

I Mina'trentai Ocho 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
118-38 (COR) As substituted by the Committee on Finance and Government Operations; further substituted and amended on the Floor.	Sabrina Salas Matanane V. Anthony Ada Christopher M. Dueñas Joe S. San Agustin Jesse A. Lujan Frank F. Blas, Jr. Sabina Flores Perez William A. Parkinson Tina Rose Muña Barnes Vincent A. V. Borja Eulogio Shawn Gumataotao	AN ACT TO <i>ADD</i> A NEW §58128.8 TO CHAPTER 58, TITLE 12 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A BUSINESS PRIVILEGE TAX REBATE ON MEDICAID RECEIPTS, TO BE KNOWN AS THE "GUAM MEDICAID ACCESS ENHANCEMENT ACT".	4/11/25 2:18 p.m.	4/21/25	Committee on Finance and Government Operations.	Request: 4/21/25 4/22/25	5/5/25 9:00 a.m.	5/13/25 As Substituted.	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	NOTES			
	5/27/25	AN ACT TO <i>ADD</i> A NEW § 58128.8 TO CHAPTER 58, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN UNPLEDGED BUSINESS PRIVILEGE TAX REBATE ON MEDICAID RECEIPTS, TO BE KNOWN AS THE "GUAM MEDICAID ACCESS ENHANCEMENT ACT."	6/3/25	6/5/25	6/17/25				

COPY



I MINA'TRENTAI OCHO NA LIHESLATURAN GUAHAN
Thirty-Eighth Guam Legislature

June 5, 2025

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. 6-38 (COR), 18-38 (COR), 20-38 (COR), 23-38 (COR), 27-38 (COR), 33-38 (COR), 50-38 (COR), 53-38 (COR), 54-38 (COR), 55-38 (COR), 59-38 (COR), 66-38 (COR), 67-38 (COR), 75-38 (COR), 78-38 (COR), 80-38 (COR), 83-38 (COR), 88-38 (COR), 89-38 (COR), 95-38 (COR), 109-38 (COR), 121-38 (COR), 129-38 (COR) and 130-38 (COR), and Substitute Bill Nos. 28-38 (COR) and 118-38 (COR) which were passed by *I Mina'trentai Ocho Na Liheslaturan Guahan* on June 3, 2025.

Sincerely,

Senator Sabrina Salas Matanane
Legislative Secretary

Enclosure (26)



COPY

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

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

This is to certify that **Substitute Bill No. 118-38 (COR), "AN ACT TO ADD A NEW § 58128.8 TO CHAPTER 58, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN UNPLEDGED BUSINESS PRIVILEGE TAX REBATE ON MEDICAID RECEIPTS, TO BE KNOWN AS THE 'GUAM MEDICAID ACCESS ENHANCEMENT ACT',"** was on the 3rd day of June 2025, duly and regularly passed.



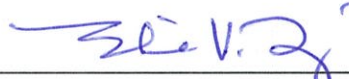
Frank F. Blas, Jr.
Speaker

Attested:



Sabrina Salas Matanane
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 5th day of June, 2025, at 4:54 o'clock P.M.



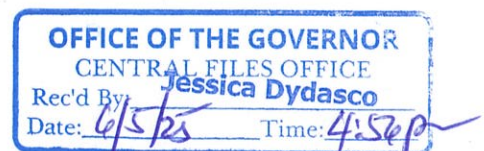
Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: _____

Public Law No. _____



I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

Bill No. 118-38 (COR)

As substituted by the Committee on Finance
and Government Operations; further substituted
and amended on the Floor.

Introduced by:

Sabrina Salas Matanane
V. Anthony Ada
Christopher M. Duenas
Joe S. San Agustin
Jesse A. Lujan
Frank F. Blas, Jr.
Sabina Flores Perez
William A. Parkinson
Tina Rose Muna Barnes
Vincent A. V. Borja
Eulogio Shawn Gumataotao
Chris Barnett
Shelly V. Calvo
Telo T. Taitague
Therese M. Terlaje

**AN ACT TO *ADD* A NEW § 58128.8 TO CHAPTER 58,
TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO
ESTABLISHING AN UNPLEDGED BUSINESS
PRIVILEGE TAX REBATE ON MEDICAID RECEIPTS,
TO BE KNOWN AS THE “GUAM MEDICAID ACCESS
ENHANCEMENT ACT.”**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds
that Medicaid serves as a crucial safety net for many of Guam's most vulnerable
residents, providing essential healthcare services to low-income individuals and
families. However, the availability and accessibility of Medicaid services on Guam

1 have been limited by several factors, including an insufficient number of healthcare
2 providers willing to accept Medicaid patients, limited healthcare providers servicing
3 the Medicaid population, and limited locations for Medicaid services across the
4 island.

