THE FAMILY PLANNING PROGRAM, AND TO ESTABLISH AN INTERIM FEE SCHEDULE BY AUTHORIZING AND ADOPTING THE FEE SCHEDULE OF THE REGIONAL COMMUNITY HEALTH CENTERS.**

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

2        **Section 1. Legislative Finding and Intent.** The Department of Public  
3 Health and Social Services (DPHSS) Bureau of Family Health and Nursing  
4 Services (BFHNS) is responsible for the Family Planning (FP) Program. The FP  
5 Program is 100% federally funded by Title X (Public Health Services Act 42  
6 U.S.C. §300). This bill is being introduced at the request of the Director, on behalf  
7 of the Bureau of Family Health and Nursing Services.

8        One of the special terms and requirements of the grant Notice of Award  
9 issued on September 4, 2015 required that by June 01, 2016, the project must  
10 demonstrate compliance that reasonable efforts have been made to obtain third  
11 party payments (including Government agencies) that are authorized or are legally  
12 obligated to pay for services, without application of any discounts. If this  
13 requirement is not met, the FP Program will lose its funding, affecting the salaries  
14 of four staff members, including the services of a nurse practitioner.

1           It is the *intent* of *I Liheslaturan Guåhan* to authorize the utilization of the fee  
2 schedule promulgated for the Regional Community Health Centers’ of the  
3 Department of Public Health and Social Services until such time as a fee schedule  
4 has been duly promulgated specifically for the services provided by the Family  
5 Planning Program, in accordance with the Administrative Adjudication Law and as  
6 may be required to qualify for grants-in-aid.

7           **Section 2.** A new § 3107.1 is *added* to Article 1 of Chapter 3, Title 10,  
8 Guam Code Annotated, to read:

9           **“3107.1. Bureau of Health and Nursing Services; Family Planning Program**  
10 **Fees.**

11           (a) The Department of Public Health and Social Services (DPHSS) Bureau  
12 of Family Health and Nursing Services (BFHNS) *shall* promulgate the required fee  
13 schedule for health services provided by the Family Planning (FP) Program, in  
14 accordance with the Administrative Adjudication Law, and as may be required for  
15 continuing qualification and compliance for grants-in-aid federally funded by Title  
16 X (Public Health Services Act 42 U.S.C. §300), and other funding sources. The  
17 fee schedule shall be based on current Centers for Medicare and Medicaid Services  
18 fees, and shall be amended as necessary to maintain continuing compliance.

19           (b) Interim Fee Schedule; Adoption. Notwithstanding any other provision  
20 of law, rule or regulation to the contrary, the promulgated fee schedule of the  
21 Regional Community Health Centers of the Department of Public Health and  
22 Social Services *shall* be applicable and *shall* be assessed for health care services  
23 provided to clients of the Family Planning Program until such time as a fee  
24 schedule has been duly promulgated specifically for the services provided by the  
25 Family Planning Program. In the event there is any difference between any fee of

1 the Regional Community Health Centers fee schedule and the current fee schedule  
2 of Centers for Medicare and Medicaid Services fees, then, the fee schedule of  
3 Centers for Medicare and Medicaid Services fees *shall* be utilized.”

4       **Section 3. Severability.** If any provision of this law or its application to  
5 any person or circumstance is found to be invalid or contrary to law, such  
6 invalidity shall not affect other provisions or applications of this law which can be  
7 given effect without the invalid provisions or application, and to this end the  
8 provisions of this law are severable.