



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Office of the Legislative Secretary
Vicente C. Pangelinan

DEC 03 2004

Handwritten notes and stamps including '543' and 'JAN 11 PM'.

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

03 DEC 2004

The Honorable Vicente C. Pangelinan
Speaker
Mina' Bente Siete Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 335 (COR), "AN ACT TO CLARIFY THE MEDICALLY INDIGENT PROGRAM TO ENSURE THAT ALL MIP RECIPIENTS IN NEED OF RENAL DIALYSIS RECEIVE PROPER MEDICAL ATTENTION THROUGH THE AMENDMENT OF SECTION 2912(b) OF ARTICLE 9 OF CHAPTER 2 OF DIVISION 1 OF PART 1 OF TITLE 10, GUAM CODE ANNOTATED," which I signed into law on December 2, 2004 as Public Law No. 27-121.

Sinseru yan Magåhet,

Handwritten signature of Felix P. Camacho

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

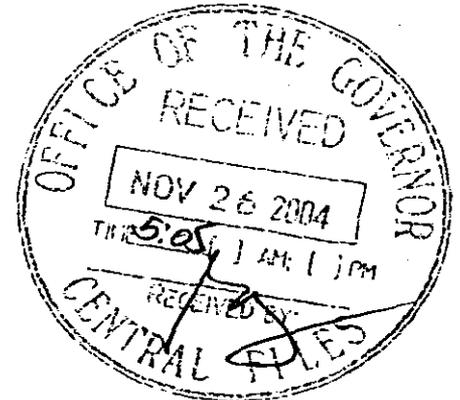
cc: The Honorable Tina Rose Muna-Barnes
Senator and Legislative Secretary



MINA' BENTE SIETE NA LIHESLATURAN GUAHAN
TWENTY-SEVENTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

November 26, 2004

The Honorable Felix P. Camacho
I Maga'lahen Guahan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910



Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 126(COR), 251(COR), 257(LS), 259(LS), 283(COR), 293(COR), 307(COR), 335(COR), 344(LS), 345(LS), 347(LS), 351(COR), 380(COR), 385(COR) & 387(COR), and Substitute Bill Nos. 282(COR), 290(COR), 324(COR) & 353(COR) which were passed by *I Mina' Bente Siete Na Liheslaturan Guahan* on November 24, 2004.

Sincerely,

TINA ROSE MUNA BARNES
Senator and Legislative Secretary

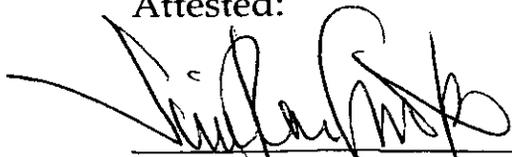
Enclosures (19)

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) Regular Session

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

This is to certify that Bill No. 335(COR), "AN ACT TO CLARIFY THE MEDICALLY INDIGENT PROGRAM TO ENSURE THAT ALL MIP RECIPIENTS IN NEED OF RENAL DIALYSIS RECEIVE PROPER MEDICAL ATTENTION THROUGH THE AMENDMENT OF SECTION 2912(b) OF ARTICLE 9 OF CHAPTER 2 OF DIVISION 1 OF PART 1 OF TITLE 10, GUAM CODE ANNOTATED," was on the 24th day of November, 2004, duly and regularly passed.

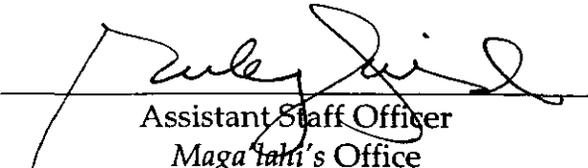
Attested:



Tina Rose Muña Barnes
Senator and Legislative Secretary


vicente (ben) c. pangelinan
Speaker

This Act was received by *I Maga'lahaen Guåhan* this 26th day of November, 2004,
at 5:05 o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: December 2, 2004

Public Law No. 27-121

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) Regular Session

Bill No. 335 (COR)

As amended.

