



Eddie Baza Calvo
Governor
Ray Tenorio
Lieutenant Governor

Department of Administration
(DIPATTAMENTON ATEMENSTRASION)
DIRECTOR'S OFFICE
(UFISINAN DIREKTOT)

Post Office Box 884 Hagatña, Guam 96932
Tel: (671) 475-1101/1250 Fax: (671) 477-6788



Benita A. Manglona
Director
George A. Santos
Deputy Director

JAN 25 2012

DEPARTMENT OF ADMINISTRATION ORGANIZATIONAL CIRCULAR NO.: 2012-008

TO: All Departments and Line Agencies
FROM: Director, Department of Administration
SUBJECT: Public Law 31-117, "The Senator Edward J. Cruz Medical Referral Mileage Bank Account"

In accordance with Public Law 31-117, the Department of Administration is providing the new requirements regarding government travel which became effective October 1, 2011.

MILEAGE DONATION REQUIREMENT:

- A. All employees of the legislative, judicial and executive branches, including all government agencies, instrumentalities, autonomous and semi-autonomous agencies, public corporations, UOG, GCC, GVB, GDOE, all elected officials, individual consultants of the government, members or boards and commissions, as well as non-government persons traveling at the Government of Guam or federal government's expense, shall donate all mileage accrued relating to the government travel to the Ayuda Foundation, or the Government of Guam mileage bank account.
- B. The persons traveling shall sign a waiver form, donating accrued mileage from any benefit on whatever airline into the Medical Referral Mileage Bank Account (MRMBA), or directly to the Ayuda Foundation.

REPORTING REQUIREMENTS:

- A. The Certifying Officer or equivalent shall maintain a reporting of all accrued mileage by employee traveling on government and/or federally funded travel.
- B. The Certifying Officer or equivalent shall submit a monthly report to the travel section of DOA of all accrued mileage.
- C. DOA shall reconcile the report with Ayuda Foundation on a monthly basis.
- D. DOA shall submit quarterly reports to the Legislature showing total miles accrued, donated, used for medical purposes and remaining balance.
- E. The Office of Public Accountability (OPA) shall conduct an annual audit.

PENALTIES:

- A. **An employee who fails to submit evidence of the donation to the Ayuda Foundation equal to the mileage accrued for the government travel shall pay the amount equal to the cost of the airline mileage program charges for the purchase of miles times the mileage accrued on the completed travel. (Cost of Mileage per Airline x Mileage Accrued). If the employee fails to submit the confirmation copy, the total amount shall be deducted from the employee's salary for four (4) pay periods or until the total amount is paid in full.**
- B. Any penalties paid shall be retained by MIP to be used for the administration of the MRMBA.

The Government of Guam is establishing communication with the various airlines on Guam to determine the ability for the government to establish its own mileage accrual account. As the government does not currently have its own mileage accrual account established, **all mileage accrued from travel performed since October 1, 2011 on United/Continental, must be donated to the Ayuda Foundation.** The Department of Administration Travel Section will be providing your department a listing of employees and mileage that will be needed to be donated to the Ayuda Foundation. The link listed below will take you to the website page to donate the mileage. Please scroll through the organizations listed until you find the **Ayuda Foundation.** You may then enter the mileage donation from your official government travel. Additionally, **a confirmation of your donation will be available to be printed once you complete your donation.** Please provide the Department of Administration Travel Section a copy of such which will be documented with your travel clearance. Should the traveler not comply with the mileage donation, DOA must comply with the law and the penalty as mentioned above will be enforced.

The Department of Administration Travel Section will be providing your department the details of travelers and amounts to be donated beginning the week of **January 31, 2012,** upon which the travelers will have ten (10) business days, upon receipt of the listing to make the donation and provide a copy of the donation confirmation to the Ayuda Foundation to DOA Travel. After the grace period has lapsed, the Department of Administration Travel Section will enforce the penalty and begin to deduct the cost of mileage for four equal pay periods until the amount is paid in full.