5 *I Liheslaturan Guåhan* further finds that according to the Guam Department
6 of Public Health and Social Services, there are over thirty thousand (30,000)
7 Medicaid enrollees on Guam, representing nearly twenty percent (20%) of the
8 island's population. Despite this significant enrollment, many eligible residents face
9 challenges in accessing care due to the limited number of healthcare providers and
10 facilities that accept Medicaid patients.

11 *I Liheslaturan Guåhan* further finds that healthcare providers often cite low
12 reimbursement rates and administrative burdens as barriers to participation in the
13 Medicaid program. The current unpledged business privilege tax (BPT) structure
14 further reduces the financial viability of serving Medicaid patients, as providers must
15 pay the full five percent (5%) tax on all Medicaid receipts, despite the already lower
16 reimbursement rates compared to commercial insurance.

17 *I Liheslaturan Guåhan* further finds that creating financial incentives for
18 healthcare providers to participate in the Medicaid program would significantly
19 improve access to care for Medicaid beneficiaries. By establishing a graduated
20 unpledged business privilege tax rebate on Medicaid receipts based on factors such
21 as the number of qualified healthcare professionals and service locations committed
22 to Medicaid, this Act aims to incentivize greater participation in the Medicaid
23 program and expand the network of providers and facilities available to Medicaid
24 beneficiaries. Furthermore, allowing healthcare providers to access these benefits
25 immediately through self-certification will accelerate the entry of new providers into
26 the Medicaid system and support expansion of existing providers while ensuring
27 accountability through verification measures and penalties for non-compliance.

1 *I Liheslaturan Guåhan* further finds that the establishment of a tiered
2 unpledged business privilege tax rebate tied to specific metrics creates a verifiable
3 audit trail that will enhance the government's ability to monitor and prevent
4 Medicaid fraud, ensuring that public funds are properly utilized for their intended
5 purpose of providing healthcare services to eligible residents. This solution
6 corresponds with recent reports from the Public Auditor indicating areas of concern
7 regarding Medicaid claims.

8 *I Liheslaturan Guåhan* further finds that increasing the number of healthcare
9 providers accepting Medicaid patients will reduce the burden on emergency
10 departments and public health facilities, leading to more efficient use of healthcare
11 resources and potentially generating long-term cost savings for the government of
12 Guam.

13 It is, therefore, the intent of *I Liheslaturan Guåhan* to establish the “Guam
14 Medicaid Access Enhancement Act” to provide unpledged business privilege tax
15 rebate on Medicaid receipts to incentivize healthcare providers to participate in the
16 Medicaid program, expand locations servicing the program, and grow the number of
17 providers within the program, thereby improving access to care for Medicaid
18 beneficiaries, creating additional audit trails to prevent fraud, and promoting a more
19 robust and accessible healthcare system for all residents of Guam.

20 **Section 2.** A new § 58128.8 is *added* to Chapter 58, Title 12, Guam Code
21 Annotated, to read:

22 **“§ 58128.8. Unpledged Business Privilege Tax Rebate on**
23 **Medicaid Receipts.**

24 (a) Title. This Section shall be known and may be cited as the “Guam
25 Medicaid Access Enhancement Act.”

26 (b) Definitions. For purposes of this Section:

27 (1) ‘Healthcare provider’ means any individual, partnership,
28 corporation, association, or other entity that is licensed, certified, or

1 otherwise authorized by the government of Guam to provide healthcare
2 services on Guam.

3 (2) 'Medicaid receipts' means the gross receipts received by a
4 healthcare provider for services provided to patients enrolled in the
5 Medicaid program, including any federal or local Medicaid expansion
6 or waiver programs.

7 (3) 'Qualified healthcare professional' means any individual
8 who is registered with the Guam Board of Medical Examiners, the
9 Guam Allied Health Board, the Guam Board of Nurse Examiners, the
10 Guam Board of Dental Examiners, or the Guam Board of Pharmacy,
11 and who provides services to Medicaid patients.

12 (4) 'Service location' means a physical location on Guam
13 where a healthcare provider delivers healthcare services to Medicaid
14 patients. To qualify as a separate service location, each facility must:

15 (A) be physically separate from other qualifying service
16 locations;

17 (B) have regular, published hours of operation;

18 (C) have appropriate facilities and equipment for
19 providing healthcare services; and

20 (D) be staffed by at least one (1) qualified healthcare
21 professional.

