COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS SAIPAN, TINIAN, ROTA, & NORTHERN ISLANDS



COMMONWEALTH REGISTER VOLUME 30 NUMBER 03

March 25, 2008

COMMONWEALTH REGISTER

VOLUME 30 NUMBER 03

March 25, 2008

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PUBLIC NOTICE OF EMERGENCY REGULATIONS AND NOTICE OF INTENT TO ADOPT AMENDMENTS TO THE EMPLOYMENT RULES AND REGULATIONS WHICH BECAME EFFECTIVE FEBRUARY 1, 2008

EMERGENCY ADOPTION AND IMMEDIATE EFFECT: The Department of Labor finds that

- (1) under (1 CMC § 9104(b), public interest requires regulations to promote the economic welfare of the Commonwealth which may be adversely affected by the increase of foreign national workers who have lost their jobs due to garment factory closures and to expedite their effective integration into the Commonwealth economy pursuant to the recent implementation of Public Law ("PL") 15-108 by the issuance and adoption of the Employment Rules and Regulations which became effective February 1, 2008. (See Commonwealth Register, Volume 30, Number 01, January 22, 2008, pages 28027-28139.)
- (2) the same rules and regulations may be adopted as permanent regulations pursuant to the attached Notice of Proposed Rules and Regulations and the Administrative Procedure Act, 1 CMC § 9104(a).

AUTHORITY:

The Secretary of Labor is authorized to promulgate regulations to implement PL 15-108, under § 4530 of said law.

The Administrative Procedure Act provides that an agency may adopt an emergency regulation upon fewer than 30 days' notice if it states its reasons in writing:

- (b) If an agency finds that the public interest so requires, or that an imminent peril to the public health, safety, or welfare requires adoption of a regulation upon fewer than 30 days' notice, and states in writing its reasons for that finding, it may, with the concurrence of the Governor, proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency regulation. The regulation may be effective for a period of not longer than 120 days, but the adoption of an identical regulation under subsections (a)(1) and (a)(2) of this section is not precluded.
- (c) No regulation adopted is valid unless adopted in substantial compliance with this section. . . .

1 CMC § 9104(b), (c).

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THE TERMS AND SUBSTANCE:

Short Statement of Goals and Objectives

The amendments would require that unemployed foreign national workers already in the Commonwealth be absorbed into the work force before more foreign national workers can be brought into the Commonwealth. The closure of garment factories in recent months and the possibility of additional closures create an emergency for the Commonwealth's economy and require this temporary change in the regulation.

Brief Summary of the Proposed Regulations

The amendments would suspend the entry to the Commonwealth of foreign national workers to be employed in unskilled positions until July 15, 2008. The suspension would be reviewed at that time with respect to any continuation.

Citation of Related And/or Affected Statutes Rules and Regulations

The amendments affect PL 15-108, Chapter 6, § §4911-4927, and § 4968 and additionally affect the Employment Rules and Regulations (effective February 1, 2008): Part VI, Employment of Foreign National Workers, Sections 1, 2, 3, and 6.

ADOPTION OF EMERGENCY REGULATIONS FOR 120 DAYS: The Secretary of Labor has followed the procedures of 1 CMC § 9104(b) to adopt these Proposed Regulations on an emergency basis for 120 days.

REASONS FOR EMERGENCY ADOPTION: The public interest requires that there be a temporary ban on hiring foreign national workers to be employed in unskilled positions from off island due to the closure of several garment factories over the past six months and the possibility of additional closures. These closures have created an emergency for the Commonwealth's economy and require an immediate, temporary change in the Employment Rules and Regulations which were noticed on January 22, 2008 and adopted and made effective February 1, 2008.

REGULATIONS

AMENDMENTS TO the Employment Rules and Regulations (which became effective February 1, 2008)

Page 2 of 4

Part VI. Employment of Foreign National Workers,

Section 2: Entry Into the Commonwealth, B. Approved Employment Contract, is amended with the addition of a new subsection (14) to read:

(14) As a temporary emergency measure effective on March 17, 2008, the Director of Labor may deny any pending application for an off-island hire, and shall not, unless in the best interests of the Commonwealth, approve any such application, for employment in an unskilled position of a foreign national worker coming from outside the Commonwealth until July 15, 2008 in order to ensure employment of foreign national workers already in the Commonwealth who have become unemployed as a result of past and anticipated closures of garment factory operations. The Director will review the emergency measure on or before July 15, 2008 and publish further regulations as necessary.

Section 6: <u>Other Provisions</u>, H. <u>Fees</u>, is amended with the addition of a new subsection 26 to read

26. Fees paid for any application to hire a foreign national worker from off-island to work in a unskilled position that is pending on March 17, 2008 by operation of this emergency regulation (see Section 2. B, (14) herein) are transferable for a period of 120 days, beginning March 17, 2008 through and until July 15, 2008, if the pending application is withdrawn by the employer.

DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Regulations shall be published in the Commonwealth Register in the section/s on emergency and proposed regulations (see 1 CMC § 9102(a)(1)) and posted in convenient places in the civic center and in local government offices in each senatorial district. (1 CMC § 9104(a)(1))

The Secretary of Labor shall take appropriate measures to make these Regulations known to the persons who may be affected by them (1 CMC 9105(b)(2)).

IMMEDIATE EFFECT: These emergency regulations become effective immediately upon filing with the Commonwealth Register and delivery to the Governor. (1 CMC § 9105(b)(2)) This is because the Secretary of Labor has found that this effective date is required by the public interest or is necessary because of imminent peril to the public's economic welfare. (*Id.*)

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FOR ADDITIONAL FORMATION OR TO PROVIDE COMMENTS: Please contact Eleanor Nisperos, Assistant Attorney General, Counsel for Department of Labor, Afetna Square Building, San Antonio, Caller 10007, Saipan, MP 96950, phone (670) 236-0910, fax (670) 236-0990, e-mail address: enisperos@cnmi-gov.net.

Submitted by:

Secretary of Labor

Concurred by:

Governor

Filed and Recorded by:

Commonwealth/Register

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

Dated the 18th day of March, 2007.

MATTHEW T. GREGORY.

Attorney General



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

PSS HEAD START PROGRAM P.O. Box 501370 Saipan, MP 96950

Tel: (670) 664-3751 Fax: (670) 664-3760



Presentation to the State Board of Education on January 19, 2008 for Approval

CERTIFICATION and CLASSIFICATION for HEAD START EDUCATION INSTRUCTOR (AMENDMENT)

BOARD of EDUCATION ACTION NOTICE JANUARY 19, 2008

March 25, 2008

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

PSS HEAD START PROGRAM P.O. Box 501370 Saipan, MP 96950

Tel: (670) 664-3751 Fax: (670) 664-3760



Board of Education Action Notice

Action Required

- 1. Board of Education approval of amendments to the Certification and Classification for Head Start Education Instructor.
- 2. Board of Education approval of Head Start Policy Council's Request for Effective Date of Implementation of Head Start Instructor Reclassification.

Approval of amendments to the Certification and Classification for Head Start Education Instructor to reflect changes in:

- Requirements
- Classification and Compensation
- Duties and Responsibilities

Approval of the Head Start Policy Council's Request for Effective Date of Implementation of Head Start Instructor Reclassification.

Summary Narrative

The Committee on Fiscal, Personnel and Administration reviewed the items for action on December 18, 2007 and approved the amendments to the Certification and Classification for Head Start Education Instructor and the Head Start Policy Council's Request for Effective Date of Implementation of Head Start Instructor Reclassification.

Head Start Policy Council

HPC meeting minutes of November 9, 2007 documents the Policy Council's approval of the amendments to the Certification and Classification for Head Start Education Instructor.

Board of Education Approval

The Board of Education met on January 19, 2008 and approved the amendments to the Certification and Classification for Head Start Education Instructor and the Head Start Policy Council's Request for Effective Date of Implementation of Head Start Instructor Reclassification.

Lucia Blanco-Maratita

Chairperson

Board of Education

Presentasion para I kuetpon State Board of Education Enero 19, 2008, ni para u ma'aprueba

Setifakasion yan Klasifikasion para I Maestra./on Edukasion Head Start

(Amendasion)

Kuetpon Board of Education

Notisian Aksion

Enero 19, 2008

Notisian Aksion I Board of Education

I Ginagagao na Aksion

- 1. Inaprueban I Kuetpon Edukasion gi amendasion siha pot I setifikasion yan klasifikasion I Maestra/on I Head Start na Edukasion.
- 2. Inaprueban I Kuetpon Edukasion pot I ginagao I Head Start Policy Council ni para u mana efektibu I fechan I Implementasion I Reclasification I Maestra/on I Head Start.

<u>Item</u>

Inaprueban I amendasion siha pot I setifikasion yan klasifikasion para I Maestra/on Head Start Edukasion ni para u riflekta I tinilaika siha gi:

- * I ginagagao siha
- * Klasifikasion yan suetdo/apas
- * Reponsabilidad yan cho'cho siha

Inaprueban I kuetpon Edukasion pot I ginagao I Head Start Council ni para u mana efektibu I fechan I para u ma'emplimenta yan reklasifikasion I Maestra/on I Head Start.

Sumaria na Mensahe

I komiten I Fiscal yan Administration ha ina I items para aksion gi Disembre 18, 2007, ya ma'aprueba I amendasion siha pot setifikasion yan klasifikasion para I Maestra/on Head Start Edukasion yan I ginagao I kuetpon Head Start Policy Council ni para u mana efektibu I fechan I Implementasion Maestra/on Head Start.

Head Start Policy Council

I Head Start Policy Council minutes gi Nobiembre 8, 2007, ma'aprueba I amendasion siha pot I setifikasion yan klasifikasion para I Maestra/on Head Start.

Inaprueban I Board of Education

Man danna I kuetpon Edukasion gi Enero 19, 2008 ya ma'aprueba I amendasion siha pot I

setifikasion yan klasifikasion para I Maestra/on Head Start Education yan I ginagao I Head Start Policy Council pot efektibun fecha ni para implementasion.

Lucia Blanco-Maratita

Chairperson Board of Education

28336

PAGE

AWEEWE YE EBWE ALLÉGH NGALIIR <u>STATE BOARD OF</u> <u>EDUCATION</u> ÓTOL SCHOOW 19, 2008

ALÚGHÚLÚGH ME AWEEWE NGÁLIIR SÓW AFAL MELLÓL GAKKOOL <u>HEAD START</u>

(LLIWEL)

MWIISCHIL MELLÓL IMWAL **GAKKO KKAAL ARONG SCHOOW 19, 2008**

ARONGOL MWIISCHIL IMWAL GAKKO

TINGÓROL

1. Alúghúlúgh sángi mwiischil imwal gakko bwelle lliwel kkaal reel Certification me Classification reel Sów afal mellól Gakkol Head Start.

2. Alughulugh sangi mwiischil imwal gakko igha Alleghul Head Start e tittingor otol aweeweel schóóy afal mellól imwal Headstart.

KKAPASAL

Alúghúlúgh reel lliwel kkaal ngáli Certification me Classification bwelle Sów afal mellól Gakkool Head Start igha e ebwáári ssiwel kkaal llól:

- Tingór kkaal
- Classification me Obwos
- Angaaangal me Bwángil

Alúghúlughúl Head start Policy Council's igha e tittingor rallil akkatéél Sów afal llol Head Start Reclassification.

AWEEWE

Schóóy mwiisch sangi fiscal, Personnel me Administration ekke amweri fischi óutol, kkapsal, wóól Tumwur, 2007 me alúghúlugh reel lliwel kkaal ngáli Certification me Classification sángi Sow afal mellol Head Start Education

AMMWELIL HEAD START

HPC,kkapasal mwiisch ótol Aremwoy 9, 2007, e ischi kkapasal (documents) alúghúlúghúl mwiischil Policy Council bwelle lliwel kkaal ngáli Certification me Classification reel Sow afal mellol Head Start Education.

<u>ALÚGHÚLÚGHÚL MWIISCHIL IMWAL GAKKO</u>

Re schu schóóy mwiischil imwal gakko wóól Schóów 19, 2008 me alúghúlúghúl lliwel kkaal ngáli Certification me Classification reel Sów afal mellol Head Start Education Reclassification.

Lucia Blanco-Maratita

Assamwoolul Mwiischil Gakko

CERTIFICATION and CLASSIFICATION for HEAD START EDUCATION INSTRUCTOR (AMENDMENT 10/2007)

March 25, 2008

CERTIFICATION AND CLASSIFICATION FOR HEAD START EDUCATION INSTRUCTOR

"Instructor" means any person who is employed by the Public School System and who does not have a bachelor's degree but has specialized training/experience in a particular field or has met the minimum requirements established by PSS. This individual has the primary responsibility for the education or instruction of one or more students in a specialized area such as the bilingual program, the vocational program or the Head Start program.

Specialized Instructor Certificate in Early Childhood (Head Start):

Instructors teaching in the Head start program must complete the following course equivalent:

- a. Computer Technology
- b. Curriculum in Early Childhood Education
- c. Education for Parenthood
- d. Guiding and Nurturing
- e. Health & Safety for Young Children
- f. Administration in Early Childhood Education
- g. Introduction to Exceptional Individuals

REQUIREMENTS

To be eligible as a Head Start Instructor, one must have the following qualification:

Instructor – Level I a high school diploma or equivalent

- 1. Must have an Associates degree towards Early Childhood, Education or related field
- 2. Possess a Specialized Instructor Certificate in Early Childhood/Head Start
- 3. At least 4 2 years of verifiable teacher aide experience
- 4. Certified in First Aid & CPR application;

or

- 1. AA degree plus Specialized Instructor Certificate in Early Childhood/Head Start preferred
- 2. Certified in First Aid & CPR application

Instructor – Level II

in

- 1. Must have an Associates degree towards Early Childhood Education or related field
- 2. Possess a Specialized Instructor Certificate in Early Childhood/Head Start
- 3. At least 3 2 years of verifiable teacher aide experience
- 4. Certified in First Aid & CPR application

Renewal Requirements

Completion of 60 hours of seminars, or in-service training as sanctioned by PSS and/or equivalent university/college courses.

