



HOUSE OF REPRESENTATIVES

TWENTY-SECOND LEGISLATURE

COMMONWEALTH OF THE NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

P.O. BOX 500586 SAIPAN, MP 96950

CHRISTINA M.E. SABLAN
CHAIRPERSON
HEALTH AND WELFARE COMMITTEE

STANDING COMMITTEE REPORT NO. 22-30
DATE: October 18, 2021
RE: HOUSE BILL No. 22-53

The Honorable Edmund S. Villagomez
Speaker of the House of Representatives
Twenty-Second Northern Marianas
Commonwealth Legislature
Capitol Hill
Saipan, MP 96950

Dear Mr. Speaker:

Your Committee on Health and Welfare to which House Bill No. 22-53 was referred, entitled:

“To appropriate funds for the Commonwealth Medicaid Agency to ensure that federal appropriated and awarded funds may be expended for program administration, reimbursements to medical providers, and for compliance and Medicaid enterprise systems and further enable recruitment, retention, and appropriate classification and compensation of personnel.”

begs leave to report as follows:

I. RECOMMENDATION:

After considerable discussion, your Committee recommends that H. B. No. 22-53 be passed by the House in the form of House Substitute 1.

HOUSE CLERK'S OFFICE
RECEIVED BY *[Signature]*
DATE 10/20/2021 TIME 11:16am

II. ANALYSIS:

A. Purpose:

The purposes of House Bill No. 22-53 are to: (a) appropriate additional funding for the Medicaid program to enable federal appropriations made by the U.S. Congress in the Further Consolidated Appropriations Act, FY 2020 and administrative, compliance, and MES funding approved by the Centers for Medicare and Medicaid Services (CMS) in accordance with Title XIX and CMS regulations to be expended; (b) codify the authority of the Medicaid Director to reprogram funding appropriated for the Medicaid program among the established BUs; (c) direct the OPM to undertake a repricing study for eligibility, enrollment, claims processing, and health information technology personnel recruitment and retention based on the like classification and compensation of Commonwealth Healthcare Corporation; and (d) authorize the OPM to hire Medicaid Compliance, Enterprise Systems, data analysis, and program integrity and auditing personnel as limited term appointments until the market-based repricing classification and compensation study is completed.

B. Substitute:

In addition to non-substantive technical amendments, the Committee made the following amendments to strengthen the intent of House Bill No. 22-53 in the form of House Substitute I.

- Page 1

- Title:

Changed to:

~~“To appropriate funds for the Commonwealth Medicaid Agency to ensure that federal appropriated and awarded funds may be expended for program administration, reimbursements to medical providers, and for compliance and Medicaid enterprise systems and further enable recruitment, retention, and appropriate classification and compensation of Medicaid personnel; and for other purposes.”~~

- Page 5
 - Line 1:
 - **Deleted Section 2 in its entirety and renumbered sections accordingly.**

“Section 2. Amendment. Medicaid Appropriations. The Legislature appropriates an additional increase of \$50,000 U.S. Dollars for Medicaid Reimbursement - Business Unit 1951, \$50,000 U.S. Dollars for Medicaid Administration - Business Unit 1980, and \$200,000 U.S. Dollars for Compliance and Medicaid Enterprise Systems - Business Unit 1981.”

- Lines 13-21. Amended subsection 8126 to read as follows:

“8126. Establishment of Personnel Positions. Notwithstanding any other provision in Commonwealth law, the Director of the Office of Personnel Management will establish personnel positions required by the Commonwealth Medicaid Agency for Medicaid Enterprise Systems (“MES”) approved by the Centers for Medicare and Medicaid Services. The MES positions shall be based on comparable classification and compensation rates of the Commonwealth Healthcare Corporation to ensure recruitment and retention of a qualified MES Systems Manager and shall not exceed more than 35% more than § 8248 Government Salary Ceiling except provided for by law personnel and shall be exempt from Government Salary Ceiling in Title 1 Section 8248 of the Commonwealth Code. Notwithstanding any Executive Orders, Commonwealth laws, or other provisions to the contrary, personnel of the Commonwealth Medicaid Agency shall work and remain at the Commonwealth Medicaid Agency and shall not be transferred or assigned to any other agencies, entities or departments.”

- Page 6

- Line 3. Amended subsection 8127 to read as follows:

“8127. Classification and Compensation Review. Notwithstanding any other provision in Commonwealth law, the Office of Personnel Management ~~will~~ shall undertake a classification and compensation review for classes of personnel required by the Medicaid program, including eligibility and enrollment, medical claims examiners, health information technology, health data analytics, and compliance and program management personnel positions required by the Commonwealth Medicaid Agency and for ~~Compliance and Medicaid Enterprise System~~ positions approved by the Centers for Medicare and Medicaid Services. The classification and compensation for Medicaid positions shall be based on comparable classification and compensation rates of the Commonwealth Healthcare Corporation and private insurers and providers such as federally qualified and funded community health centers. ~~Further, to ensure recruitment and retention of a qualified MES Systems Manager, the salary shall not exceed more than 35% more than § 8248 Government Salary Ceiling except provided for by law.~~

- Page 7. Line 16. Amended Subsection 20211 to read as follows:

“§ 20211. Standards of Personnel Administration. The Commonwealth Medicaid Agency and its employees shall be covered by the Civil Service Act, except that ~~new or current limited term appointees~~ employees under Medicaid Enterprise System (MES) shall be covered under Excepted Service Employment Contracts. ~~MES employees may elect not to convert to civil service and retain current compensation until such time as when a classification and a compensation study is completed by the Office of Personnel Management and approved or modified by the~~ Further, ~~for specialized Compliance and Medicaid Enterprise System (MES) positions that require highly specialized knowledge of Medicaid Director, program for compliance, health information technology, and health data analysis positions until such time as a classification and compensation study is completed. The Compliance and MES personnel may be hired as exempt limited term appointments and shall be market based and comparable to the compensation and classification of the Commonwealth Healthcare Corporation to~~

~~ensure recruitment and retention of qualified Medicaid personnel until such time as a classification and compensation market study for civil service may be completed by the Office of Personnel Management.”~~

C. Committee Findings:

Your Committee finds that Medicaid is a federal and state/territory program that provides needed health insurance for eligible individuals and families with limited income and resources. In December 2019, the U.S. Congress amended Title XIX to provide two-years of funding equivalent to amounts the Commonwealth of the Northern Mariana (CNMI) would receive as a state. Congress further increased the Federal Medical Assistance Percentage (FMAP) based on the same per-capital income formula applied to all states. CNMI receives the highest percentage of 83% in federal financial participation permitted by Title XIX. In doing so, the U.S. Congress established parity in the financing of the program with all states. Your Committee further finds that the United States Congress required the CNMI Medicaid program to establish a Program Integrity Lead, make “reasonable and appropriate” progress to submit data to the Transformed Medicaid Statistical Information System (T-MSIS), establish a Medicaid Fraud Control Unit (MFCU), and submit reports directly to the U.S. Congress. The conditions are not unique to the CNMI or other U.S. territories and applicable to all states. The Legislature further understands that there are other requirements that CNMI and other state territories must comply with and further anticipates that should the Commonwealth continue to receive the much-needed levels of funding as all other states, the CNMI will be held to the same standards and requirements of accountability for program administration and compliance applicable to all states.

