

I Mina'trentai Siette Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
267-37 (COR) As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning; and substituted on the Floor.	Tina Rose Miña Barnes Roy A. B. Quinata Christopher M. Dueñas William A. Parkinson Jesse A. Lujan Frank Blas, Jr. Joe S. San Agustin Amanda L. Shelton Dwayne T.D. San Nicolas	AN ACT TO ADD A NEW § 5126.1 TO SUBARTICLE C, ARTICLE 2, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES DIVISION OF PUBLIC WELFARE TO JOIN OR USE CONTRACTS OF OTHER STATES, OR OTHER GOVERNMENT PROCUREMENT UNITS COMPRISING ONE OR MORE STATES OR GOVERNMENT PROCUREMENT UNITS.	4/11/24 8:54 a.m.	4/12/24	Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning	Request: 4/12/24 4/18/24	5/1/24 11:00 a.m.	6/13/24 11:38 a.m.	As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	NOTES			
6/24/24	AN ACT TO ADD A NEW § 5126.1 TO SUBARTICLE C, ARTICLE 2, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE DIVISION OF PUBLIC WELFARE OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES TO JOIN OR USE CONTRACTS OF OTHER STATES, OTHER GOVERNMENT PROCUREMENT UNITS, OR NOT-FOR-PROFIT ENTITIES COMPRISING ONE OR MORE STATES OR GOVERNMENT PROCUREMENT UNITS.	7/10/24	7/10/24	7/22/24					



COPY

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
Thirty-Seventh Guam Legislature

July 10, 2024

The Honorable Lourdes A. Leon Guerrero
I Maga'hågan Guåhan
Ufisinan I Maga'håga
Hagåtña, Guam 96910

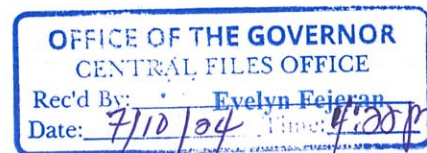
Dear *Maga'håga* Leon Guerrero:

Transmitted herewith are **Bill Nos. 14-37 (COR), 39-37 (COR), 155-37 (LS), 190-37 (COR), 239-37 (COR), 243-37 (COR), 246-37 (COR), 260-37 (COR), 261-37 (LS), 264-37 (COR), 265-37 (COR), 273-37 (COR), 275-37 (COR), 280-37 (LS), 288-37 (LS), 294-37 (COR), 296-37 (COR) and Substitute Bill Nos. 6-37 (COR), 175-37 (COR), and 267-37 (COR)** which were passed by *I Mina'trentai Siette Na Liheslaturan Guåhan* on July 10, 2024.

Sincerely,


AMANDA L. SHELTON
Legislative Secretary

Enclosure (20)



I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session

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

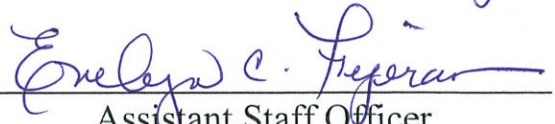
This is to certify that **Substitute Bill No. 267-37 (COR)**, "AN ACT TO ADD A NEW § 5126.1 TO SUBARTICLE C, ARTICLE 2, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE DIVISION OF PUBLIC WELFARE OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES TO JOIN OR USE CONTRACTS OF OTHER STATES, OTHER GOVERNMENT PROCUREMENT UNITS, OR NOT-FOR-PROFIT ENTITIES COMPRISING ONE OR MORE STATES OR GOVERNMENT PROCUREMENT UNITS," was on the 10th day of July 2024, duly and regularly passed.


Therese M. Terlaje
Speaker

Attested:


Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 10th day of July,
2024, at 4:28 o'clock p.M.


Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUAHAN
2024 (SECOND) Regular Session

Bill No. 267-37 (COR)

As amended by the Committee on Environment,
Revenue and Taxation, Labor, Procurement,
and Statistics, Research, and Planning;
and substituted on the Floor.