Classification and Compensation (based on Voc. Ed. Salary Schedule, PL XI)

Position	Beginning (step 1)	Intermediate (step 6)	Maximum (step 12)
Instructor I	\$13,584.24	\$16,482.88	\$21,035.28
(PL 10)	\$18,588.82	\$22,556.51	\$28,784.23
Instructor II	\$17,177.520	\$20,222.08	\$25,000.96
(PL 11)	\$23,505.87	\$27,672.74	\$34,212.17

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CNM1 Head Start Instructor 1 and 11 Duties & Responsibilities

Classroom/Head Start Center

- 1. Assist the Instructor II to ensure Ensures that the overall operation of the classroom is smooth and is managed appropriately
- 2. Assist the Instructor II in ensuring Ensures that the children are supervised at all times
- 3. Assist the Instructor II in ensuring Ensures that the monthly reports (and other reports as requested) are completed and are accurate and submitted in a timely manner (due every last working day of each month)
- 4. Regular review of family files/child records to periodically communicate with each family the child's overall development (learning, behavior, nutrition, dental, mental, and physical health, etc.)
- 5. Assist the Instructor II in ensuring Ensures that equipment, materials, and supplies are inventoried at the beginning and at the end of each school year (inventories are submitted to Head Start Program Site Coordinator to be forwarded to the Head Start main office)
- 6. Assist the Instructor II in maintaining Maintains complete and updated evidence binders for the purpose of ongoing monitoring and review (local and federal review)

Curriculum and Child Outcomes/Disabilities

- 1. Assist the Instructor II in ensuring Ensures the implementation of the Creative Curriculum, Montessori Curriculum, and the Second Step Curriculum
- 2. Assist the Instructor II in ensuring Ensures the implementation of all Individual Education Plans (IEP) goals
 - Requires attendance at some IEP meetings
- 3. Assist the Instructor II in developing and implementing Develops and implements lesson plans that are developmentally appropriate to foster literacy, language, math, science, creative arts, fine and gross motor development, and social-emotional growth that reflect individual plans for each child based on observation and individual interests and needs
 - Requires the development of learning materials and preparation of activities
 - Requires a consistent planning and posting of weekly lesson plans
 - Requires an understanding of the individualization process and its purpose
- 4. Assist the Instructor II in ensuring Ensures that individual child assessments and observations are completed
 - Requires documentation of observations

PAGE

PROPOSAL, 7/24/07

Amendment 10/2007

- Requires the facilitation of Parent-Teacher Conference 3 times a year
- Requires that Individual Child Portfolios are kept and reviewed with the parents
- 5. Assist the Instructor II in ensuring Ensures the inclusion of health, nutrition, and physical development activities in lesson plans
- 6. Assist the Instructor-II in supporting Supports children's social-emotional development
 - Requires consistent implementation of the Second Step Curriculum
 - Requires documentation in the lesson plans
- 7. Assist the Instructor II in supporting Supports children's independence, problem solving skills, initiative, and concentration through observation and Individual Learning Plans (Creative Curriculum ILP)

Parent/Family Involvement

- 1. Encourage the involvement of families and support the relationships between children and their families, and the documentation thereof
 - Assist in the facilitation of Facilitates home visits (initial, follow-up, and more as necessary)
 - Assist in the facilitation of Facilitates Parent Education Nights (minimum of 3 per school year)
 - Requires participation Participates during monthly Central Parent Involvement Committee (CPIC) meetings
- 2. Assist the Instructor II in ensuring Ensures that the Parent/Family Corner is updated and consistent in terms of family events, current activities, etc.
 - Requires communication and collaboration with the Head Start Family Advocate
- 3. Assist the Instructor II in writing Writes parent notices, create monthly newsletters, etc. to keep parents/families informed of current events and information about the center/classroom
- 4. Assist the Instructor II in maintaining Maintains a complete, accurate, and updated parent/family communication binder

Family Files

- 1. Assist the Instructor II in maintaining Maintains a complete family file for each child
 - Requires an ongoing monitoring and review of files

Confidentiality

1. Maintains and keeps all family files and all records confidential and in locked cabinets

PROPOSAL, 7/24/07 Amendment 10/2007

2. Adherence to Policy 8000 with regards to "confidentiality."

Facilities/Health & Safety

- 1. Establishes and maintains a safe and healthy learning environment (both indoor & outdoor) and on field trips (including the supervision of children at all times).
- 2. Conducts the daily health check to ensure that the classroom environment is safe for all children and teachers
- 3. Monitors and records all meal observations and reports any and all concerns to the Site Coordinator
- 4. Assist the Instructor II in ensuring Ensures that any and all special requests from parents (regarding foods not to be served to children because of medical, religion, etc. reasons) are reported to the Head Start Health Coordinator and the PSS Food and Nutrition office
- 5. Assist the Instructor II in ensuring Ensures all screenings are conducted and are reported accurately, in a timely manner (must be completed within the first forty-five days of each child's enrollment)
 - Requires and understanding of the referral process
 - Requires a consistent follow-up of each referral made
- 6. Follows medication administration procedure
- 7. Ensures the daily implementation of tooth brushing and fluoride administration
- 8. Ensures the implementation of personal hygiene lessons to the children
- 9. Monitors the school environment/facility (indoor/outdoor) using the Health & Safety Checklists
- 10. Report any and all child abuse and/or neglect to appropriate agency and Site Coordinator
- 11. Reports any and all child abuse and/or neglect to appropriate agency and Site Coordinator.
 - Requires the knowledge of reporting procedure and the knowledge of confidentiality.
- 12. Ensures completion of all other documents as required.

Eligibility, Recruitment, Selection, Enrollment, & Attendance (ERSEA)

- 1. Assist Instructor-II and Maintains accurate reporting of students daily attendance
 - Requires daily encouragement with the children and parents

PROPOSAL, 7/24/07

Amendment 10/2007

- 2. Reports any and all withdrawals to the Instructor II to be forwarded to the Head Start Site Coordinator
- 3. Records and submits all weekly attendance to the Head Start Site Coordinator to be forwarded to the ERSEA Manager
- 4. Distributes returning children application for update to parents and collects them for submission to the ERSEA Manager in a timely manner
- 5. Assists with the recruitment process

Teacher Development

- 1. Participates in all required Professional Development Activities (Program Level)
- 2. Participates in all required Staff meetings and trainings (Center Level)
- 3. Participates in all required Statewide Professional Development Days

Other Duties & Responsibilities (as assigned)

- 1. Provides necessary information to the Instructor II colleagues, Head Start Director, Site Coordinator, and other service area managers as requested
- 2. Follows proper protocol when reporting any and all activities, events, concerns, etc.
- 3. Representing Represents the CNMI Head Start Program in local, regional and national meetings, on task forces, conference presentations, etc. as called upon
- 4. Works on collaborative projects with other service area within Head Start and with other agencies as assigned
- 5. Demonstrates continuous effort to improve operations, decrease turnaround times, streamline work processes, and work cooperatively and jointly to provide quality service
- 6. Participates in the Self-Assessment & Community Assessment Projects

Overall

1. Comply Complies with the Head Start Performance Standards, Policy 8000, and the Standards of Conduct

Working Conditions:

The Public School System (PSS)/Head Start Program operates on a 40 hour workweek. Actual working hours will be determined on the basis of operational efficiency. The Head Start Program Director will establish working schedules subject to the approval of the Commissioner of Education and the Head Start Policy Council (HPC).

Work Behavior:

- 1. Works harmoniously with co-workers. No more than 1 documented and substantiated complaint in a 3 month-period.
- 2. Conducts self at all times consistent with policies (Head Start Performance Standards, Policy 8000, and the Standard of Conduct). No more than 1 documented and/or oral complaint in a 3 month-period.
- 3. Reports to work regularly. Absenteeism or tardiness will be no greater than 5% of work time unless on scheduled leave or illness (with a signed doctor's statement if required by supervisor) or family medical leave (with a signed doctor's statement). All absence accumulated will be made up at the end of each school year as per Commissioner's instruction.
- 4. Comply Complies with the CNMI Head Start policy on personal appearance at all times.

Education and Training

1. Must participate in Early Childhood Development training and all related services including Montessori Methods, Creative Curriculum, and Second Step Curriculum

Knowledge, Skills, and Abilities:

- 1. Knowledge of the Head Start Performance Standards, Policy 8000, and PSS Policies and Regulations
- 2. The ability to work independently with minimal supervision
- 3. The ability to initiate and facilitate meetings, trainings, etc.
- 4. The ability to initiate tasks without being instructed to, using best judgment

Minimum Qualification and Requirements:

1. High School Diploma plus Early Childhood Education Certification

PROPOSAL, 7/24/07 Amendment 10/2007

2. One year verifiable experience

Instructor – Level I

- 1. Must have a high school diploma or equivalent
- 2. Possess a Specialized Instructor Certificate in Early Childhood/Head Start
- 3. At least 2 years of verifiable teacher aide experience
- 4. Certified in First Aid and CPR application;

Or

- 1. AA degree plus Specialized Instructor Certificate in Early Childhood/Head Start preferred
- 2. Certified in First Aid and CPR application

Instructor – Level II

- 1. Must have an AA degree in Early Childhood Education, or related field
- 2. Possess a Specialized Instructor Certificate in Early Childhood/Head Start
- 3. At least 2 years of verifiable teacher aide experience
- 4. Certified in First Aid and CPR application

Additional Qualifications:

- 1. Experience in a human services setting, including working with income eligible children and families.
- 2. Good interpersonal and communication skills. Communicate effectively both orally and in writing, including giving and receiving feedback. Bilingual skills are a plus.
- 3. Awareness of and sensitivity to cultural issues and local community practices.
- 4. Ability to work as a team, has strong staff collaboration is a standard at the Head Start Program.
- 5. Must be CPR certified or must go through training within the first (60) days of employment.
- 6. Must meet all health and safety clearance and requirements.
- 7. Must have no conviction of child abuse and/or neglect.

HPC REQUEST for EFFECTIVE DATE of IMPLEMENTATION of HEAD START INSTRUCTOR RECLASSIFICATION



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

${\tt PSS\ HEAD\ START\ PROGRAM}$

P.O. Box 501370 Saipan, MP 96950

Tel: (670) 664-3751 Fax: (670) 664-3760



MEMORANDUM

December 17, 2007

To

Chairperson, Committee on Fiscal, Personnel and Administration

Chairperson, State Board of Education

From:

Chairperson, Head Start Policy Council

Re:

Request for Effective Date of Implementation of Head Start Instructor

Reclassification

Attached for your perusal is the following:

- 1. Final Minutes, Tenth CNMI State Board of Education, BOE-HPC Special Joint Meeting, July 26, 2007
- 2. Head Start Policy Council and Board of Education Action Notice
- 3. Certification and Classification for Head Start Education Instructor (Amendment 10/2007).
- 4. Head Start: Personnel (Budget vs. Actual)

The Head Start Policy Council and Board of Education approved the Certification and Classification for Head Start Education Instructor during its joint meeting on July 26, 2007. Upon reviewing the Head Start program's request to re-classify fourteen staff who met the qualification of a Head Start Instructor, the Human Resources Officer and Head Start Program Director noted that the Certification and Classification for Head Start Education Instructor needed to be amended to reflect the salary schedule of other PSS Instructors (i.e., Bilingual and Vocational Education programs). Before processing this request, it was highly recommended that amendments first be made and that a costimpact analysis be completed to ensure that Head Start funds will support salary increases.

It was agreed upon by the grantee (PSS) and the Head Start Policy Council that the Head Start personnel budget is able to support these salary increases. Since position conversions were anticipated, these salary increases were allocated for in the Head Start budget. Therefore, on behalf of the Head Start Policy Council I humbly request that the compensations for the fourteen staff be retroactive effective August 1, 2007 (the first working day of program year 2007-08).

On behalf of the children, families and staff, I would like to take this opportunity to thank you for your continued support to the Head Start Program.

Efrain Atalig

attachments

xc: Commissioner of Education

Acting Finance Director Human Resources Officer

ACAS ACIS

Head Start Program Acting Director

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PERSONNEL BUDGET vs. ACTUAL (as of DECEMBER 14, 2007) and COST IMPACT ANALYSIS

CNMI PUBLIC SCHOOL SYSTEM Headstart: Personnel (Budget vs. Actual) As of December 14, 2007 Fiscal Year 2008

	PERSONNEL		
	Federal	Local	
BUDGET AMOUNT	1,032,427.00	333,886.00	
ACTUAL EXPENDITURES:			
Federal: (8 pds from Aug. 1) Local: (4 pds from Oct. 1)	(196,763.00)	39,269.00	
REMAINING BALANCE	835,664.00	373,155.00	
ESTIMATED REMAINING PAY/COST:			
Federal: (18 pds @ 19.9K X 1.2945% Local: (22 pds @ 7.8K X 1.2945%	(463,690.00)	(222,136.00)	
Estimated Cost of hiring Health Coordinator: (20 pds@1,615/BW X 1.2945%	(41,812.00)		
Estimated Cost to hire personnel	(65,000.00)		
Teacher Aides reclassification	(85,552.00)		
Remaining balance before COLA	179,610.00	151,019.00	
COLA to include locally funded personnel	(55,000.00)		
VARIANCES (U)F	124,610.00	151,019.00	