Your Committee finds that Public Law 21-28, recognized and anticipated the importance, need and legal requirements of the Medicaid program to comply, as all states are required, with the provisions of Title XIX of the Social Security Act. The purposes of Public Law 21-28 were to: (a) recognize, establish, and organize the Medicaid Agency as an agency in the Executive Branch of the CNMI; (b) direct the agency to plan, design, implement, and operate Medicaid Enterprise Systems that includes, among others, the ability to efficiently and effectively process claims for Medicaid services and submit data to the T-MSIS or replacement system as may be required; (c) establish a claims and clinical data warehouse, and promote health information exchange; and, (d) provide a community health record system that would enable beneficiaries to see their medical information.

Your Committee finds that this Act further clarifies the authority of the Medicaid Director to reprogram funds among the three Medicaid BU categories or any other BU the Legislature may establish. Just as important, your Committee further finds that positions for Compliance and MES personnel approved and funded, at minimum, with 50% to 90% federal funds, as approved by the Centers for Medicare and Medicaid Services (CMS), have yet to be recruited and/or filled, resulting in delays to important project activities and timelines. The specialized health information technology and Medicaid data analytics personnel required by Medicaid are in short supply and are in need to be established as limited term appointments until the Office of Personnel Management (OPM) is able to undertake a market-based classification and compensation pricing study for Health Information Technology and Data Analytics personnel that, at minimum, reflects the comparable classification and compensation of like positions at the Commonwealth Healthcare Corporation.

Your Committee further finds that the purposes of House Bill No. 22-53, House Substitute 1 are to: (1) codify the authority of the Medicaid Director to reprogram funding appropriated for the Medicaid program among the established business units; (2) direct the Office of Personnel Management to undertake a repricing study for eligibility, enrollment, claims processing, and health information technology personnel recruitment and retention based on the classification and compensation of Commonwealth Healthcare Corporation; and (3) authorize the Office of Personnel Management to hire Medicaid Enterprise Systems, data analysis, program integrity, and auditing personnel under Excepted Service Employment Contracts until the market-based repricing classification and compensation study is completed.

Your Committee agrees that the aforementioned amendments are necessary in clarifying and effectuating the proposed legislation's enactment. Therefore, your Committee agrees with the intent and purpose of House Bill No. 22-53 and recommends its passage in the form of House Substitute 1.

D. Constitutional Authority:

The Committee received written comments from Mrs. Frances Torres-Salas, Director, Office of Personnel Management stating that "Of even greater concern is the question of whether this House Bill, in its efforts to establish and manipulate both the Civil Service and Excepted Service qualifications and compensation, is in violation of the Civil Service Commission's Constitutional authority to establish and administer personnel policies for the Commonwealth Government, which includes position qualifications and compensation." In addition, Director Torres-Salas provided the Committee with COMM-CSC-18-009 from the CNMI Attorney General regarding "Legal Opinion on the Civil Service Commission's constitutional authority and Public Law 20-13."

Your Committee assigned House Legal Counsel Brendan Layde to review House Bill 22-53, House Substitute 1 and advise the Members if the Act impermissibly infringes on the constitutional authority of the Civil Service Commission over the Civil Service System. In a memorandum dated September 1, 2021, Counsel Layde stated, "No, HB 22-53, HS1 is likely a valid exercise of the Legislature's power to exempt positions from the Civil Service System under *Manglona v. Civil Service Commission*, 3 NMI 243 (1992)."

Both opinions have been attached as part of this committee report.

E. Public Comments/Public Hearing:

The Committee received written comments from the following:

- Helen C. Sablan, Director, Commonwealth Medicaid Agency

"Thank you for the opportunity to be here and provide my support and comments on House Bill 22-53."

- Frances Torres-Salas, Director, Office of Personnel Management

"Of even greater concern is the question of whether this House Bill, in its efforts to establish and manipulate both the Civil Service and Excepted Service qualifications and compensation, is in violation of the Civil Service Commission's Constitutional authority to establish and administer personnel policies for the Commonwealth Government, which includes position qualifications and compensation."

"Overall, I do not support HB22-53."

In a public meeting held on August 27, 2021, the Committee received oral testimonies from the following:

- Helen C. Sablan, Director, Commonwealth Medicaid Agency
- Frances Torres-Salas, Director, Office of Personnel Management

In a public meeting held on October 18, 2021, the Committee received oral and written testimonies from the following:

- Helen C. Sablan, Director, Commonwealth Medicaid Agency
- Annie Rose Z. Reyes, MES Program, Compliance & Data Analytics Manager, Commonwealth Medicaid Agency

Director Sablan stated, "To illustrate the importance of the onboarding of MES personnel, a few weeks ago, the CMA encountered a cyber-attack which crippled its operations. The CMA was unable to make eligibility determination for its Medicaid beneficiaries for a duration of five (5) days. Fortunately, the CMA's Technical Assistance and Research Partner employed two (2) on-site IT personnel to assist CMA with its modernization initiatives."

Comments received have been attached as part of this committee report.

E. Legislative History:

House Bill No. 22-53 was introduced by Representative Leila H.F.C. Staffler on April 23, 2021 and was subsequently referred to the House Standing Committee on Health and Welfare and Ways and Means for disposition.

F. Cost Benefit Analysis:

Transformed Medicaid Statistical Information System (T-MSIS)

The Commonwealth Medicaid Agency's functional chart states that, the Medicaid Enterprise Systems (MES) is responsible for meeting Federal and State/Local mandates by planning, designing, implementing, and operating a Medicaid Management Information System (MMIS) to submit data to the Transformed Medicaid Statistical Information System (T-MSIS). The MES section is tasked to:

- Monitor and analyze health care costs.
- Improve the evaluation, coordination, and monitoring of the quality of care.
- Assess population health conditions.
- Support health information exchange for clinical care for beneficiaries.
- Conduct utilization reviews.
- Identify healthcare disparities.
- Inform policymakers and the Medicaid program of comparative costs and quality of healthcare services of other payers and providers.
- Support the planning and evaluation of health care operations and care by using accurate data to improve program, financial administration, management and reporting.
- Conduct waste, fraud and abuse investigations.

