



FILE 2016

***I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN***  
THIRTY THIRD GUAM LEGISLATURE  
155 Hesler Place, Hagåtña, Guam 96910

September 14, 2016

The Honorable Edward J.B. Calvo  
*I Maga'låhen Guåhan*  
*Ufisinan I Maga'låhi*  
*Hagåtña, Guam*

Dear *Maga'låhi* Calvo:

Transmitted herewith are Bill Nos. 297-33 (COR), 322-33 (COR) and 333-33 (COR), which were passed by *I Mina'Trentai Tres Na Liheslaturan Guåhan* on September 14, 2016.

Sincerely,

TINA ROSE MUÑA BARNES  
Legislative Secretary

Enclosure (3)

**OFFICE OF THE GOVERNOR  
CENTRAL FILES**

RECEIVED BY \_\_\_\_\_  
DATE 14 SEPT 16  
TIME 3:00 pm

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

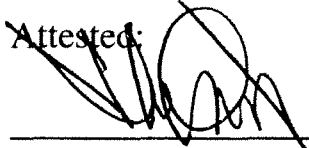
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LÅHEN GUÅHAN

This is to certify that Bill No. 297-33 (COR), "AN ACT TO ADD A NEW § 3107.1 TO ARTICLE 1 OF CHAPTER 3, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE PROMULGATION OF A FEE SCHEDULE FOR SERVICES PROVIDED TO CLIENTS OF THE FAMILY PLANNING PROGRAM, AND TO ESTABLISHING AN INTERIM FEE SCHEDULE BY AUTHORIZING AND ADOPTING THE FEE SCHEDULE OF THE REGIONAL COMMUNITY HEALTH CENTERS," was on the 14<sup>th</sup> day of September 2016, duly and regularly passed.



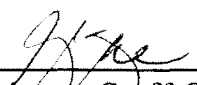
Judith T. Won Pat, Ed.D.  
Speaker

Attested:



Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 14<sup>th</sup> day of SEPT,  
2016, at 3:00 o'clock P.M.



Assistant Staff Officer  
*Maga'låhi's Office*

APPROVED:

\_\_\_\_\_  
EDWARD J.B. CALVO  
*I Maga'låhen Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

OFFICE OF THE GOVERNOR  
CENTRAL FILES

RECEIVED BY \_\_\_\_\_  
TIME 3:00 pm DATE 14 SEPT 16

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

Bill No. 297-33 (COR)

Introduced by:

Dennis G. Rodriguez, Jr.  
T. C. Ada  
V. Anthony Ada  
FRANK B. AGUON, JR.  
Frank F. Blas, Jr.  
B. J.F. Cruz  
James V. Espaldon  
Brant T. McCreadie  
Tommy Morrison  
T. R. Muña Barnes  
R. J. Respicio  
Michael F.Q. San Nicolas  
Mary Camacho Torres  
N. B. Underwood, Ph.D.  
Judith T. Won Pat, Ed.D.

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

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

2 **Section 1. Legislative Findings 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 one hundred percent (100%) federally funded by Title X of the Public  
6 Health Service Act, 42 U.S.C. § 300, *et seq.* This bill is introduced at the request  
7 of the Director of DPHSS, on behalf of the Bureau of Family Health and Nursing  
8 Services.

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

16 It is the intent of *I Liheslaturan Guåhan* to authorize the utilization of the fee  
17 schedule promulgated for the Regional Community Health Centers of the  
18 Department of Public Health and Social Services until such time that a fee  
19 schedule is duly promulgated specifically for the services provided by the Family  
20 Planning Program, in accordance with the Administrative Adjudication Law and as  
21 may be required to qualify for grants-in-aid.

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

24 **“3107.1. Bureau of Health and Nursing Services; Family**  
25 **Planning Program Fees.**

26 (a) The Department of Public Health and Social Services (DPHSS)  
27 Bureau of Family Health and Nursing Services (BFHNS) *shall* promulgate  
28 the required fee schedule for health services provided by the Family  
29 Planning (FP) Program, in accordance with the Administrative Adjudication  
30 Law, and as may be required for continuing qualification and compliance for

31 grants-in-aid federally funded by Title X of the Public Health Service Act,  
32 42 U.S.C. § 300, *et seq.*, and other funding sources. The fee schedule *shall*  
33 be based on the current Centers for Medicare and Medicaid Services fees,  
34 and *shall* be amended as necessary to maintain continuing compliance.

35 (b) Interim Fee Schedule; Adoption. Notwithstanding any other  
36 provision of law, rule, or regulation to the contrary, the promulgated fee  
37 schedule of the Regional Community Health Centers of the Department of  
38 Public Health and Social Services *shall* be applicable and *shall* be assessed  
39 for health care services provided to clients of the FP Program until such time  
40 as a fee schedule has been duly promulgated specifically for the services  
41 provided by the FP Program. In the event there is any difference between  
42 the Regional Community Health Centers fee schedule and the current fee  
43 schedule of the Centers for Medicare and Medicaid Services, then the fee  
44 schedule of the Centers for Medicare and Medicaid Services *shall* be  
45 utilized.”

46 **Section 3. Severability.** If any provision of this law or its application to  
47 any person or circumstance is found to be invalid or contrary to law, such  
48 invalidity *shall not* affect other provisions or applications of this law that can be  
49 given effect without the invalid provisions or application, and to this end the  
50 provisions of this law are severable.