

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
THIRTIETH GUAM LEGISLATURE
2009 (FIRST) REGULAR SESSION

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BILL NO. 280-30(LS)
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Introduced by:


ben c. pangelinan

**AN ACT TO AMEND SUBSECTIONS (a) (b) (c) (d) (e)
AND TO ADD SUBSECTIONS (f) (g) AND (h) OF
SECTION 3811 AND TO ADD SUBSECTIONS (6) AND
(7) TO SECTION 3814 OF CHAPTER 3 OF ARTICLE 8
OF TITLE 10 GUAM CODE ANNOTATED RELATIVE
TO THE ESTABLISHMENT AND USE OF THE
COMMUNITY HEALTH CENTER REVOLVING FUND.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that our Community Health Center's has matured into a full service
4 Community Health Center which provides primary healthcare, acute
5 outpatient healthcare, and preventive health services to the community. Its
6 health professionals provide a full range of essential primary care services.
7 Its target population consists of the low income, uninsured, and medically
8 underserved families, individuals and now extends services to individuals
9 with insurance. A Fee Schedule has been approved and adopted. This Fee
10 Schedule gives discounts based on a formula using the Federal Income
11 Poverty Guidelines. Families who fall below the Federal Income Poverty
12 Guidelines *shall* apply for subsidized medical services through the
13 Medically Indigent Program or other medically subsidized program.

1 *I Liheslaturan Guåhan* further finds that the Fees implemented by the
2 Department are collected and deposited into the General Fund and not into a
3 Special Bank Account separately maintained and administered by the
4 Director of the Department. The growth and complexity of the Regional
5 Community Health Centers require that the bureaucracy for processing
6 expenses should be done at the Regional Community Health Center level.
7 The respective Community Health Center Council and the Administrator,
8 Bureau of Primary Care Services who is also the executive Director for both
9 the Northern Regional Community Health Center (NRCHC) and the
10 Southern Regional Community Health Center (SRCHC) should be
11 authorized to open a checking account for the exclusive use by Community
12 Health Centers and are to be responsible for approving the expenses charged
13 against the account.

14 It is the intent of *I Liheslaturan Guåhan* to authorize the Community
15 Health Centers Administrator of the Department of Public Health and
16 Human Services and the respective Community Health Center Council to
17 establish a Checking Account for the purpose of complying with the
18 enabling legislation.

19 **Section 2. Amendments to Subsections (a) (b) (c) (d) and (e) and**
20 **of Section 3811 and add Subsection (f) and (g).**

21 Subsections (a) (b) (c) (d) and (e) of Section 3811 of Chapter 3 of
22 Article 8 of the Guam Code Annotated are amended to read:

23 **“§ 3811. Revolving Fund.** (a) Community Health Center Revolving
24 Fund. There is hereby established a Special Fund to be known as the
25 Community Health Center Revolving Fund (“Fund”) to be maintained and
26 administered by the ~~Director~~ Community Health Centers Administrator of

1 ~~the Department and approved by The Advisory Council on Community~~
2 Health Centers pursuant to Chapter 3 Section 3814.

3 (b) Independent Records and Accounts. The Fund *shall be* maintained
4 separate and apart from all other government funds; have an independent
5 records and accounts ~~concerning~~ kept for the fund and a separate cash bank
6 account established with a local financial institution for the Fund; and
7 audited by the Public Internal Auditor or the Department of Interior for each
8 fiscal year and *shall* provide *I Maga'lahaen Guahan* and the Council a copy
9 of the audited report.

10 (c) Deposits. All monies collected ~~by the Department for medical~~
11 products and services rendered at the community health centers *shall be*
12 accounted for and deposited into the cash bank account and available to pay
13 for the expenses of the community centers.

14 (d) Application. All monies deposited in the Fund *shall be* ~~applied~~
15 available to be used to pay for the expenses of the community center
16 allowable by Federal regulations and guidelines as the non-Federal share of
17 project costs in accordance with the Department's grant from the U.S.
18 Department of Health and Human Services. The Fund may also be used for
19 the following expenses:

20 (1) payment(s) for contractual services;

21 (2) payment(s) for supplies;

22 (3) payment(s) for any other expenses which if remains unpaid
23 may result in an emergency situation as approved by the Board in a
24 resolution;

25 (4) the Fund shall be reimbursed from other appropriated fund
26 sources for any expenditure made as a result of circumstances outlined

1 subsection (3) if the expenditure was budgeted from said appropriated
2 source.

3 (5) board stipends.

4 (e) Accounts Receivables. The Community Health Centers
5 Administrator ~~Director~~, in consultation with the Council, is hereby
6 authorized to pursue accounts receivables payment in whatever manner
7 allowable by law, including contractual services for collection. The
8 Community Health Centers Administrator ~~Director~~ *shall* promulgate rules
9 and regulations through the Administrative Adjudication Law governing
10 collection and reduction of uncollectible accounts receivables.

11 (f) The Community Health Centers Administrator shall submit an
12 annual spending plan for the Fund in accordance with and at the same time
13 as the Bureau of Budget and Management Research budget call.

14 (g) No expenditures and encumbrances from the Fund shall be made
15 without appropriation by I Liheslaturan Guåhan.

16 (h) The Community Health Centers Administrator shall provide a
17 monthly financial report on the funds generated each month, within thirty
18 (30) days following the preceding month to I Maga'lahaen Guahan and the
19 Speaker of I Liheslaturan Guåhan.”

20 **Section 3. Add subsection (6) and (7) to Section 3814.**

21 Subsection (6) and (7) of Section 3814 of Chapter 3 of Article 8 of the
22 Guam Code Annotated is added to read:

23 **“§ 3814. Duties of Council.**

24 (6) Shall approve by resolution all expenditures allowed in this
25 Chapter in Section 3811 greater than Five Thousand Dollars (\$5,000);

26 (7) May approve by resolution a Memorandum of Understanding
27 between the Community Health Centers and the Department of Revenue and

1 Taxation to garnish income tax refunds of recipients of products and services
2 rendered by the Community Health Centers which have not fulfilled their
3 payment obligation for said products and services. The Board *shall* adopt a
4 policy to govern the referral of such tax refund garnishment requests to the
5 Department of Revenue and Taxation."

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