In addition, the MES is comprised of two units: 1) Program Management Data and Compliance and 2) Health Information Technology:

Program Management, Data and Compliance, this unit also oversees, and coordinates project related to the Medicaid Management Information System (MMIS), Eligibility and Enrollment (E&E), Decision Support System and Data Warehouse (DSS/DW), and the Health Information Technology (HIT) initiatives for the Commonwealth Medicaid Agency. They are also responsible for ensuring current compliance and strategic planning to achieve required compliance with federal regulations (I.e., HIPAA, Medicaid Information Technology Architecture (MITA), Medicaid Enterprise Certification Life Cycle (MECL), MEET) including Advanced Planning Documents (APDs) are met.

Health Information Technology Unit is dedicated plan, design, develop, implement and support the IT systems infrastructure including but not limited to the E&E, data submission to CMS of the T-MSIS, DSS/DW, HIT, Health Information Exchange (HIE), Personal Health Record (PHR) and Clinical Data Warehouse (CHR) to enable beneficiaries to retrieve their medical information. Major responsibilities include enhancing and maintaining the Agency's health care claims payment MMIS system and client eligibility system (Eligibility and Enrollment) by developing requirements documentation, reviewing detailed system design approaches, proposing systems solutions to program staff and implementing systems solutions to program staff and implementing systems solutions to support CMA's initiatives and coordinating with the Governor's Office of Information Technology and other stakeholders on IT projects impacting the Agency.

Furthermore, the MES has expressed that its priority is to fill vacant positions through hiring adequate staff who are both knowledgeable in their field of work and capable of contributing to meeting the goals of MES. Currently, there are twelve (12) vacant positions at MES. The chart below depicts vacant positions at MES which are compared to similar job positions currently at CHCC as well as the annual salaries for those positions.

MES Job Position	Comparative CHCC Job Position	CHCC Job Position Annual Salary
MES Project/Fiscal Assistant	Grants Fiscal Specialist	\$44,113
MES Data Coordinator	Data Coordinator	\$34,100
DSS/DW Data Analyst	Data Specialist	\$42,000
DSS/DW Project Assistant	Administrative Officer	\$40,012
MMIS Data Analyst	Data Specialist	\$40,012
MMIS Project Assistant	Administrative Officer	\$40,012
Compliance Specialist	HIPAA Security Officer	\$40,012
MES System & Applications Manager	Director, Health Information Technology	\$89,250

MES Programmer & Applications System Analyst	Computer Operator III	\$56,301
MES Systems, Network, & Security Analyst	Network Systems Administrator	\$56,301
MES Assistant Programmer	Programmer -EHR/HI	\$44,113
HIT Program Manager	HIT Operations Manager	\$55,000

Medical Fraud Control Unit (MFCU)

In order for the Commonwealth to properly establish a Medical Fraud Control Unit (MFCU), it would need to first ensure that the MFCU meets one of three requirements listed in 42 U.S.C. § 1007.7, which would grant the MFCU prosecutorial authority against individuals for violations of criminal laws. Secondly, the Commonwealth must establish a relationship and agreement with the Medicaid Agency that is consistent with 42 U.S.C. § 1007.9. the Lastly, the MFCU must ensure that the requirements pertaining to written policy regarding duties and responsibilities, staffing, unit certification, and annual recertification are completed as stated in U.S.C. §1007.11-17.

In regards to the MFCU's staffing, according to 42 C.F.R. 1007.1-1007.21, the MFCU requires:

- Staffing of Investigators, Auditors, and Prosecutors.
- Hiring of one or more attorneys with experience in the investigation and prosecution of civil or criminal fraud.
- Hiring of Senior Investigator(s) with substantial experience in commercial or financial investigations.
- Hiring of one or more experienced Auditors capable of reviewing financial records.
- That staff work exclusively on Medicaid matters.

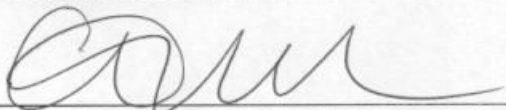
With most starting annual salaries for auditing positions ranging from \$33,903-\$44,073 or General Schedule (GS) Pay Scale Grade 6 (GS-6) Step 1-Step 10, current salaries seem to be in line with what is offered for similar auditing positions within the CNMI Government. Also, starting salaries for investigators range from \$27,184.00 - \$35,338.00 annually or essentially start at GS-4 Step 1-Step 10. This too seems to be on par with the annual salaries offered for similar positions with the CNMI Government. In addition, although the average salary for attorney/prosecutor positions at the Centers for Medicare & Medicaid Services is currently at \$124,850.39 annually, which is outside the realm of annual salaries offered for similar positions within the CNMI central government, it is comparable to what CHCC allocates for legal services, which is about \$118,000 annually. Furthermore, with a requirement for a director of the MFCU, the Federal Senior Executive Service (SES) Pay Scale lists the starting salary for a director at \$161,700 or at Executive Service Level 5 (ES-5) which is also the lowest pay level for the position. A starting annual salary of nearly \$162,000 is more than double the average annual salary given out for similar positions within the CNMI Government.

Federal Regulations allow for the hiring of staff such as administrative officers, paralegals and information technology personnel. Both the administrative officer and paralegal positions are listed on the federal pay scale with starting annual salaries that range from GS-4 Step 1-Step 10 such as that of the investigators. As for IT positions, the average annual salary for an information technology manager at the Center for Medicare & Medicaid Services is \$124,001.67. The currently annual salary for a managerial position in the IT department at CHCC is \$75,001. It may be more financially viable for technical support services to be contracted out.

III. CONCLUSION:

The Committee is in accord with the intent and purpose of H. B. No. 22-53, and recommends its passage in the form of House Substitute 1.