22 (c) Unpledged Business Privilege Tax Rebate on Medicaid Receipts.
23 Notwithstanding any other provision of law, a healthcare provider shall be
24 entitled to the following rebates on business privilege taxes owed on Medicaid
25 receipts:

26 (1) Base Rebate: A rebate of twenty percent (20%) of all
27 Medicaid receipts;

1 (2) Professional Rebate: An additional rebate of twenty
2 percent (20%) of all Medicaid receipts for each qualified healthcare
3 professional employed by, or exclusively independently contracted to,
4 the healthcare provider who services Medicaid patients;

5 (3) Location Rebate: An additional rebate of twenty percent
6 (20%) of all Medicaid receipts for each physical service location on
7 Guam that services Medicaid patients; and

8 (4) Any rebate authorized in this Act shall not include the
9 federal share of any Medicaid payment.

10 (d) Maximum Rebate. The total rebate under Subsection (c) shall not
11 exceed the total amount of business privilege tax owed on Medicaid receipts.

12 (e) Application and Certification.

13 (1) The Guam Economic Development Authority (GEDA)
14 shall establish the application requirements and procedures pursuant to
15 the unpledged business privilege tax rebate on medicaid receipts.

16 (2) To claim the rebates provided under this Section, a
17 healthcare provider shall submit an application to the Guam Economic
18 Development Authority on an annual basis, in a form and manner
19 prescribed by the Administrator.

20 (3) The application shall include:

21 (A) documentation of the healthcare provider's
22 total Medicaid receipts for the applicable tax period;

23 (B) a list of all qualified healthcare professionals
24 employed by or affiliated with the healthcare provider who
25 service Medicaid patients, including their license or
26 registration numbers with the applicable professional
27 board;

1 (C) a list and description of all physical service
2 locations on Guam where the healthcare provider delivers
3 services to Medicaid patients; and

4 (D) any other information deemed necessary by
5 the Administrator to verify eligibility for the rebates.

6 (4) The Guam Economic Development Authority shall
7 consult with the Department of Public Health and Social Services to
8 verify the accuracy of information provided in the application.

9 (f) Audit and Compliance.

10 (1) The Guam Economic Development Authority, in
11 coordination with the Department of Public Health and Social Services,
12 shall establish procedures for auditing healthcare providers claiming
13 rebates under this Section to ensure compliance with all requirements.

14 (2) Healthcare providers claiming rebates under this Section
15 shall maintain records sufficient to demonstrate compliance with the
16 requirements of this Section for a period of at least three (3) years after
17 the end of the tax period for which the rebate is claimed.

18 (3) Any healthcare provider who knowingly provides false
19 information to obtain rebates under this Section shall be subject to:

20 (A) repayment of all rebates improperly received, plus
21 interest at the rate of ten percent (10%) per annum;

22 (B) a penalty equal to fifty percent (50%) of all rebates
23 improperly received; and

24 (C) disqualification from receiving any rebates under
25 this Section for a period of five (5) years.

26 (g) Annual Report. The Guam Economic Development Authority, in
27 collaboration with the Department of Public Health and Social Services, shall
28 submit an annual report based on filings pursuant to this Section, to I

1 *Maga'hågan/Maga'låhen Guåhan* and *I Liheslaturan Guåhan* by March 31 of
2 each year, beginning in 2026, detailing:

3 (1) the number of healthcare providers claiming rebates under
4 this Section;

5 (2) the total amount of rebates granted under this Section;

6 (3) the number of qualified healthcare professionals servicing
7 Medicaid patients;

8 (4) the number of service locations providing care to
9 Medicaid patients;

10 (5) the number of healthcare providers utilizing the self-
11 certification option and their progress toward meeting certification
12 requirements;

13 (6) the results of audits conducted on self-certified providers,
14 including compliance rates and penalties assessed; and

15 (7) an assessment of the impact of this Section on Medicaid
16 access and service delivery.

17 (h) Rules and Regulations. The Guam Economic Development
18 Authority, in consultation with the Department of Public Health and Social
19 Services, shall promulgate rules and regulations in accordance with the
20 Administrative Adjudication Law to implement the provisions of this Section
21 within ninety (90) days of the effective date of this Act.”

22 **Section 3. Effective Date.** This Act shall be effective upon enactment and
23 shall apply to tax periods beginning on or after January 1, 2025.

24 **Section 4. Severability.** If any provision of this Act or its application to any
25 person or circumstance is found to be invalid or inorganic, such invalidity shall not
26 affect other provisions or applications of this Act that can be given effect without
27 the invalid provision or application, and to this end the provisions of this Act are
28 severable.