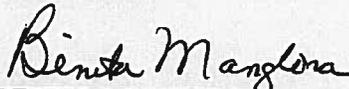
United/Continental website – Ayuda Foundation

<http://www.continental.com/web/en-US/apps/onepass/donate/donateMiles.aspx>

The Government of Guam currently does not have mileage accrual accounts with Delta and other airlines. Additionally, we cannot donate mileage accrued on Delta and other airline flights to the Ayuda Foundation. As such, **all government travel using Delta and other airlines since October 1, 2011 cannot be transferred as required by law at this time.** The Department of Administration Travel Section has begun establishing communication with Delta and other airlines to establish a government mileage accrual account. **Upon establishment of the mileage accrual account, all travelers that used Delta and any other airline will be required to donate all mileage accrued from official government travel as required by law.** Should the traveler not comply with the mileage donation, DOA must follow the law and the penalty as mentioned will be enforced.

Should you have any questions or concerns, please do not hesitate to contact our office.

Senseramente,


BENITA A. MANGLONA
Director

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

October 4, 2011

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

31-11-963
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 10/4/11
Time 4:00pm
Received by [Signature]

Dear Madame Speaker:

Transmitted herewith is Bill No. 231-31 (COR) "AN ACT TO REPEAL AND REENACT §23111 OF CHAPTER 23, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE MEDICAL REFERRAL BENEFITS BANK ACT, AND TO BE KNOWN AS "THE SENATOR EDWARD J. CRUZ MEDICAL REFERRAL MILEAGE BANK ACCOUNT ACT"", which was signed into law on September 30, 2011 as Public Law 31-117.

Senseramente,

EDDIE BAZA CALVO

2011 OCT 5 PM 8:09
WUN

Attachment: copy of Bill

963

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

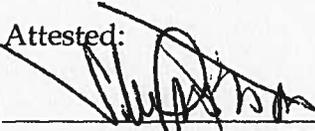
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 231-31 (COR), "AN ACT TO REPEAL AND REENACT §23111 OF CHAPTER 23, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE MEDICAL REFERRAL BENEFITS BANK ACT, AND TO BE KNOWN AS "THE SENATOR EDWARD J. CRUZ MEDICAL REFERRAL MILEAGE BANK ACCOUNT ACT ", was on the 19th day of September, 2011, duly and regularly passed.



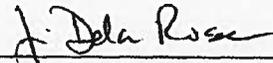
Judith T. Won Pat, Ed.D.
Speaker

Attested:



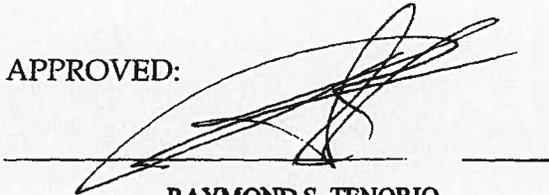
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by I Maga'lahen Guåhan this 20th day of Sept, 2011, at
4:10 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



RAYMOND S. TENORIO
Acting Governor of Guam

Date: SEP 30 2011

Public Law No. 31-117

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 231-31 (COR)

As amended on the Floor.

Introduced by:

v. c. pangelinan
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
Dennis G. Rodriguez, Jr.
R. J. Respicio
M. Silva Taijeron
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO *REPEAL* AND *REENACT* §23111 OF
CHAPTER 23, TITLE 5, GUAM CODE ANNOTATED,
RELATIVE TO THE MEDICAL REFERRAL BENEFITS
BANK ACT, AND TO BE KNOWN AS “THE SENATOR
EDWARD J. CRUZ MEDICAL REFERRAL MILEAGE
BANK ACCOUNT ACT.”**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the limited amount of travel funds for patients of Guam’s indigent community,
4 who are referred to an off-island provider for treatment, hampers the expedient
5 departure of these patients to receive treatment. The Medical Referral Benefits