Introduced by:

v. c. pangelinan

L.A. Leon Guerrero

F. B. Aguon, Jr.

J. M.S. Brown

F. R. Cunliffe

Carmen Fernandez

Mark Forbes

L. F. Kasperbauer

R. Klitzkie

J. A. Lujan

T. R. Muña Barnes

J. M. Quinata

R. J. Respicio

Toni Sanford

Ray Tenorio

AN ACT TO CLARIFY THE MEDICALLY INDIGENT PROGRAM TO ENSURE THAT ALL MIP RECIPIENTS IN NEED OF RENAL DIALYSIS RECEIVE PROPER MEDICAL ATTENTION THROUGH THE AMENDMENT OF SECTION 2912(b) OF ARTICLE 9 OF CHAPTER 2 OF DIVISION 1 OF PART 1 OF TITLE 10, GUAM CODE ANNOTATED.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*
3 finds that when Public Law 27-30 was enacted, the Medically Indigent
4 Program ("MIP") is the primary insurance for MIP recipients undergoing
5 renal dialysis for the first twelve (12) months. Thereafter, Medicare becomes

1 the primary insurance and MIP serves only as a secondary insurance.
2 However, Public Law 27-30 is unclear as to who covers the payments for renal
3 dialysis of MIP recipients who do not qualify for Medicare. Although it was *I*
4 *Liheslaturan Guåhan's* intention to continue MIP coverage of renal dialysis for
5 those recipients who are not eligible for Medicare, such language was
6 inadvertently left out.

7 It is therefore the intent of *I Liheslatura* to clarify Public Law 27-30 to
8 prevent any misinterpretation of the law and ensure that all MIP recipients in
9 need of renal dialysis receive the medical care they need, regardless of
10 whether or not they qualify for Medicare.

11 **Section 2.** Subsection (b) of Section 2912 of Article 9 of Chapter 2 of
12 Division 1 of Part 1 of Title 10, Guam Code Annotated, is hereby *amended* to
13 read as follows:

14 “(b) Renal Dialysis. Limited coverage to first twelve (12) months
15 and payment of Medicare Part B Premiums and co-insurance. Prior to
16 the expiration of the twelve (12) month limited coverage period, the
17 Administrator shall facilitate the application of each Program recipient
18 for Medicare coverage of renal dialysis. The twelve (12) month limited
19 coverage period shall *not* apply to recipients who do not qualify for
20 Medicare coverage of renal dialysis.”

21 **Section 3.** The Department of Public Health and Social Services,
22 within thirty (30) days after the enactment of this Act, shall make necessary
23 amendments to their rules and regulations to reflect changes created by this
24 Act.

1 **Section 4. Severability.** *If* any of the provisions of this Act or the
2 application thereof to any person or circumstance is held invalid, such
3 invalidity shall *not* affect any other provision or application of this Act which
4 can be given effect without the invalid provision or application, and to this
5 end the provisions of this Act are severable.

IX TRANSMISSION CHECKLIST TO I MAGA'LAHEN GUAHAN
(Included in File w/ All Bills Transmitted)
BILL NO. 338 (err)

- EXHIBITS ATTACHED *None*
- CONFIRM NUMBER OF PAGES
- CAPTION ON CERTIFICATION MATCHES BILL CAPTION
- ENGROSSED SIGN""*"" REMOVED FROM BILL
- 15 SENATORS IN SPONSORSHIP OR CONFIRM OTHERWISE
- CERTIFICATION SIGNED BY SPEAKER & LEGIS. SECRETARY
- EMERGENCY DECLARATION, if any *None*

Confirmed By: *DP/sg*

Dated: 11-26-04

FINAL REVIEW:

Dated: _____

- HAND CARRY BILL IN BLUEBACK (ORIGINAL & COPY)
TO THE GOVERNOR. (DANNY, [unclear] OR OTHERS)
- ACKNOWLEDGED COPY W/ ORIGINAL BLUEBACK
PLACED ON CLERK'S DESK. (Same copy given to [unclear])
- FILED by: _____



Senator Lou Leon Guerrero RN, MPH

November 10, 2004

The Honorable vicente c. pangelinan
Speaker & Chairman
Committee on Utilities & Land
I Mina' Benter Siete Na Liheslaturan Guahan
155 Hesler Street
Hagatna, GU 96910

Dear Mr. Speaker:

The Sub-Committee on Health to which was referred Bill No. 335 (COR), An Act to clarify the Medically Indigent Program to ensure that all MIP recipients in need of renal dialysis receive proper medical attention, through the amendment of Section 2912 (b) of Article 9 of Chapter 2 of Division 1 of Part 1 of Title 10, Guam Code Annotated, has had the same under consideration, and now wishes to report back the same with the recommendation to do **PASS**.

