

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
SAIPAN MARIANA ISLANDS

VOLUME 21 NUMBER 03



MARCH 18, 1999

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# COMMONWEALTH

# REGISTER

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**COMMONWEALTH REGISTER**

**VOLUME 21 NUMBER 03**

**MARCH 18, 1999**

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# Commonwealth of the Northern Mariana Islands

## Office of the Governor

Department of Lands and Natural Resources

Lower Base

Caller Box 10007

Saipan, Mariana Islands 96950

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February 12, 1999

### NOTICE OF EMERGENCY AND ADOPTION OF PROPOSED REGULATIONS FOR OUTER COVE MARINA

**EMERGENCY:** The Commonwealth Secretary of Lands and Natural Resources and the Director of Fish and Wildlife, find that under 1 CMC Section 9104(b) the public interest and welfare requires the adoption of emergency regulations for the Outer Cove Marina. The Secretary and the Director further find that the public interest and welfare mandates adoption of these emergency regulations upon fewer than thirty (30) days notice, and that these regulations shall become effective immediately after filing with the Registrar of Corporations, subject to the approval of the Attorney General and the concurrence of the Governor and shall remain effective for 120 days.

**REASON FOR EMERGENCY:** Approved by the Department of Lands and Natural Resources, Outer Cove Rules and Regulations were prepared by Outer Cove Marina submerged lands lessee Marine Revitization Corporation (DLNR), as required by the lease, on January 22, 1997, in substantial compliance with the Commonwealth's adjacent Smiling Cove Marina regulations. After the Outer Cove regulations were concurred with by the Secretary of Lands and Natural Resources and the Superintendent of American Memorial Park, the berthing/docking and departure fees portion (substantially higher than Smiling Cove Marina) of the Outer Cove Marina regulations were advertised in the Marianas Variety during June 1998. Because of the subsequent conflict between some commercial vessel owners and MRC over the Outer Cove fees as advertised and the lack of a marina breakwater, the Commonwealth's and Federal Government's insistence on negotiations to settle the disputes, and the severe economic conditions impacting commercial vessel owners; the collection of fees and use of the Outer Cove Marina was greatly diminished, impairing MRC's marina income for operation, maintenance and debt retirement. As a result, MRC is believed to be insolvent and subject to default under the lease, which default would cause immediate disruption not only in Outer Cove Marina but in the adjacent overcrowded Smiling Cove Marina; contra to the interests and welfare of the Commonwealth. At this time Outer Cove Marina is not being fully utilized, due to the above disputes. The Smiling Cove Marina navigational channel and marina mooring and berthing are congested by the presence of large commercial vessels that should be in Outer Cove Marina.

Outer Cove shores are dangerously eroded, especially along the peninsula. It is in the Commonwealth's best interest to have a viable marina system that can accommodate the CNMI


marine needs under an appropriate regulatory system, for correction of dangerous or unhealthy marina conditions. The integrity of the submerged land leasing program and the Commonwealth marina systems are at risk.

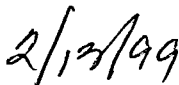
These emergency regulations attached hereto are necessary to immediately adopt the Outer Cove rules and regulations with amended fee schedule allowing all berthing and mooring commercial passenger carrying vessels to be charged a flat fee of \$5.00 per lineal foot instead of the increased charges in the advertised fees above. With a lesser berthing and mooring fee, commercial vessel operators present financial distress will be alleviated. With the departure fee for passengers, it is expected that MRC's income crisis will be resolved.


**CONTENTS:** The regulations provide for the general operation of the Outer Cove Marina by the non-profit submerged lands lessee, MRC, under rules in substantial compliance with what is currently in effect in the adjacent Smiling Cove Marina, except for the fee structure.

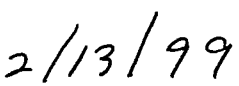
**INTENT TO ADOPT:** These regulations are intended to be permanent, pursuant to 1 CMC Section 9104(a)(1) and (2), and therefore publication in the Commonwealth Registrar, notice opportunity for comment and, if necessary, hearing will be provided. Comments on the contents of these regulations may be sent to the Secretary of Lands and Natural Resources and the Director of the Division of Fish and Wildlife, P.O. Box 10007, Saipan MP 96950 or by phone to (670) 322-9830/34 or fax (670) 322-2633.

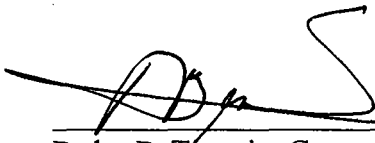
**AUTHORITY:** Promulgation of these regulations is authorized under P.L. 6-13.

  
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Eugene A. Santos, Acting Secretary of Lands  
And Natural Resources

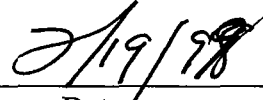
  
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Richard Seman, Director of Fish and Wildlife

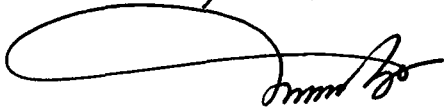
  
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Pedro P. Tenorio, Governor



Date




Soledad B. Sasamoto  
Registrar of Corporations



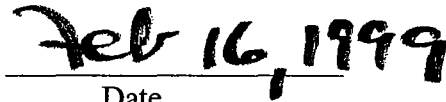
Date

(Date of filing with Registrar)

Pursuant to 1 CMC Section 2153, as amended by P.L. 10-50, the emergency regulations attached hereto have been reviewed and approved by the Office of the Attorney General.



Maya Kara, Acting Attorney General



Date



# Commonwealth of the Northern Mariana Islands

## Office of the Governor

Department of Lands and Natural Resources

Lower Base

Caller Box 10007

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Gov. NMJ Saipan

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### REVISED RULES & REGULATIONS

#### OUTER COVE MARINA

##### I. AUTHORITY

1.1 Marine Revitalization Corporation. These Rules and Regulations (hereinafter referred to as "Rules") are established pursuant to the Agreement entered by and between the Department of Lands and Natural Resources, (DLNR), the National Park Service (NPS) and Marine Revitalization Corporation, (MRC), as approved by the CNMI Legislature, the Secretary and the NPS that provides MRC the authority to establish Rules, in consultation with the DLNR, and the NPS and to control, manage and operate the improvements in Outer Cove Marina, (hereinafter referred to as "Premises") as described in Section 4 (a) of Public Law 9-46 , as amended, and the NPS Concessioner Lease Agreement.

##### II. SCOPE AND DEFINITIONS

2.1 Purpose and Scope. The purpose of these Rules is to secure the most effective control and management of the Premises in order that the general public may enjoy safe, orderly, and convenient water recreation and other commercial activities. These Rules are intended to harmonize and coordinate the MRC's powers and duties with all applicable public laws, and are also intended to govern the use of operation of vessels and the activities of persons in the marina, shores, shore waters, and the fastlands surrounding the Premises.

2.2. Interpretation. If any section of these Rules is inconsistent with any local laws or federal laws or any rule, or standard established pursuant thereto, such section shall be construed, superseded, or governed thereby. Each provision of these Rules is also intended to be construed most liberally in light of the purpose and scope stated above.

(1)

2.3. Geographic Area. The Rules shall apply to the berthing of vessels at docks, their mooring in the waterway, and other activities conducted within the Premises. However, the Rules in no manner shall supercede the authority of laws and lawful regulations that otherwise apply to the waters and the surrounding lands of the Premises, such as the Boating Safety Regulations, the USCG, Vehicle Code, the NPS and other pertinent laws.

2.4 Notice. If a notice to a Permittee or owner is provided for in these Rules, that notice shall be personally served on the person. If after diligent effort has been made to effect personal service, no personal service can be made, the Marina General Manager (hereinafter "Manager") may effect service by:

(a) Posting the notice in a conspicuous place aboard the Permittee's vessel or at the assigned berth; or mooring.

(b) Mailing the notice to the person at the person's last known address; provided that in an emergency, where life or property is endangered or if, a vessel may interfere with other vessels or with the free and proper navigation of a waterway unless immediate action is taken, remedial action may be taken by the Manager without prior notice.

2.5. Definitions. When used in this part, unless the context clearly indicates otherwise:

"Agreement" - means the agreement between the boatowner and MRC as required by Section III & IV.

"Assigned berth" - means a berth that is assigned to a Permittee by a valid regular berthing permit.

"Berth" - is where a vessel:

(1) is laid alongside a dock

(2) is made fast alongside boat slip

"Moor" means to secure a boat by making it fast with cables, lines or anchors.

"Mooring" means a device for holding a vessel in place, when an anchor, concrete block or similar device is placed or dropped on submerged land with a rope or chain attached to a buoy to which the vessel is attached..

"Mooring device" means the use of a buoy attached by rope or chain to a permanently placed weight or structure situated within a submerged land area and to which a vessel can be made permanently or temporarily secured.

"Anchoring device" means a device made of metal or similar material, attached by rope or chain to a vessel, which can be deployed to submerged land to secure the vessel in a particular place.

"Houseboat" means any vessel which is fitted for use as a permanent or temporary place of habitation, and is either stationary or to be moved by its own engine, by oars, sweeps, or towing.

"Tender" means a dinghy or a larger launch used to carry persons and supplies to and from large vessel, such as from the mooring place.

"Boat owner" - Includes any person who claims, expressly or otherwise, lawful care, custody, or control of a vessel by virtue of legal title or equitable interest therein which entitles him to possession or a lessee of a leased vessel which lease excludes the registered owner from any rights to use or possession of the vessel while under lease to the Lessee. The documentation of ownership must meet the requirements of the CNMI Boating Safety Rules (BSR) and the USCG.

"Owner" shall be synonymous with the word "Boat Owner" as defined in this section.

"Business" - Includes all professions, trades, occupations, and callings carried on for a profit or livelihood, every kind of commercial enterprise, and the operation of games, machines, or mechanical devices.

"Dormant vessel" - means a floating contrivance that has not been navigated outside the harbor where berthed or moored by means of its propulsion system at a minimum of two times during each quarter of the calendar year on voyages of at least two hours duration.

"Contrivance" means any man-made object or artificial arrangement not used or intended to be used for transportation which may be floated upon or suspended with in or on the water.

"Manager, Marina"...means the person who is hired by MRC or an official of the corporation assigned to control, manage, operate, maintain and to secure the most effective control and management of the Premises in order that the boatowners and the general public may enjoy safe, orderly, and convenient water or in-land recreation and other commercial activities.

"Passenger" means every person carried on board a vessel other than:

- (1) the owner or the owner's representative;
- (2) the operator;
- (3) bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and are paid for their services; or
- (4) any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for the guest's carriage



"Passenger Departure Fees" means fees imposed by MRC on every passenger boarding on vessels carrying passengers for hire, or on commercial vessel for departure from the Outer Cove Marina, regardless of water activity or destination. Commercial vessel owners will be billed by MRC at the end of the month and must be paid within fifteen (15) days from the billing date. Interest rate of 1.5 percent (%) per month, or fraction thereof, will be charged for late payment.

"Person" means any individual, firm, partnership, corporation, trust, association, joint venture, organization, institution, or any other legal entity.

"Principal Owner" means a person whose name appears on a certificate of number or who is named as managing owner of a Coast Guard documented vessel, or CNMI registered vessel.

"Regular Permittee" means a person holding a valid regular berthing or mooring permit.

"Rules" means the rules and regulations governing Outer Cove small boat marina--Premises.

"Temporarily assigned berth or mooring" means a berth that is allocated to a Permittee by a valid temporary berth or mooring permit for interim use of the facility.

"Temporary Permittee" means a person holding a valid temporary berthing or mooring permit for the interim use of a berth or mooring.

"Transient vessel" means any vessel visiting the CNMI for a period of not more than seven (7) days.

"Unassigned berth/mooring" means a berth or mooring that is not assigned to a Permittee by a regular berthing or mooring permit.

"Vessel" mean every description of watercraft, used or capable of being used as a means of transportation on water.

"Commercial Vessel" means vessel engaged in the commercial carriage of passengers or cargo and or for commercial fishing in and about the waters of the Commonwealth. "Commercial" is defined as relating to or connected with trade and traffic or commerce in general, as defined in Section 2 of the Preamble of the Lease of Water Dependent Use Of Submerged Lands approved by the CNMI Legislature.

"Commercial Fishing Vessel" means vessel engaged in fishing for profit, either by individual, partnership or corporation.

"Private Vessel" means vessel who's purpose is solely for the private use of its owner and not for commercial.

"Vessel carrying passengers for hire" means any vessel which is used for the carriage of any person or persons for a valuable consideration whether directly or indirectly flowing to the owner, charterer, operator, agent, or any person who has a lien on the vessel.

"Vessel length" means the end-to-end measurement of a vessel taken over the deck, parallel to the waterline from the foremost part of the bow to the aftermost part of the stern; provided, that hull plating, plankings, and extensions aside from the hull proper, such as bowsprit, are not to be included in the measurement; provided further, that an open-type vessel or one with a cockpit shall be measured as if a complete deck existed at the upper level of the hull.

"Vessel length overall" (LOA) means the distance between the fore-and-aft extremities of a vessel including hull platings, plankings and any extensions beyond the hull proper, such as bowsprit, planking, steering device, or other extensions.