1 Bank Account (MRBBA) was created for all government employees and/or
2 consultants to deposit frequent flier miles accrued through government funded
3 travel for use by these patients. The Travel Section within the Department of
4 Administration currently captures and deposits accrued miles on government paid
5 travel through a First Hawaiian Bank (FHB) credit card account, entrusted to the
6 Treasurer of Guam, which accrues mileage through Continental's One Pass
7 Program. The MRBBA has never truly fulfilled its mandate, and still *does not*
8 capture miles accrued by government of Guam employees who *do not* use the
9 credit card account at the Department of Administration. These miles remain with
10 the employee and fees are charged for the transfer of these miles to the government
11 account.

12 *I Liheslaturan Guåhan* further finds that the *Ayuda* Foundation's "Wings for
13 Life" Program (Program) is a nonprofit organization that assists indigent patients
14 that require off-island medical care. Organizations and/or persons who deposit
15 miles into the Program are *exempted* from paying any fees associated with the
16 transfer of miles. Currently, the Program coordinates travel itineraries and offers
17 mileage credit for eligible patients with the Director of the Department of Public
18 Health and Social Services (DPHSS), who oversees the Medically Indignant
19 Program (MIP). In November of 2009, the Office of Public Accountability (OPA
20 Report #09-06) stated that it would benefit the MRBBA if the Director of DPHSS
21 was the delegated administering party. Current law mandates the Administrator of
22 the Guam Memorial Hospital Authority to oversee the MRBBA.

23 *I Liheslaturan Guåhan* recognizes that the time it takes to receive the
24 necessary signatures to authorize the patient to travel, through standard
25 government protocol, delays the patient's departure date. It is unacceptable when
26 these travel authorizations become stagnant while waiting for a signature. For
27 some patients, every moment waiting is a moment lost for care.

1 *Accrued mileage* means those miles accrued by an employee and/or
2 consultant traveling on government or federal paid travel in the government
3 account *or* in the employee's frequent flyer travel benefit program.

4 *Department* means the Department of Administration.

5 *Employee* means *all* persons employed within the government of
6 Guam, whether classified or unclassified, or full-time, part-time, temporary
7 or limited-term basis; *all* elected officials, judges, mayors, individual
8 consultants, and members of boards and commissions.

9 *Travel benefit* means a program designed by an airline that awards
10 accrued mileage and benefit programs to its clients.

11 (d) **Requirement.** *All* employees of the legislative, judicial and
12 executive branches, including, but *not* limited to, all government agencies,
13 instrumentalities, autonomous and semi-autonomous agencies, public
14 corporations, the University of Guam, the Guam Community College, the
15 Guam Visitors Bureau, the Department of Education, all elected officials,
16 individual consultants of the government of Guam, and members of boards
17 and commissions, as well as non-government persons traveling at
18 government of Guam or federal government expense, *shall*, as a condition of
19 receiving local or federal monies under a travel authorization (TA)
20 contractual allotment for travel, or any government of Guam monies, used
21 directly or indirectly for expenses incurred for official government travel,
22 *shall* donate all mileage accrued to the *Ayuda* Foundation, if the mileage
23 accrued has *not* already been credited to a government of Guam mileage
24 bank account. The employee *shall* sign a waiver form donating accrued
25 mileage from any travel benefit on whatever airline into the MRMBA, *or*
26 directly to the *Ayuda* Foundation as identified in §23117.

1 (e) **Eligibility.** (1) The following persons are eligible for
2 participation to receive the mileage for off-island medical care:

3 (A) patients under the Medically Indigent Program and
4 patients under other DPHSS income-based health programs as
5 approved by the Director of the Department of Public Health & Social
6 Services; and

7 (B) all health care staff (physicians, nurses, technicians)
8 providing direct care to the patient being transported, as approved by
9 the Medical Director of the Guam Memorial Hospital Authority *or*
10 his/her designee.