The Sub-Committee record is as follows:

| | |
|-----------------------------------|----------|
| To pass | <u>4</u> |
| Not to pass | <u>0</u> |
| Abstain due to potential conflict | <u>0</u> |
| To place in inactive file | <u>0</u> |

A copy of the Committee Report and other pertinent documents are attached for your immediate reference and information.

Senseramente,

Lou Leon Guerrero
Lou Leon Guerrero
Chairwoman
Sub-Committee on Health

Attachment(s)

27th Guam Legislature

155 Hesler Street Hagatna, Guam 96910

Office 671 . 472-3582 - 5 / 472-3576 Facsimile 671 . 472-3591 Email

Democrat Majority Leader

Committee on Rules & Health
Chairwoman

Committee on Utilities & Land
Member

Committee on Appropriation
& Budgeting, General
Government Operations
Reorganization & Reform
Member

Committee on Community,
Culture, Recreation &
Public Broadcasting
Member

Committee on Economic
Development, Retirement,
Investments, Public Works,
& Regulatory Functions
Member

Committee on Education
& Housing
Member

Committee on Judiciary
& Transportation
Member

Committee on Youth &
Senior Citizens,
Federal & Foreign Affairs
Member



Mina' Bente Siete Na Liheslaturan Guahan
TWENTY-SEVENTH GUAM LEGISLATURE
Senator Lou Leon Guerrero
Chairwoman, Committee on Rules & Health
Majority Leader, Democratic Party

VOTING SHEET ON:

Bill No. 335 (COR) AN ACT TO CLARIFY THE MEDICALLY INDIGENT PROGRAM TO ENSURE THAT ALL MIP RECIPIENTS IN NEED OF RENAL DIALYSIS RECEIVE PROPER MEDICAL ATTENTION, THROUGH THE AMENDMENT OF SECTION 2912(b) OF ARTICLE 9 OF CHAPTER 2 OF DIVISION 1 OF PART 1 OF TITLE 10, GUAM CODE ANNOTATED

| | | | | | |
|--------------------------------------|--|-------------------------------------|--|--|--|
| Lou Leon Guerrero Chairwoman | | <input checked="" type="checkbox"/> | | | |
| Vicente C. Pangelinan Co-Chairman | | <input checked="" type="checkbox"/> | | | |
| Carmen Fernandez Member | | <input checked="" type="checkbox"/> | | | |
| Larry Kasperbauer Member | | | | | |
| Jesse Lujan Member | | | | | |
| Tina R. Muña-Barnes Member | | <input checked="" type="checkbox"/> | | | |
| Ray Tenorio Member | | | | | |

Committee Report
Sub-Committee on Health
October 26, 2004
9:00 a.m.

I. Overview

A public hearing was held on October 26, 2004 at the Guam Legislature Public Hearing Room for **BILL 335 An act to clarify the Medically Indigent Program to ensure that all MIP recipients in need of Renal Dialysis receive proper medical attention, through the amendment of Section 2912 (b) of Article 9 of Chapter 2 of Division 1 Part 1 of Title 10, Guam Code Annotated.** Details of the proceedings are as follows.

Senators Present

Senator Lou Leon Guerrero, Chairwoman
Speaker Vicente C. Pangelinan, Co-Chairman
Senator Rory Respicio
Senator Robert Klitzkie

Testimonies

- Written statement was provided by **Mr. Peter John Camacho**, Director, Department of Public Health & Social Services on October 26, 2004. Mr. Camacho supports Bill 335 and states "this clarification will ensure that our MIP ESRD patients will be able to receive the medical care they need and improve the quality of life for them."
- Written statement was provided by **Dr. Saied Safa for Dr. John Taitano**, President of the Guam Medical Society and he states, "the Guam Medical Society fully supports Bill 335."

II. Summary of Oral Testimonies

Oral Testimony

- Ms. Charlyn R. Sangneza, Administrator Guam Renal Care & Guam Dialysis Center, presented oral testimony in support of BILL 335.