"Vessel used as a place of principal habitation" means a vessel on which any person remains overnight for seven (7) or more days in any month while the vessel is moored or berthed in the Premises.

"Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, but excludes mopeds, devices moved by human power, or devices used exclusively upon stationary rails or tracks

### III. SELECTION OF LESSEES AND PERMITTEES FOR MOORINGS.

#### 3.1. Lease or Permit Required

(a) Berths: No vessel shall be permitted to be berthed at a dock slip in the Premises without a lease issued by the Manager .

(b) Moorings: No vessel shall be permitted to be moored in the waterway of the Premises without a permit issued by the Manager.

#### 22IV. FORM FOR LEASE OR PERMIT

4.1 The Manager may, in accordance with the Regulations, grant a lease for an owner of a vessel to use and occupy a dock slip, and permit to moor a vessel at a specific location within the waterway of the Premises upon completion of the form provided by MRC.

V. CATEGORIES OF EXCLUSION FOR LEASES AND PERMITS

5.1 Subject to Section VI, the following vessels shall not be granted leases, issued permits, or be allowed to berth at any dock or moor within the Premises.

(a) Vessels as a Place of Abode. A vessel is deemed to be lived aboard if a person or persons occupy the vessel and engage in those usual and customary activities associated with a person's residence or abode, such as sleeping, preparation of meals, etc., for any period in excess of forty-eight (48) consecutive hours in any seven (7) day period.

(b) Unseaworthy Vessels. Lessees, Permittees, and applicants shall, upon request, demonstrate or allow inspection of vessels for seaworthiness by the Manager or his designee CNMI Boating Safety or U.S. Coast Guard.

(c) Workboats. The term "workboats" includes tugboats, crewboats, landing craft, vessels engaged in cargo trade, fishing trawlers, utility boats, construction boats, barges, and dredger.

(d) Deep Draft Vessels. Vessels with a draft deeper than six feet (6-ft.) are "deep draft" vessels.

(e) Vessels Greater Than 100 Feet Long. The length of the vessel shall be determined by its length overall (LOA) rounded upward to the next whole foot, including all permanent and functioning overhangs.

(f) Vessels Without Auxiliary Propulsion. Auxiliary propulsion means an engine, either outboard or inboard, sufficient to provide the vessel with safe maneuvering ability in the Premises.

(g) Vessels Without Insurance Coverage. Vessels without insurance coverage for third party liabilities will be excluded from the Premises. Copy of the insurance policy must be presented with the application.

VI. CATEGORIES OF EXCLUSION FOR LEASES

6.1. No vessel shall be granted a lease for a berthing slip that comes within any of the categories listed in Section V of this Section.

(a) Unregistered or Undocumented Vessels. A vessel must have either current CNMI registration or U.S. Coast Guard Documentation.

(b) Commercial Vessel Without A Licensed Operator. A vessel engaged in the commercial carriage of passengers, including, but not limited to, sportfishing boats, Managaha transfer boats, tour boats, and parasailing tow boats, must have a full-time U. S. Coast Guard licensed captain.

(c) Minimum Length. A vessel must have a length overall (LOA) of twenty feet (20') or greater unless it's a commercial vessel, as defined in the Submerged Land Lease Agreement between the DLNR and MRC. Exemption may be granted only with strict conditions.

(d) Maximum beam. A vessel must have a beam less than forty (40) feet. "Beam" is defined as the maximum breadth of the vessel.

#### VII. FIRST-COME-FIRST-SERVE PRIORITY

7.1 Any person who own commercial vessel, commercial fishing vessel or vessel carrying passengers for hire, as defined on Section II, 2.5, that first submitted his/her completed Berthing/Mooring application shall be given first priority for the grant of a Lease for a berthing slip or mooring space. Incomplete application shall be returned to the applicant for resubmission and will be treated as if it was for the first time.

(a) Vessels shall be matched to slips so as to maximize useable berthing space and not restrict maneuverability, and

(b) earlier written requests shall be given priority if the applicant owned a vessel at the time of applying that would not have been excluded.

#### VIII. GRANT OF BERTHING LEASE.

8.1. Upon selection for the grant of a lease, an applicant shall have ten (10) days to complete the berthing lease, execute it, and pay the first month rent and the three months security deposit. Failure to do so may result in the denial of one's application and the award of the permit to another applicant.

#### IX RESTRICTION ON MOORINGS.

9.1. Until the MRC installs mooring buoys in the Premises, no vessel shall be allowed to place anchors for mooring purposes. However, special permit may be issued on a case-by-case basis.

#### X. TYPHOONS AND TROPICAL STORMS

10.1. "Storm Conditions" Defined. The words "storm conditions" shall mean when the government has declared for the island of Saipan that it is currently in Tropical Storm Condition two (2) or One (1), or Typhoon Condition 2 or 1.

10.2 Temporary Lifting of Exclusions During Storm Conditions. In the event of storm conditions, vessels may enter and moor in the Premises (provided mooring anchors are available) until forty-eight hours after the return to Condition 3 or the giving of the "all clear" signal.

10.3 Emergency Mooring. In the event of storm conditions, vessel may be moored in the Premises, at the owner's own risks, and if the following conditions are strictly observed:

(a) The vessel operator must follow the directions of the Manager or his designee.

(b) The vessels must be moored in a manner that will not jeopardize the safety of adjacent vessels in a storm.

(c) All floats, gangways, and other floating obstacles other than vessels that one owns must be removed entirely from the water and secured from movement on high ground, and away from the Premises and adjacent fastland.

(d) All loose objects on vessels shall be either removed or sufficiently tied-down to withstand typhoon strength winds.

(e) Mooring lines must use chafing protection on the vessel and at the end where they are fastened to trees, posts, or other objects out of the water.

(f) Vessels that enter the Premises specifically for storm protection shall select a location that will not obstruct later vessels from entering the Premises.

(g) Mooring lines must be removed, and vessels must return to the regular berths or moorings within twelve (12) hours of the announcement of the "all clear" signal.

#### XI. UNATTENDED VESSELS DURING STORM CONDITION

11.1 Any vessel with a berthing lease or a mooring permit that is within the Premises during storm conditions and is NOT attended to by a person who adequately secures the vessel for typhoon strength winds, the Manager will have the vessel secured at the expense and risk of the owner, and may be subject for revocation of the berthing or mooring permit. Failure of the owner to reimburse any and all expenses incurred in the securing of the vessel within ten (10) days, the security deposits shall be used to cover the expenses incurred by MRC and the permit will be revoked.

## XII. FUELING DOCK

12.1 "Fueling Dock" is defined as for the use of fueling commercial, and fishing boats within the Premises, and any other boats that need fuel. Other than the refueling of vessels, the fueling dock may be use for emergency when fueling is not in operation, and smoking is strictly prohibited while using this dock.

12.2 Vessels Prohibited. All commercial, fishing and private use (PU) vessels in the Premises are prohibited from using the fueling dock, other than getting fuel, unless prior permission from Manager has been obtained.

## XIII. "Visiting Vessel"

13.1 "Visiting Vessel" Defined. A visiting vessel is a vessel registered outside of the Commonwealth or documented with a home port other than in the Commonwealth whose owner is not a resident of the Commonwealth and which will remain on Saipan for less than fourteen (14) days. Permission may be granted if there is sufficient room to accommodate the vessel, at its own risk, and the vessel does not come within a category of exclusion under any pertinent section. In particular, a visiting vessel cannot be used as a place of abode while in the Premises.

13.2 Procedure Upon Entry: (a) Visiting vessels from outside the Commonwealth must first clear various government inspections, such as Customs, Agricultural Quarantine, and Immigration. To receive such clearance, visiting vessels must call Port Control at the Commonwealth Port Authority (CPA), announce their arrival, and present themselves for inspection at the area designated by the Authority.

(b) Visiting vessels that have been cleared may request permission from the Manager to temporarily moor or berth in the Premises.

## XIV. FEES FOR BERTHING SLIPS

14.1 The following fees shall be assessed lessees assigned berths on a monthly basis except for commercial passenger vessels who shall be assessed a flat fee of \$5.00 per lineal foot.

(a) Vessels 20.0 ft. to 29.0' \$5.00 per foot  
or less

(b) Vessel 29.1 ft. to 42.0'-----\$7.00 per foot

- (c) Vessel 42.1 ft. to 52.0'-----\$10.00 per foot
- (d) Vessel 52.1 ft. to 65.0'-----\$15.00 per foot
- (e) Vessel 65.1 ft. to 100.0'-----\$20.00 per foot

14.2. The following fees shall be assessed permisses assigned mooring on a monthly basis:

- (a) Vessel 20.0 ft. to 29.0':-- \$ 1/2 the above rate
- (b) Vessel 20.1 ft. to 29.0' ---\$ 1/2 the above rate
- (c) Vessel 29.1 ft. to 42.0' ---\$ 1/2 the above rate.
- (d) Vessel 42.1 ft. to 65.0' ---\$ 1/2 the above rate
- (e) Vessel 65.1 ft. to 100.0'---\$ 1/2 the above rate.

14.3- - -Passenger Departure Fees: per passenger-----\$ 4.00

Passenger Departure Fees will be charged to every passenger boarding on vessel carrying passengers for hire, regardless of water activity or destination. Boat owners will be billed each month and the billing shall be paid to MRC within fifteen (15) days from the date of the billing.

#### XV. FEES FOR VISITING VESSELS.

15.1 The following fees shall be collected daily for mooring or berthing in the Outer Cove Marina:

- (a) First day of arrival shall be free.
- (b) Every day, or a fraction of a day, thereafter shall be charged according to the prevailing fees for the size of boat, plus other applicable charges, prorated.

15.2 Maximum Stay Permitted. A visiting vessel may stay only as long as permitted by the manager, and availability of mooring or berthing spaces.

#### XVI. USE OF OUTER COVE MARINA

16.1. General statement and restrictions on mooring dormant vessels. It is the policy of the MRC that the moorings and berthing in the Saipan small boat harbor be used for the purposes of accommodating vessels used for commercial boating activities involving transportation of passenger on water to and from the other islands in the CNMI, or for commercial fishing. Therefore, occupancy of berths and mooring areas at the small boat harbor shall be

limited to vessels actively utilized as a means of transportation on water. The use permit relating to any dormant vessel shall be revoked, unless the owner presents valid evidence to MRC that the vessel is temporarily dormant due to circumstances beyond the owner's control. The owner shall remove the dormant vessel from the harbor upon revocation of the use permit. MRC reserves the right to restrict the use of the Premises property or facilities to those who observe these rules and make full and timely payment of their fees and charges.

16.2 Insurance. MRC will purchase insurance for the protection of the Premises improvements, and third party liabilities, but will not cover vessels within the Premises. Therefore, all boatowners are required to procure third party liabilities insurance coverage for their own boats, in the event owner's vessel caused damages to other vessel or the improvement of the Premises during storm and during their normal activities. (Note: Copy of the Insurance Policy must be provided to MRC.) All vessels berthing or mooring in the Premises with expired insurance coverage, are not permitted to berth or moor at the Premises. MRC shall not be liable for any damages incurred to any vessel during the storm, or at the normal activities.

#### XVII. LEASES AND PERMITS.

17.1 CANCELLATION. The Manager may cancel and terminate any lease or permit upon five (5) days' written notice to the Lessee or Permittee for failure to comply with either (i) provisions of the lease or permit, including, without limitation, nonpayment of lease rent or permit fees, (ii) the Rules, or (iii) the Boating Safety rules and regulations, canceled by such means. Notice shall be deemed served within twenty-four (24) hours of the time said notice is deposited in the U. S. Postal Service, if mailed by 1st.-class mail, postage prepaid, to the Lessee's or Permittee's address as designated on the lease or permit. In the case of personal service, notice shall be effected upon such service. The notice shall specify the applicable provision(s) of the lease or permit, Rules, or Boating Safety regulations with which the Lessee or permittee has failed or refused to comply, the date and time on or before which the slip or mooring must be vacated, and the cancellation date. The Lessee or Permittee shall be liable for all slip fees accruing prior to the date of cancellation.



17.2 REMOVAL OF VESSEL UPON CANCELLATION OF LEASE OR PERMIT. If the Lessee or Permittee shall fail or refuse to remove his or her vessel from a slip or mooring on or before the date of cancellation of the lease or permit, the Manager or his designee may cause the vessel to be removed at the Lessee's or Permittee's risk and expense and retake possession of the slip or mooring. The Lessee or Permittee shall reimburse the MRC for costs incurred in moving and storing the vessel. Neither the MRC nor any of its officers or employees shall be liable for such action and all Lessees and Permittees waive all claims for damage to persons and property sustained by a vessel resulting from its movement in accordance to this provisions.

17.3 Reassignment of Slips. The Manager shall have the right to temporarily reassign slip spaces or moorings and to move or cause to be moved any vessel so reassigned. A Lessee or Permittee, by applying for and accepting the use of a slip or mooring shall be deemed to have consented to the temporary reassignment and movement of the vessel to another slip or mooring (i) for the proper operation, maintenance, and repair of the Premises, (ii) for the convenience of the MRC, (iii) for a special event, and (iv) in case of an emergency. The Lessee or Permittee further consents to the movement of the vessel by the Manager, if, after notice to move the vessel is given by the Manager, the Lessee or Permittee fails to comply with any such notice. The Lessee or Permittee shall reimburse the MRC for costs incurred in moving the vessel. Neither the MRC nor any of its officers or employees shall be liable for such action and all Lessees and Permittees waive all claims for damage to persons and property sustained by a vessel resulting from its movement in accordance to this provisions.