11 (2) Patient eligibility *shall* be based upon:

12 (A) financial need as identified under the requirements of the
13 Medically Indigent Program or under the requirements of other
14 DPHSS income-based health programs;

15 (B) lack of availability of required medical services on
16 Guam; and

17 (C) urgency and severity of illness, as documented by an
18 attending physician.

19 (f) **Authorized Use.** The accrued mileage account *shall* be used to
20 send patients off-island, through a certified medical referral for patients, to a
21 destination determined by the patient's duly licensed physician with the
22 concurrence of the Medically Indigent Program Coordinator of the
23 Department of Public Health & Social Services.

24 (g) **Other Travel Benefits.** All other travel benefits, including, but
25 *not* limited to, volume purchase discounts and accrued number of ticket
26 purchases for free flight benefits and promotional travel benefits *shall* be
27 accrued and used for the purpose of this Program. The Director of

1 Administration *shall* establish procedures for management of these benefits
2 and for distribution as requested by the Medically Indigent Program
3 Coordinator of the Department of Public Health & Social Services, or
4 his/her designee.

5 (h) **Deposit of Mileage.**

6 (1) The Department is hereby authorized to become a
7 member of the travel benefits program as it relates to travel mileage
8 instituted by any and all airlines serving Guam, and *shall* enter into an
9 agreement with an airline to accrue travel mileage credits for
10 employees traveling on government and/or federally funded travel.

11 (2) The Department *shall* enter into an agreement with a
12 bank on Guam for a credit card to use as payment for travel for
13 employees traveling on government and/or federally funded travel,
14 and to accrue mileage.

15 (3) Employees *not* using the Department's credit card *shall*
16 be personally liable to deposit any travel miles accrued directly to the
17 *Ayuda* Foundation via whatever airline website, which has agreed to
18 accept mileage credits on behalf of the *Ayuda* Foundation. The
19 employee *shall* be required to submit the confirmation copy of the
20 accrued mileage deposit(s) made, and *shall* be included in the required
21 travel report submitted to the Certifying Officer or equivalent of their
22 respective department within ten (10) days upon their return from off-
23 island funded travel.

24 (i) **Reporting.** The employee traveling on government and/or
25 federally funded travel who does *not* use the credit card with the Department
26 *shall* submit a copy of the form evidencing the deposit of mileage into the
27 *Ayuda* Foundation to the Certifying Officer or equivalent of the department

1 or agency, who *shall* maintain a reporting of all accrued mileage by
2 employees traveling on government and/or federally funded travel. The
3 Certifying Officer or equivalent of the department or agency *shall* submit a
4 monthly report to the Travel Section of the Department of Administration of
5 all accrued mileage. The Travel Section *shall* reconcile the report with the
6 *Ayuda* Foundation on a monthly basis to ensure that the accrued mileage
7 deposited by the department or agency is correct, and *shall* submit a
8 quarterly report to *I Liheslaturan Guåhan* to include, but *not* be limited to,
9 total miles accrued and donated per agency, total miles used for medical
10 purposes, and any balances that remain. An audit *shall* be conducted of the
11 MRMBA on an annual basis by the Office of Public Accountability, and
12 submitted to *I Liheslaturan Guåhan* no later than September 30.

13 (j) **Penalties.** Any violation of this Section *shall* result in the
14 following:

15 (1) An employee who fails to submit the confirmation copy
16 of transfer of mileage to *Ayuda* evidencing the transfer of mileage
17 pursuant to Subsection (h) of this Section, *shall* pay the amount equal
18 to the cost the airline mileage program charges for the purchase of
19 miles times the mileage accrued on the completed travel. If the
20 employee fails to submit the confirmation copy, the total amount *shall*
21 be deducted from the employee's salary for four (4) pay periods or
22 until the total amount is paid in full.