HEADSTART TEACHER AIDES RECLASSIFICATION TO INSTRUCTOR

LAST NAME FIRST NAME	PRESENT POSITION	PER ANNUM SALARY	Reclassify to	Per Annum Salary	Cost impact	Acct#
	Teacher Aide III	111/01- \$13,584.14	Instructor I	X/01 - \$18,588.82	\$5,004.68	Federal
	Teacher Aide III	111/02-\$14,108.14	Instructor t	X/02 - \$19,305.87	\$5,197.73	Federal
	Teacher Aide III	III/09- \$18,586.70	Instructor	X/06 - \$22,556.51	\$3,969.81	Federal
	Teacher Aide III	111/02- \$14,108.14	Instructor I	X/03 - \$20,060.10	\$5,951.94	Federal
	Teacher Aide III	111/03- \$14,659.30	Instructor I	X/01 - \$18,588.82	\$3,929.57	Federal
	Teacher Aide III	111/02-\$14,108.14	Instructor I	X/02 - \$19,305.87	\$5,197.71	Federal
	Teacher Aide III	111/12-\$21,034.63	Instructor I	X/10 - \$26,502.94	\$5,468.34	Local
	Teacher Aide II	11/04- \$14,108.14	Instructor I	X/03 - \$20,060.10	\$5,951.96	Federal
	Teacher Aide III	111/02- \$14,108.14	Instructor I	X/01 - \$18,588.82	\$4,480.68	Local
	Teacher Aide III	111/03- \$14,659.30	Instructor I	X/01 - \$18,588.82	\$3,929.52	Federal
	Teacher Aide II	11/10- \$17,855.70	Instructor I	X/06 - \$22,556.51	\$4,700.81	Federal
	Teacher Aide III	111/02- \$14,108.14	Instructor I	X/02 - \$19,305.87	\$5,197.73	Federal
	Teacher Aide II	11/09- \$17,153.16	Instructor I	X/06 - \$22,556.51	\$5,403.35	Local
	Teacher Aide II	11/06- \$20,851.51	Instructor I	X/06 - \$22,556.51	\$1,705.00	Federal
		\$223,033.28		\$289,122.10	\$66,088.82	
				1.2945% Benefits TOTAL	\$19,463.16 \$85,551.98	/

FPA COMMITTEE MEETING 12/18/2007 AGENDA

CNMI STATE BOARD OF EDUCATION Standing Committee Meeting on Fiscal, Personnel and Administration (FPA)

Tuesday, December 18, 2007 at 9:00 a.m. 2nd Floor, BOE Conference Room, Saipan

AGENDA

- I. PRELIMINARY MATTERS
- II. OLD BUSINESS
 - 1. Amendments to the Certification and Classification for Head Start Education Instructor
- III. NEW BUSINESS
- IV. ADJOURNMENT

FINAL MINUTES **BOE-HPC SPECIAL JOINT MEETING JULY 26, 2007**

FINAL MINUTES Tenth CNMI State Board of Education **Public School System BOE-HPC Special Joint Meeting** Thursday, July 26, 2007

PRELIMINARY MATTERS

Call to Order - The Chair called the Joint Special Meeting of the CNMI State Board of Education and Head Start Policy Council to order at 9:30 a.m. at BOE Conference Room, 2nd Floor of the Retirement Fund Building Saipan, CNMI.

(BOE) Roll Call

Members Present

Roman C. Benavente, BOE Chair Dino M. Jones, BOE Vice Chair Marja Lee Czechowicz Taitano, BOE Secretary/Treasurer Herman T. Guerrero, BOE Member Lucia Blanco-Maratita, BOE Member Louvele Borja, BOE Student Representative (nonvoting)

Members Absent

Scott Norman, BOE Non-Public School Representative (nonvoting) Ambrose Bennett, BOE Teachers Representative (nonvoting)

(HPC) Roll Call

Members Present

Efrain Atalig-HPC Chair Arvin Ogo-HPC Community Member for Rota Quendoly Besong-HPC Member Antonio Magofna-HPC Member Sydney Biton-HPC Member Marja Lee C. Taitano-HPC BOE Rep.

Principal Staff Present

Dr. David Borja, Commissioner of Education Charley Kenty, Acting ACAS Annie Mendiola, Acting HRO Karen Klaver, Legal Counsel Tim Thornburgh, Federal Programs Officer Lauri Grizzard, Acting Director of Finance Keiko Yamagata, Acting Head Start Director Candace Meyers, Head Start Administrative Officer Jessica Jane Borja, BOE Administrative Assistant

Others

Dan Nielsen, Governor's Special Advisor Betty Midler, ACT President Ellen Rayphand, ACT Treasurer Rhonda Camacho, SVES Classroom Teacher Ron Mandell, HJHS Classroom Teacher

ADOPTION OF AGENDA

The BOE and HPC Chairman declared that a quorum was established and preceded with the order of business.

ACTION: Member Jones moved that the Board adopt the agenda. Member Guerrero seconded. In discussion under the Head Start Matters, Acting Head Start Director Yamagata requested the Board and HPC to include Item III-6 the 90 days Provisional Hire for the 7 Instructor's Positions. Member Guerrero noted the HPC can include it as part of Item III-3. As a matter of protocol, the Commissioner has the authority and the Board does not need to get involved. The BOE Chairman concurred. The motion has been approved by unanimous votes by the members of BOE-HPC present.

HEAD START PROGRAM MATTERS:

ACTION: Member Czechowicz Taitano moved that the Board adopt the Approval of 2007-2008 Supplemental T & TA Application and Request. Member Jones seconded. The motion has been approved by unanimous vote by the members of BOE-HPC present.

ACTION: Member Czechowicz Taitano moved that the Board adopt the Approval of 2006-2007 Supplemental Grant Extension Request: Rollover Incomplete Projects from SY 06-07 to SY 07-08. Member Jones seconded. The motion has been approved by unanimous vote by the members of BOE-HPC present.

ACTION: Member Guerrero moved that the Board adopted the Sunset Clause on Head Start Instructor Positions-Level I and Level II. Member Blanco-Maratita seconded. The motion has been approved by unanimous vote by the members of BOE-HPC present.

Head Start Policy Council Chairman Atalig requested the Board to approve the letter addressed to the Commissioner dated June 18, 2007 regarding the Head Start Director Position. HPC Chairman Atalig apologized and noted the letter should have been addressed to the Board.

ACTION: Member Guerrero moved that the Board approve the Provisional Hire of the Acting Head Start Director Ms. Kathleen Yamagata and the announcement of Head Start Director Position. Member Czechowicz Taitano seconded. The motion has been approved by unanimous vote by the members of BOE-HPC present.

ACTION: HPC Member Biton moved that the HPC approved the 90 days Provisional Hire for the 7 Instructor/TA Positions. HPC Member Ogo seconded the motion. All voted in the affirmative. Motion passed.

BOARD OF EDUCATION MATTERS:

ACTION: Member Blanco-Maratita moved that the Board adopt the Nutrition Assistance Grant. Member Guerrero seconded. All voted in the affirmative.

ACTION: Member Blanco-Maratita moved that the Board adopt the Child Care & Development Fund Block Grant for \$1.7 million. Member Guerrero seconded. In discussion, Member Blanco-Maratita noted the grant is approved. She urged the Program Managers to look on how PSS can provide an incentive and minimum learning guidelines to the centers. The tiered reimbursement will be given to the centers as an incentive as to further develop the child learning capacity in reading and writing. Providers will provide certain curriculum and enhance the learning ability to ages 0-3 so the young can be prepared before they enter school. All voted in the affirmative.

ACTION: Member Guerrero moved that the Board endorse the Insular Areas Troop-To-Teachers Draft Legislation. Member Czechowicz Taitano seconded. In discussion, Member Czechowicz Taitano asked Member Guerrero who drafted the letter. Federal Program Officer responded in the affirmative. Regarding the section "f" Preference-The Secretary shall give preference to insular area SEAs that provide for cost sharing, Member Czechowicz Taitano repeatedly asked regarding cost sharing and where to find the local money. Mr. Thornburg explained the preference be given to grantee. The cost sharing is a standard federal language where it wasn't identified as to have the flexibility. He assured it was Title 2 USDOE Program, an inclusion of the NCLB and not DANTE. Thornburg added by saying the draft language does not say there is a cost share required. What it says is a standard federal language that a cost preference will be given whenever we have to cost share. The cost share can be cash it could be in kind. The preference will be given to grantee and that it will only for the insular areas for the cost share. All voted in the affirmative. Motion passed.

PUBLIC COMMENTS

ACT President Betty Miller noted at the last Board meeting Member Bennett presented a report regarding a request to the legislature to align the PSS certifications process with the contract. Member Guerrero noted a draft proposal was sent to the legislature to re appeal two things: Salary scale and to align the PSS certification process with the contract. As of yet, the Board has not heard nor had any feed back. In the absence of that authorization and existing law, the Board can't act on it. Ms. Miller is following up regarding Mr. Neilsen's recommendations that the Board of education come up with a procedure that the ACT can follow. Member Guerrero noted what former Governor Babuata established is valid until Governor Fitial decides otherwise. The Board does not endorse any specific teacher representative, private school representative or student representative position. He added that Mr. Neilsen is saying that they want to go with the

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legal opinion. There is nothing in the constitution that the Board will provide procedure of how or what needs to be done. The constitution says that the Governor shall appoint from the group. The Board is not going to challenge the Governor. Whoever the Governor appoints, he or she will be sworn in as a member of the Board. The Board respects the independence of the Governor to make the selection based on the constitution. Member Czechowicz Taitano stated that the BOE is of the position that it will not, nor should it, recognize any exclusive collective bargaining agent.

EXECUTIVE SESSION

At 3:47 p.m., Member Czechowicz Taitano moved to go into executive session. Member Guerrero seconded. All voted in the affirmative.

The Board arose at 4:00 p.m. Legal Counsel Klaver gave updates on pending litigation, personnel and procurement matters.

ADJOURNMENT

The Chair adjourned the meeting at 4:04 p.m.

By affixing our signatures below, we acknowledge that the July 26, 2007 Joint Special Meeting minutes of the Tenth CNMI State Board of Education and Head Start Policy Council was adopted on NOVEMBER 15,07

CERTIFIED BY:

Marja Lee Czechowicz Taitano

BOE Secretary/Treasurer

CONCURRED BY:

Roman C. Benavente

BOE Chairman

HPC and BOE
ACTION NOTICE
JULY 26, 2007

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

PSS HEAD START PROGRAM P.O. Box 501370 Saipan, MP 96950

Tel: (670) 664-3751 Fax: (670) 664-3760



Head Start Policy Council and Board of Education Action Notice

Action Required

Approval of Position Conversion from Head Start Teacher Assistant to Head Start Instructor, as amended, with a one year sunset clause.

Item

Approval of Position Conversion from Teacher Assistant to Instructor with a one year sunset clause to reflect:

- The duties and responsibilities of Head Start Instructor I
- The duties and responsibilities of Head Start Instructor II

Summary Narrative

The Head Start Policy Council (HPC) and Board of Education (BOE) reviewed the recommended personnel actions. There following information were presented to the HPC and BOE which allowed the members to approve the aforementioned personnel actions:

- Certification and Classification for Head Start Instructor I and II
- Duties and Responsibilities of the Head Start Instructor I and II

Head Start Policy Council and Board of Education Approval

The Head Start Policy Council and Board of Education approved the aforementioned personnel action during its joint meeting on July 26, 2007.

Chairman

Head Start Policy Council

Chairman

Board of Education

PAGE

CERTIFICATION AND CLASSIFICATION FOR HEAD START EDUCATION INSTRUCTOR

"Instructor" means any person who is employed by the Public School System and who does not have a bachelor's degree but has specialized training/experience in a particular field or has met the minimum requirements established by PSS. This individual has the primary responsibility for the education or instruction of one or more students in a specialized area such as the bilingual program, the vocational program or the Head Start program.

Specialized Certificate in Early Childhood (Head Start): Instructors teaching in the Head start program must complete the following courses or equivalent:

- a. Computer Technology
- b. Curriculum in Early Childhood Education
- c. Education for Parenthood
- d. Guiding and Nurturing
- e. Health & Safety for Young Childn
- f. Administration in Early Childhood Education
- g. Introduction to Exceptional Individuals

REQUIREMENTS

To be eligible as a Head Start Instructor, one must have the following qualification:

Instructor – Level I

- 1. Must have an Associates degree towards Early Childhood, Education or related field
- 2. Possess a Specialized Instructor Certificate in Early Childhood/Head Start
- 3. At least 1 year of verifiable teacher aide experience
- 4. Certified in First Aid & CPR application

Instructor – Level II

- 1. Must have an Associates degree towards Early Childhood, Education or related field
- 2. Possess a Specialized Instructor Certificate in Early Childhood/Head Start
- 3. At least 3 years of verifiable teacher aide experience
- 4. Certified in First Aid & CPR application

Renewal Requirements

Completion of 60 hours of seminars, or in-service training as sanctioned by PSS and/or equivalent university/college courses.

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Classification and Compensation (based on Voc. Ed. Salary Schedule, PL XI)

<u>Position</u>	Beginning (step 1)	Intermediate (step 6)	Maximum (step 12)
Instructor I	\$13,584.24	\$16,482.88	\$21,035.28
Instructor II	\$17,177.520	\$20,222.08	\$25,000.96

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CNMI Head Start Duties & Responsibilities Instructor T

Classroom/Head Start Center

- 1. Assist the Instructor II to ensure that the overall operation of the classroom is smooth and is managed appropriately
- 2. Assist the Instructor II in ensuring that the children are supervised at all times
- 3. Assist the Instructor II in ensuring that the monthly reports (and other reports as requested) are completed and are accurate and submitted in a timely manner (due every last working day of each month)
- 4. Regular review of family files/child records to periodically communicate with each family the child's overall development (learning, behavior, nutrition, dental, mental, and physical health, etc.)
- 5. Assist the Instructor II in ensuring that equipment, materials, and supplies are inventoried at the beginning and at the end of each school year (inventories are submitted to Head Start Program Site Coordinator to be forwarded to the Head Start main office)
- 6. Assist the Instructor II in maintaining complete and updated evidence binders for the purpose of ongoing monitoring and review (local and federal review)

Curriculum and Child Outcomes/Disabilities

- 1. Assist the Instructor II in ensuring the implementation of the Creative Curriculum, Montessori Curriculum, and the Second Step Curriculum
- 2. Assist the Instructor II in ensuring the implementation of all Individual Education Plans (IEP) goals
 - Requires attendance at some IEP meetings
- 3. Assist the Instructor II in developing and implementing lesson plans that are developmentally appropriate to foster literacy, language, math, science, creative arts, fine and gross motor development, and social-emotional growth that reflect individual plans for each child based on observation and individual interests and needs
 - Requires the development of learning materials and preparation of activities
 - Requires a consistent planning and posting of weekly lesson plans
 - Requires an understanding of the individualization process and its purpose

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- 4. Assist the Instructor II in ensuring that individual child assessments and observations are completed
 - Requires documentation of observations
 - Requires the facilitation of Parent-Teacher Conference 3 times a year
 - Requires that Individual Child Portfolios are kept and reviewed with the parents
- 5. Assist the Instructor II in ensuring the inclusion of health, nutrition, and physical development activities in lesson plans
- 6. Assist the Instructor II in supporting children's social-emotional development
 - Requires consistent implementation of the Second Step Curriculum
 - Requires documentation in the lesson plans
- 7. Assist the Instructor II in supporting children's independence, problem solving skills, initiative, and concentration through observation and Individual Learning Plans (Creative Curriculum ILP)

Parent/Family Involvement

- 1. Encourage the involvement of families and support the relationships between children and their families, and the documentation thereof
 - Assist in the facilitation of home visits (initial, follow-up, and more as necessary)
 - Assist in the facilitation of Parent Education Nights (minimum of 3 per school year)
 - Requires participation during monthly Central Parent Involvement Committee (CPIC) meetings
- 2. Assist the Instructor II in ensuring that the Parent/Family Corner is updated and consistent in terms of family events, current activities, etc.
 - Requires communication and collaboration with the Head Start Family Advocate
- 3. Assist the Instructor II in writing parent notices, create monthly newsletters etc. to keep parents/families informed of current events and information about the center/classroom
- 4. Assist the Instructor II in maintaining a complete, accurate, and updated parent/family communication binder

Family Files

- 1. Assist the Instructor II in maintaining a complete family file for each child
 - Requires an ongoing monitoring and review of files

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Confidentiality

- 1. Maintain and keep all family files and all records confidential and in locked cabinets
- 2. Adherence to Policy 8000 with regards to "confidentiality."