17.4 Nontransferability of Lease or Permit. A Lessee or Permittee shall not give, sell, sublease, assign, or transfer, or attempt to give, sell, sublease, assign or transfer, whether voluntarily or involuntarily, the use of a designated slip or mooring, the lease or permit therefor, or any interest therein. Any agreement, whether oral or in writing, between the Lessee or Permittee and any other person, firm, or entity made in connection (i) with the use of a designated slip or mooring by a person other than the Lessee or Permittee, (ii) with the use of a designated slip or mooring by a vessel other than one owned by the Lessee or Permittee, (iii) with the transfer of ownership of or an interest in a vessel, or (iv) with a transfer of

an interest in a corporation or partnership (general or limited) or joint venture owning a vessel, by which agreement Lessee or Permittee attempts to give, sell, sublease, assign, or to otherwise transfer the lease or permit, an interest therein, or the right to use the designated slip or mooring shall be void and shall constitute grounds for the cancellation of the lease or permit.

17.5 Sale of Vessel. (a) A Lessee or Permittee may retain his or her designated slip or mooring for a period of thirty (30) days after transferring title to or agreeing to sell his or her vessel provided:

(1) The Lessee or Permittee shall notify the Manager in writing of the sale of the vessel and his or her intent to acquire another vessel of appropriate length for occupancy of the slip or mooring within five (5) days of the date the agreement for the sale of the vessel is entered into, and

(2) The Lessee or Permittee shall pay slip or mooring fees equal to the amount specified in the lease or permit for the vessel sold pending the acquisition of another vessel.

(a) An extension of an additional period may be granted at the discretion of the Manager upon presentation of proof of a contract to purchase or to construct another vessel.

(b) If the Lessee or Permittee does not acquire and accept delivery of another vessel of appropriate length for the assigned slip or mooring within the thirty day period or any extension thereof, the lease or permit shall be canceled. The Lessee or Permittee shall remain liable for all fees accruing prior to cancellation.

(c) A Lessee or Permittee shall notify the Manager in writing within five (5) days of any change of ownership in his or her vessel resulting from a gift, sale, lease, withdrawal, addition or substitution of partners, the sale or transfer of stock in a closely held corporate owner of the vessel or a change of officers or directors of a closely held corporation owning the vessel.

17.6 Partnerships and Corporation. No lease or permit will be issued in the name of a partnership, corporation joint venture or other legal entity. A lease or permit for a vessel which is registered or documented by a partnership, corporation, joint venture, or other legal entity will be issued only to a natural person whose name appears on the Marina waiting list and whose interest in the vessel is equal to or greater than that of each of the other

partners, stockholders, members or associates. An applicant for a slip or mooring for a vessel owned by a partnership, corporation, joint venture or other legal entity shall submit to the MRC Manager a fully executed Marine Bureau Statement of Ownership (MBSO). If a Lessee or Permittee fails or refuses to notify the Manager of a change to any of the information contained in the MBSO within five (5) days from the date of any such change, such failure or refusal shall constitute grounds for cancellation of the lease or permit.

17.6 Absence From Slips or Moorings.

(a) In the event of an absence from a slip or mooring of more than seven (7) days, the Manager shall be notified of the intended length of absence so that the slip or mooring may be made available to other vessels under a temporary permit.

(b) In the event that the planned absence is greater than ninety (90) days, then a leave of absence must be requested from the Manager. The Manager may grant a leave of absence for reasonable period. If the period is deemed to not be reasonable, then the lease permit shall be canceled.

17.7 Temporary Slip or Mooring Permit. The Manager may issue temporary permits to occupy and use an assigned but vacant slip or mooring or unassigned slips or moorings upon such terms and conditions as may be required for the efficient operation of the Premises.

17.8 Waiver of Claims. Neither the MRC nor any of its officers or employees shall be liable to a Lessee or Permittee for any damage to persons or property within the Premises and its immediate surrounding.

XVIII. GENERAL REGULATIONS

18.1 Application. These Regulations shall control the conduct of all Lessees and Permittees of the Marina and shall be incorporated as a part of any berthing lease mooring permit, temporary slip or temporary mooring permit. These Regulations may be changed from time to time and shall apply as changed or amended to all existing lessees and permittees.

18.2 Commercial Use of Slip or Dock. The slip or dock structure within the Premises shall be used for commercial purposes pursuant to the Lease of Water Dependent Use of Submerged Lands between the Department of Lands and Natural Resources (DLNR) and Marine Revitalization Corporation (MRC, as approved by the CNMI Legislature.

Permission to lease slip or dock in the Premises may be granted if it can be demonstrated that, if appropriate terms, conditions, and limitations are placed upon such conduct, it can be undertaken without risk to safe navigation, without endangering the public health, safety, or welfare (with due regard to other lessees of slips), and in a manner that will promote public convenience and necessity. Non-commercial vessel may lease slips in accordance with the Lease Agreement.

**18.3 Storage on Docks.** Nothing shall be stored on the dock by any Lessee. Each Lessee is responsible for keeping the adjacent dock area clean and litter free. A lessee shall not place items on the dock except for short periods of time, (not more than thirty (30) minutes) and at such times shall place the items in such a manner so as to not obstruct free passage along the dock.

**18.4 Fenders on Dock.** No Lessee shall install fender material, dock wheels, or carpet on the docks without the express permission of the Manager. Upon installation, title to said fender or dock wheels shall remain as part of the development of the Premises.

**18.5 Movement of Vessels in Marina.** Movement of vessels within the Premises shall be for the purpose of entering or leaving a slip or mooring only.

**18.6. Speed Within the Marina.**

(a) **Basic Speed Law.** No vessel shall be operated at such a speed in the Premises and its channel that a wake is created that will disturb other vessels docked or moored or cause destruction of the shoreline. This shall apply to all vessels beginning at the entrance of the Premises. The speed limit is five (5) mph.

(b) **Vessels Engaged in the Commercial Carriage of Passengers.** Heavy displacement vessels, such as those which carry passengers to Managaha or Tinian Island or those greater than twenty tons, are particularly prone to causing destructive wakes at slow speeds. Operators of these vessels shall maintain their speeds at less than 5 mph while traveling at the entrance and within the Premises.

(c) **All other Vessels.** All vessels not specified in subsection (b) shall observe a 5 mph speed limit beginning at the entrance and within the Premises, subject at all times, to the Basic Speed Law.

(d) **Complaints.** Lessees and permittees are encouraged to report incidents of vessels traveling in excess of either of the above subsections. If the Manager finds a violation of this Section, a Lessee or Permittee shall have its right to berth or moor in the marina canceled.

**XIX. TOILET USAGE.**

19.1 Toilets or marine heads shall not be used aboard a vessel in the Premises.

**XX. MOORING OF VESSEL.**

20.1 A Lessee or Permittee shall, at all times, ensure that his or her vessel is safely moored with lines adequate to withstand all weather conditions.

**XXI. MAINTENANCE WORK ON VESSEL.**

21.1 (a) Major repair such as overhaul of engines, fibreglassing of boats or reconstruction work shall not be performed in or at any slip or mooring areas.

(b) No repair or other work on a vessel shall be performed before sunrise nor after sunset, except in the case of emergency repairs to keep a vessel afloat.

(c) Tools and equipment or materials must not be placed on the dock in a manner that will obstruct free passage along the dock. The dock area must be kept in a neat, clean and orderly condition.

(d) No material of any type resulting from maintenance work, such as solvents, paints, sandpaper, and other non-biodegradable materials, shall be allowed to enter the waters of the Premises.

(e) Spray painting, welding, burning, and other hazardous activities are strictly prohibited in the Premises.

(f) Heavy, sharp objects shall not be thrown down on the dock for they will cause damage to the dock or slip.

**XXII. GARBAGE AND LITTERING.**

22.1 (a) No Lessee or Permittee shall have or keep on a vessel or on the adjacent dock any garbage or decaying matter unless it is kept in a receptacle which shall at all times be kept closed by a tight-fitting cover, except when being filled or emptied.

(b) No Lessee or Permittee shall throw, place, leave, deposit or abandon, or cause to be thrown, placed, deposited or abandoned any litter within the Premises and the adjacent areas of American Memorial Park except in receptacles designated by MRC for the disposal of such materials. A Lessee or Permittee shall place only that garbage or litter within such receptacles as is generated during and results from a vessel's voyage.

(c) No Lessee or Permittee shall place, throw, deposit or discharge or cause to be placed, thrown, deposited, or discharged into the waters of the Premises any

litter, sewage, garbage, swill, gaseous, liquid or solid materials which render the water unsightly, noxious, polluted, or unclean so as to be detrimental to the public health and welfare.

#### XXIII. FIRE SAFETY.

23.1 (a) Basic Rule: No Lessee or Permittee shall use or permit his or her vessel to be used or maintained in a manner as to create or constitute a potential fire hazard.

(b) Fire Extinguishing Equipment: Any vessel berthed or moored in the Premises shall have at least two (2) (depending on the boat size, and in accordance with the U.S. Coast Guard and Boating Safety rules and regulations) operable hand portable fire extinguishers containing ten pounds of dry chemicals.

(c) Fueling: No fueling of vessels, whatsoever, shall be permitted within the Premises, except at the fueling station provided for by MRC within the Premises

(d) LPG: Any vessel equipped with liquid propane gas for cooking shall also be equipped with a solenoid for detecting LPG leaks.

(e) Dumping of Combustibles: No Lessee or Permittee shall dump, discharge or pump oil, spirits, gasoline, diesel, distillate, any petroleum product or any other flammable material into the waters of the Premises, upon any of the docks, or on any land adjacent to the Premises. Combustible materials shall not be placed in trash receptacles, but only in receptacles specially marked for combustibles and petroleum products. In the absence of such a receptacle, a Lessee or Permittee shall remove the substances for disposal at a site other than the marina or American Memorial Park.

(f) Fire Signal For Vessels in the Premises: Five (5) prolonged blasts, each from four to six seconds, on a vessel's horn or other sound device shall indicate a fire on board.

#### XXIV Other Regulations.

24.1 Swimming No person shall swim in the Outer Cove Marina, except as necessary to moor or anchor a vessel, clear a fouled propeller, assist a vessel in clearing another vessel's mooring lines, or remove a vessel that is grounded.

24.2 Fishing. No person shall fish from the docks of the Premises. Any fishing done from the banks of the Premises shall be at least 200 feet from the nearest docked or moored vessel and shall not be done in such a manner as to create an obstruction to the movement of vessels in the Premises.

24.3. Visitors. Visitors, unless accompanied by a Lessee, or designated by the Lessee in writing, and with the security's approval, shall not be permitted on the docks at any time. All visitors enter the Premises at their own risk.

24.4. Small Children on Docks. Children under twelve (12) years are not permitted on the docks without the immediate presence of their parents or other responsible adults.

24.5. Obstructions Placed in Water. No float, pier, dock, pile, ramp or other obstruction may be placed in the Premises without the prior authorization of the Manager.

24.6. Signs. No Lessee or Permittee shall place, erect or maintain any sign, display, or notice on any property, structure, or improvement within the Premises or the immediate fastland operated, maintained or controlled by MRC without the prior written consent of the Manager. A Lessee or Permittee may place one (1) sign on the exterior of a vessel advertising the sale or offering for sale of said vessel. Such a sign shall be displayed only two (2) days a week for one (1) month. The Manager may direct the removal of any nonconforming or unauthorized sign, display, or notice. In the event that a Lessee or Permittee refuses to remove it, such refusal shall constitute grounds for cancellation of the lease or permit.

24.7. Maintenance of Marina. A Lessee or Permittee shall immediately notify the Manager of the need for repairs to the docks or any dangerous conditions in the marina requiring attention.

24.8. Alteration of Docks. A Lessee shall not alter any dock in any way without the prior written consent of the Manager.

24.9. Nuisance. No Lessee or Permittee shall use their vessel in such a manner or maintain it in such a condition that its presence in the marina is a nuisance. A "nuisance" is defined as when the health or safety of others is threatened or their quiet and peaceful use of the marina is interfered with.

24.10. Guests Aboard At Night. A Lessee or Permittee shall not have more than five guests aboard his or her vessel while at its berthing space or mooring space between the hours of 8:00 p.m. and 4:00 a.m. The one exception to this rule shall be when a vessel is departing or arriving at its berthing or mooring space. In such an event, any guests may remain only as long as engaged in performing any acts necessary for the departure or arrival, such as the loading and unloading of the vessel.

24.11. Unreasonable Noise. A Lessee or Permittee shall not create, or allow to be created by any person, animal, machinery, hardware, sound system, radio, television, or any form of device, any sound which may be considered offensive or a nuisance to any other user of the marina, taking into consideration the circumstances of the time, place, and nature of the sound.