23 (2) Any penalties paid *shall* be retained by the Medically
24 Indigent Program to be used for the administration of the MRMBA.

25 (k) **Indemnification.** The government of Guam *shall* indemnify
26 and hold harmless the participating airline(s) thereof for any loss subject to
27 an agreement, and *provided* that such loss is *not* a result of the negligence of

1 the airline(s). *I Maga'lahaen Guåhan* is hereby authorized to enter into such
2 an indemnification agreement pursuant to this Section.

3 (l) **Rules and Regulations.** The Director of the Department of
4 Public Health and Social Services in collaboration with the Director of the
5 Department of Administration *shall* jointly promulgate rules and regulations
6 within sixty (60) days from the date of enactment of this Section. The rules
7 and regulations *shall* be promulgated pursuant to Article 3, Chapter 9 of Title
8 5, Guam Code Annotated, the *Administrative Adjudication Act, Rule Making*
9 *Procedures*.

10 (m) **Travel Authorization Signatory Exemption.** For the purposes
11 of this Section, any accrued mileage used out of the MRMBA for the Wings
12 for Life Program will *not* be subject to the signatory parties as required with
13 standard government travel authorization requests. Authorized signatories to
14 approve the transfer of accrued mileage to ensure expedited travel *shall* be
15 the Director of the Department of Public Health and Social Services and the
16 Director of the Department of Administration *only*.

17 (n) **Effective Date.** This Section *shall* become effective on
18 October 1, 2011.”

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



**GOVERNMENT OF GUAM
MEDICAL REFERRAL MILEAGE BANK ACCOUNT (MRMBA)
WAIVER FORM
Provide * Official Travel Itinerary ONLY**

PURPOSE AND AUTHORITY:

Applicable to ALL Government of Guam entities: To waive mileage points for donation to the Ayuda Foundation as required by DOA Circular No. 2012-008, in accordance to Public Law #31-117.

Provide *Official Travel Itinerary ONLY.		
TRAVELER'S NAME	DEPT/AGENCY'S TA NUMBER	TRANSFER CONFIRMATION NUMBER
Go To: http://www.continental.com/web/en-US/apps/onepass/donate/donateMiles.aspx		
Was on travel status as follows:		
DEPARTURE <i>(from Guam)</i>	ARRIVAL <i>(Into Guam)</i>	MODE OF TRAVEL
DATE: _____ TIME: _____	DATE: _____ TIME: _____	Air <i>(Attach *Official Travel Itinerary showing Miles Traveled)</i>

COMPLIANCE:

"All employees of the Legislative, Judicial and Executive Branches, including all government agencies, instrumentalities, autonomous and semi-autonomous agencies, public corporations, UOG, GCC, GVB, GDOE, all elected officials, individuals consultants of the government, members or boards and commissions, as well as non-governmental persons traveling at the Government of Guam or Federal Government's expense, shall donate all mileage accrued relating to the government travel to the Ayuda Foundation, or the Government of Guam mileage bank account."

Failure to comply will be in violation of Public Law No. 31-117 §23119 will result in the following: "An employee who fails to submit the confirmation copy of transfer of mileage to Ayuda evidencing the transfer of mileage pursuant to §23117 in this Act, shall pay the amount equal to the cost the airline mileage program charges for the purchase of miles times the mileage accrued on the completed travel. If the employee fails to submit the confirmation copy, the total amount shall be deducted from the employee's salary for four (4) pay periods or until the total amount is paid in full."

I certify that the above information and supporting documents are true and correct and are in compliance with Government travel regulations and the laws of Guam.

*** Official Travel Itinerary is exclusive of any non-governmental trip(s) taken.**

TRAVELER'S / EMPLOYEE SIGNATURE	DATE
I.D. TYPE / NUMBER : _____	
CONTACT NUMBERS : _____	
EMAIL ADDRESS : _____	

*(MUST ACCOMPANY *OFFICIAL TRAVEL ITINERARY)*