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EXECUTIVE ORDER No.: 006 -2011

AN ORDER LOCATING THE STATE MEDICAID OFFICE FROM THE AMERICAN SAMOA MEDICAL CENTER AUTHORITY TO THE OFFICE OF THE GOVERNOR AND PROVIDING FOR THE OVERALL FUNCTIONS, DUTIES AND RESPONSIBILITIES OF THE OFFICE

Section 1: **Authority**

This Executive Order is issued under the authority granted to the Governor in Article IV, Sections 6 and Section 7, Revised Constitution of American Samoa and the American Samoa Code Annotated, §4.0111.

Section 2: **Purpose**

The purpose of this Order is to provide for the orderly establishment of the State Medicaid Office and to provide for the duties and responsibilities of said office for the orderly planning, implementation, maintenance and revision of American Samoa's State Medicaid Plan to achieve measurable improvement in health outcomes, sustainable cost control, and a more efficient administrative structure.

Section 3. **Establishment of State Medicaid Office**

The State Medicaid Office is herewith established in the Office of the Governor.

Section 4. **State Medicaid Office Duties and Responsibilities**

The State Medicaid Office shall discharge and assume the following duties and responsibilities:

- A. To recommend appointments to the Medicaid Coordinating Council; and
- B. To prepare, review, approve, and monitor implementation of the State Plan and amendments for long term administration of the Medicaid program in the Territory; and
- C. To review, approve, execute and monitor proposed actions and recommendations of the Medicaid Coordinating Council; and

D. To ensure that the Medicaid program in the Territory is administered consistently with the U.S. law and regulations administration, U.S. Department of Health and Human Services (reference: 1998, P.L. 25-22); and

E. To act to improve overall health system performance in the Territory.

#### Section 5. **Medicaid Director**

The current Medicaid Director shall continue to serve in such capacity until such time as the Director of Health shall appoint a new director or until the Legislature provides procedures for the appointment of a new director.

Within the first six months of this Order, the Medicaid Director shall amend the Medicaid State Plan, titled *General Waiver for Medicaid Program in American Samoa* (1981), to:

- a. Establish the American Samoa Office of the Governor as the Single State Agency;
- b. Outline the organizational structure of the Medicaid Office within the Office of the Governor. The Medicaid Director shall report to the Governor through the Secretary of American Samoa who shall have immediate direct supervision of the Stated Medicaid Office and the Director;
- c. Establish the duties and responsibilities of the Medicaid Office;
- d. Identify a full list of proposed services to be eligible under the Medicaid waiver, including the addition of approved Home and Community-Based Services.

#### Section 6. **Appointment of Medicaid Coordinating Council**

Established herewith within the State Medicaid Office is the Medicaid Coordinating Council. The following positions, along with the Director of Health, are permanent members of the Medicaid Coordinating Council:

Secretary of American Samoa  
Director, Department of Human and Social Services  
Chairman, American Samoa Medical Center Authority Board of Directors  
Chief Executive Officer, American Samoa Medical Center Authority  
Chief Financial Officer, American Samoa Medical Center Authority  
Medical Services Director, Department of Health

Each department represented on the Council shall provide one staff member to assist the work of the Council. The Governor may appoint additional non-permanent members to the Council as he deems necessary from time to time. Non-permanent members shall serve for two years and may be reappointed and removed by the Governor without cause.

#### Section 7. **Council Duties and Responsibilities**



The Council shall discharge and assume the following duties and responsibilities:

- A. To create, review and recommend for final adoption proposals to amend as necessary the Medicaid state plan, the annual presumed eligible report, and to assist in determining whether the Medicaid program in the Territory is carried out consistent with U.S. law and regulations administration, Department of Health and Human Services; and
- B. To review and propose actions in order to bring the Territory into compliance with federal laws, regulations and policies regarding the administration of Medicaid in the Territory; and
- C. To review and monitor any and all new, current and ongoing Medicaid compliance initiatives in the Territory, including but not limited to compliance with provisions of the Patient Protection and Affordable Care Act and the Health Care and Education Act of 2010; and
- D. Any other Medicaid related issues that may arise from time to time.

**Section 8: Finality of Administrative Decisions, Policies, Rules and Regulations**

In accordance with 42 CFR 43.10(e)(3), if other local agencies or offices perform services for the State Medicaid Office, they must not have the authority to change or disapprove any administrative decision of the State Medicaid Office, or otherwise substitute their judgment for that of the State Medicaid Office with respect to the application of policies, rules and regulations issued by the State Medicaid Office.

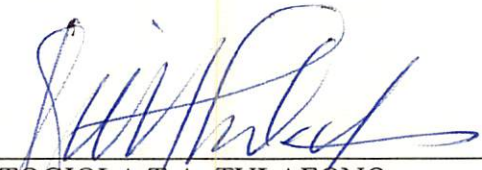
**Section 9: Repealer**

This Executive Order supersedes and effectively repeals all previous Executive Orders and General Memoranda regarding this specific subject matter.

**Section 10: Effective Date**

This order shall take effect immediately.

Dated: August 23, 2011.

  
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TOGIOLA T.A. TULAFONO  
Governor of American Samoa

cc: Per Standard List  
Medicaid Coordinating Council Members