XXV. ENFORCEMENT

25.1 Effect of Rules on Leases and Permits.

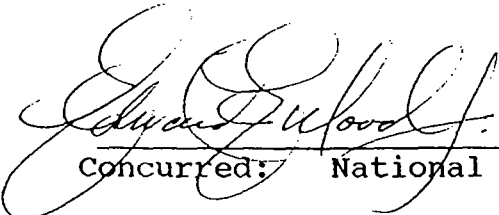
(a) These Rules, as stated herein, and as they may be amended from time to time are express conditions of every lease and permit.

(b) A violation of these Rules may result in the cancellation of a lease or permit by the Manager.

25.2. Enforcement of Rules. These Rules may be enforced against persons who are not lessees or permittees by an action for specific performance and/or damages.

  
Concurred: Marine Revitalization Corporation Jan. 22, 1997

  
Concurred: Dept. of Lands & Natural Resources Jan. 22, 1997

  
Concurred: National Park Service Jan 27, 1997





Commonwealth of the Northern Mariana Islands  
Department of Public Health

*Office of the Secretary*

**PROPOSED AMENDMENTS TO THE SCHEDULE OF FEES  
DEPARTMENT OF PUBLIC HEALTH**

Citation of Statutory Authority:

1 CMC §2605 states that "the Department of Public Health ... shall adopt rules and regulations regarding those matters over which it has jurisdiction, including but not limited to regulations deemed necessary to the public health and safety respecting: (j) Hospitals, clinics ..." 1 CMC §2603(f) grants the Department of Public Health the power and duty to administer all government-owned health care facilities.

Short Statement of Goals  
& Objectives:

The Department of Public Health must revise its fee schedule from time to time in order to reflect the actual cost of providing health services, or to add fees for services that become available as a result of new equipment acquisitions or the addition of medical personnel in a particular specialty area.

Brief Summary of the  
Proposed Rule:

To establish fees for services provided at the various health care facilities operated by the Department of Public Health, including the Commonwealth Health Center, the Tinian Health Center, the Rota Health Center, the Division of Public Health, and the San Antonio Clinic.

Contact Person(s):

Lina Villagomez, Technical Analyst, CHC.

Citation of Related and/or  
Affected Statutes, Regulations,  
and Orders:

Department of Public Health Fee Schedule, published in Vol. 17, No. 2 of the Commonwealth Register, pages 12752-12948 (February 15, 1995), and amendments thereto.

Date:

3/11/99

Celeste E. Andersen, Legal Counsel  
Department of Public Health



Commonwealth of the Northern Mariana Islands  
Department of Public Health

Office of the Secretary

PUBLIC NOTICE

PROPOSED AMENDMENTS TO THE SCHEDULE OF FEES  
DEPARTMENT OF PUBLIC HEALTH

Title 1 CMC Division 2, Chapter 12, and in particular 1 CMC §2603(f) and 2605(j), provides that the Secretary of the Department of Public Health (DPH) shall administer all government owned facilities and shall implement rules and regulations for the efficient delivery of health services in the CNMI.

Pursuant to this authority, the Secretary is amending specific fees from the Schedule of Medical and Other Related Fees which was published in its entirety, and adopted, in the Commonwealth Register Volume 17, Number 2, dated February 15, 1995 and Volume 17, Number 4, dated April 15, 1995, respectively. These amendments are necessary to reflect accurately in the Schedule of Medical and Other Related Fees the types of services that are now being provided by the Department. The amendments are attached herewith and will be incorporated into the DPH Schedule of Medical and Other Related Fees upon adoption.

In adopting these Amendments to the Schedule of Fees, it is the intention of the Department of Public Health to comply with the requirements of the Administrative Procedure Act, specifically 1 CMC §9104. Copies of the proposed Amendments to the Schedule of Fees may be obtained from the Office of the Secretary of Public Health located at the ground floor of CHC. Comments on the proposed Amendments to the Schedule of Fees may be sent to the Office of the Secretary of Public Health, P.O. Box 409 CK, Saipan, MP 96950. All comments must be received within 30 days from the date this notice is published in the Commonwealth Register.

Certified By: Joseph K.P. Villagomez  
JOSEPH K.P. VILLAGOMEZ  
SECRETARY  
Department of Public Health

3/11/99  
DATE

Filed By: Soledad B. Sasamoto  
SOLEDAD B. SASAMOTO  
Registrar of Corporations

3/17/99  
DATE

Received By: Jose I. Deleon Guerrero  
Jose I. Deleon Guerrero  
SAA  
Governor's Office

3/17/99  
DATE

Pursuant to 1 CMC §2153 as amended by PL 10-50 the rules and regulations attached hereto have been reviewed and approved by the CNMI Attorney General's Office.

Dated this 12 day of March 1999.

Maya Kara  
Attorney General (Acting)  
Elliot Sattler, AAC



**Commonwealth of the Northern Mariana Islands  
Department of Public Health**

*Office of the Secretary*

**NUTISIAN PUBLIKU**

**PRINUPONI SIHA NA AMENDASION GI LISTAN APAS  
DIPATTAMENTON HINEMLO' PUBLIKU**

I Tituilu I gi Kodikon Commonwealth (CMC) Dibision 2, Kapitulu 12 yan patikulatmente i 1 CMC §2603(f) yan 2606(j), ha pribebeni i Sikritarion Dipattamenton Public Health (DPH osino' Dipattamenton Hinemlo' Publiku, na para guiya u atministra todú fasilidat gobetno siha yan u enfuetsa todú areklamento yan regulasion siha para minaolek mana'en setbision hinemlo' gi halom i (CNMI) Islas Marianas.

Sigun gi este na aturidat, i Sikritariu ha amemenda espisifiku siha na presiu ginen i lista put mediku yan otro siha apas (Schedule of Medical and Other Related Fees) ni ma publika gi entieru-na, yan ma adapta, gi Rehistran Commonwealth, Volume 17, Numeru 2, gi Febreru 15, 1995 yan Volume 17, Numero 4, gi Abrit 15, 1995. Prisisu este siha na amendasion gi listan presiu siha put mediku yan otro siha apas put para u riflekta i dinanche siha na klasin setbisio ni ma pribeni gi dipattamento. I amendasion mandadana sigun este na notisia ya u ma na patte gi lista put mediku yan otro siha apas (Schedule of Medical and Other Related Fees) gi depattamento gi ma adaptanna.

Gi ma adaptanna este siha na amendasion gi listan presiu siha, ha entensiosiona i Dipattamenton Hinemlo' Publiku kumuple i kondesion siha ni manma' establesi nu i "Administrative Procedure Act" na akto, espesiatmente i 1 CMC §9104. Kopia siha put i manma' prupojoni na amendasion gi Listan Apas siha sina manmachuchule' gi Ufsinan i Sikritarion Hinemlo' Publiku gi primet bibenda gi CHC. Dokumento siha put i manma' prupojoni na amendasion gi Listan Apas sina mana' fanhahanao guato gi: Office of the Secretary of Public Health, P.O. Box 409 CK, Saipan, MP 96950. Todú dokumento siha debi di u fanma risibi gi halom trenta (30) dias despues di i fechan ni publika este na nutisia gi Rehistra Commonwealth.

Mas setefika nu as:	<u>Joseph K.F. Villagomez</u> Joseph K.F. Villagomez Sekretariu Dipattamenton Publi Health	<u>3/11/99</u> Fecha
Ma Rikot nu as:	<u>SOLEDAD B. SASAMOTO</u> SOLEDAD B. SASAMOTO Registrar of Corporation	<u>3/17/99</u> Fecha
Ma Resibi as:	<u>Jose L. Deleon Guerrero</u> Jose L. Deleon Guerrero SAA Governor's Office	<u>3/17/99</u> Fecha

Pursuant to 1 CMC 2153 as amended by PL 10-50 the rules and regulations attached hereto have been reviewed and approved by the CNMI Attorney General's Office.

Dated this 12 day of March 1999.

Maya Kara  
Attorney General (Acting)  
  
By: ELLIOTT A. SATTLER  
Elliot Sattler, AAG

**DEPARTMENT OF PUBLIC HEALTH  
AMENDMENT TO THE SCHEDULE OF MEDICAL  
AND OTHER RELATED FEES**

<u>CPT #</u>	<u>CPT SHORT DESCRIPTION</u>	<u>AMOUNT</u>
11954	Subcutaneous injection of "filling" material (e.g., collagen; over 10.0 cc)	142
20692	Application of a multiplane (pins or wires in more than one plane), unilateral, external fixation system (e.g. Iizarov, Monticelli type)	576
20693	Adjustment or revision of external fixation requiring anesthesia (e.g., new pin(s) or wire(s) and/or new ring(s) or bar(s))	375
21026	Excision of facial bone(s)	358
29880	Arthroscopy, knee, surgical; with meniscectomy (medial & lateral including any meniscus shaving)	930
37620	Interruption, partial or complete, of inferior vena cava by suture, ligation, plication, etc.	879
46924	Destruction of lesion(s) anus (e.g. condyloma, papilloma, molluscum contagiosum, etc.)	258
52277	Cystourethroscopy, with resection of external sphincter (sphincterotomy)	516
55175	Repair of scrotoplasty; simple	446
57061	Destruction of vaginal lesion(s); simple, any method	99




COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
**Medical Profession Licensing Board**

**PUBLIC NOTICE**

**PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS  
FOR LICENSING HEALTH CARE PROFESSIONALS  
CHAPTER IX: PHYSICAL THERAPY**

The Medical Profession Licensing Board of the Commonwealth of the Northern Mariana Islands, in accordance with the authority vested in it pursuant to 3 CMC §2214 (a) hereby proposes this amendment to the Rules and Regulations for Licensing Health Care Professionals, originally published in Volume 11 No. 9 of the Commonwealth Register (September 15, 1989). This amendment will add a new chapter to the existing regulations specifically regulating the practice of physical therapy in the CNMI.

It is the intention of the Medical Profession Licensing Board to comply with the requirements of the Administrative Procedures Act, specifically 1 CMC §9104, in proposing these Rules and Regulations. Copies of the proposed Rules and Regulations may be obtained from Medical Profession Licensing Board office located on the ground floor of the Commonwealth Health Center. Comments on the proposed Rules and Regulations may be sent to the Medical Profession Licensing Board, P.O. Box 409 CK, Saipan, MP, 96950. All comments must be received within thirty (30) days from the date this notice is published in the Commonwealth Register.

  
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VICENTE S. ALDAN, M.D.  
Chairman  
Medical Profession Licensing Board


Date: 2/23/99

Certification by Office of the Attorney General

Pursuant to 1 CMC §2153 as amended by PL 10-50, the proposed rules and regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Office of the Attorney General.

  
\_\_\_\_\_  
MAYA KAR  
Acting Attorney General

Date: 3/8/99

Filed By:   
SOLEDAD B. SASAMOTO  
Registrar of Corporations

Date: 3/17/99

Received By:   
JOSE I. DELEON GUERRERO  
Special Assistant for Administration

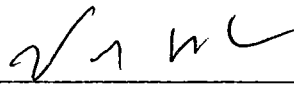
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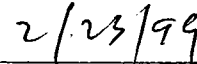
**ARONGORONGOL TOULAP**

**POMWOL LLIWEL REEL ALLEGHUL  
LICENSING HEALTH CARE PROFESSIONALS  
CHAPTER IX: PHYSICAL THERAPY**

Medical Profession Licensing Board mewóol Commonwealth Metawal Wóol Falúw Kka Marianas, sáangi aileewal autol bwángil iye e lo llól 3 CMC § 2214(a) bwelle milleel e ayooora pomwol lliiwel reel Alléghúl Licensing Health Care Professionals, iye eghommwal póblikalong llól Volume 11 No. 9 mellól Commonwealth Register Maan(September) 15, 1989. Lliiwel kkaal nge imwu ebwe lo bwe eew miliffé mellól chapter ngáli allégh kkaal iye e ghil ngáli mwóghútúl physical therapy mellól CNMI.

Llol típal Medical Profession Licensing Board reel rebwe tabwey meta kka efil mellól Administrative Procedures Act yeel, e maas ghil ngáli 1 CMC § 9104, reel pomwol Allégh kkaal. Kopiyal Pomwol Allégh kkaal nge emmwel ubwe bweibwogh mereel Bwulasiyol Medical Profession Licensing Board iye e lo bwuley ye Imwal Safey(Commonwealth Health Center). Mángemáng ngare ayegh reel pomwol Allégh kkaal nge ebwe akkafang ngáli Medical Profession Licensing Board, P.O.Box: 409 CK, Saipan MP, 96950. Alongal mángemáng ngare ayegh kkaal nge essóbw aluuw lo llól eliigh(30) rál sáangi rál la e toolong arong yeel llól Commonwealth Register.

  
\_\_\_\_\_  
Vicente S. Aldan, M.D.  
Chairman  
Medical Profession Licensing Board

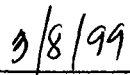
  
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Rál

E appelúghúlúgh mereel Bwulasiyol Attorney General


Sáangi autol 1 CMC § 2153 iye a lliiwel mereel aileewal Alléghúl Toulap(Public Law) pomwol allégh kkaal nge atakkal scheescheel amweri mereel bwulasiyol CNMI Attorney General.

