

TITLE 1: GOVERNMENT
DIVISION 2: EXECUTIVE BRANCH

§ 2072. Health Planning and Development Agency: Powers and Duties.

The Health Planning and Development Agency shall have the following powers and duties:

(a) To conduct the health planning and development activities of the Commonwealth government and implement the Commonwealth health plan. The agency may delegate the development of specific health service plans to designated entities, including appropriate divisions within the Department of Public Health and Environmental Services and to qualified individuals and groups; provided, that the agency:

(1) Establishes procedures for and supervises the development of all such health service plans;

(2) Reviews all health service plans submitted to it;

(b) To consolidate individual health service plans into a preliminary health plan;

(c) To submit the preliminary health plan to the Health Coordinating Council for approval or disapproval and for use in developing the Commonwealth health plan;

(d) To review the Commonwealth health plan not less than annually and, as necessary, prepare preliminary revisions of such plan for considerations by the council;

(e) To provide technical assistance to, and serve as staff for, the council on matters pertaining to health planning;

(f) To develop a Commonwealth Medical Facilities Plan and submit such plan for certification and concurrence by the Director of Public Health and Environmental Services as consistent with the Commonwealth health plan;

(g) To administer a certificate of need program in compliance with the Commonwealth Health Care Certificate of Need Act (3 CMC § 2421 et seq.), U.S. Public Law 96-79 as amended [42 U.S.C. § 300k et seq.], and any subsequent acts amending or superseding such laws and regulations promulgated thereunder; provided, that in performing such determinations of need the agency shall:

(1) Develop and publish rules and regulations consistent with the U.S. Health Planning and Resource Development Act (42 U.S.C. § 300k et seq.);

(2) Take into consideration the power of the Secretary of the Department of Health and Human Services to waive certain requirements and to adopt the federal rules and regulations so as to afford the Commonwealth citizens and residents the federal minimum requirements responsive to local needs;

(h) To review and make public findings regarding the quality of health care in the Commonwealth at least every three years and to publish the results of that review, including an inventory of health care services available in the Commonwealth;

(i) To serve as the designated health planning agency of the Commonwealth for the purposes of Commonwealth participation in any federal program for which such designation is required;

(j) To consult with the Director of the Department of Public Health and Environmental Services on all matters pertaining to the health planning and development activities of the Commonwealth; and

TITLE 1: GOVERNMENT
DIVISION 2: EXECUTIVE BRANCH

(k) To make findings as to the need for institutional health services proposed to be offered, developed or altered within the Commonwealth.

Source: PL 3-49, § 3.

Commission Comment: With respect to the references to the “Department of Public Health and Environmental Services” and the “Director” of that agency, see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001; see also the comment to 1 CMC § 2071.