Respectfully submitted,



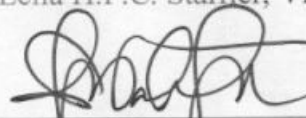
Rep. Christina M.E. Sablan, Chairperson



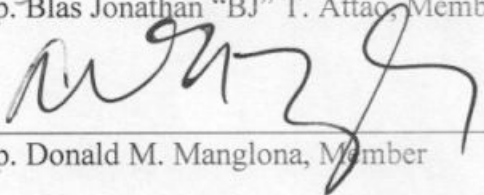
Rep. Leila H.F.C. Staffler, Vice Chair



Rep. Blas Jonathan "BJ" T. Attao, Member




Rep. Sheila J. Babatua, Member



Rep. Donald M. Manglona, Member

Reviewed by:



House Legal Counsel

Attachments:

- Letter dated August 27, 202, Director, Office of Personnel Management
- Letter dated August 27, 2021, Director, Commonwealth Medicaid Agency
- Voting Record to Substitute HB22-53 in the form of House Substitute 1 on August 27, 2021
- Voting Record for passage in the form of HB22-53, HS1 on October 18, 2021
- Letter dated January 22, 2018, CNMI Attorney General, Re: Legal Opinion on the Civil Service Commissions constitutional authority and Public Law 20-13.
- Memo dated September 1, 2021, Mr. Brendan Layde, House Legal Counsel, Re: HB22-53, HS1 and constitutional authority of Civil Service Commission.
- Letter dated October 18, 2021, Director, Commonwealth Medicaid Agency

Received: 08/27/21



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
**CIVIL SERVICE COMMISSION OFFICE OF
PERSONNEL MANAGEMENT**



JAKE MARATITA
Chairperson, CSC

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FRANCES TORRES-SALAS
Director of Personnel

August 27, 2021

Representative Christina Sablan
Chairperson
Committee on Health & Welfare
Twenty-Second Northern Marianas Commonwealth Legislature
Saipan, MP 96950

Subject: Comments on House Bill # 22-53

Dear Representative Sablan and Committee Members,

Thank you for the opportunity to provide comments on HB# 22-53.

"To further enable recruitment, retention, an appropriate classification and compensation of Medicaid personnel, and for other purposes."

It is unfortunate that OPM was not afforded the opportunity to comment on Public Law# 21-28 during its initial stage of promulgation. Perhaps if we had been, we wouldn't be in the current predicament. But nonetheless, OPM is ready to provide clarification and guidance on the matter.

OPM immediately started a dialogue with the State Medicaid Office after learning of PL 21-28 and the need to convert the office's staff to Civil Service status. The Classification and Compensation Section of OPM took the lead on the conversion process and worked closely with the management of the State Medicaid Office. The Classification and Compensation Section provided the proposed Minimum Qualification Requirements (MQR) for positions currently within the Medicaid Office that were similar in nature to positions already established in the Master Class Index. Position descriptions and scope of work for those position that needed to be established were prepared and forwarded to the Civil Service Commission for review and approval.

This whole process required a desk audit and that is what was done. With any desk audit, salary compensation and scope of work is evaluated and conclude with an upgraded position description and, possibly, a salary adjustment. In the case of the Medicaid Office, several positions required a modification to salary.

HB 22-53, subsection 20211, proposes to implement two distinct employment statuses, either to be civil service or on an excepted service contract. It is my opinion that this is not acceptable. PL21-28 states

that all employees of the State Medicaid Office shall be converted to the Civil Service Act. The following sentence should be struck out from HB 22-53:

MES employees may elect to convert to civil service when a classification and a compensation study is completed by the Office of Personnel Management and approved or modified by the Medicaid Director.

Employees should not be given such a choice, just because they are not satisfied with the proposed salary. Employees should qualify for positions and be paid appropriately, as Civil Service employees.

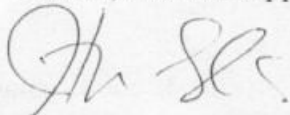
There are provisions in place that cover contractual employees. First the position must be "hard to fill" and designated "special and unique." In this case, MES could possibly be considered both hard to fill and special and unique. Also, the employee must possess credentials, specialized training, and certification or a specialized degree to qualify as an Excepted Service contract employee in agencies that fall under the Civil Service. PL#21-09 provides a cap of \$65,175 for these contractual employees. On the other hand, if the position is to be established and become part of the Master Class Index of classified positions, then the position would be announced to get a pool of qualified individuals. Civil Service positions must be open for individuals to compete.

It is very evident, after the audit review, that the State Medicaid Office is trying to accommodate certain individuals who want the higher contractual salary, even when they don't meet the minimum Excepted Service qualification requirements.

House Bill 22-53 also proposes for OPM to conduct a compensation comparison with the Commonwealth Health Care Corporation (CHCC). This would be counter-productive. CHCC personnel are primarily in a contractual status and, as far as compensation, the central government cannot compete with salaries of CHCC employees. The salaries are much higher at CHCC.

Additionally, the text of the House Bill in the Section 4 reenactment of ICMC § 20211 states that "when a classification and a compensation study is completed by the Office of Personnel Management and approved or modified by the Medicaid Director." This statement ignores the fact that all Class specifications and compensation standard are subject to the final approval of the Civil Service Commission, not the agency Director. Of even greater concern is the question of whether this House Bill, in its efforts to establish and manipulate both Civil Service and Excepted Service qualifications and compensation, is in violation of the Civil Service Commission's Constitutional authority to establish and administer personnel policies for the Commonwealth Government, which includes position qualifications and compensation

Overall, I do not support HB 22-53.



FRANCES TORRES-SALAS

Director, Office of Personnel Management

cc : Members, Civil Service Commission
Chief, OPM

Received: 08/27/21



Commonwealth of the Northern Mariana Islands
Office of the Governor
Commonwealth Medicaid Agency

August 27, 2021

Tina Sablan
Chairwoman
Health and Welfare Committee
22nd Commonwealth Legislature

Good morning Chair Sablan, Vice Chair Staffler and members of the Health and Welfare Committee:

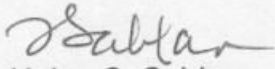
My name is Helen Sablan, Director of the Commonwealth Medicaid Agency. Thank you for the opportunity to be here and to provide my support and comments on House Bill 22-53.

The Commonwealth Medicaid Agency strongly supports and is in dire need for the passage of House Bill 22-53, in order to hire the Medicaid Enterprise System (MES) and Compliance personnel as required to meet the federal mandates and implement CNMI PL 21-28, that recognizes the need for MES and Compliance Program and illustrates the policy-level involvement and oversight to ensure that the CNMI will make "reasonable and appropriate" progress to improve the current Eligibility and Enrollment (E&E) and to implement a Medicaid Management Information System (MMIS) claims processing with full capabilities to submit data to the Transformed Medicaid Statistical Information System (T-MSIS).

On October 1, 2020, the CMA received its approval letter from CMS, to support the positions needed for the MES and Compliance Program. However, to date the **CMA has only one (1) personnel supporting these efforts of program and project activities.** The CMA has already lost ten (10) months of time in hiring the personnel needed to move forward with the project activities on improving the accuracy and efficiency of claims processing, use of data for program integrity, and the ability to submit data to the T-MSIS.