ELLIOTT A. SATELER  
\_\_\_\_\_

Maya Kara  
Acting Attorney General

  
\_\_\_\_\_  
Rál

Isáiyal:

  
Soledad B. Sasamoto

3/17/99

Rái

Bwughiyal:

  
José I. Deleon Guerrero  
Special Assistant for Administration

3/16/99

Rái



**MEDICAL PROFESION LICENSING BOARD**

**NOTISIAN PUBLIKU**

**I MAPROPONE SIHA NA AREKLAMENTO YAN REGULASION PUT MALISENSIAN AYU  
SIHA NA PROFEISONAT PARA HINNEMLO' I TAOTAO SIHA**

**KAPITULU IX: PHYSICAL THERAPY**

I Medical Profession Licensing Board gi Commonwealth i Sangkattan Siha Na Islas Marianas, sigun gi aturidat ginen i 3 CMC S2214 (a) ginen este ha proporpone este siha na amendasion gi Areklamento yan Reegulasion put Malisensian Health Care Professionals, ni mapubblika orignatmente gi Baluma 11 No. 9 halom i Rehistran Commonwealth (Septembre 15, 1989). Este na amendasion para u maomenta halom di gi nuebo na kapitulu para i presentu siha na regulasion espesifikatmente i para u manea este i physical therapy gi CNMI.

Gaige gi intension i Medical Professional Licensing Board paras u matattiyi i sinangan yan nasisdat gine Administrative Procedures Act, espesifikatmente gine i 1 CMC S9104, gi priniponen este siha na Areklamento yan Regulasion. Para hayi na petsona malago guaha kopian e Priniponen Medical Profession Licensing gi Ofisina i Board ni gaige gi primet bibenda, Commonwealth Health Center, Osino mana hanao guatopara sigiente na adres este i Medical Profession Licensing Bopard, P.O. Box 409 CK, Saipan, MP, 96950. Todu komentu debi di u fanmarisibi gi halom trenta (30) dias despues di mapubblika huyong este na nutisia gi Rehistran Commonwealth



Fecha: 2/23/99

VICENTE S ALDAN, MD  
Chairman  
Medical Profession Licensing Board


Setifikasion ginen Ofisinan Attorney General

Sigun gi 1 CMC S2153 ni inamenda ni Lai Pubblica 10-5-, i mapropopone siha na areklamento yan regulasion ni chechetton guine esta maribisa yan apreba komu esta humuyong liogat yan sufisienti na fiotma ginen Ofisinan CNMI Attorney General.


ELLIOTT A. SATTLER

Fecha: 2/8/99

MAYA KARA  
Acting Attorney General

Ma file   
as: \_\_\_\_\_  
SOLEDAD B. SASAMOTO  
Rehistradoran Kotporasion

Fecha: 2/17/99

Rinisibi   
as: \_\_\_\_\_  
JOSE I. DELEON GUERRERO  
Special Assistant for Administration

Fecha: 3/16/99

**Proposed Amendments to the Rules and Regulations  
For Licensing Health Care Professionals  
Chapter IX: Physical Therapy**

Citation of Statutory Authority: 3 CMC §2214 (a) authorizes the Medical Profession Licensing Board to adopt rules and regulations consistent with the Medical Practices Act. 3 CMC §2222(12) of the Medical Practices Act empowers the Medical Profession Licensing Board to require any health care professional to be licensed, as determined by the Board.


Short Statement of Goals & Objectives: The purpose for proposing amendments to the Rules and Regulations is to control the practice of Physical Therapy in the CNMI. Currently, there are persons in the CNMI who have represented themselves to be physical therapists when in fact they have not been educated or licensed as physical therapists in the United States or Canada. The Board has no way of assessing these individuals' level of training or competence. To protect the public from harm or serious injury that can result from untrained professionals extending their services, the Board will require all persons wishing to practice physical therapy in the CNMI to apply for a license.

Brief Summary of the Proposed Rule: The proposed amendments to the Rules and Regulations define the profession of Physical Therapy, require a license to practice Physical Therapy in the CNMI, establish the scope of work for Physical Therapists and their assistants, and place limitations on the use of professional titles associated with the profession of Physical Therapy.

Contact Person(s): Vicente Aldan, M.D. or Raffaella Perry, Medical Profession Licensing Board; Theresa Olesch, P.T., Commonwealth Health Center.

Citation of Related and/or Affected Statutes, Regulations, and Orders: 3 CMC §2201-§2272; Medical Profession Licensing Board Regulations for Licensing of Health Care Professionals, Vol. 11 No. 9 Commonwealth Register 6373-6456 (September 15, 1989)

Date: 2/11/99

  
Celeste E. Andersen, Legal Counsel  
Department of Public Health

CHAPTER XI  
PHYSICAL THERAPY  
REGULATIONS

**1. Definitions:**

For the purposes of this Chapter, the following terms shall have the meanings set forth below:

- A. The Board: means the Medical Profession Licensing Board of the CNMI.
  
- B. Physical Therapy: means the care and services provided by or under the direction and supervision of a physical therapist licensed pursuant to these regulations.
  
- C. Physical Therapist: means a person who has met all the conditions of these regulations for Licensure, and is licensed in the CNMI to practice physical therapy.
  
- D. Practice of Physical Therapy means:
  - 1. Examining and evaluating patients with mechanical, physiological and developmental impairments, functional limitations, and disability or other health-related conditions in order to determine a treatment diagnosis, prognosis, and planned therapeutic intervention.
  - 2. Alleviating impairments and functional limitations by designing, implementing, and modifying therapeutic interventions that include, but are not limited to:
    - a. therapeutic exercise (including aerobic conditioning);
    - b. functional training in self care and community or work reintegration;
    - c. manual therapy techniques including: soft tissue and joint mobilization and manipulation, therapeutic massage;
    - d. utilization of assistive and adaptive devices and equipment
    - e. bronchopulmonary hygiene;
    - f. debridement and wound care;
    - g. physical agents, mechanical and electrotherapeutic modalities, and testing of neuromuscular performance;
    - h. patient-related instruction.
  - 3. Applying topical and aerosol medications as part of the practice of physical therapy as defined herein.
  - 4. Preventing injury, impairments, functional limitations, and disability, including the maintenance of fitness, health, and quality of life in all age populations.
  - 5. Engaging in consultation, clinical research, and education of the general public.

E. "Assistive personnel": shall include the following individuals who provide assistance to physical therapists in the regular course of the practice of physical therapy:

1. "Physical therapist assistant": means a licensed person who has met the conditions for licensure as a physical therapist assistant pursuant to these regulations and who performs physical therapy procedures and related tasks that have been selected and delegated by the supervising physical therapist.
2. "Physical therapy aide": means a non-licensed person, trained under the direction of a physical therapist, who performs designated routine physical therapy tasks under the on-site supervision of a licensed physical therapist.
3. "Other assistive personnel": means other trained or educated health care providers not defined in subsections (1) or (2) above, who perform specific tasks related to physical therapy under the on-site supervision of a physical therapist.

F. "On-site supervision": means the supervising physical therapist must be:

1. continuously on-site and present in the department or facility where the physical therapy services are being provided.
2. immediately available to assist the person being supervised in the services being performed.
3. continually involved in appropriate aspects of each treatment session in which a component of treatment has been delegated.

G. "Medical provider": means a referring Medical Doctor, Physician's Assistant, Nurse Practitioner, Dentist, Osteopath, or Podiatrist holding a current and valid license by the Board.

## **2. Practice of Physical Therapy: License required:**

### **A. License to practice :**

No person shall practice physical therapy or in any manner hold himself or herself out to be engaged in the practice of physical therapy, or designate himself or herself as a physical therapist, unless duly licensed as a physical therapist by the Board accordance with these regulations.

### **B. Qualifications for Licensure by Reciprocity:**

1. Every applicant for a license to practice Physical Therapy must:
  - a. be of good moral character;

2.

- b. be a graduate of a program accredited by the American Physical Therapy Association or the Canadian Physiotherapy Association leading to a degree in physical therapy;
  - c. have completed the application for Licensure in the CNMI;
  - d. have successfully passed the Physical Therapy Licensing Examination in the United States or Canada;
  - e. also possess a valid license in a state of the United States or a province of Canada.
2. The Board shall certify and approve all credentials of the applicant for a physical therapy license prior to issuing a license.

C. Application by Foreign-Educated Physical Therapists:

Any person educated, trained, and licensed in a jurisdiction outside the United States or Canada must have successfully completed the Physical Therapy Licensing Examination in the United States or Canada, and hold a current license to practice physical therapy in a state of the United States or a province of Canada in order to obtain a license in the CNMI .

D. Qualifications for Licensure as a Physical Therapist Assistant:

1. Every applicant for a license to practice as a physical therapist assistant must:
  - a. be of good moral character;
  - b. be graduate of a physical therapist assistant program accredited by the American Physical Therapy Association;
  - c. have successfully completed the application for Licensure in the CNMI;
  - d. have successfully completed the Physical Therapist Assistant Licensure examination in the United States and must hold a license as a physical therapist assistant in a state of the United States.
2. The Board shall certify and approve applicants for physical therapist assistant license after all application processes are completed.

E. Application fees for Licensure and Certification:

An applicant for Licensure as a physical therapist or physical therapist assistant shall file a written application on forms provided by the Board. A non-refundable application fee shall accompany the completed written application. Fees shall be established by the Board.

F. Renewal of physical therapist or physical therapist assistant license:

1. The license of the physical therapist or physical therapist assistant shall be valid for two years.

2. The license shall be renewed after the payment of fees provided the individual has complied with these regulations for the practice of the physical therapy profession.
3. The Board shall encourage ongoing competency to practice physical therapy by requiring, for renewal of license, at least one continuing education course per year. Inservice training, home study courses, and other acceptable activities can be substituted for the actual attendance at a course.

G. Exceptions to the practice of physical therapy with a license: The following persons shall be exempt from Licensure as physical therapists under these regulations:

1. Any person pursuing a course of study leading to a degree as a physical therapist in an entry level educational program approved by the American Physical Therapy Association, or the Canadian Physiotherapist Association. He/she shall at all times be under the on-site supervision of a physical therapist who shall be legally and professionally responsible for the student's performance.
2. Physical therapists practicing in the United States Armed Services, United States Public Health Service or Department of Veteran's Affairs as based on the requirements under federal law for state Licensure of health care providers.

### **3. The Practice of Physical Therapy; Scope of Practice:**

A. Responsibilities of the licensed physical therapist:

Regardless of the setting in which physical therapy services are provided, the following responsibilities must be performed solely by a licensed physical therapist:

1. The physical therapist shall interpret patient referrals prior to the evaluation/assessment of the patient. The referral for physical therapy must be made by a medical provider.
2. The physical therapist shall complete the initial examination, provide problem identification, planning, implementation, and supervision of the therapeutic program; reevaluate and change that program; and maintain adequate records of the case, including progress reports.
3. When the patient's needs are beyond the scope of the physical therapist's expertise, or when additional services beyond physical therapy are indicated, the patient shall be so informed and assisted in identifying a qualified provider. As a courtesy, the referring medical provider should be notified of the referral of the patient to a different provider.

4.

4. If a referring medical provider prescribes a treatment program, alteration of that program or extension of physical therapy services beyond that program should be undertaken only after consultation with the referring medical provider.
5. When the physical therapist assesses that a patient will no longer benefit from physical therapy services, he/she shall so inform the patient and the referring medical provider. A physical therapist shall avoid over-utilization of physical therapy services.
6. The physical therapist shall not initiate or continue services that will not result in beneficial outcomes or that are contraindicated.
7. Regardless of practice setting, the physical therapist shall maintain the ability to make independent professional judgments.
8. The physical therapist shall be responsible for the establishment of discharge plans and documentation of discharge summary or status.
9. The physical therapist shall provide for utilization review of his or her services, by self review, following established guidelines of practice.
10. The physical therapist shall participate in quality assurance activities, by peer review or self assessment.
11. The physical therapist shall adhere to the recognized standards of ethics of the physical therapy profession.

**B. Supervision of assistive personnel:**

1. The physical therapist shall assure the competence of assistive personnel to perform assigned tasks .
2. The physical therapist shall not delegate to a less qualified person any activity which requires the unique skill, knowledge, and judgment of a physical therapist.
3. In establishing a treatment protocol for the physical therapist assistant, the physical therapist shall identify and document precautions, special problems, contraindications, goals, anticipated progress, and plans for reevaluation.
4. If the treatment of a patient is delegated to a physical therapist assistant, the physical therapist shall reevaluate and provide treatment to the patient at least every 5th visit, or, if the treatment is performed more than once a day, reevaluation must be performed at least once per week.
5. The physical therapist shall designate or establish channels of written and oral communication with the physical therapist assistant.
6. The physical therapist shall determine which tasks in the plan of care for a patient requires the expertise and decision making capacity of the physical therapist and which can be delegated to assistive personnel.

7. The physical therapist shall be responsible for the delegation and instruction of the services to be rendered by the physical therapist assistant, or other assistive personnel, including, but not limited to: specific treatment programs, precautions, special problems, and contraindicated procedures.