Facilities/Health & Safety

- 1. Establish and maintain a safe and healthy learning environment (both indoor & outdoor) and on field trips (including the supervision of children at all times
- 2. Conduct the daily health check to ensure that the classroom environment is safe for all children and teachers
- 3. Monitors and records all meal observations and reports any and all concerns Site Coordinator
- 4. Assist the Instructor II in ensuring that any and all special requests from parents (regarding foods not to be served to children because of medical, religion, etc. reasons) are reported to the Head Start Health Coordinator and the PSS Food and Nutrition office
- 5. Assist the Instructor II in ensuring all screenings are conducted and are reported accurately, in a timely manner (must be completed within the first forty-five days of each child's enrollment)
 - Requires and understanding of the referral process
 - Requires a consistent follow-up of each referral made
- 6. Follows medication administration procedure
- 7. Ensure the daily implementation of tooth brushing and fluoride administration
- 8. Ensure the implementation of personal hygiene lessons to the children
- 9. Monitors the school environment/facility (indoor/outdoor) using the Health & Safety Checklists
- 10. Report any and all child abuse and/or neglect to appropriate agency and Site Coordinator
- 11. Report any and all child abuse and/or neglect to appropriate agency and Site Coordinator.
 - Requires the knowledge of reporting procedure and the knowledge of confidentiality.

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12. Ensure completion of all other documents as required.

Eligibility, Recruitment, Selection, Enrollment, & Attendance (ERSEA)

- 1. Assist Instructor II and maintains accurate reporting of students daily attendance
 - Requires daily encouragement with the children and parents
- 2. Report any and all withdrawals to the Instructor II to be forwarded to the Head Start Site Coordinator
- 3. Record and submit all weekly attendance to the Head Start Site Coordinator to be forwarded to the ERSEA Manager
- 4. Distribute returning children application for update to parents and collects them for submission to the ERSEA Manager in a timely manner
- 5. Assist with the recruitment process

Teacher Development

- 1. Participate in all required Professional Development Activities (Program Level)
- 2. Participate in all required Staff meetings and trainings (Center Level)
- 3. Participate in all required Statewide Professional Development Days

Other Duties & Responsibilities (as assigned)

- 1. Provide necessary information to the Instructor II, Head Start Director, Site Coordinator, and other service area managers as requested
- 2. Follow proper protocol when reporting any and all activities, events, concerns, etc.
- 3. Representing the CNMI Head Start Program in local, regional and national meetings, on task forces, conference presentations, etc. as called upon
- 4. Work on collaborative projects with other service area within Head Start and with other agencies as assigned
- 5. Demonstrate continuous effort to improve operations, decrease turnaround times, streamline work processes, and work cooperatively and jointly to provide quality service
- 6. Participate in the Self-Assessment & Community Assessment Projects

Overall

1. Comply with the Head Start Performance Standards, Policy 8000, and the Standards of Conduct

Working Conditions:

The Public School System (PSS)/Head Start Program operates on a 40 hour workweek. Actual working hours will be determined on the basis of operational efficiency. The Head Start Program Director will establish working schedules subject to the approval of the Commissioner of Education and the Head Start Policy Council (HPC).

Work Behavior:

- 1. Work harmoniously with co-workers. No more than 1 documented and substantiated complaint in a 3 month-period.
- 2. Conduct self at all times consistent with policies (Head Start Performance Standards, Policy 8000, and the Standard of Conduct). No more than 1 documented and/or oral complaint in a 3 month-period.
- 3. Report to work regularly. Absenteeism or tardiness will be no greater than 5% of work time unless on scheduled leave or illness (with a signed doctor's statement if required by supervisor) or family medical leave (with a signed doctor's statement). All absence accumulated will be made up at the end of each school year as per Commissioner's instruction.
- 4. Comply with the CNMI Head Start policy on personal appearance at all times.

Education and Training

1. Early Childhood Development training and all related services including Montessori Methods, Creative Curriculum, and Second Step Curriculum

Knowledge, Skills, and Abilities:

- 1. Knowledge of the Head Start Performance Standards, Policy 8000, and PSS Policies and Regulations
- 2. The ability to work independently with minimal supervision
- 3. The ability to initiate and facilitate meetings, trainings, etc.
- 4. The ability to initiate tasks without being instructed to, using best judgment

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Minimum Qualification and Requirements:

- 1. High School Diploma plus Early Childhood Education Certification
- 2. One year verifiable experience

Additional Qualifications:

- 1. Experience in a human services setting, including working with income eligible children and families.
- 2. Good interpersonal and communication skills. Communicate effectively both orally and in writing, including giving and receiving feedback. Bilingual skills are a plus.
- 3. Awareness of and sensitivity to cultural issues and local community practices.
- 4. Ability to work as a team, has strong staff collaboration is a standard at the Head Start Program.
- 5. Must be CPR certified or must go through training within the first (60) days of employment.
- 6. Must meet all health and safety clearance and requirements.
- 7. Must have no conviction of child abuse and/or neglect.

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CNMI Head Start Duties & Responsibilities Instructor II

Classroom/Head Start Center

- 1. Work with the Instructor I to ensure that the overall operation of the classroom is smooth and is managed appropriately
- 2. Work with the Instructor I in ensuring that the children are supervised at all times
- 3. Work with the Instructor I in ensuring that the monthly reports (and other reports as requested) are completed and are accurate and submitted in a timely manner (due every last working day of each month)
- 4. Regular review of family files/child records to periodically communicate with each family the child's overall development (learning, behavior, nutrition, dental, mental, and physical health, etc.)
- 5. Work with the Instructor I in ensuring that equipment, materials, and supplies are inventoried at the beginning and at the end of each school year (inventories are submitted to Head Start Program Site Coordinator to be forwarded to the Head Start main office)
- 6. Work with the Instructor I in maintaining complete and updated evidence binders for the purpose of ongoing monitoring and review (local and federal review)

Curriculum and Child Outcomes/Disabilities

- 1. Work with the Instructor I in ensuring the implementation of the Creative Curriculum, Montessori Curriculum, and the Second Step Curriculum
- 2. Work with the Instructor I in ensuring the implementation of all Individual Education Plans (IEP) goals
 - Requires attendance at some IEP meetings
- 3. Work with the Instructor I in developing and implementing lesson plans that are developmentally appropriate to foster literacy, language, math, science, creative arts, fine and gross motor development, and social-emotional growth that reflect individual plans for each child based on observation and individual interests and needs
 - Requires the development of learning materials and preparation of activities
 - Requires a consistent planning and posting of weekly lesson plans
 - Requires an understanding of the individualization process and its purpose

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- 4. Work with the Instructor I in ensuring that individual child assessments and observations are completed
 - Requires documentation of observations
 - Requires the facilitation of Parent-Teacher Conference 3 times a year
 - Requires that Individual Child Portfolios are kept and reviewed with the parents
- 5. Work with the Instructor I in ensuring the inclusion of health, nutrition, and physical development activities in lesson plans
- 6. Work with the Instructor I in supporting children's social-emotional development
 - Requires consistent implementation of the Second Step Curriculum
 - Requires documentation in the lesson plans
- 7. Work with the Instructor I in supporting children's independence, problem solving skills, initiative, and concentration through observation and Individual Learning Plans (Creative Curriculum ILP)

Parent/Family Involvement

- 1. Encourage the involvement of families and support the relationships between children and their families, and the documentation thereof
 - Assist in the facilitation of home visits (initial, follow-up, and more as necessary)
 - Assist in the facilitation of Parent Education Nights (minimum of 3 per school year)
 - Requires participation during monthly Central Parent Involvement Committee (CPIC) meetings
- 2. Work with the Instructor I in ensuring that the Parent/Family Corner is updated and consistent in terms of family events, current activities, etc.
 - Requires communication and collaboration with the Head Start Family Advocate
- 3. Work with the Instructor I in writing parent notices, create monthly newsletters, etc. to keep parents/families informed of current events and information about the center/classroom
- 4. Work with the Instructor I in maintaining a complete, accurate, and updated parent/family communication binder

Family Files

- 1. Work with the Instructor I in maintaining a complete family file for each child
 - Requires an ongoing monitoring and review of files

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Confidentiality

- 1. Maintain and keep all family files and all records confidential and in locked cabinets
- 2. Adherence to Policy 8000 with regards to "confidentiality"

Facilities/Health & Safety

- 1. Establish and maintain a safe and healthy learning environment (both indoor & outdoor) and on field trips (including the supervision of children at all times
- 2. Conduct the daily health check to ensure that the classroom environment is safe for all children and teachers
- 3. Monitors and records all meal observations and reports any and all concerns to the Site Coordinator
- 4. Work with the Instructor I in ensuring that any and all special requests from parents (regarding foods not to be served to children because of medical, religion, etc. reasons) are reported to the Head Start Health Coordinator and the PSS Food and Nutrition office
- 5. Work with the Instructor I in ensuring all screenings are conducted and are reported accurately, in a timely manner (must be completed within the first fortyfive days of each child's enrollment)
 - Requires an understanding of the referral process
 - Requires a consistent follow-up of each referral made
- 6. Follows medication administration procedure
- 7. Ensure the daily implementation of tooth brushing and fluoride administration
- 8. Ensure the implementation of personal hygiene lessons to the children
- 9. Monitors the school environment/facility (indoor/outdoor) using the Health & Safety Checklists
- 10. Report any and all child abuse and/or neglect to appropriate agency and Site Coordinator
 - Requires the knowledge of reporting procedure and the knowledge of confidentiality
- 11. Ensure completion of all other documentations as required

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Eligibility, Recruitment, Selection, Enrollment, & Attendance (ERSEA)

- 1. Ensure and maintains accurate reporting of students daily attendance
 - Requires daily encouragement with the children and parents
- 2. Report any and all withdrawals to the to the Head Start Site Coordinator
- 3. Record and submit all weekly attendance to the Head Start Site Coordinator to be forwarded to the ERSEA Manager
- 4. Distribute returning children application for update to parents and collects them for submission to the ERSEA Manager in a timely manner
- 5. Assist with the recruitment process

Teacher Development

- 1. Participate in all required Professional Development Activities (Program Level)
- 2. Participate in all required Staff meetings and trainings (Center Level)
- 3. Participate in all required Statewide Professional Development Days

Other Duties & Responsibilities (as assigned)

- 1. Provide necessary information Head Start Director, Site Coordinator, Assistant Site Coordinator, Education Coordinator, and other service managers as requested
- 2. Follow proper protocol when reporting any and all activities, events, concerns, etc.
- 3. Representing the CNMI Head Start Program in local, regional and national meetings, on task forces, conference presentations, etc. as called upon
- 4. Work on collaborative projects with service areas within Head Start and with other agencies as assigned
- 5. Demonstrate continuous effort to improve operations, decrease turnaround times, streamline work processes, and work cooperatively and jointly to provide quality service
- 6. Participate in the Self-Assessment & Community Assessment Projects

Overall

1. Comply with the Head Start Performance Standards, Policy 8000, and the Standards of Conduct

Working Conditions:

The Public School System (PSS)/Head Start Program operates on a 40 hour workweek. Actual working hours will be determined on the basis of operational efficiency. The Head Start Program Director will establish working schedules subject to the approval of the Commissioner of Education and the Head Start Policy Council (HPC).

Work Behavior:

- 1. Work harmoniously with co-workers. No more than 1 documented and substantiated complaint in a 3 month-period.
- 2. Conduct self at all times consistent with policies (Head Start Performance Standards, Policy 8000, and the Standard of Conduct). No more than 1 documented and/or oral complaint in a 3 month-period.
- 3. Report to work regularly. Absenteeism or tardiness will be no greater than 5% of work time unless on scheduled leave or illness (with a signed doctor's statement if required by supervisor) or family medical leave (with a signed doctor's statement). All absence accumulated will be made up at the end of each school year as per Commissioner's instruction.
- 4. Comply with the CNMI Head Start policy on personal appearance at all times.