On August 17, 2021, the CMA received its approval letter to continue its support to fund the program and project activities for Fiscal Year 2022 (FY22) to initiate the collection of the claims data file electronically in a secure data enclave and to conduct data management and initiate the data analysis to assess the comparative costs of care, quality of care, gaps in services, and other purposes. These activities demonstrate the CMA's commitment to effectively administer the Medicaid program, even with the limited resources and the major challenges the CMA confronts on a daily basis to improve the care of our U.S. citizen members.

Once again, the CMA strongly supports HB 22-53. Thank you, Members, for your support in addressing the Medicaid program challenges. Should there be any further questions, please do not hesitate in letting us know.



Helen C. Sablan
Director
Commonwealth Medicaid Agency

**HOUSE STANDING COMMITTEE ON HEALTH AND WELFARE
HOUSE OF REPRESENTATIVES
TWENTY-SECOND CNMI LEGISLATURE**

VOICE/ROLL CALL VOTE

DATE: August 27, 2021

MOTION: To Substitute House Bill 22-53 with House Bill 22-53, House Substitute 1. House Bill 22-53, HS1 is attached to this motion.

Note: The drafting of a Standing Committee Report for HB22-53, HS1 will not be considered today. Committee may possibly entertain additional amendments to the House Substitute 1.

MOTION OFFERED BY: Rep. Leila Clark Staffler

MOTION SECONDED BY: Rep. Donald Manglona

	NAME	Present
1	Chair Christina Marie Elise Sablan	X
2	Vice Chair Leila Haveia Fleming Clark Staffler	X
3	Representative Blas Jonathan "BJ" T. Attao	Excused
4	Representative Sheila Therese Jack Babauta	X
5	Representative Donald Manalang Manglona	X
	TOTAL	4

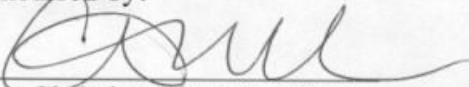
(VOICE) ACTION TAKEN: The Chair declares that the "ayes" have it and the motion is carried.



Clarissa Sablan, House Legislative Assistant

Date: Aug. 27, 2021

Concurred by:



Rep. Christina E. Sablan, Chair

Date: 10/19/2021

**HOUSE STANDING COMMITTEE ON HEALTH AND WELFARE
HOUSE OF REPRESENTATIVES
TWENTY-SECOND CNMI LEGISLATURE**

VOICE/ROLL CALL VOTE

DATE: October 18, 2021

MOTION: To draft a Standing Committee Report for the passage of HB 22-53, "To further enable recruitment, retention, and appropriate classification and compensation of Medicaid personnel; and for other purposes." in the form of House Substitute 1.

MOTION OFFERED BY: Rep. Blas Jonathan T. Attao

MOTION SECONDED BY: Rep. Sheila J. Babauta

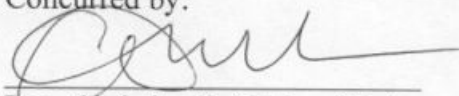
COMMITTEE MEMBERS			Present
1	Chairperson	Christina Marie Elise Sablan	X
2	Vice Chairperson	Leila Haveia Fleming Clark Staffler	EXCUSED
3	Representative	Blas Jonathan "BJ" Tenorio Attao	X
4	Representative	Sheila Therese Jack Babauta	X
5	Representative	Donald Manalang Manglona	EXCUSED

(VOICE) ACTION TAKEN: Chair declares that the "ayes" have it and the motion is carried.



Clarissa Sablan, House Legislative Assistant

Date: 10/18/21

Concurred by:


Rep. Christina E. Sablan, Chair

Date: 10/19/2021



Commonwealth of the Northern Mariana Islands
Office of the Attorney General

COMM-CSC-18-009

2nd Floor Hon. Juan A. Sablan Memorial Bldg.
Caller Box 10007, Capitol Hill
Saipan, MP 96950

EDWARD MANIBUSAN
Attorney General

LILLIAN A. TENORIO
Deputy Attorney General

CONFIDENTIAL AND PRIVILEGED COMMUNICATIONS

January 22, 2018

OAGCSC: 2018-30

Herman R. Deleon Guerrero
Civil Service Commission
PO box 5153 CRB
Saipan, MP 96950

Re: Legal Opinion on the Civil Service Commission's constitutional authority and Public Law 20-13

Dear Mr. Guerrero:

You have asked for a legal opinion from this office on whether Public Law 20-13 infringes on the Civil Service Commission's constitutional authority.

Short answer: Yes. Under the Commonwealth Constitution, the Civil Service Commission (CSC) has sole jurisdiction to establish policy and administer the civil service system of the Commonwealth Government. PL 20-13 directs the CSC to promulgate specific regulations that would credit work experience for applicants to civil service positions who possess an associate or bachelor degree. The public law deprives the CSC from exercising any discretion over the crediting of post-secondary education degrees and thus conflicts with the CSC's broad constitutional mandate to establish personnel policies over the civil service system.

Analysis

Pursuant to Section 1 of Article XX, the Constitution instructs the Legislature to create a "non-partisan and independent civil service with the duty to establish and administer personnel policies pertaining to civil service positions." NMI Const. art. XX, § 1. The Constitution also states that the CSC's authority extends to all positions except for "those filled by election or by appointment of the governor in the departments and agencies of the executive branch and the administrative staff of the [legislature] and the [judiciary]." NMI Const. art. XX, § 1. It further states that "exemption from civil service shall be [] provided by law and the

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[CSC] shall be the *sole* authority authorized by law to exempt positions from civil service classifications.” *Id.* (emphasis added).

In *Manglona v. Comm'n*, the Supreme Court reviewed and interpreted parts of Section 1. *See* 2 N.M.I. 244 (1992). Although not directly on point, the Court's opinion offers insights into the respective constitutional responsibilities of the Legislature and the CSC. The Court made clear that the responsibilities are separate. “Only the [L]egislature can exempt [] employees from the civil service system.” *Id.* at 249. However, “the Commission alone [has the authority] to exempt positions from [] civil service classifications.” *Id.* If the CSC decides to exempt a position within the civil service system from the classification, it can do so without legislative approval. The Court found that the Second Constitutional Convention had clearly intended to remove the Legislature from exempting positions from civil service classifications and place the responsibility squarely on the CSC. The Court went on to state that “every aspect of. . . the contract of [an employee within the civil service system will] be administered by the [CSC]” and not the Legislature. Based on *Manglona*, the CSC maintains sole jurisdiction over all positions that have not been exempted by law from the civil service system and has the discretion to determine all facets of the contract, including, whether to exempt from civil service classification and ensuring compliance with and enforcement of applicable personnel regulations. *Id.* at 251.