C. Scope of practice for physical therapist assistant:

The physical therapist shall at all times be professionally and legally responsible for patient care by the physical therapist assistant. The physical therapist assistant may provide physical therapy services pursuant to the following guidelines:

1. The physical therapist assistant may not initiate or alter a treatment program without prior evaluation by and approval from the supervising physical therapist.
2. The physical therapist assistant may, with prior approval by the supervising physical therapist, adjust a specific treatment procedure in accordance with changes in patient status.
3. The physical therapist assistant may not interpret data beyond the scope of his/her physical therapist assistant education.
4. The physical therapist assistant may respond to inquiries by patients regarding their status within the physical therapist assistant's scope of knowledge.
5. The physical therapist assistant shall refer inquiries regarding patient prognosis to a supervising physical therapist.
6. The physical therapist assistant shall report all adverse patient responses to any part of the physical therapy program to the supervising physical therapist.
7. The physical therapist assistant may refuse to carry out treatment procedures that he or she believes are not in the best interests of the patient. Furthermore, he or she shall discontinue immediately any treatment procedures which, within his or her judgment, are harmful to the patient.
8. The physical therapist assistant shall not hold himself or herself out as a physical therapist.

D. Scope of practice for physical therapy aides:

The physical therapist shall be professionally and legally responsible for patient care given by aides. A physical therapist may delegate to the physical therapy aide selected acts, tasks, or procedures which fall within the scope of physical therapy practice, but do not exceed the aide's education or training, pursuant to the following guidelines:

1. A physical therapy aide shall perform patient care activities under the on-site supervision of a licensed physical therapist.



2. The physical therapy aide shall not hold himself or herself out as a physical therapist.
3. The physical therapy aide shall report all adverse patient responses to any part of a physical therapy program to the supervising therapist.
4. The physical therapy aide shall refer inquiries regarding patient prognosis to a supervising physical therapist.

**E. Exceptions:**

Nothing in this act shall be construed as restricting persons licensed under any other law of the CNMI from engaging in the profession or practice for which he/she is licensed.

**4. Use of Titles: Restrictions:**

**A. Use of "physical therapy":**

It shall be unlawful for any person or for any business entity, its employees, agents, or representatives to use in connection with his/her name or business activity the words "physical therapy", "physical therapist," "physiotherapy," "physiotherapist," "registered physical therapist," the letters "PT", "LPT", "RPT", "MPT", "DPT", or any other words, abbreviations, or insignia indicating or implying directly or indirectly that physical therapy is provided or supplied, including the billing of services labeled as physical therapy, unless such services are provided by or under the direction of a physical therapist licensed in accordance with these regulations.

**B. Use of "PT":**

A licensed physical therapist shall use the letters "PT" or "RPT" in connection with his/her name or place of business to denote his/her licensure hereunder, or the proper letter designation indicating his/her level of professional degree (e.g. MPT, DPT).

**C. Use of "physical therapist assistant":**

No person shall use the title "physical therapist assistant", "physiotherapist assistant", "physical therapy assistant", or use the letters "PTA" in connection with his/her name, or any other words, abbreviations, or insignia indicating or implying directly or indirectly that he/she is a physical therapist assistant unless he/she has graduated from an accredited physical therapist assistant education program approved by the American Physical Therapy Association and has met the requirements of these regulations.

**D. Use of "physical therapy aide":**

No person shall use the title "physical therapy aide" or "physiotherapy aide" or any combination of words to imply directly or indirectly that he/she is a physical therapy aide unless he/she is under the on-site supervision of a licensed physical therapist in accordance with these regulations.



**BOARD OF PROFESSIONAL LICENSING  
Commonwealth of the Northern Mariana Islands**


P.O. Box 2078  
Saipan, MP 96950  
Tel. No.: (670) 234-5897  
Fax No.: (670) 234-6040


**NOTICE OF PROPOSED AMENDMENTS TO THE  
RULES OF PROFESSIONAL CONDUCT FOR  
ENGINEERS, ARCHITECTS, LAND SURVEYORS  
AND LANDSCAPE ARCHITECTS**

The Board of Professional Licensing hereby notifies the General Public that it proposes to amend its Rules of Professional Conduct for Engineers, Architects, Land Surveyors and Landscape Architects. Interested persons may obtain copies of the proposed amendments from the Board of Professional Licensing Office, 2nd Floor of the ICC Building, Gualo Rai.

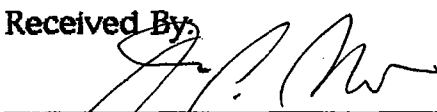
Anyone interested in commenting on the proposed amendments may do so within 30 days from the date of this notice is published in the Commonwealth Register.

Dated this 3<sup>rd</sup> day of March, 1999.

  
\_\_\_\_\_  
Manuel M. Pangelinan  
Chairman

Filed By:   
\_\_\_\_\_  
Soledad B. Sasamoto  
Registrar of Corporations

3/17/99  
Date

Received By:   
\_\_\_\_\_  
Jose I. Deleon Guerrero  
Special Assistant for Administration

3/16/99  
Date

Pursuant to 1 CMC §2153 as amended by P.L. 10-50 the Rules of Professional Conduct attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General's Office.

Dated this 8 day of March, 1999.

Maya B. Kara  
Attorney General (Acting)

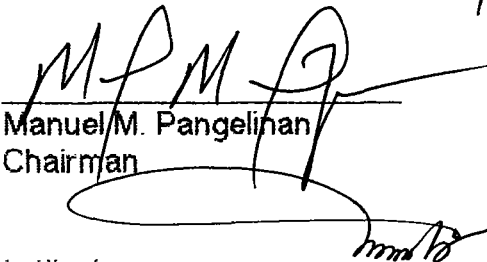



**ARONGORONG REEL POMWOL LLIWEL REEL ALLEGHUL  
PROFESSIONAL CONDUCTORS NGALIIR ENGINEERS, ARCHITECTS,  
LAND SURVEYORS ME LANDSCAPE ARCHITECTS**

Board of Professional Licencing sáangi milleel ekke arongaar toulap bwe ekke pomwoli reel ebwe ayooora lliiwel mellól autol Alléghúl mille Professional Conduct ngáliir Engineers, Architects, Land Surveyors, me Landscape Architects. Iyo e tipeli ebwe yoor yaal kopiya reel pomwol lliiwel kkaal nge ebwe bweibwogh mereel Bwulasiyol Board of Professional Licencing, 2nd floor reel ICC Building Gualo Rai.

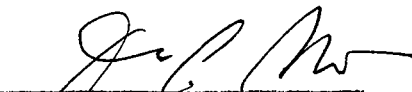
Iyo e tipeli ebwe isisilong yaal ayegh ngare mángemáng ebwe féerú schagh nge ebwe llól eliigh(30) rál sáangi tolongol arong yeel llól Commonwealth Register.

Rál ye 3<sup>rd</sup> llól maramal March, 1999.

  
Manuel M. Pangelinan  
Chairman

Isáliyál:   
Soledad B. Sasamoto  
Registrar of Corporations

3/17/99  
Rál

Bwughiyál:   
Jose I. Deleon Guerrero  
Special Assisitant for Administration

3/16/99  
Rál

Sáangi 1 CMC 2153 iye a lliiwel lól sáangi Alléghúl Toulap 10-50, alléghúl Professional Conduct kkaal nge atakkal amweri sefááli me appelúgh ló mereel Bwulasiyol CNMI Attorney General.

Rál ye 8<sup>th</sup> llól maramal March, 1999.

MAya B. Kara  
Attorney General(Acting)

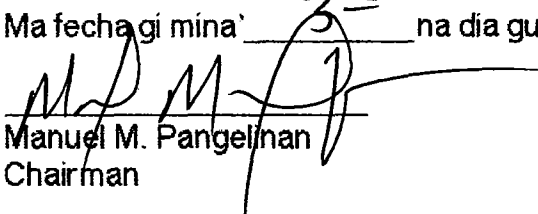
Mereel: ELLIOTT A. SATTLER  
Elliot A. Sattler  
Assistant Attorney General

**NUTISIA PUT I MAPROPOPONE SIHA NA MAENDASION  
GI AREKLAMENTON KONDUKTAN PROFESIONAT SIHA KOMU  
ENGINEERS, ARCHITECTS, LAND SURVEYORS  
YAN LANDSCAPE ARCHITECTS**

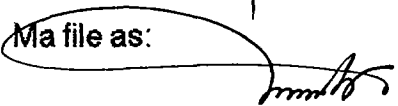
I Board of Profesisonal Licensing ginen este mana'na'e nutisa para i pupbliku henerat put i priniponen amendasion gi Areklamenton Konduktan Profesionat siha Para Engineers, Architects, Land Surveyors yan Landscaspe Architects. Hayi ineresao siha na petsona siha mañule kopian este na priniponen amendasion gi Ofisinan Board of Professional Licensing, 2nd Bibenda gi ICC Building Gualo Rai.

Para hayi malago mamamtinas komentu put i mapropopone siha na amendasion siha ha satmiti halom gi tinige' trenta (30) dias despues di mapupblika huyong este na nutisia gi Rehistran Commonwealth.

Ma fecha gi mina' 3<sup>rd</sup> na dia guine na mes i March, 1999.

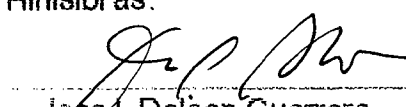
  
Manuel M. Pangelinan  
Chairman

Ma file as:

  
Soledad B. Sasamoto  
Rehistradoran Kotporasion

3/17/99  
Fecha

Rinisibi as:

  
Jose I. Deleon Guerrero  
Special Assitant for Administration

3/16/99  
Fecha

Sigun gi 1 CMC §2153 ni inamenda ni Lai Pupbliku 10-50 i Areklamento put Konduktan Profesionat ni chechelt on guine esta naribisa yan apreba komu fotma yan ligat komu sufisiente ginen Ofisinan Attomey General giya CNMI.

Ma fecha gi mina' 8<sup>th</sup> na dia, guinen na mes i March, 1999.

Maya B. Kara  
Attomey General (Acting)  
ELLIOTT A. SATTLER  
Ginen: Elliott A. Sattler  
Assistant Attomey General



**BOARD OF PROFESSIONAL LICENSING**  
**Commonwealth of the Northern Mariana Islands**

P.O. Box 2078  
Saipan, MP 96950  
Tel. No.: (670) 234-5897  
Fax No.: (670) 234-6040

***Statutory Authority***

The Board of Professional Licensing promulgated these proposed amendments to the Rules of Professional Conduct pursuant to the powers granted it by Section 3108 of 4 CMC, Div. 3 (P.L. 1-8 and 4-53).

***Statement of Goals***

The intent of the amendments is to update the rules and be consistent with the national organizations, specifically NCEES and NCARB, which is to safeguard life, health, and property, to promote public welfare, and for all licensed engineers, architects, land surveyors, and landscape architects to maintain a high standard of integrity and practice in the CNMI.

***Brief Summary of the Proposed Amendments***

The proposed amendments is to update the rules with the revisions to the guidelines of NCEES and NCARB's rules specifically the preamble; Section 2.4 under Conflict of Interest where professionals should disclose in writing to their client or employer if they have any business association or financial interest substantial enough to influence his or her judgement in connection with the professional service; Section 4.3 under Compliance with Laws where professionals shall comply with the licensure laws and regulations governing their profession in the CNMI or any other U.S. jurisdiction; Section 5.2 under Professional Conduct where professionals shall not sign or seal plans which was not prepared by or under their direct supervision; and Section 6.1 under Solicitation of Work where solicitation of professional work in the CNMI shall be consistent with applicable CNMI laws, rules and regulations including but not limited to the CNMI Procurement Regulations.

***For further information contact:***

Florence Sablan Bocago, Board Administrator  
234-5897 / 235-5898 or Fax 234-6040

# BOARD OF PROFESSIONAL LICENSING

## Rules of Professional Conduct for Engineers, Architects, Land Surveyors and Landscape Architects

### Preamble

To comply with the purpose of 4 CMC, Div. 3 - which is to safeguard life, health, and property, to promote the public welfare, and to maintain a high standard of integrity and practice - the Board of Professional Licensing has developed the following Rules of Professional Conduct. These rules shall be binding on every person holding a license to offer or perform engineering, architectural, land surveying, or landscape architecture services in the CNMI. All persons licensed under 4 CMC, Div. 3 are required to be familiar with the licensing statute, regulations, and these rules. The Rules of Professional Conduct delineate specific obligations the licensee must meet. In addition, each licensee is charged with the responsibility of adhering to the highest standards of ethical and moral conduct in all aspects of the practice of professional engineering, architectural, land surveying, and landscape architecture.

The practice of professional engineering, architectural, land surveying, and landscape architecture is a privilege, as opposed to a right. All licensees shall exercise their privilege of practicing by performing services only in the areas of their competence according to current standards of technical competence.

Licensees shall recognize their responsibility to the public and shall represent themselves before the public only in an objective and truthful manner.

They shall avoid conflicts of interest and faithfully serve the legitimate interests of their employers, clients, and customers within the limits defined by these rules. Their professional reputation shall be built on the merit of their services, and they shall not compete unfairly with others.