"I'm here to support Bill 335, which is just to clarify P.L. 27-30. In reading it, I understand the intent is very clear and we appreciate that it's for the MIP to assist those who qualify for Medicare but don't take advantage of it because they can't pay for the pre-payments, that's fine, that's perfect. However, bringing the law to a couple of doctors, staff members, and myself, it was a little unclear what are we going to do for those patients who do not qualify for Medicare? I understand the intent was, of course MIP will continue paying, of course the 12 months doesn't pertain to them, however, because it wasn't written, and we passed this along to some of our folks in

the states, I think that's just where the gray area is. And with Bill 335 it adds one sentence-- that this does not apply for those who do not qualify for Medicare, so with that said we just support the bill to clarify the Public Law."

- Ms. Diana Calvo, Administrator of the Division of Public Health, presented oral testimony for Mr. Peter John Camacho in support of Bill 335.

"The MIP Program has in its earlier form been one of the primary if not the only carrier to cover the End Stage Renal Disease treatment, and so we want to also ensure that for our MIP patients who are not eligible to be covered under the buy in of the Medicare program that they do have something where they can be assured that the coverage for their treatment will continue uninterrupted."

III. FINDINGS AND RECOMMENDATION:

The Sub-committee on Health recognizes that there are no recommended changes. It is hereby recommended by the Sub-Committee on Health **TO DO PASS BILL 335.**



GOVERNMENT OF GUAM



DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES
(DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT)

Post Office Box 2816, Hagatña, Guam 96932
123 Chalan Kareta, Route 10
Mangilao, Guam 96923

Felix P. Camacho
GOVERNOR

PeterJohn D. Camacho, MPH
DIRECTOR

Kaleo S. Moylan
LIEUTENANT GOVERNOR

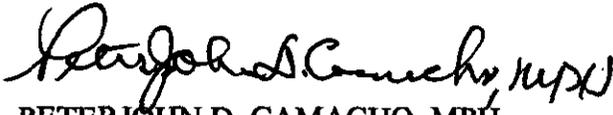
**TESTIMONY ON BILL 335: AN ACT TO CLARIFY THE MEDICALLY
INDIGENT PROGRAM TO ENSURE THAT ALL MIP RECIPIENTS
IN NEED OF RENAL DIALYSIS RECEIVE PROPER MEDICAL
ATTENTION, THROUGH THE AMENDMENT OF SECTION 2912(b) OF
ARTICLE 9 OF CHAPTER 2 OF DIVISION 1 OF PART 1 OF
TITLE 10, GUAM CODE ANNOTATED**

Good Morning Madame Chair and members of the Committee on Rules and Health:

Buenas yan Saludu! My name is PeterJohn D. Camacho, Director of the Department of Public Health and Social Services. My apologies for not being present this morning to discuss this bill with you. There is another meeting which I must be at, but my staff is here to respond to any questions you may have relative to our testimony. We are presenting testimony supporting Bill 335, which amends Subsection (b) of Section 2912 of Public Law 27-30.

Bill 335 will clarify the issues regarding the Medically Indigent Program benefit limitations on renal dialysis. The physicians private practice as well as community pharmacies will no longer be hesitant in accepting MIP clients with End Stage Renal Disease, as this amendment will authorize the MIP program to pay for renal services of clients who do not qualify for Medicare coverage and will guarantee that all renal dialysis patients receive the regular medical treatment that they need.

This correction/clarification will ensure that our MIP ESRD patients will be able to receive the medical care they need and improve the quality of life for them. Dangkulo Na Agradesimiento para y supoten-miyu para y taotaota-siha.


PETERJOHN D. CAMACHO, MPH
Direktot

Honorable Chariwoman Lou Leon Guerrero
Committee on Rules and Health
155 Hesler Place
Hagatna, Guam 96910

October 26, 2004



Dear Chairwoman Lou Leon Guerrero,

My name is Dr. Saied Safa and I am here to represent Dr. John Taitano, President of the Guam Medical Society to testify in support of Bill 335. The Society fully supports the amendment to the original Public Law 27-30 to ensure all indigent patients are able to receive dialysis treatment, which is a life saving medical treatment, regardless of their Medicare eligibility.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "S. Safa for".

S. Safa, M.D.