Education and Training

COMMONWEALTH REGISTER

1. Early Childhood Development training and all related services including Montessori Methods, Creative Curriculum, and Second Step Curriculum

Knowledge, Skills, and Abilities:

- 1. Knowledge of the Head Start Performance Standards, Policy 8000, and PSS Policies and Regulations
- 2. The ability to work independently with minimal supervision
- 3. The ability to initiate and facilitate meetings, trainings, etc.
- 4. The ability to initiate tasks without being instructed to, using best judgment

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Minimum Qualification and Requirements:

- 1. Associates degree in any field plus Early Childhood Education Certification
- 2. Three Years verifiable experience

Additional Qualifications:

- 1. Experience in a human services setting, including working with income eligible children and families.
- 2. Good interpersonal and communication skills. Communicate effectively both orally and in writing, including giving and receiving feedback. Bilingual skills are a plus.
- 3. Awareness of and sensitivity to cultural issues and local community practices.
- 4. Ability to work as a team, has strong staff collaboration is a standard at the Head Start Program.
- 5. Must be CPR certified or must go through training within the first (60) days of employment.
- 6. Must meet all health and safety clearance and requirements.
- 7. Must have no conviction of child abuse and/or neglect.

PUBLIC NOTICE

PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS GOVERNING THE NORTHERN MARIANA ISLANDS RETIREMENT FUND

The Board of Trustees of the Northern Mariana Islands Retirement Fund ("NMI Retirement Fund"), as authorized pursuant to 1 CMC § 8315(f), hereby gives notice to its members and the general public that it has proposed amendments to the NMI Retirement Fund's Regulations pursuant to the Administrative Procedures Act, 1 CMC § 9101, et. seq. The attached proposed amendments would modify the Regulations published in the Commonwealth Register, Volume 29, Number 07, at pages 26666 through 26675, on July 18, 2007 (effective date August 27, 2007).

The purpose of these amendments is to provide for guidelines and procedures in applying the mandatory statutory penalty provision for all deficient employer and/or employee contribution pursuant to 1 CMC § 8362(e) by adding a new Part 12 - Employer/Employee Contribution. Furthermore, language is added under Part 5 - Section 5.01(A) regarding limitation on advance release of benefits checks. The Board is soliciting comments and recommendations regarding these proposed amendments, which must be received by the NMI Retirement Fund within thirty (30) days of publication of this notice in the Commonwealth Register.

Written comments on these amendments should be sent to Mark A. Aguon, Administrator, NMI Retirement Fund, Hon. Lorenzo I. Deleon Guerrero Retirement Fund Building, Isa Drive, Capitol Hill, P.O. Box 501247, Saipan, MP 96950-1247, or by facsimile to (670) 664-8080. Copies of these amendments may be obtained at the NMI Retirement Fund offices on Saipan, Tinian and Rota.

Dated this 4th day of December 2007. Juan T Guerrero Chairman Board of Trustees, NMIRF Administrator, NMII

Reviewed for legal sufficiency this 4th day of Decembe 2007 by:

RECEIVED BY:

FILED BY:

JOSEPH C VILLAGOMEZ Special Assistant for Administration

Date: 03-18-08

March 25, 2008

PAGE 28378

Certification by the Office of the Attorney General

Pursuant to 1 CMC § 2153, as amended by P.L. 10-50, the proposed amendments to the Rules and Regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the Office of the Attorney General.

Office of the Attorney General.

Dated this day of More 2009.

Attorney General

NOTISIAN PUPBLIKU MAN MAPROPONE NA AMENDASION SIHA PARA I AREKLAMENTO YAN REGULASION SIHA NI GUMUBEBIETNA I FUNDON RITIRÅO I SANKATTAN SIHA NA ISLAN MARIANAS

I Kuetpon <u>Trustees</u> i Fundon Ritiråo i Sankattan Siha na Islan Marianas, ("NMI Retirement Fund"), ni ma'aturisa sigun i lai gi 1 CMC Seksiona 8315(f), ha nånå'i' notisia para i membru siha yan i pupbliku heneråt na ha propopone i amendasion siha para i Regulasion i Fundon Ritiråo i Sankattan Siha na Islan Marianas sigun i Åkton i Areklamenton Atministrasion, 1 CMC Seksiona 9101, *et. seq.*. I man che'che'ton ni man mapropone na amendasion siempre a tulaika i Regulasion ni mapupblika gi Rehistran i Commonwealth, Baluma 29, Numiru 07, gi påhinan 26666 para 26675, gi Julio 18, 2007 (ha'ånen anai u efektibu Augusto 27, 2007).

I rason este siha na amendasion pot para u probeniyi maneha yan areklamento pot para u aplika peña i probensión i Lai siha para ayu siha i man dilinkuenti ni man nanahalom salåpe' na empleåo osino man emplelea siha sigun gi Lai, 1 CMC Seksiona 8362(e) yangin ma' omentåyi nuebu na påtte' 12 – man nanahalom salåpe' na empleåo / osino man emplelea siha sigun gi Lai. Adimås, ma'omentåyi i mensåhe papa i Påtte' 5 – Seksiona 5.01(A) tineteka i minidiyin i malaknos i chek gi la'taftaf na tiempo. I Kuetpo magågågåo opinion yan rekomendasion siha ni tineteka este man mapropone na amendasion siha, ni debi di u maresibe' ni i Fundon Ritiråo i Sankattan Siha na Islan Marianas gi hålom trenta (30) diha siha gi pupblikasion este na notisia gi Rehistran i Commonwealth.

I tinige' opinion siha debi di u mana fan hålom guatu gi as Mark A. Aguon, i Atministradot, i Fundon Ritiråo i Sankattan Siha na Islan Marianas, gi Isa Drive, Capitol Hill, P.O. Box 501247, Saipan, MP 96950-1247, osino facsimile guatu gi (670) 664-8080. Siña man machule' i kopian este mapropone na amendasion siha gi maseha amånu na Ofisinan i Fundon i Ritiråo giya Saipan, Luta yan Tinian.

Mafecha este gi mina 1/11 na diha gi 1/2007.

Mark A. Aguda

Atministradot, Fundon i Ritiråo gi NMI

Ma ina para u ligåt sufisiente gi mina 1/12 na diha gi 1/2007 as:

MARESIBE' AS:

PINELO' AS:

Toseph C VILLAGOUEZ

Espisiåt na Ayudånte Para i Atministrasion

Rehistran i Commonwealth

3-18.00

Fecha:

Fecha:

Setifikasion ginen i Ofisinan i Abugåo Heneråt:

Sigun i Lai 1 CMC Seksi siha para i Areklamento para u fotma yan ligåt suf	yan Regulasion s	siha ni man	che'che'to		
Mafecha este gi mina	_ na diha gi	2007.			
		-	Abugåo He	eneråt	

ARONGOL TOULAP POMWOL SSIWEL KKAAL NGÁLI ALLÉGH YE E LEMELI NORTHERN MARIANA ISLANDS RETIREMENT FUND

Mwiisch (Board of Trustees) mellól Northern Mariana Islands Retirement Fund ("NMI Retirement Fund"), iye re ngálleey bwángil mereel 1 CMC Tálil 8315(f), ekke arongaar membro me toulapeer aramas bwe pomwoli ssiwel kkaal ngáli Alléghúl NMI Retirement Fund sángi alléghúl Administrative Procedure Act, 1 CMC Tálil 9101, et seq.. Pomwol kka e appasch ebwe ssiweli Allégh kka aa akkatééló llól Commonwealth Register, Volume 29, Numero 07, llól peighil 26666 me 26675, wool Ulliyo 18, 2007 (nge aa allégheló wool Ogosto 27, 2007).

Bwulul ssiwel kkaal bwelle igha rebwe ayoora ammataf me ammwel kkaal igha ebwe akkatéélong llól alléghúl mwutta ngaliir alongeer Schóóy attarabwaagho (employer) me ngare Schóóy angaang (employee) reel aweweel óbwós (contribution) sángi allégh ye 1 CMC 8362(e) iye aa akkatéélong llól Peigh 12 ye effé reel Employer/Employee Contribution (óbwós). Bwal eew, tapelal kkepas e akkaschulong, nge reel igha rebwe fischáli (limit) isisiwowul checkil benefits mmwal ráálil isisiwow (advance release of check benefits) faal Peigh 5 – Tálil 5.01(A). Schóóy mwiisch yeel e tittingór aghiyegh me tipáng bwelle pomwol ssiwel kkaal. Ikka NMI Retirement Fund ebwe bwughil llól eliigh (30) ráálil yaal akkatééló arong yeel mellól Commonwealth Register.

Ischil mángemáng reel ssiwel kkaal ebwe akkafang ngáli Mark A. Aguon, Samwoolul <u>NMI</u> <u>Retirement Fund, Retirement Fund Building,</u> Isa Drive, Capitol Hill, P.O. Box 501247, Seipél, MP 96950-1247, me ngáre facsimile reel (670) 664-8080. Tilighial ssiwel kkaal nge Emmwel óubwe bwughi mereel Bwulasiyool <u>NMI Retirement Fund</u> mewóól Seipél, Tchúlúyól me Luuta.

Ráálil ye 4th 1161 Decemba 2007.	M
Juan T. Suerrero	Mark A. Aguon
Samwoold, Mwiischil Trustees, NMIRF	Samwoolul, NMIRK
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Alúghúlúgh / H llól ráálil Decen	Mec 2007 sangi:
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Rál: 03-18-08	Rál: 3-19-08

Alúghúlúgh mereel Bwulasivool Sów Bwungul Allégh Lapalap

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Raalil ye	loll	2007.		
			Sów Bwungul Allégh Lapalap	_

PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS GOVERNING THE NORTHERN MARIANA ISLANDS RETIREMENT FUND

Citation	of Statutory	Authority:
$\cup uuuvu$	vi Statatvi v	Auuuvi uv.

The Board of Trustees ("Board") of the Northern Mariana Islands Retirement Fund ("Retirement Fund") has statutory power to promulgate and effect Rules and Regulations pursuant to 1 CMC § 8315(f).

Statement of Goals and Objectives:

The Rules and Regulations provide guidelines for the Board to manage the government retirement program, as well as provide government employees and retirees information on how the program functions. The primary goals and objectives of the proposed amendments are to provide clear guidelines and procedures to all parties affected with respect to the application of mandatory statutory penalty provision for all delinquent employer and/or employee contribution pursuant to 1 CMC § 8362(e).

Summary of Amendments:

These proposed amendments to the Rules and Regulations includes the application of assessing from 10% to the maximum penalty of 25%, as statutorily mandated, for any employer and/or employee contribution not paid to the Fund within five (5) working days following the end of each payroll date. Furthermore, these amendments would provide the mechanism in serving notice to all affected parties of the Fund's procedure in applying payments for contribution and penalty. Additionally, the number of days benefit checks could be released in advance would be not more than five (5) days before the scheduled payment date.

For Further Information:

Contact Mark A. Aguon, Administrator, NMI Retirement Fund, by telephone (670) 322-3863 or facsimile (670) 664-8080.

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

1 CMC § 8362(e); Part 5 – 5.01(A); Part 12; and the Rules and the Regulations as amended and published in the Commonwealth Register, Volume 29, Number 07, dated July 18, 2007, effective August 27, 2007.

Dated this Yel day of Acanu 2007.	ı
	Mkyn
Chairman, Board of Trustees, NMIRF	Administrator, MMIRI
	V
RECEIVED BY:	FILED AND RECORDED BY:
JUILAGOMEZ	And Orman
JOSEPH C VILLAGOMEZ	routh our
Special Assistant for Administration	Commonwealth Register
Date: 03-18-08	Date: <u>3-18-09</u>

MAN MAPROPONE NA AMENDASION PARA I AREKLAMENTO YAN REGULASION SIHA NI GUMUBEBIETNA I FUNDON RITIRÅO I SANKATTAN SIHA NA ISLAN MARIANAS

Annok	i Åturide	åt i Lai:
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I Kuetpon i Trustees ("Board") gi i Fundon Ritiråo i Sankattan Siha na Islan Marianas gai åturidåt para u establesi ya u na efektibu i Arkelamento yan Regulasion siha sigun I Lai 1 CMC Seksion 8315(f).

Mensåhe pot Finiho:

I Areklamento yan Regulasion siha a na guahaye giha para i Kuetpo ni para u mamaneha i progråman Ritiråo gi gubietnamento yan kontodu man nå'in infotmasion siha para i empleåo yan i Ritiråo siha pot i kinalamten i progråma. I primet pot i man mapropone na Amendasion siha u fan maprobeniyi nui klåru na giniha yan areklamento pot i man tineteka para i aplikåpble na probension siha para i sigente na peña para i man dilinkuente siha na man empleåo yan/osino empleåo pot kontribusion niha, sigun i Lai 1 CMC 8362(e).

Mensåhe pot i Amendasion Siha:

Este man mapropone na amendasion siha i Areklamento yan Regulasion såonåo ma'aplikan i 10% esta 25% na peña ni mamånda para i man emplelea ni ti man hålom kontribusion para i Fundo, gi hålom singko (5) diha despues i ha'ånen pagamento. Pot mås, este man ma'amenda siha para u probeniyi manera ni u fan manotisia todo i man inafekta ni para ma'aplika åpas para kontribusion yan peña siha. Adimås, i numirun i diha siha anai siña u malaknos i chek gi kontiempo siempre ti u mås di singko (5) diha siha antes di i masiñåla na ha'ånen pagamento.

Para Mås Infotmasion:

Ågang si Mark A. Aguon, i Atministradot, gi Fundon Ritiråo, gi numirun tilifon (670) 322-3863 osino facsimile gi numiru (670) 664-8080.

Annok i Man Achule' Yan/Pat Inafekta na Lai Regulasion yan Otden Siha: Lai 1 CMC 8362(e); yan Areklamento yan Regulasion siha ni man ma'amenda yan pupblika gi Rehistran i Commonwealth Baluma 29, Numero 07 ni ma Fecha gi Julio 18, 2007 ya efektibu gi Agosto 27, 2007.

Mafecha este gi mina 444 na diha gi Decemb	<u>u</u> , 2007.
Juni	MAzan
Kabesiyo Kuetpon I Trustees, NMIRF	Atministratdot, N. RF
	DDIFF O. 45
MARESIBE' AS:	PINELO' AS:
JUNILAGOUNEZ	Sdela Origo
Espisiat na Ayudante Para i Atministrasion	Rehistran i Commonwealth
Fecha: 03-18-08	Fecha: \(\(\frac{3-18.08}{18.08} \)

POMWOL SSIWEL KKAAL NGÁLI AMMWEL ME ALLÉGH KKAAL IYE E LEMELI NORTHERN MARIANA ISLANDS RETIREMENT FUND

Bwángil Allégh: Mwiischil Trustees (Board) mellól Northern Mariana Islands

Retirement Fund ("Fundool Retirement") eyoor bwangil ebwe akkatééwow Ammwel me Allégh kkaal sángi allégh ye 1 CMC

8315(f).