The Court has acknowledged the limits of the legislature's lawmaking authority over the civil service system. *Manglona* at 251 and NMI Const. art. XX, § 1. It may not interfere with the CSC's constitutional “duty to establish and administer personnel policies for the Commonwealth Government” extending to positions other than those filled by election, gubernatorial departments, the administrative staff of the legislative and judicial branches, and non-civil service positions exempted by law. *Id.*

Public Law 20-13 directs the Civil Service Commission to promulgate regulations on the method for certifying eligible applicants for vacant positions with the civil service system. *See* 1 CMC § 8117(i). Under the new law which took effect on September 26, 2017, the CSC's regulations *shall credit* applicants with associate's degree in a field related to the position with two years of work experience and applicants with a bachelor's degree in a related to the position would be credited four years of work experience. (emphasis added). Prior to the effective date of PL 20-13, the CSC had broad authority to “establish the method of certification” of eligible applicants for appointment or promotion for positions within the civil service system. *See* Pub. L. 17-80, § 3, at 6 (repeal and reenactment of § 8117(i)).

PL 20-13 provides no discretion to the CSC and simply instructs the commission to modify its regulations on eligibility and promotion within the civil service system to credit work experience to applicants with associate's or bachelor's degrees. Such a statutory directive interferes with CSC's independence “to establish and administer personnel policies” for the civil service system protected by the Constitution.

Conclusion and Recommendation

Although the Supreme Court has not directly reviewed the respective powers of the Legislature and the CSC pursuant to Article XX of the Constitution, our reading of the Court's opinion in *Manglona* leads us to construe the Legislature's authority over the civil service system as a limited one. The Legislature cannot deprive the CSC of due discretion to promulgate regulations concerning the civil service system. PL 20-13's attempt to direct the CSC to promulgate specific regulations interferes with the CSC's exercise of its constitutionally protected discretion and authority. However, the policy considerations behind PL 20-13 are worth considering in light of the number of college graduates returning to the Commonwealth seeking employment. I recommend that the CSC meet to discuss whether present-day workforce trends necessitate changes in the eligibility requirements in the personnel regulations for both classified civil service and excepted positions.

Sincerely,



EDWARD MANIBUSAN
Attorney General

cc: Deputy Attorney General

MEMORANDUM

TO: Health & Welfare Committee
FROM: Brendan Layde, Legal Counsel
RE: HB 22-53 HS1 and constitutional authority of Civil Service Commission
DATE: September 1, 2021

ISSUE

Does the draft substitute version of HB 22-53 impermissibly infringe on the constitutional authority of the Civil Service Commission over the Civil Service System?

BRIEF ANSWER

No, HB 22-53, HS1 is likely a valid exercise of the Legislature's power to exempt positions from the Civil Service System under *Manglona v. Civil Service Commission*, 3 NMI 243 (1992).

STATEMENT OF FACTS

PL 21-28 established the Commonwealth Medicaid Agency in 2020 and provided that its employees would be covered by the Civil Service Act, 1 CMC § 8101 et seq. HB 22-53 HS1 seeks to amend this provision by exempting certain Commonwealth Medicaid Agency employees, those under Medicaid Enterprise System, from the Civil Service. It then permits them to opt into the Civil Service system after a classification and compensation study has been conducted by the Office of Personnel Management ("OPM") and approved by the Medicaid Director. OPM Director Frannie Torres-Salas has argued this infringes on the Civil Service Commission's ("CSC") constitutional authority over the Civil Service System.

DISCUSSION

Article XX, section 1 of the NMI Constitution states that "[e]xemption from the civil service shall be as provided by law, and the commission shall be the sole authority authorized by law to exempt positions from civil service classifications." The CNMI Supreme Court interpreted this language in *Manglona v. Civil Service Commission*, 3 NMI 243 (1992).

Reviewing the legislative history, the Court noted that a floor amendment added the language "exemption from the civil service shall be as provided by law." *Id.* at 250 n. 4. It held this language to mean that "only the legislature can exempt government employees from the civil service system." *Id.* at 249. This created a distinction between exemption from the civil service *system*, which is the sole power of the Legislature, and exemption from civil service *classification*, which is the sole power of the Civil Service Commission (though the Court did not provide detailed guidance on how the distinction works in

practice.) *Id.* The Court reaffirmed this holding in *Sonoda v. Cabrera*, 1997 MP 5 ¶ 9, holding that an Executive Order purporting to exempt positions from the Civil Service System was unconstitutional because this ability is delegated solely to the Legislature.

OPM Director Torres-Salas objects to section 20211 in the draft substitute version of HB 22-53, which permits certain Commonwealth Medicaid employees to opt out of the Civil Service System. That section reads as follows:

The Commonwealth Medicaid Agency and its employees shall be covered by the Civil Service Act, except that employees under Medicaid Enterprise System (MES) shall be covered under Excepted Service Employment Contracts. MES employees may elect to convert to civil service when a classification and a compensation study is completed by the Office of Personnel Management and approved or modified by the Medicaid Director.

The Legislature effectively creates an exemption from the Civil Service System that employees may choose to waive. This is likely a valid exercise of the Legislature's constitutional authority to exempt positions from the Civil Service System. The employees themselves are not creating an unconstitutional exemption, like the Executive Order in *Sonoda*; they are merely exercising an exemption right duly created by the Legislature.

Director Torres-Salas further objects to the Medicaid Director's final approval over the classification and compensation study, asserting this infringes on the constitutional authority of the Civil Service Commission. But in *Manglona*, the Supreme Court affirmed that "once the legislature has exempted, by law, certain positions within the government, such positions need not be reviewed by the Commission." 3 NMI at 249. Under *Manglona*, once the Legislature has exempted the positions in question from the Civil Service Act, even if the employees in question waive the exemption, it may be constitutionally permissible for an entity other than the Commission to have final approval.

The AG opinion forwarded by OPM is not on point; it deals with PL 20-13, in which the Legislature directed the CSC to promulgate specific regulations regarding positions *within* the Civil Service System. The AG advised that this infringed on CSC's constitutional authority to regulate positions within the Civil Service System, but in that very opinion the AG acknowledged the Supreme Court's holding in *Manglona* that the Legislature has the authority to exempt positions from the Civil Service System altogether, as HB 22-53 does.

CONCLUSION

Manglona v. Civil Service Commission stands for the proposition that the Legislature does have the power to exempt government employees from the Civil Service Act. Further, once so exempted, the Civil Service Commission does not have to be able to review the positions. The wrinkle here is that HB 22-53 HS1 permits employees to waive this exemption and opt back into the civil service, but there is at

minimum a colorable argument that this is permissible under Article XX. I do not think HB 22-53 HS1 infringes on the Civil Service Commission's constitutional authority, but there might nonetheless be policy reasons to incorporate OPM's concerns if the Committee is so inclined.