Introduced by:

Tina Rose Muña Barnes
Roy A. B. Quinata
Christopher M. Dueñas
William A. Parkinson
Jesse A. Lujan
Frank F. Blas, Jr.
Joe S. San Agustin
Amanda L. Shelton
Dwayne T.D. San Nicolas
Chris Barnett
Joanne M. Brown
Thomas J. Fisher
Telo T. Taitague
Therese M. Terlaje

AN ACT TO ADD A NEW § 5126.1 TO SUBARTICLE C, ARTICLE 2, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE DIVISION OF PUBLIC WELFARE OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES TO JOIN OR USE CONTRACTS OF OTHER STATES, OTHER GOVERNMENT PROCUREMENT UNITS, OR NOT-FOR-PROFIT ENTITIES COMPRISING ONE OR MORE STATES OR GOVERNMENT PROCUREMENT UNITS.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the Centers for Medicare & Medicaid Services (CMS) is responsible for

1 implementing federal laws related to Medicaid and the Children’s Health Insurance
2 Program (CHIP). CMS is the grantor for Guam Medicaid, which provided health
3 care coverage for forty-two thousand six hundred six hundred nine (42,609)
4 individuals, including eighteen thousand eight hundred eight (18,808) children, in
5 December 2023.

6 *I Liheslatura* finds that, in accordance with 42 CFR Part 433 Subpart C, CMS
7 offers ninety percent (90%) federal financial participation for the design,
8 development, installation, or enhancement of mechanized claims processing and
9 information retrieval systems and eligibility and enrollment systems if such systems
10 meet standards set by CMS. CMS requires that any system which is designed,
11 developed, installed, or enhanced with the ninety percent (90%) federal financial
12 participation funding (a) is owned by the state which designed, developed installed,
13 or improved such software; (b) is subject to royalty free, non-exclusive, and
14 irrevocable license for the CMS to reproduce, publish or otherwise use and authorize
15 others to use software, modifications, and documentation; and (c) has a number of
16 other features that make such systems easier to allow sharing, leverage, and reuse of
17 such technologies within and among states. In addition, enhanced funding is
18 provided to states at seventy-five percent (75%) federal financial participation to
19 operate compliant systems.

20 *I Liheslatura* finds that many states and territories have systems that meet the
21 requirements of CMS with regards to mechanized claims processing and information
22 retrieval systems and eligibility and enrollment systems.

23 *I Liheslatura* further finds that CMS encourages leverage and reuse of
24 technologies which have been successfully implemented in other states and
25 territories, and has directly communicated to Guam Medicaid to leverage and reuse
26 existing software systems which have been developed and meet CMS’ standards.
27 Specifically, it said:

1 “Guam is strongly encouraged to leverage cooperative purchasing through
2 multi-state or territory collaborations, General Services Administration (GSA)
3 Multiple Award Schedules (MSAs), and nonprofits like the National Association of
4 State Procurement Officials (NASPO). CMS supports NASPO’s ValuePoint
5 Cooperative Contracts, and as a result has approved the supporting Request for
6 Procurements (RFPs) and Master Agreements. In addition, CMS believes that reuse
7 enables the federal government, states, and territories to effectively share MES
8 information technology (IT) assets to reduce risk, lower implementation, and
9 operational costs, accelerate development and service delivery timelines, increase
10 consistency across Medicaid programs, and improve the overall quality and maturity
11 of all MES.”

12 *I Liheslatura* finds that the Division of Public Welfare, which administers
13 Guam Medicaid on behalf of the Department of Public Health and Social Services,
14 has not been explicitly granted authority under the Guam Procurement Code to
15 leverage and reuse contracts of other states, other government procurement units, or
16 not-for-profit entities such as NASPO.

17 Therefore, it is the intent of the *I Liheslaturan Guåhan* to authorize the
18 Division of Public Welfare of the Department of Public Health and Social Services
19 to join or use contracts of other states, other government procurement units, or not-
20 for-profit entities comprising one or more states or government procurement units
21 by adding a new § 5126.1 to Subarticle C, Article 2, Chapter 5, Title 5, Guam Code
22 Annotated.

23 **Section 2. Joinder or Mutual Use of Contracts by Division of Public**
24 **Welfare.** A new § 5126.1 is hereby *added* to Subarticle C, Article 2, Chapter 5, Title
25 5, Guam Code Annotated, to read:

26 “§ 5126.1. **Joinder or Mutual Use of Contracts by Division of Public**
27 **Welfare.**

1 The Division of Public Welfare of the Department of Public Health and Social
2 Services is authorized to join or use the contracts of other states, other government
3 procurement units, or not-for-profit entities comprising one or more states or
4 government units, within the United States, with the authorization of the contracting
5 vendor. The other states, other government units, or not-for-profit entities are not
6 liable for the obligations of the Guam governmental entity which joins or uses the
7 contract. Before any joinder or mutual use may take place, the contracting officer
8 must determine in writing that the other jurisdiction's contract has gone through a
9 competitive procurement process. For the purposes of this Section, the Division of
10 Public Welfare of the Department of Public Health and Social Services is exempt
11 from § 5004 of this Chapter.”