The Rules of Professional Conduct as promulgated herein are enforced under the powers vested in the Board of Professional Licensing by virtue of and are supplementary and in addition to applicable CNMI law(s) and current and future rule(s) and regulation(s) promulgated and adopted by the BPL.

### I. Competence

- 1.1 In the practice of engineering, architecture, land surveying, and landscape architecture a sole practitioner, partnership, association, corporation or joint venture shall act with reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by **licensed** engineers, architects, land surveyors

and landscape architects of good standing, practicing in the same locality.

- 1.2 In designing a project, an engineer, architect, land surveyor or landscape architect shall take into account all applicable federal, Commonwealth and municipal laws or regulations. While the engineer, architect, land surveyor, or landscape architect may rely on the advice of other professionals (e.g., attorneys, consultants, and other qualified persons) as to the intent and meaning of such laws and regulations, once having obtained such advice, an engineer, architect, land surveyor, or landscape architect shall not knowingly design a project in violation of such laws and regulations.
- 1.3 An engineer, architect, land surveyor, or landscape architect shall undertake to perform professional services only when he or she, together with those whom the engineer, architect, land surveyor, or landscape architect may engage as consultants, are qualified by education, training and experience in the specific technical areas involved.
- 1.4 No person shall be permitted to practice engineering, architecture, land surveying or landscape architecture if, in the Board's judgement, such person's professional competence is substantially impaired by physical or mental disabilities.

## **II. Conflict of Interest**

- 2.1 An engineer, architect, land surveyor, or landscape architect shall not accept compensation for his or her services from more than one party on a project unless the circumstances are fully disclosed to and agreed to **(such disclosure and agreement to be in writing)** by all interested parties.
- 2.2 An engineer, architect, land surveyor, or landscape architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.
- 2.3 When acting as the interpreter of construction contract documents and the judge of contract performance, an engineer, architect, land surveyor, or landscape architect shall render decisions impartially, favoring neither party to the contract.
- 2.4 **If an engineer, architect, land surveyor, or landscape architect has any business association or direct or indirect financial interest which is substantial enough to influence his or her judgment in connection with the performance of professional services, the engineer, architect, land surveyor, or landscape architect shall**

**fully disclose in writing to his or her client or employer the nature of the business association or financial interest, and if the client or employer objects to such association or financial interest, the engineer, architect, land surveyor, or landscape architect will either terminate such association or interest or offer to give up the commission or employment.**

- 2.5 The engineer, architect, land surveyor, or landscape architect shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their organization serves as a member. Engineers, architects, land surveyors, or landscape architects serving as members, advisors, or employees of a governmental body or department, who are the principals or employees of a private company, shall not participate in decisions with respect to professional services offered or provided by said company to the governmental body which they serve.

### **III. Full Disclosure**

- 3.1 An engineer, architect, land surveyor, or landscape architect, making public statements on engineering, architectural, land surveying or landscape architecture questions, shall disclose when he or she is being compensated for making such statements.
- 3.2 An engineer, architect, land surveyor, or landscape architect shall accurately represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with work for which he or she is claiming credit.
- 3.3 If, in the course of his or her work on a project, an engineer, architect, land surveyor, or landscape architect becomes aware of a decision taken by his or her employer or client, against the engineer's, architect's, land surveyor's, or landscape architect's advice, which violates applicable federal, Commonwealth or municipal or regulations and which will, in the engineer's, architect's, land surveyor's, or landscape architect's judgement, materially affect adversely the safety to the public of the finished project, the engineer, architect, land surveyor, or landscape architect shall:
- (a) report the decision to the Building Official or other public official charged with enforcement of the applicable federal, Commonwealth or municipal building laws or regulations; and
  - (b) refuse to consent to the decision; and
  - (c) in circumstances where the engineer, architect, land surveyor, or landscape architect reasonably believes that other such decisions will be taken notwithstanding his objection, terminate his services with reference to the project. In the case of a termination in accordance with clause (c), the engineer, architect, land surveyor, or landscape architect



shall have no liability to his or her client or employer on account of such termination.

- 3.4 An engineer, architect, land surveyor, or landscape architect shall not deliberately make a false statement or deliberately fail to disclose **accurately and completely any and all information** requested in connection with his or her application for **licensure** or renewal or **otherwise lawfully requested by the board**.
- 3.5 An engineer, architect, land surveyor, or landscape architect shall not assist the application for **licensure** of a person known by the engineer, architect, land surveyor, or landscape architect to be unqualified in respect to education, training, experience or character.
- 3.6 An engineer, architect, land surveyor, or landscape architect possessing knowledge of a violation of the **licensing law, regulations or rules** by another engineer, architect, land surveyor, or landscape architect shall **immediately** report such knowledge to the Board.
- 3.7 An engineer, architect, land surveyor, or landscape architect shall not knowingly associate with, or permit the use of his or her name in a business venture by any person or firm which he or she knows, or **should know or has** reason to believe, is engaging in business or professional practices of a fraudulent or dishonest **or unprofessional** nature.

#### **IV. Compliance with Laws**

- 4.1 An engineer, architect, land surveyor, or landscape architect shall not, in the conduct of his or her practice, knowingly violate any federal or Commonwealth **law(s), rule(s) or regulation(s)**.
- 4.2 An engineer, architect, land surveyor, or landscape architect shall neither offer nor make any payment or gift to a government official, whether elected or appointed, with the intent of influencing the official's judgment **or contrary to the CNMI Ethics Act, (1 CMC 8501 et seq.)** in connection with a prospective or existing project in which the engineer, architect, land surveyor, or landscape architect is interested.
- 4.3 **An engineer, architect, land surveyor, or landscape architect shall comply with the licensure laws and regulations governing his or her professional practice in the Commonwealth or any United States jurisdiction. An engineer, architect, land surveyor, or landscape architect may after appropriate Notice and hearing, if any, be subject to disciplinary action if, based on grounds substantially similar to those which lead to disciplinary action**

**in the Commonwealth, the engineer, architect, land surveyor, or landscape architect is disciplined in any other U.S. jurisdiction.**

- 4.4 An employer engaged in the practice of architecture, engineering, land surveying, or landscape architecture shall fully comply with any and all applicable federal or Commonwealth law(s) or rule(s) or regulations(s) protecting the rights of persons working for the employer with respect to fair labor standards or with respect to maintaining a work place free of discrimination. For purposes of this rule, any licensed engineer, architect, land surveyor, or landscape architect employed by a firm engaged in the practice of engineering, architecture, land surveying, or landscape architecture who is in charge of the firm's practices, shall be deemed to have violated this rule if the firm has violated this rule.**

**V. Professional Conduct**

- 5.1 Each office maintained for the preparation of drawings, specifications, reports, or other professional work shall have a resident registered engineer, architect, land surveyor, or landscape architect, as the case may be, regularly employed in that office having direct knowledge and supervisory control of such work.**
- 5.2 An engineer, architect, land surveyor, or landscape architect shall not sign or seal drawings, specifications, reports, or other professional work which was not prepared by or under the direct supervision of the engineer, architect, land surveyor, or landscape architect; except that he or she may sign or seal those portions of the professional work that were prepared by or under the direct supervision of persons licensed to practice in the Commonwealth if the engineer, architect, land surveyor, or landscape architect has reviewed in whole or in part such portions and has either coordinated their preparation or integrated them into his or her work and intends to be responsible for its adequacy.**
- 5.3 An engineer, architect, land surveyor, or landscape architect shall neither offer nor make any gifts, other than gifts of nominal value, including, for example, reasonable entertainment and hospitality, with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the engineer, architect, land surveyor, or landscape architect is interested.**
- 5.4 An engineer, architect, land surveyor, or landscape architect shall not engage in conduct involving fraud or **willful** or wanton disregard of the rights of others.**

- 5.5 An engineer, architect, land surveyor, or landscape architect shall not attempt to or injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of another engineer, architect, land surveyor, or landscape architect nor indiscriminately criticize other engineer's, architect's, land surveyor's, or landscape architect's work.

**VI. Solicitation of Work**

- 6.1 An engineer, architect, land surveyor, or landscape architect shall seek professional employment on the basis of qualification and competence for proper accomplishment of the work and shall charge a professional fee for all professional services rendered. **It is a policy of the Federal Government to publicly announce all requirements for architectural and engineering services, and to negotiate contracts for architectural and engineering services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices (the Brooks Architect-Engineers Act of 1972). Solicitation of professional employment in the CNMI shall be consistent with applicable CNMI laws(s), rules(s) and regulations(s) including but not limited to, government Procurement Regulations.**
- 6.2 The engineer, architect, land surveyor, or landscape architect shall not falsify or permit misrepresentation of his or her, or his or her associates' academic or professional qualifications. He or she shall not misrepresent or exaggerate his or her degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or his, her or their past accomplishments with the intent and purpose of enhancing his or her qualifications and his or her work.

## COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

DEPARTMENT OF FINANCE, OFFICE OF THE SECRETARY  
2<sup>nd</sup> Floor, Joeten Commercial Building, Dandan  
P.O. Box 5234 CHRB, Saipan, MP 96950  
Tel No.: (670) 664-1100

***Citation of Statutory Authority:*** The Department of Finance proposes an amendment to regulations pursuant to 1 CMC §2553, 1 CMC §2557, 4 CMC §1946, Public Law 11-37, and the Commonwealth Administrative Procedures Act, 1 CMC §9101 and other applicable Commonwealth Law.

***Short Statement of Goals and Objectives:*** The purpose of the proposed amendments is to conform to the revised requirements for the issuance of an occupancy permit for large development projects.

***Brief Summary of the Proposed Amendments:*** The proposed amendments are to provide procedures and provisions for the enforcement of Public Law 8-23, Public Law 11-37 and the Developer Tax Act of 1993.

***For Further Information Contact:*** Ms. Lucy DLG. Nielsen, Secretary of Finance at 664-1100, 664-1115 (fax).

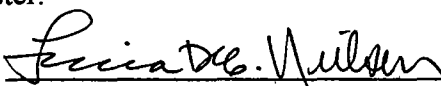


***Citation of Related and/or Affected Statutes, Regulations and Orders:*** 1 CMC §2553, 1 CMC §2557, 4 CMC §1931 et seq, Public Law 8-23, Public Law 9-14, Public Law 11-37 and the Developer Tax Act of 1993, the Developer Tax Regulation No. 1600, published as Proposed Developer Tax Regulation 1600, December 15, 1993, Volume 15, Number 12, pages 11332 to 11344 of the Commonwealth Register.

**PUBLIC NOTICE**  
**DEPARTMENT OF FINANCE**  
**PROPOSED AMENDMENTS TO DEVELOPER TAX REGULATION NO. 1600**

Governor Pedro P. Tenorio and Lt. Governor Jesus R. Sablan, through the Secretary of the Department of Finance hereby provide public notice of the Proposed Amendments to Developer Tax Regulation No. 1600. The purpose of these amendments is to provide procedures and provisions for the enforcement of Public Law 8-23, the Developer Tax Act of 1993, and Public Law 9-14, an amendment to Public Law 8-23, Public Law 11-37, an amendment to Public Law 8-23 to conform to the revised requirements for the issuance of an occupancy permit for large development projects. The Proposed Amendments to Developer Tax Regulation No. 1600 are promulgated by virtue of the authority and directions given to the Secretary of Finance as set forth in the Commonwealth Code 1 CMC §2553, 1 CMC §2557, 4 CMC §1946, and the Commonwealth Administrative Procedures Act, 1 CMC §9101 et seq.

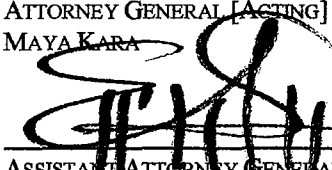
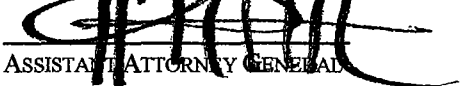
The proposed amendments are published in the Commonwealth Register. Copies of the proposed amendments may be obtained from the Office of the Secretary of Finance, located at the Joeten Commercial Building, Dan Dan or by mail at P.O. Box 5234, CHRB, Saipan, MP 96950.

Anyone interested in commenting on these proposed amendments may do so in writing addressed to the Secretary of Finance, Commonwealth of the Northern Mariana Islands, at the above-referenced address not later than thirty (30) days from the date of their publication in the Commonwealth Register.

Issued by:	 LUCIA DLG. NIELSEN SECRETARY OF FINANCE	<u>3/9/99</u> Date
Received by:	 JOSE L. DELEON GUERRERO OFFICE OF THE GOVERNOR	<u>3/17/99</u> Date
Filed and Recorded by:	 SOLEDAD B. SASAMOTO REGISTRAR OF CORPORATIONS	<u>3/17/99</u> Date

PURSUANT TO 1 CMC §2153 AS AMENDED BY PL 10-50 THE RULES AND REGULATIONS ATTACHED HERETO HAVE BEEN REVIEWED AND APPROVED AS TO FORM AND LEGAL SUFFICIENCY BY THE CNMI ATTORNEY GENERAL'S OFFICE.