Commonwealth of the Northern Mariana Islands
Office of the Governor
Commonwealth Medicaid Agency

October 18, 2021

Tina Sablan
Chairwoman
Health and Welfare Committee
22nd Commonwealth Legislature

Good afternoon, Chair Sablan, Vice Chair Staffler and members of the Health and Welfare Committee:

My name is Helen Sablan, Director of the Commonwealth Medicaid Agency. Thank you for the opportunity to be here to provide my support and comments on House Bill 22-53.

The Commonwealth Medicaid Agency strongly supports the passage of House Bill 22-53 to hire the Medicaid Enterprise System (MES) and Compliance personnel as required to meet the federal mandates of Title XIX, U.S. PL 116-94, U.S. PL 114-225 and implement CNMI PL 21-28, which recognizes the need for MES and Compliance Program and illustrates the policy-level involvement and oversight to ensure that the CNMI will make "reasonable and appropriate" progress to improve the current Eligibility and Enrollment (E&E) and to implement a Medicaid Management Information System (MMIS) claims processing with full capabilities to submit data to the Transformed Medicaid Statistical Information System (T-MSIS).

Since, October 1, 2020 to present the **CMA has only one (1) personnel under the MES and Compliance supporting the efforts of the program and project activities**. The CMA has lost twelve (12) months of time in hiring the personnel needed to move forward with the project activities. The CMA remains committed to effectively administer the Medicaid program despite the limited resources and major challenges the CMA confronts on a daily basis to improve the care of our U.S. citizen members.

To illustrate the importance of the onboarding of MES personnel, a few weeks ago, the CMA encountered a cyber-attack which crippled its operations. The CMA was unable to make eligibility determination for its Medicaid beneficiaries for a duration of five (5) days. Fortunately, the CMA's Technical Assistance and Research Partner employed two (2) on-site IT personnel to assist CMA with its modernization initiatives.

Thank you, Members, for your support in addressing the Medicaid program challenges. Should there be any further questions, please do not hesitate in letting us know.

A handwritten signature in cursive script, appearing to read "H. Sablan".

Helen C. Sablan
Director
Commonwealth Medicaid Agency

TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 2021

First Special Session, 2021

H. B. 22-53, HS1

A BILL FOR AN ACT

To further enable recruitment, retention, and appropriate classification and compensation of Medicaid personnel; and for other purposes.

BE IT ENACTED BY THE 22ND NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:

1 **Section 1. Findings and Purpose.** Medicaid is a federal and state/territory
2 program that provides needed health insurance for eligible individuals and families
3 with limited income and resources. In December 2019, the U.S. Congress amended
4 Title XIX to provide two-years of funding equivalent to amounts the
5 Commonwealth of the Northern Mariana (CNMI) would receive as a state.
6 Congress further increased the Federal Medical Assistance Percentage (FMAP)
7 based on the same per-capita income formula applied to all states, CNMI received
8 a fair percentage of 83% in federal financial participation permitted by Title XIX.
9 In doing so, the U.S. Congress established parity in the financing of the program
10 with all states.

11 At the same time, the U.S. Congress required the CNMI Medicaid program
12 to establish a Program Integrity Lead, make “reasonable and appropriate” progress

1 to submit data to the Transformed Medicaid Statistical Information System (T-
2 MSIS), establish a Medicaid Fraud Control Unit (MFCU), and submit reports
3 directly to the U.S. Congress. The conditions are not unique to the CNMI or other
4 U.S. territories and applicable to all states. The Legislature further understands that
5 there are other requirements that CNMI and other state territories must comply with
6 and further anticipates that should the Commonwealth continue to receive the
7 much-needed levels of funding as all other states, the CNMI will be held to the
8 same standards and requirements of accountability for program administration and
9 compliance applicable to all states.

10 The Legislature, in passing SB 21-28 HS1 on March 15, 2020, recognized
11 and anticipated the importance, need, and legal requirements of the Medicaid
12 program to comply, as all states are required, with the provisions of Title XIX of
13 the Social Security Act. The Legislature anticipated these requirements as
14 described in the findings of the bill which became Public Law 21-28 on May 22,
15 2020.

16 The Legislature further recognized, in passing the Fiscal Year 2021 Budget
17 and Appropriations Bill, HB 21-124, SD2, CCSI, on October 1, 2020 (PL 21-35),
18 the chronic financial conditions of the CNMI government and developed a plan to
19 meet the program and financial matching requirements for the Medicaid program.
20 To balance the program needs for administration and medical reimbursement with
21 the legal requirements of Title XIX, the Legislature established a new Business

1 Unit (BU) entitled Compliance and Medicaid Enterprise Systems (MES) and
2 deemed the three BUs, including the Medicaid Administration (1980) and Medicaid
3 Reimbursement (1951), including the new Compliance and Medicaid Enterprise
4 Systems BU (1981), as a single program budget.

5 The Legislature further provided the authority for the Director of the
6 Medicaid program, as the expending authority, to reallocate the funds appropriated
7 in the Act among the Medicaid BUs. The Legislature, in this bill, further clarifies
8 the authority of the Medicaid Director to reprogram funds among the three
9 Medicaid BU categories or any other BU the Legislature may establish.

10 The Legislature further finds that positions for MES personnel approved
11 and funded, at minimum, with 50% to 90% federal funds, as approved by the
12 Centers for Medicare and Medicaid Services (CMS), have yet to be recruited and/or
13 filled, resulting in delays to important project activities and timelines. The
14 Legislature further finds that specialized health information technology and
15 Medicaid data analytics personnel required by Medicaid are in short supply and are
16 in need to be established as Excepted Service Employment Contract personnel until
17 the Office of Personnel Management (OPM) is able to undertake a market-based
18 classification and compensation pricing study for Health Information Technology
19 and Data Analytics personnel that, at minimum, reflects the comparable
20 classification and compensation of like positions at the Commonwealth Healthcare
21 Corporation.

1 Accordingly, the purposes of this legislation are to: (a) codify the authority
2 of the Medicaid Director to reprogram funding appropriated for the Medicaid
3 program among the established BUs; (b) direct the OPM to undertake a repricing
4 study for eligibility, enrollment, claims processing, and health information
5 technology personnel recruitment and retention based on the classification and
6 compensation of Commonwealth Healthcare Corporation; and (c) authorize the
7 OPM to hire Medicaid Enterprise Systems, data analysis, program integrity, and
8 auditing personnel under Excepted Service Employment Contracts until the
9 market-based repricing classification and compensation study is completed.