Aweweel Allégh: Aweweel me Allégh kkaal e avoora ammataf kkaal ngáli

> mwóghutul mellól gobenno, me bwal ayoora ngáliir gov't employees me retirees ammataf reel mwóghutul progróóma. Bwulul pomwol ssiwel kkaal nge ebwe amatafa fischi allégh kkaal ngáliir schóókka llól progróóma, me aweweel mwutta ngáliir employer me/me ngare re dlikuenti (delinquent) sángi

allégh ye 1 CMC 8362(e).

Aweweel Ssiwel: Pomwol ssiwel kkaal reel Ammwel me Allégh kkaal nge e bwal

> akkatéélong mwutta sángi 10% mwetetá 25% sángi tingóreyal allégh, ngáli alongeer employer me/me ngare employee ngáre ese óbwósulong reel Fundo llól limiral (5) ráálil angaang sángi ráálil payroll. Bwal eew ssiwel kkaal ebwe ayoora mwóghutul igha ebwe óbwósulong mwutta kkaal. Bwal eew, Ráálil isisiwowul benefits checks kkaal mmwal ótol isisiwow, nge

essóbw luuló limiral (5) sángi ráálil óbwós.

Reel Ammataf: Faingi si Mark A. Aguon, Samwoolul, NMI Retirement Fund

reel tilifoon ye (670) 322-3863 me ngare facsimile reel (670)

664-8080.

Akkááw Allégh me Akkúlé: 1 CMC 8362(e) me Ammwel me Allégh aa ssiwel me

kkatééwow Ilól Commonwealth Register, Volume 29, Numero

7, wool Ulliyo 18, 2007, nge aa allégheló wóól Ogosto 27, 2007.

Ráálil ve 46 llól <u>Seamha</u> 2007.

Guerrero

Samwoolul, Mwiischil Trustees. NMIRF

MWIR SANGI:

JOSEPH C VILLAGONEZ Sów Alillisil Sów Lemelem

Rál: 03-18-08

Mark A. Aguon

Samwoolul, NMIRF

AMMWEL SÁNGI:

Proposed Amendments to the NORTHERN MARIANA ISLANDS RETIREMENT FUND ADMINISTRATIVE RULES AND REGULATIONS

To add language under Part 5 - 5.01(A):

PART 5. RIGHTS AND OBLIGATIONS

- 5.01. Time for Payments and Method of Payment..
 - A. All payments for benefits (retirement, disability, surviving spouse and surviving child) shall be made on the fifteenth and last day of every month.. Payments prior to the scheduled disbursement date may be released only by the Administrator and only upon a showing of an extraordinary circumstance. For purposes of this subsection, "extraordinary circumstance" shall be limited to the death or off-island medical referral of the beneficiary or the beneficiary's immediate family. "Immediate family" shall mean mother, father, brother, sister, spouse, child (natural and culturally or legally adopted), grandfather, grandmother, grandchild, mother-in-law or father-in-law. For the purpose of this subsection, the advanced benefit check will be released not more than five (5) days prior to the scheduled payment date.
 - В. Benefits payable to Annuitants shall be in the form of an electronic direct deposit or by deposit in the United States, or International if applicable, Postal System. Receipt of annuity payments in person are no longer authorized nor applicable following the fifteenth day of January 2008 (following the first annuity payment of calendar year 2008). The annuitant shall inform the Fund as to which form of payment is preferred, and where this form of payment shall be sent. Those failing to provide appropriate information to the Fund may, in turn, receive payment during the Public Comments agenda of regularly scheduled Board Meetings.
 - C. Upon death of an annuitant before a scheduled annuity disbursement date, the pro rata share of the deceased annuitant shall be payable to the surviving spouse or beneficiary, as the case may be. If the deceased annuitant has no surviving spouse or beneficiary, the pro rata share shall be held in abeyance pending the court appointment of an administrator of the estate.

To re-designate PART 12 - EFFECTIVE DATE as PART 13 - EFFECTIVE DATE, and to include the following new language as PART 12:

PART 12. EMPLOYER/EMPLOYEE CONTRIBUTION

- 12.01. Deficient Employer/Employee Contribution. In accordance with 1 CMC § 8362 et. al., a penalty shall be assessed for any employer and/or employee contribution not paid to the Fund within five (5) working days following the end of each payroll date.
 - A. All unpaid employer and/or employee contribution from the Government shall be assessed, from the entire amount due, as follows:

- 1. 10% penalty for one (1) to thirty (30) days;
- 2. 20% penalty for thirty one (31) to sixty (60) days; and
- 3. 25% penalty for sixty one (61) days and beyond.

Example: The Government fails to remit to the Fund \$100,000 of employer contribution, but timely makes all other employee contributions.

- a. At the end of thirty (30) days, the Fund shall assess 10% of \$100,000, or \$10,000, making the total amount the Government owes the Fund \$110,000.
- b. At the end of sixty (60) days, the Fund shall assess 20% of \$100,000, or \$20,000, making the total amount the Government owes the Fund \$120,000.
- c. At the end of seventy five (75) days, the Fund shall assess 25% of \$100,000, or \$25,000, making the total amount the Government owes the Fund \$125,000.

The Fund may only assess a maximum penalty of 25%, or a total of \$125,000 of unpaid employer contribution and fines for the example above.

- B. The Fund shall assess the appropriate penalty and provide the Government written notice of the amount owed the Fund within ten (10) days of assessment.
- C. If the Fund receives payment for deficient employee and/or employer contribution that has been penalized, all payments must first be applied towards the penalty. Any remaining funds shall therefore be applied towards the principal balance owed.

Example: As described in the above-mentioned example in 12.01(A), the Government owes the Fund \$100,000 for unpaid employer contribution and \$25,000 in penalties, totaling \$125,000. Subsequently, the Government remits to the Fund \$75,000.

- The Fund shall first satisfy the \$25,000 penalty assessed, leaving a remaining balance of \$50,000.
- The Fund shall therefore apply the remaining balance to the Government's deficient employer contribution, leaving an outstanding balance, owed to the Fund, of \$50,000.

Commonwealth of the Northern Mariana Islands Health Care Professions Licensing Board

Norma S. Ada, Chair Caller Box 502078, Saipan, MP 96950 (1336 Ascension Dr., Capital Hill) tel: 670.664.4811 fax: 670.664.4813 email: mplb@pticom.com

PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF RULES AND REGULATIONS

OF THE COMMONWEALTH
HEALTH CARE PROFESSIONS LICENSING BOARD

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED REGULATIONS
Volume 30, Number 01, pp 027975-28026, of January 22, 2008

Regulations of the Commonwealth Health Care Professions Licensing Board: Parts 001 – 9000

Please take notice that the Commonwealth of the Northern Mariana Islands, HEALTH CARE PROFESSIONS LICENSING BOARD ("the Board"), hereby adopts as permanent the above-referenced Proposed Regulations. I also certify by signature below that such adopted regulations are being adopted without modification or amendment, except for the following "non-material" changes:

1. First change: History section updated

The "History", § 140-50.3-00102(c)(3)(i) through (iii) has been amended to fill in date and page numbers, as follows:

- (i) Emergency Regulations, Midwives and General, adopted by resolution of the Board on December 13, 2007, were signed by the Governor on December 19, 2007, and delivered to and signed by the Register on December 19, 2007. Commonwealth Register, Vol. 30, No. 01, pp 027987-28026 (January 22, 2008).
- (ii) Proposed Regulations, Midwives and General, adopted by resolution of the Board on December 13, 2007. Proposed regulations were published in the Commonwealth Register, Vol. 30, No. 01, pp 027975-28026 (January 22, 2008)
- (iii) Final fee regulations were adopted by resolution on February 26, 2008, and promulgated by publication of notice in the Commonwealth Register Vol. 30, No. 03 (03/___/2008).

2. Second change: Elimination of some continuing education requirements

The Board has eliminated certain continuing education requirements ("CE") in the

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following subsections of the regulations. These are "default" requirements, which apply if no conflicting specifics are stated in the sections on a particular profession

- a. § 140-50.3-00605 Continuing professional education requirements
 - (a) no change
 - (b) deleted "with the report due by March 1 of the year...period."
 - (c) deleted the subsection on percentage of credits
 - (d) no change
 - (e) changed "certificate" to "license", reduced the credits required to a 2-year equivalence from 3 years, and deleted the sentence starting with "an applicant whose license has lapsed".
 - (f) no change
 - (g) deleted the subsection on ethics requirements
 - (h) added "or other means" to the ways in which a licensee may participate in CE activities.
- b. All sections: the term "CPE" was changed to "CE", to mean "continuing professional education".

The final form of the regulations is being republished for the convenience of the public. The Board believes the changes are "non-material" because they merely update the regulations' history, substitute a shorter acronym, eliminate requirements rather than add to them, and make the reporting period consistent with the license period.

DIRECTIONS FOR FILING AND PUBLICATION: I further request and direct that this Notice and the attached revised, final regulations be published in the Commonwealth Register.

Pursuant to 1 CMC § 9105(b), these adopted regulations are effective 10 days after compliance with 1 CMC §§ 9102 and 9104(a) or (b), which, in this instance, is 10 days after this publication in the Commonwealth Register.

The prior publication was as stated above. The Board adopted the regulations as final at its meeting of February 26, 2008.

COMMENTS AND AGENCY CONCISE STATEMENT. Pursuant to 1 CMC § 9104(a)(2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency's concise statement, if any, in response to filed comments. Note: There were no filed comments.

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ATTORNEY GENERAL APPROVAL. The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC § 2153(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law). Due to the further, 'non-material" changes, the Attorney General has approved this final version for promulgation. (*Id.*)

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 13th day of March, 2008, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

\(\frac{1}{\text{Vor.} 13, 2008}\)
\text{Norma S. Ada, MD} \text{Date}

Chair, Health Care Professions Licensing Board

Received by:

ESTHER . FLEMING

Date

Governor's Special Assistant for Administration

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

MATTHEW T. GREGORY,

Attorney General

Filed and Recorded by:

BERNADITA B. DELA CRUZ Commonwealth Register Date

0 HCPLB NOPR Final Midwives and General Regs.wpd

Commonwealth of the Northern Mariana Islands

Northern Mariana Islands Administrative Code Title 140 Office of the Governor

Chapter 50.3 - Commonwealth Health Care Professions Licensing Board Regulations

Chapter Authority: 3 CMC § 2206(b); PL 15-105, Section 3, § 2206(b), as amended.

10 Regulation History: PL 15-105 (effective when approved by Governor Benigno R. Fitial, November 7, 2007), the "Health Care Professions Act of 2007," 3 CMC §§ 2201-36. The Act created a Health Care Professions Licensing Board, as an independent 12 regulatory agency, without placing it in a Department. The Board is authorized to license health care professionals in the 13 Commonwealth, establish standards for educational programs, administer exams, and to discipline licensees for violations of the act. 14 See PL 15-105. 3 CMC § 2206(b), which empowers the Board to adopt rules and regulations consistent with the Act and 15 necessary to carry out the Act's provisions.

[Comment on numbering outline format: The hierarchy /outline is as follows, from top to bottom: Title; Chapter; Part 001-2500; Section x01-x99, where "x" is the Part's first digit(s); (a); (1); (i); (A). The numbering for the title and chapter generally follow the format set out in the pocket part to volume 1 of the Northern Mariana Islands Administrative Code. Citations are to PL 15-105, as amended.]

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33 34	§	140-50.3- 00101	Currency of these regulations and transition	Page 7 of 35	<u>5</u>
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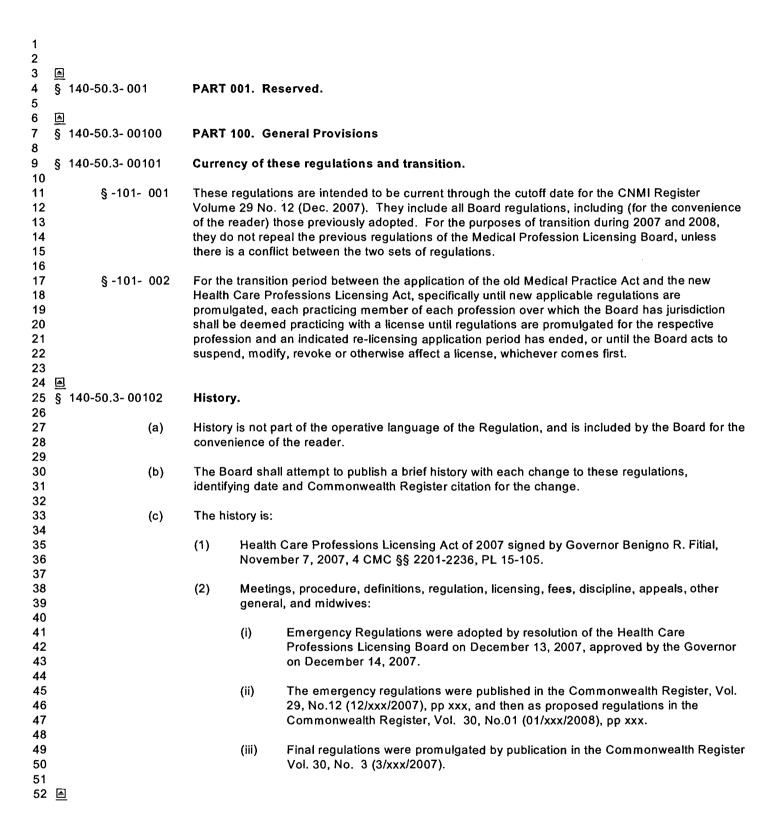
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39 40	Š	140-50.3- 004300	PART 4300.	Physician-Medical Doctor. [reserved]
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42	_			D 11 4 4 4 5 5 5 5 6 6 6 6 6 6 6 6 6 6 6 6 6
43 44	Š	140-50.3- 004500	PART 4500.	Podiatrist. [reserved]
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46				
47 48	§	140-50.3- 004700	PART 4700.	Psychologist. [reserved]
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1	§	140-50.3- 005100	PART 5100. A person providing one of the above-listed services under a different name.
2			[reserved]
3			
4	§	140-50.3- 005200	PART 5200. A student under the direct supervision of a licensee. [reserved]
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7	§	140-50.3- 005300	PART 5300. [reserved]
3			
9	§	140-50.3- 005400	PART 5400. [reserved]
10	_		
11	§	140-50.3- 005500	PART 5500. [reserved]
12			
13	§	140-50.3- 005600	PART 5600. [reserved]
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15	§	140-50.3- 006000	PART 6000. Reserved
16			· ·
17	§	140-50.3- 007000	PART 7000. Reserved
18			
19	§	140-50.3- 008000	PART 8000. Reserved
20			
21	§	140-50.3- 009000	PART 9000. Reserved
22			
23	[C	Comment: The Table of	Contents is not part of the regulation, but is placed here for the convenience of the reader.]
24			
25			



