

I Mina'trentai Siette Na Lihelaturan 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	PUBLIC LAW NO.	DATE SIGNED	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	37-107	7/18/24	Received: 7/18/24 Messages and Communications Doc. No. 37GL-24-2364		

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

Transmitted via Email to: speaker@guamlegislature.org

Doc Type: 37GL-24-2365
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

July 18, 2024

THE HON. THERESE M. TERLAJE, *Speaker*
I Mina'trentai Siette Na Liheslaturan Guåhan
37th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

JUL 18 2024
Time: 5:07pm
Received: [Signature]

Re: 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.

Håfa Adai Madam Speaker,

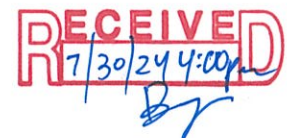
Bill No. 267-37 authorizes the Division of Public Welfare of the Department of Public Health and Social Services (DPHSS) to join or use contracts of other states, other government procurement units, or not-for-profit entities comprising one or more states or government procurement units. Bill No. 267-37 will allow DPHSS exemptions from Guam's procurement laws, thereby streamlining federal requirements to join existing systems. Ultimately, joining existing systems will allow DPHSS to improve, update, and enhance its mechanized claims processing, information retrieval systems, and eligibility and enrollment systems under its Medicaid program. Bill No. 267-37 will save DPHSS significant time, money, and resources because the contracts will have previously been reviewed and approved by the Centers for Medicare & Medicaid Services.

Altogether, the cost-savings, efficiency, and effectiveness of joining existing systems will ultimately benefit and support all of Guam's Medicaid beneficiaries, caregivers, and enrolled providers.

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To: The Hon. Therese M. Terlaje, Speaker
Fr: The Hon. Lourdes A. Leon Guerrero, Governor of Guam
Date: July 18, 2024
Re: Substitute Bill No. 267-37 (COR)

Page 2 of 2

For the foregoing reasons, I am signing Bill No. 267-37 (COR) into law as **Public Law No. 37-107**.

Senseramente,



LOURDES A. LEON GUERRERO

I Maga'hågan Guåhan

Governor of Guam

Enclosure(s): Substitute Bill No. 267-37 (COR) nka P.L. 37-107

cc via email: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*, Lt. Governor of Guam
Compiler of Laws

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.



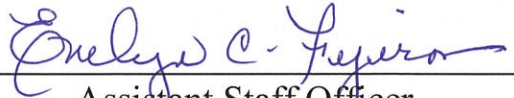
Therese M. Terlaje
Speaker

Attested:



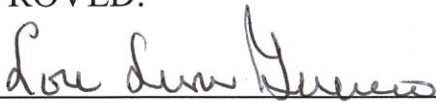
Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 10th day of July,
2024, at 4:22 o'clock p..M.



Evelyn C. Fejeran
Assistant Staff Officer
Maga'håga's Office

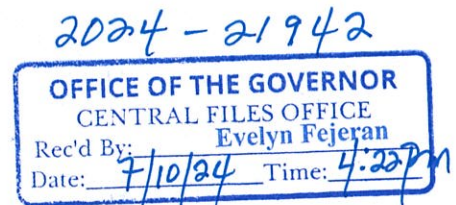
APPROVED:



Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: JULY 18, 2024

Public Law No. 37-107



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.”