DATED THIS 12 DAY OF March, 19 99

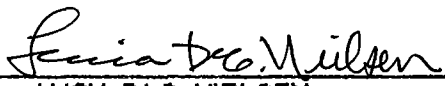

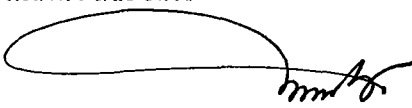
ATTORNEY GENERAL [ACTING]  
MAYA KARA  
  
BY:   
ASSISTANT ATTORNEY GENERAL

**NUTISIAN PUBLIKU  
DIPATAMENTON FAINANSIAT  
PRINIPONEN AMENDASION GI REGULASION PARA I DEVELOPER NO. 1600**

I Gobetno as Pedro P. Tenorio yan i Segundo Gubetnmo as Jesus R. Sablan, entre, Sekretarian Dipatamenton Fainansiat, ginen este manana'ne nutisia put i Mapropopone Na Amendasion Gi Regulasion Developer Ta. 1600. I propositun este siha na amendasion i para u prubiniyi kondison yan manera gi ma enfuatsan Lai Publiku 8-23, Lai Publiku 11-37, ni inamenda ni Lai Publiku 8-23 para u akonfotma yan i manmaribisa siha na nisisidat put manlaknos lisensian i mandangkulo' siha na development. I Mapropopone na Amendasion Gi Regulasion Developer Ta. No. 1600 manmachogue sigun gi aturidat yan dinirihini mana'e i Sekretariun Dipatamenton Fainansiat ginen i Commonwealth Code 1 CMC §2553, 1 CMC 2557, 4 CMC § 1946, yan i Commonwealth Administrative Procedures Act, 1 CMC §99101 et seq.

I mapropopone na siha na amendasion esta manma publika gi Rehistran Commonwealth. Para hayi malago na petsona, guaha kopian este siha na amendasion gi Ofisinan Sekretarian Fainansiat, giya Joeten Commercial Building, Dan Dan osino gi mail P.O. Box 5234, CHRB, Saipan, MP 96950.

Para hayi malago na indibiyuat malago mamatinas komento put i manampropopone siha na manedasion, siha ha macho'gue gi tinige' ya u ma adres guatu gi sigiente na adres i Sekretarian Dipatamenton Fainansiat, Commonwealth I Sankattan Siha Na Islas Marianas, ti u mas di trenta (30) dias despues di malaknos este na nutisia gi Rehistran Commonwealth.

Linaknos as: <u></u> LUCIA DLG. NIELSEN Sekretarain Fainansiat	<u>3/9/99</u> Fecha
Rinisibi as: <u></u> JOSE I. DELEON GUERRERO Ofisinan Gubetno	<u>3/17/99</u> Fecha
Ma File yan Rekod as: <u></u> SOLEDAD B. SASAMOTO Rehistradroan Kotporasion	<u>3/17/99</u> Fecha

Sigun gi 1 CMC §2153 ni inamenda ni Lai Publiku 10-550 i Areklamwento yan Regulasion siha ni checheton guine esta manma ribisa yan apreba ni Ofisinan CNMI Attorney General komu ligat na fotma yan sufisiente na kondision.

Ma fecha gi mina' 12 na dia, guine na mes i March, 1999. ATTORNEY GENERAL  
MAYA KARA (Act)

GINEN: ELLIOTT A. SATTLER  
 Assitant Attorney General

**ARONGORONGOL TOULAP  
BWULASIYOL FINANCE  
EFFÉÉR LLIWEL REEL ALLÉGHÚL DEVELOPER TAX NO. 1600.**

Sów Lemelem Pedro P. Tenorio me Lt. Sów Lemelem Jesus R. Sablan, sáangi Sekereteril Bwulasiyol Finance ekke arongaar toulap reel Fféérúl Lliiwel reel Alléghúl Developer Tax No. 1600. Aweeweel lliiwel kkaal nge ebwe ayoora alléghúl me afalafalal autol Alléghúl Toulap 8-23, Developer Tax Act of 1993, me Alléghúl Toulap 9-14, eew lliiwel mellól alléghúl toulap 8-23 reel ebwe aweeweey igha ebwe fféer sefáál meta kka efil reel yaal issuance reel lisensiyal occupancy ngali development projects kka e tottomwógh. Reel pomwol lliiwel kkaal reel Alléghúl Development Tax No. 1600 alongal a fféer ló sáangi aileewal bwángil me afalafalal iye e lo reel Sekereteril Finance iye e lo llól Commonwealth Administration Procedure Act 1 CMC §9101 et. seq.

Reel fféerétáál lliiwel kkaal nge imwu ebwe arongorong llól Commonwealth Register. Kopyal fféerétáál lliiwel kkaal nge emmwel ubwe bweibwogh mereel Bwulasiyol Sekereteril Finance, iye e lo Joeten Commercial Building, DanDan ngare eew, afanga ngali P.O.Box 5234, CHR.B, Saipan MP. 96950.

Iyo e tipeli ebwe isisilong yaal mángemáng ngare ayegh bwelle reel fféerétáál lliiwel kkaal nge ebwe féérú schagh, nge ebwe isch ngali Sekereteril Finance Commonwealth Metawal Wóól Falúw Kka Marianas reel address ye e lo weiláng, nge essóbw aluuw ló eliigh(30) rál sáangi tolongol arong yeel llól Commonwealth Register.

Mereel: Lucia DLG Nielsen  
Lucia DLG Nielsen  
Sekereteril Finance

3/9/99  
Rál

Bwughiyal: Josef Deleon Guerrero  
Josef Deleon Guerrero  
Bwulasiyol Sów Lemelem

3/17/99  
Rál

Isáliyol: Soledad B. Sasamoto  
Soledad B. Sasamoto  
Registrar of Corporation

3/17/99  
Rál

Sáangi Bwángil Autol 1 CMC § 2153 A lliiwel ló Mereel Aileewal Alléghúl Toulap 10-50 Reel Allégh Kkaal Igha E Appaschetá Nge Attakkal Amweri Sefáálil Me Apelúghúúghúúw Igha Ebwe Ayoora Me Ebwe Fil Maas ló Ngáli Bwulasiyol CNMI Attorney General.

Rál ye 12 llól maramal March, 1999.

Attorney General (Acting)  
Maya Kara  
ELLIOTT A. SATTLER  
Mereel: \_\_\_\_\_  
Assistant Attorney General

## PROPOSED AMENDMENTS TO DEVELOPER TAX REGULATION NO. 1600

1. Section 1600.5(e) is as follows:

(e) Failure to Pay an Installment When Due and Issuance of a Cease and Desist Order. The Director may terminate an installment agreement entered into in the case of the failure of the developer --

(1) to pay any installment at the time such installment payment is due, or

(2) to pay any other tax liability at the time such liability is due.

If the installment payments schedule is terminated, the developer may appeal the termination to the Director. The appeal must be in writing and include the reasons for the failure to pay the tax installment or other CNMI tax liability in a timely manner. The Director may accept new terms for the payment or order such person to cease project development until such time as payment is made. Failure to cease activity shall be in direct violation of the Public Law 8-23. This order may be enforced by application to the Commonwealth Superior Court for injunction to prohibit such persons from continued project development. A Certificate of Occupancy Permit may not be issued until such time as all developer tax payments including interest and penalties have been made: except as provided in subsection (i) of this section.

2. Section 1600.5(j) is amended as follows:

A Certificate of Occupancy Permit shall not be issued by the Building Safety Division unless the developer has made the final payment of the developer tax due including penalty and interest: until such time as all developer tax payments including interest and penalties have been made except that an occupancy permit may be issued for any reasonably severable portion of the project of which the estimated tax has been paid for projects whose total estimated project cost including change orders exceeds thirty (30) million dollars. If the total estimated project cost as determined in 4 CMC section 1932(g) including change orders exceeds thirty (30) million dollars and the developer is making payments, as provided in subsection (d) of this section, upon certification by the Secretary of Finance that the developer is current in making payments, an occupancy permit may be issued for any reasonably severable portion of the project prior to payment of the remainder of the tax due for the completed project. Upon notification by the Secretary of Finance that the developer has failed to make tax payments according to the schedule and procedure provided in subsection (e), the Building Safety Official may revise the occupancy permit to include only any reasonable severable portion of the project for which the estimated developer tax has been paid or the Building Safety Official may revoke the occupancy permit upon notice and hearing as provided in 1 CMC section 9101, Administrative Procedures Act, as the case may be determined.



# CERTIFICATION

DEPARTMENT OF FINANCE

PROPOSED AMENDMENTS TO DEVELOPER TAX REGULATION

NO. 1600

I, Lucia DLG. Nielsen, Secretary of the Department of Finance who is publishing the "Proposed Amendments to Developer Tax Regulation No. 1600", by signature below hereby certifies that the Proposed Amendments to Developer Tax Regulation No. 1600 is a true, correct, and complete copy of the regulations proposed amended by the Department of Finance. I further request and direct that this certification and the "Proposed Amendments to Developer Tax Regulation No. 1600" be published in the Commonwealth Register.

I declare under penalties of perjury that the foregoing is true and correct and that this declaration was executed on the 9<sup>th</sup> day of March, 19 99, at Saipan, Commonwealth of the Northern Mariana Islands.



LUCIA DLG. NIELSEN  
Secretary of Finance

PURSUANT TO 1 CMC §2153 AS AMENDED BY PL 10-50 THE RULES AND REGULATIONS ATTACHED HERETO HAVE BEEN REVIEWED AND APPROVED AS TO FORM AND LEGAL SUFFICIENCY BY THE CNMI ATTORNEY GENERAL'S OFFICE.

DATED THIS 12 DAY OF March, 19 99

ATTORNEY GENERAL [ACTING]  
MAYA KARA

BY:



ASSISTANT ATTORNEY GENERAL  
ELLIOTT A. SÄTTLER



Commonwealth of the Northern Mariana Islands  
Department of Public Health


Office of the Secretary

NOTICE OF ADOPTION OF THE AMENDMENTS TO THE  
SCHEDULE OF MEDICAL AND OTHER RELATED FEES  
DEPARTMENT OF PUBLIC HEALTH

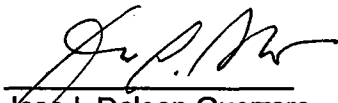
The Secretary of the Department of Public Health (DPH) notifies the Public that DPH has adopted the amendments to the Schedule of Medical and Other Related Fees. The amendments to the Schedule of Medical and Other Related Services were published in the Commonwealth Register Volume 21, Number 1, dated January 15, 1999. The adoption is pursuant to Title 1 CMC Division 2, Chapter 12, and in particular 1 CMC §2605 (j). Copies of the adopted amendments to the Schedule of Medical and Other Related Fees may be obtained from the Office of the Secretary of Public Health located at the ground floor of the Commonwealth Health Center.

  
Joseph K.F. Villagomez  
SECRETARY  
Department of Public Health

3/8/99  
DATE

Filed By:   
Ms. Soledad Sasamoto  
Registrar of Corporations

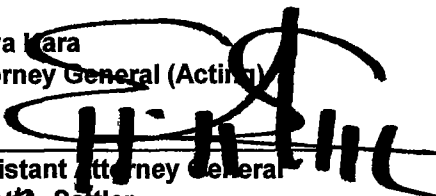
3/17/99  
DATE

Received By:   
Jose I. Deleon Guerrero  
Special Assistant for Administration  
Office of the Governor

3/16/99  
DATE

Pursuant to 1 CMC §2153 as amended by PL 10-50, the rules and regulations attached hereto have been reviewed and approved by the CNMI Attorney General's Office.

Dated this 08 day of March 1999.

Maya Lara  
Attorney General (Acting)  
By:   
Assistant Attorney General  
Elliot A. Sattler



**Commonwealth of the Northern Mariana Islands**  
**Department of Public Health**  
*Office of the Secretary*

**CERTIFICATION OF ADOPTION OF  
 THE AMENDMENTS TO THE SCHEDULE OF MEDICAL  
 AND OTHER RELATED FEES  
 DEPARTMENT OF PUBLIC HEALTH**

I, Joseph K.P. Villagomez, am the Secretary of the Department of Public Health, the Department which is promulgating the Amendments to the Schedule of Medical and Other Related Fees, published in the Commonwealth Register on January 15, 1999 at pages 16421 to 16424. By signature below I hereby certify that the amendments published in the Commonwealth Register are a true, complete, and correct copy of the Amendments to the Schedule of Medical and Other Related Fees formally adopted by the Department of Public Health. I further request and direct that this Certification be published in the Commonwealth Register and then be attached by both the Registrar of Corporations and the Office of the Governor to the Schedule of Medical and Other Related Fees as referenced above.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 8th of March, 1999 at Saipan, Commonwealth of the Northern Mariana Islands.

Signature: *Joseph K.P. Villagomez*  
 JOSEPH K.P. VILLAGOMEZ  
 SECRETARY  
 DEPARTMENT OF PUBLIC HEALTH

Pursuant to 1 CMC 2153 as amended by PL 10-50 the rules and regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General's Office.

Dated this *08* day of March 1999.

Maya Kara  
 Attorney General (Acting)  
 By: *[Signature]*  
 Assistant Attorney General  
 Elliot A. Sattler