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1 2	§ 140-50.3- 00103	Numbering of resolutions and other acts.
3 4 5 6	(a)	Resolutions shall be signed by the Secretary, Chair or Acting Chair and numbered to indicate year, month and successive number of resolutions in the month, and shall indicate briefly their subject matter. For example: "Res. 2008-10-04 (Budget)".
7 8 9	(b)	Other actions of the Board shall be similarly identified. For example: "Personnel Policy Amendment 2009-03-01 (Travel)".
10 11 12	§ 140-50.3- 00104	Office.
	locations.	nate the location of its principal office, of testing centers, and may establish branch offices in other
	§ 140-50.3- 00105	Organization and officers.
19 20 21	(a) (b)	The officers of the Board are Chair, Vice-Chair, Secretary, and a Secretary-Treasurer, or a Secretary and a Treasurer. The Board shall elect its officers for the calendar year at the first regular meeting of the year.
22	(c)	The officers shall assume the duties of their respective offices as soon as they have been elected.
23	(d)	The officers of the Board shall continue in office until their successors are elected and qualify.
24 25 26 27	(e)	The Chair shall preside at all meetings of the board, and in the event of his/her absence or inability to act, the Vice-Chair shall preside. Other duties of the officers shall be such as the Board may prescribe.
28	<u></u>	
29 30	§ 140-50.3- 00106	Appointments, vacancies and removal from office.
31 32	(a)	Vacancies occurring shall be filled by appointment for the unexpired term of a person licensed in the same capacity as the person being replaced.
33	(b)	The Board shall remove from the Board any member who has become unqualified to serve.
34	(c)	The Board shall recommend to the Governor, after hearing, the removal of any member of the
35 36 37	A	Board for neglect of duty or other just cause.
	§ 140-50.3- 00107	Oath.
39	3	
40	(a)	The Board shall adopt an oath of office.
41	(b)	Within 30 days after their appointment, the members of the Board shall take and subscribe to an
42		oath of office administered by a suitable public official and shall file a signed copy of the same
43 44	(c)	with the Board. The Administrator or Executive Director shall take and sign an oath of office, administered by the
45	(0)	Chair of the Board or other suitable public official.
46		Chair of the Board of other datable parms of the and
47		
	§ 140-50.3- 00108	Record keeping.
49		
50	(a)	The Board shall keep records of all proceedings and actions by and before the Board and before
51		its committees.
52	(b)	In any proceeding before a government agency, or in court, civil or criminal, copies of Board records certified as correct by the executive officer of the Board or the Secretary, and under seal
53 54		of the Board, shall be admissible in evidence and shall be prima facie evidence of the correctness

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		of the c	ontents thereof.
:			
	<u>A</u> § 140-50.3- 00109	Seal.	
;	The Board shall have a	seal and	I shall provide for its use.
.	<u>A</u> § 140-50.3- 00110		
0	§ 140-50.3- 00110	Author	ity of Officers and Committees.
1 2 3	(a)	duties,	ers, as between themselves and the Board, shall have such authority, and perform such as may be provided by or pursuant to resolution or order of the Board, or, in the absence, as may be determined from these regulations.
4 5 6	(b)		cutive Committee, consisting of the Chair, Vice-Chair, and the Secretary or the Treasurer ive the power to act on behalf of the Board between Board meetings as follows:
7 8		(1)	In emergencies;
9		(2)	Where Board action is required on a ministerial act and convenience requires that the action be taken; and
21		(3)	Other actions where Board action is required but it is unreasonable to schedule and conduct a Board meeting;
23		(4)	Provided that no such action shall violate the Open Meetings Act, 1 CMC §§ 9901-16.
24 25 26 27		(5)	Exception: The Executive Committee shall not have any power or authority as to the following:
28 29 30			 (i) The adoption, amendment or repeal of these regulations. (ii) The amendment or repeal of any resolution or decision of the Board. (iii) Vacating or discharging Board members.
31		(6)	The Executive Committee shall meet from time to time, as the Chair requires.
33 34 35 36		(7)	The meetings of the Executive Committee may be conducted by electronic means, and shall be noticed to the Board with instructions on how to attend a meeting, if by electronic means.
37 38		(8)	Any Board member shall have the right to attend a meeting of the Executive Committee.
39 40 41 42	(c)	determ	ng Committees. The Board, or the Chair with the Board's subsequent approval, may ine and create such standing committees as it finds reasonable or necessary; and it shall ine the duties and responsibilities of each standing committee.
13 14 15 16	(d)	-	I Committees. The Board or the Chair, respectively, may determine and create such committees as they find reasonable or necessary.
48	<u>△</u> § 140-50.3- 00111	Opera	tions, staff and contractors.
19 50 51 52	(a)		pard may enter into such contracts, leases, licenses, and other agreements as it may ine necessary for the conduct of its affairs.
53 54 55	(b)	specifi	pard may employ such staff, agents and contractors, except as provided otherwise cally by statute or in these regulations, to assist in the performance of its duties, and pay s, costs and expenses.

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- The Board may appoint a chief operating officer.
 - Such person may be an employee or a contractor.
 - Such person shall serve ex officio on all committees, without vote.
 - Such person shall attend the meetings of the Board and may attend committee meetings, and shall make recommendations to the Board.
 - Except as otherwise provided by law, the Board may furnish a bond for the executive officer and other staff, the cost of which bond shall be paid by from among the Board's
 - Such person may be called "Administrator" or "Executive Director".
- The Board may collect, receive and disburse funds as provided by law, and may delegate such functions to its chief operating officer.

Advisory Committees.

23 The Board may, for the purpose of obtaining technical expertise and public input, appoint advisory committees of non-Board-members to provide advice and assistance related to the Board's functions. Such committees shall act only in an 25 advisory capacity, shall have no authority to initiate any disciplinary action against a licensee, and shall only be authorized 26 to report findings and/or make recommendations from any investigation, deliberation or hearing.

Conflict of Interest.

- No member of the Board, or any business in which a Board member or her/his immediate family serves as staff, officer, owner or director, or by contract represents, shall transact any pecuniary business of any kind with the Board, unless the following preconditions are met:
 - Notification to all Members in advance, in writing, or by oral notification to the Members in a meeting at which the notification is transcribed and placed in the minutes of the Board, of his/her potential business or personal interest in the transaction; and
 - The Member abstains from Board vote regarding the transaction; and
 - The vote of each Member is recorded.
- Loans to Officers and Members Prohibited.
 - No loans shall be made by the Board to its Members or to members of their immediate families.
 - The Members who vote for, or assent to, the making of a loan to a Member, and any officer of officers participating in the making of such loan, shall be jointly and severally liable to the Board for the amount of such loan until the repayment thereof, and their action shall not be subject to indemnification.
 - Exception: The following undertaken on behalf of, or for the benefit of, the Board shall not be a loan within the meaning of these regulations:

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1		
2 3 4 5		 (i) An advance related to participating in a conference, meeting or other event.; (ii) An advance for a filing with a government agency or membership organization; (iii) An advance made pursuant to an indemnification.
6 7 8 9	<u>A</u> § 140-50.3-00114	Purpose.
10 11 12	people of the Commons 2007, which provide, an	ulations is to promote and protect the public interest, and the health, safety and welfare of the talth, by implementing the provisions of the CNMI's Health Care Professions Licensing Act of ong other things, for the issuance and renewal of licenses for the health care professionals listed, and such other duties and powers as are set out in that Act.
16 17 18		PART 200. Administration and Conduct of Meetings
19 20 21	§ 140-50.3-00201	Business meetings.
22 23	(a)	he Board shall conduct its affairs at its meetings.
24 25	(b)	All meetings of the Board shall be open and public, as provided by law.
26 27 28	(c)	A majority of the Board shall constitute a quorum for the transaction of any business at any neeting of the Board.
29 30 31	(d)	Notice to the members of regular meetings shall be given at least seven days in advance by the Chair or, upon the Board's designation, by the Chair, Acting Chair or executive officer.
32 33 34	(e)	Notice of meetings may be waived in writing either before or after the meeting by unanimous consent of all members.
35 36 37	(f)	Ordinarily, the Board shall meet at the call of the Chair or the executive officer, but not less than wice each year.
38 39 40	(g)	Any two members of the Board may call a special meeting, and the executive officer, upon eceiving that notice, shall call a meeting pursuant to the procedure prescribed herein.
42	<u>■</u> § 140-50.3- 00202	Executive session.
43 44 45	(a)	The Board may hold executive sessions as provided by law.
46 47	` '	Specifically, and without limitation, the Board may deliberate in executive session:
48 49 50 51		 on the decision to be reached upon the evidence introduced in a quasi-judicial proceeding; on personnel matters; on litigation;
52 53 54 55		 on matters related to individual tests; and to prepare, approve, grade, or administer examinations.

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1 2	§ 140	-50.3- 00203	Notice	•		
3 4 5		(a)	calcula	to the members shall be given in any way, including by electronic means, reasonably ted to give actual notice. When actual notice may not be given, notice shall be given by US Service, first class mail, and shall be deemed given when mailed.		
6 7 8 9		(b)	Notice	to the public shall be given as provided by statute.		
	<u>a</u>	-50.3- 00204	Bahar	t's Rules of Order.		
12 13	9 140	-30.3- 00204	Koper	t's Rules of Order.		
	Meetir	ngs of the Memb	ers shall	be conducted according to Robert's Rules of Order, most recent revision, unless:		
15 16		(a)	otherw	ise specified in these Regulations, or otherwise by law; or		
17 18 19		(b)		les are suspended pursuant to a vote of two-thirds (2/3) of those present and voting.		
	8 140	-50.3- 00205	Reser	ved		
		-50.3- 00206	Reser			
23 24	§ 140	-50.3- 00207	Public	Meetings.		
25 26		(a)	in gen	eral.		
27			(1)	The Board shall act at its meetings, or as otherwise provided in these Regulations.		
28 29			(2)	The Board shall make provision for the attendance by electronic means of Members, if a Member so requests.		
30			(3)	Meetings shall be noticed as required by law.		
31 32 33			(4)	A copy of meeting materials distributed to the Members shall be available to any person for review at the meeting site, except for materials subject to confidentiality or privilege as permitted or required by law.		
34 35 36		(b)		The time for the regular meetings of the Board shall be set by the Board each year and hed, except as otherwise permitted or provided by law.		
37 38		(0)	Location			
39		(c)	Locati	uii.		
40 41			(1)	Meetings shall be held at such place as the Chair may determine unless otherwise provided by the Board, and the location shall be properly noticed to the public.		
42 43			(2)	The Board may meet by electronic means, and any Member may attend a meeting by electronic means.		
44			(3)	When the Board meets by electronic means, access to the meeting shall be freely given		
45 46				through the noticed site so that any person attending shall have the same access to the meeting as each attending Member at the site. Typically this will include use of a speake		
47 48			(4)	phone for a conference call meeting. Votes of Members may be received by electronic means and announced at a meeting.		
49 50		(d)	Regula	ar Meetings. Regular meetings shall be held as determined by the Board's regulations and		
51		\-/		ditionally determined by the Board.		
52 53		(e)	Specia	al Meetings. Special meetings may be held from time to time, as deemed necessary, and		
54		(0)	-	shall be duly noticed.		