10 **Section 2. Repeal and Re-Enactment. Method of Administration.** Title
11 1 Government, Division 2 Executive Branch. Article 12, Commonwealth Medicaid
12 Agency, Section 20201, Method of Administration is hereby repealed and the
13 following is hereby enacted as sections **20201(a)** and **(b)** that shall read as follows:

14 **“20201 Method of Administration.**

15 **(a) Method of Administration.** The Commonwealth Medicaid
16 Agency shall employ methods of administration, as described in the plan in
17 this Article, that are necessary for the proper and efficient operation of the
18 program.

19 **(b) Reprogramming Authority.** Notwithstanding 1 CMC § 7402,
20 Reprogramming Authority, or any other provisions in Commonwealth law,
21 the Director of the Commonwealth Medicaid Agency is the expenditure

1 authority for Medicaid funds and may reallocate and reprogram funds
2 appropriated by law among the Medicaid Program Business Units (BU),
3 including, but not limited to, the Medicaid Reimbursement – BU 1951,
4 Medicaid Administration BU 1980, Medicaid Enterprise Systems (MES) –
5 BU 1981, or any other Medicaid BU established by the Legislature or the
6 Secretary of Finance. Funds appropriated to the Medicaid program BUs
7 shall be deemed a single budget reserved for the purposes of the Medicaid
8 program, including Personnel Expenses.”

9 **Section 3. Amendment.** Title 1 of the Commonwealth Code, Government
10 Division 8 Public Employment, Part 1 Civil Service Act, Chapter 2 The Office of
11 Personnel Management, is hereby amended by creating new sections 8126, 8127,
12 and 8128 that shall read as follows:

13 **“8126. Establishment of Personnel Positions.** Notwithstanding
14 any other provision in Commonwealth law, the Director of the Office of
15 Personnel Management will establish personnel positions required by the
16 Commonwealth Medicaid Agency for Medicaid Enterprise Systems
17 (“MES”) approved by the Centers for Medicare and Medicaid Services. The
18 MES positions shall be based on comparable classification and
19 compensation rates of the Commonwealth Healthcare Corporation to ensure
20 recruitment and retention of qualified MES personnel and shall be exempt
21 from Government Salary Ceiling in Title 1 Section 8248 of the

1 Commonwealth Code. Notwithstanding any Executive Orders,
2 Commonwealth laws, or other provisions to the contrary, personnel of the
3 Commonwealth Medicaid Agency shall work and remain at the
4 Commonwealth Medicaid Agency and shall not be transferred or assigned
5 to any other agencies, entities or departments.

6 **8127. Classification and Compensation Review.** Notwithstanding
7 any other provision in Commonwealth law, the Office of Personnel
8 Management shall undertake a classification and compensation review for
9 classes of personnel required by the Medicaid program, including eligibility
10 and enrollment, medical claims examiners, health information technology,
11 health data analytics, and compliance and program management personnel
12 positions required by the Commonwealth Medicaid Agency and for
13 Medicaid Enterprise System positions approved by the Centers for
14 Medicare and Medicaid Services. The classification and compensation for
15 Medicaid positions shall be based on comparable classification and
16 compensation rates of the Commonwealth Healthcare Corporation and
17 private insurers and providers such as federally qualified and funded
18 community health centers.

19 **8128. Development and Application of Related Work**
20 **Equivalencies.** In determining the qualifications of applicants and
21 personnel, the Office of Personnel Management ("OPM") will recruit

1 applicants that have demonstrable and specific knowledge, skills,
2 experience, training and abilities, as applicable, in the classification classes
3 and areas of Medicaid, Medicare or Children’s Health Insurance Program
4 administration, health care systems financial operations, health information
5 systems and technologies, and health care data analytics and program
6 management. The OPM will develop and apply related work equivalencies
7 and training with undergraduate academic credit and use structured and
8 graded interviews by qualified individuals to assess applicant substantive
9 knowledge, skills, experience, training, and abilities for positions of
10 Medicaid, Medicare and health insurance.”

11 **Section 4. Repeal and Re-enactment.** Title 1 Government, Division 2
12 Executive Branch, Part 1. Organization of the Executive Branch, Chapter 1 Office
13 of the Governor, Article 12 Commonwealth Medicaid Agency, Section 20211,
14 titled, “Standards of Personnel Administration” is hereby repealed and re-enacted
15 to read as follows:

16 **“§ 20211. Standards of Personnel Administration.** The
17 Commonwealth Medicaid Agency and its employees shall be covered by
18 the Civil Service Act, except that employees under Medicaid Enterprise
19 System (MES) shall be covered under Excepted Service Employment
20 Contracts. MES employees may elect to convert to civil service when a
21 classification and a compensation study is completed by the Office of

1 Personnel Management and approved or modified by the Medicaid
2 Director.

3 **Section 5. Severability.** If any provisions of this Act or the application of
4 any such provision to any person or circumstance should be held invalid by a court
5 of competent jurisdiction,

6 **Section 6. Severability.** If any provisions of this Act or the application of
7 any such provision to any person or circumstance should be held invalid by a court
8 of competent jurisdiction, the remainder of this Act or the application of its
9 provisions to persons or circumstances other than those to which it is held invalid
10 shall not be affected thereby.

11 **Section 7. Savings Clause.** This Act and any repealer contained herein
12 shall not be construed as affecting any existing right acquired under contract or
13 acquired under statutes repealed or under any rule, regulation, or order adopted
14 under the statutes. Repealers contained in this Act shall not affect any proceeding
15 instituted under or pursuant to prior law. The enactment of the Act shall not have
16 the effect of terminating, or in any way modifying, any liability, civil or criminal,
17 which shall already be in existence on the date this Act becomes effective.

18 **Section 8. Effective Date.** This Act shall take effect upon its approval by
19 the Governor, or its becoming law without such approval.

Prefiled: 4/12/2021

HOUSE BILL 22-53, HS1

Date: 4/12/2021

Introduced by: /s/ Rep. Leila H.F.C. Staffler

/s/ Rep. Roy C.A. Ada

/s/ Rep. Sheila J. Babauta

/s/ Rep. Angel A. Demapan

/s/ Rep. Joseph A. Flores

/s/ Rep. Christina M.E. Sablan

/s/ Rep. Patrick H. San Nicolas

/s/ Rep. Denita Kaipat Yangetmai

/s/ Rep. Ralph N. Yumul

Reviewed for Legal Sufficiency by:

/s/ Joseph L.G. Taijeron, Jr.

House Legal Counsel