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1 2 3	(f)	Executive Session. Ordinarily the Board's meetings shall be open to the public. The Board may meet privately, in Executive Session, for the following purposes:
1		, , , , , , , , , , , , , , , , , , ,
5		(1) To discuss personnel matters, including the hiring, firing and discipline of staff and/or contractors;
7		(2) To discuss pending or potential litigation or investigations;
3		(3) To deliberate as a quasi-judicial body, particularly with respect to discipline;
9		(4) To discuss aspects of the Board's business affairs that are confidential and/or proprietary
10		by law;
11		(5) To address a matter that may give rise to a conflict of interest, or an appearance of a
12		conflict, in the absence of the Member(s) related thereto; and
13		(6) To address other matters permitted by law.
14		
15	(g)	Discussions by electronic means.
16		
17		(1) The Board may discuss a matter by electronic means over time, as well as in real time,
18		provided that access to the discussion shall be freely given so that a person seeking to
19		review the discussion as it happens shall have substantially the same access to the
20		discussion as each participating Member.
21		(2) Typically such a discussion shall be by electronic bulletin board open to the view of the
22		public.
23		(3) Such discussion shall be noticed according to these regulations and shall comply with
24		CNMI law regarding open meetings.
25		(4) The Board shall arrange for a person, upon reasonable request, the reasonable use of a
26		publicly-available computer with internet access in order to allow review of the discussion.
27	4.5	
28	(h)	Accessibility. The Board shall comply with the accessibility requirements required by law and
29		may, upon a person's request to accommodate other special needs relating to sight, sound,
30		language or location.
31 32		
33	(This section is adopted	pursuant to 1 CMC § 9908(a) (times and places of meeting) and 3 CMC § 2205 (meetings;
34	meetings by electronic r	
35	meetings by electronic i	means.)
36		
37		
	§ 140-50.3- 00300	PART 300. Definitions
39	3	
	§ 140-50.3-00301	Definitions.
41	· ·	
42	For the purposes of this	Chapter, and the administration and/or interpretation of the Act, the following terms shall be
43	defined as set forth in 3	CMC § 2202:
44		
45	(a)	Board;
46	(b)	Board Fund;
47	(c)	Commonwealth;
48	(d)	Doctor;
49	(e)	Electronic means;
50	(f)	Health care profession;
51	(g)	Health care professional;
52	(h)	License;
53	(i)	Licensee;
54	(j)	Licensure;
55	//-\	Medical Profession Licensing Poord:

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1 2 3	(i) (m) (n)	Person; State; RULES OF CONSTRUCTION.
1	_	
5	<u>A</u> § 140-50.3- 00302	Additional definitions.
3	For the purposes of this apply:	Chapter, and the administration and/or interpretation of the Act, the following definitions shall
10 11 12	(a)	"Act" or "Health Care Professions Act" means the Health Care Professions Licensing Act of 2007, PL 15-105, as amended and codified.
13 14 15	(b)	"By electronic means", when used with respect to a meeting, means by electronic means that provide for real-time communication to and from the participants in such a manner that each
16 17		participant can hear and/or read the comments of each other participant.
18 19	(c)	"CBT" means Computer Based Test, and applies to a testing center for delivering an examination.
20 21 22 23	(d)	"CE" means Continuing Professional Education, and includes continuing medical education, dental education, and other types of continuing health care professional education, as the context indicates.
24 25	(e)	"Delivered" or "Presented" means:
26 27 28 29 30 31 32		 (1) delivered in person; (2) deposited in the United States mail, first class or express postage prepaid, or with Federal Express, DHL, UPS or similar carrier, postage paid or guaranteed; (3) emailed, and an email acknowledging receipt is generated by the recipient, and not merely automatically by the recipient's machine; or (4) faxed, and a memo generated automatically by the sending fax machine or fax modem that the fax was received.
34 35 36	(f)	"Direct supervision" means the physical presence of the licensed professional who is supervising the licensee.
37 38	(g)	"Electronic means" includes telephone, video-conference, electronic-telecommunications-mediated written, aural and/or video means, including mediated through the internet and/or email.
39 40 41	(h)	"Firm" shall also include a limited liability company or partnership.
42 43 44	(i)	"Jurisdictional Testing Center" means a high security CBT center operated by the Board or its designee, for the purpose of delivering an examination in computer format.
45 46	(i)	"Manager" means the same as the term "manager" in a limited liability company.
47 48 49	(k)	"Member", when used to refer to a person in a professional health care firm or other business, means the same as the term "member" in a limited liability company or partnership.
50 51 52	(1)	"Rule" means a rule, regulation, or other written directive of general application duly adopted by the Board, including "regulation" as defined in the Administrative Procedure Act, 1 CMC § 9101(k).
53 54	(m)	"Patient", as used in any context in this Chapter, means a person for whom health care professional services are performed or to whom health care products or services are sold or

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l 2			d at the site of a health care professional's practice or through referral to another location ness in which the health care professional has a material interest.
5 5 7	(n)	the hall signatu	ure" or "Signed": The term includes a hard copy or an electronic communication that bears mark of legitimacy, including original hard copy, xerox of an original, fax copy, electronic re through use of a digital code, and an electronic copy of a signature if separately ed as true and correct.
) 10 11	(0)		includes a state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin , Guam and the CNMI.
12 13 14 15 16	(p)	in a vis such el	g" means handwriting, printing, typing, lithography and other methods of reproducing words ible form. This includes hard copy, and communications by electronic means, including ectronic formats as fax, email, pdf format and word processing formats which are generally ercially available.
18			
19 20	§ 140-50.3- 00400	PART 4	400. Professional Conduct and Ethics Rules.
21	§ 140-50.3- 00401	Obliga	tion to follow the rules.
23 24	(a)	A licen	see shall follow the Board's rules of professional conduct.
25 26 27 28	(b)		applicant for a license shall subscribe to the Board's rules of professional conduct on a form d by the Board.
29	§ 140-50.3-00402	Refere	nce to the rules on Board forms.
	The Board's rules of pr	rofession	al conduct shall be identified on the application for a license or other registration.
	§ 140-50.3- 00403	Adopti	on of Professional Bodies' Rules of Conduct - reserved.
36 37 38 39 40	(a)	bodies regulat Rules d	pard hereby adopts as its rules of professional conduct those published by the professional identified in the following Parts, <i>infra</i> , addressing the professions which the Board es. Those Rules shall be known, respectively, as the CNMI [name of health profession] of Professional Conduct. Those professional conduct rules are included herein by ice, and shall have the full force and effect of regulations of this Board.
42 43 44 45	(b)	purpos	of the CNMI Health Professions' Codes of Professional Conduct is promulgated for the e of maintaining high standards of professional conduct by those licensed by and otherwise red with the Board.
46 47	(c)		e Board's purpose and intent that amendments which the referenced professional zations adopt to their Codes of Professional Conduct shall be automatically adopted herein.
48 49 50 51		(1)	The amendments which each of the named professional organizations adopts to its Code of Professional Conduct shall be automatically adopted herein.
52 53 54		(2)	If a court of competent jurisdiction finds, or would find, that the Board may not automatically adopt such amendments by reference, the Board shall consider each amendment which the referenced organization adopts to its Code of Professional

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1 2 3			Conduct and, after publication of notice thereof, issue an order adopting it, adopting it with changes, or declining to adopt the amendment.
4			
5	§ 140-50.3- 00500	PART 5	00. Education Requirements, Examinations.
7	§ 140-50.3- 00501	Accred	itation.
9 10 11	(a)		er hour. A "semester hour" means the conventional college semester hour. Quarter hours converted to semester hours by multiplying them by two-thirds.
12 13	(b)	Accredi	tation. "Accreditation" refers to the process of quality control of the education process.
14 15	(c)	[reserve	ed]
16 17 18	<u>A</u> § 140-50.3- 00502	Educat	ion Requirements [reserved].
19 20 21	§ 140-50.3- 00503	Applica	ations for Examinations, General.
22 23 24 25	§ 140-50.3- 00504	Type, T	ime and Place of Examinations [reserved].
26 27	§ 140-50.3-00505	Examir	nation content. [reserved]
28 29 30 31 32 33		Determ	ining and Reporting Examination Grades. [reserved]
	§ 140-50.3- 00507	Candid	ate Testing Fee. [reserved]
	§ 140-50.3- 00508	Cheati	ng
36 37 38 39	(a) Chea invalid site a	invalida	g by a candidate in applying for, taking, during or subsequent to the examination shall te each grade earned by a candidate, and may warrant summary expulsion from the test disqualification from taking the examination for a specified period of time.
40 41	(b)	The foll	owing actions or attempted activities, among others, may be considered cheating:
42 43 44		(1)	Falsifying or misrepresenting educational credentials or other information required for admission to the examination;
45 46 47		(2)	Communication with others inside or outside the test site while the examination is in progress;
48		(3)	Copying another candidate's answers while the examination is in progress;
49 50		(4)	Substitution of another person to sit in the test site in the stead of a candidate;
51 52 53 54		(5)	Reference to crib sheets, textbooks or other material or electronic media (other than that provided to the candidate as part of the examination) inside or outside the test site while the examination is in progress;

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38

41

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- (6) Violating the nondisclosure prohibitions of the examination, or aiding or abetting another in doing so; and/or
- (c) In a case where it appears that cheating has occurred or is occurring, the Board or its representatives may either summarily expel the candidate involved from the examination or move the candidate to a position in the test center away from other examinees where the candidate can be watched more closely.
- (d) In a case where the Board believes that it has evidence that a candidate has cheated on the examination, including a case in which the candidate has been expelled from the examination, the Board shall conduct an investigation and may conduct a hearing pursuant to the Administrative Procedure Act for the purpose of determining whether or not there was cheating, and if so what remedy should be applied. In such a proceeding, the Board shall decide:
 - (1) Whether the candidate shall be given credit for any portion of the examination completed in that session; and
 - (2) Whether the candidate shall be barred from taking the examination and if so, for what period of time.
- (e) In a case where the Board or its representative permits a candidate to continue taking the examination, it may, depending on the circumstances:
 - (1) Admonish the candidate:
 - (2) Seat the candidate in a segregated location for the rest of the examination;
 - (3) Keep a record of the candidate's seat location and identifying information, and the names and identifying information of the candidates in close proximity of the candidate, and notify the appropriate testing organization or professional organization so that the candidate may be more closely monitored in future examination sessions.
- (f) In a case in which a candidate is refused credit for any part of an examination taken, disqualified from taking any part of a test, or barred from taking the examination in the future, the Board shall provide to the corresponding board of each other state to which the candidate may apply for the examination information as to the Board's findings and actions taken.

39 🖻 40 § 140-50.3-00509 Security and Irregularities

42 Notwithstanding any other provision of these regulations, the Board may postpone scheduled examinations, the release of grades, or the issuance of certificates due to a breach of examination security; unauthorized acquisition or disclosure of 43 44 the contents of an examination; suspected or actual negligence, errors, omissions, or irregularities in conducting an 45 examination; or for any other reasonable cause or unforeseen circumstance.

48 🖹 49 § 140-50.3-00600 PART 600. Issuance and Renewal of Licenses, Continuing Professional Education. 50 51 § 140-50.3-00601 Identification as a licensee.

53 No one shall practice as a claimed licensee of the Board unless they shall have a license, certificate or permit issued and 54 maintained pursuant to these Regulations and the Act.

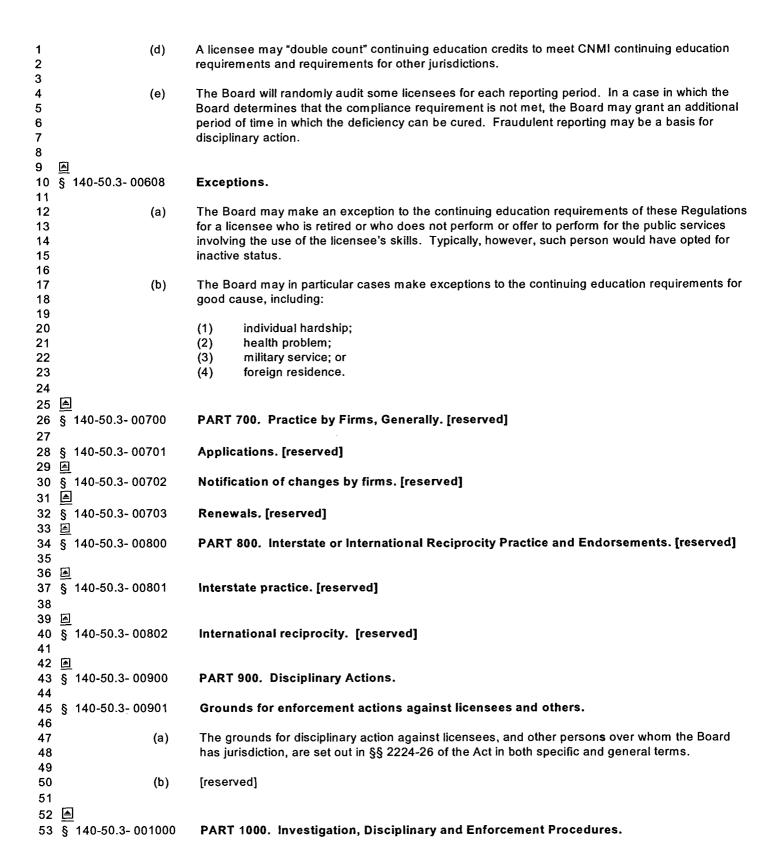
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1 2	§ 140-50.3- 00602	Applications for a license. [§ 2221]
- 3 4 5	(a)	An application for an initial license and for renewal of a license pursuant to the Act shall be made on a form provided by the Board.
6 7 8 9	(b)	The Board shall notify every licensee at least twelve (12) weeks, eighty-four (84) days, before license expiration. The notice shall state the date of expiration and the fee and any additional requirements for the renewal thereof. Ordinarily, the Board's notice shall be by electronic means.
10 11 12 13	(c)	An application for renewal, shall be filed no closer than eight (8) weeks, fifty-six (56) days, before the expiration date of the current license, or prior to the expiration date set by these Regulations. The Applicant shall ordinarily file electronically.
14 15 16 17	(d)	Applications shall not be considered filed until the applicable fee prescribed in the Regulations is received. If an application for renewal is filed late, the delinquency fee prescribed in the Regulations shall also accompany it. The Board will try to arrange for electronic payment.
18 19 20 21	(e)	Applications for renewal of a license shall be accompanied by evidence satisfactory to the Board that the applicant has complied with the continuing professional education requirements under the Act and these Regulations.
22 23 24	<u>A</u> § 140-50.3- 00603	Experience required for initial license. [reserved]
	§ 140-50.3- 00604	Evidence of applicant's experience; evidence from other licensees.
28 29 30	(a)	Another licensee who has been requested by an applicant to submit to the Board evidence of the applicant's experience and has refused to do so shall, upon request of the Board, explain in writing or in person the basis for such refusal.
31 32 33 34	(b)	The Board may require a licensee who has furnished evidence of an applicant's experience to substantiate the information.
35 36 37	(c)	An applicant may be required to appear before the Board or its representative to supplement or verify evidence of experience.
38 39	(d)	The Board may inspect documentation relating to an applicant's claimed experience.
	§ 140-50.3- 00605	Continuing professional education requirements.
43 44 45	(a)	Each licensee must comply with the continuing professional education requirements stated in the Part of these Regulations specific to the profession.
46 47	(b)	The default reporting period for CE shall be two (2) calendar years.
48 49	(c)	Reserved.
50 51 52 53	(d)	An non-active applicant seeking renewal of a license, from other than inactive status, shall show that the applicant has completed within the preceding 24 months no less than the number of credit hours of continuing professional education required for one year for a licensed professional, pursuant to the Part of these regulations specific to the profession.

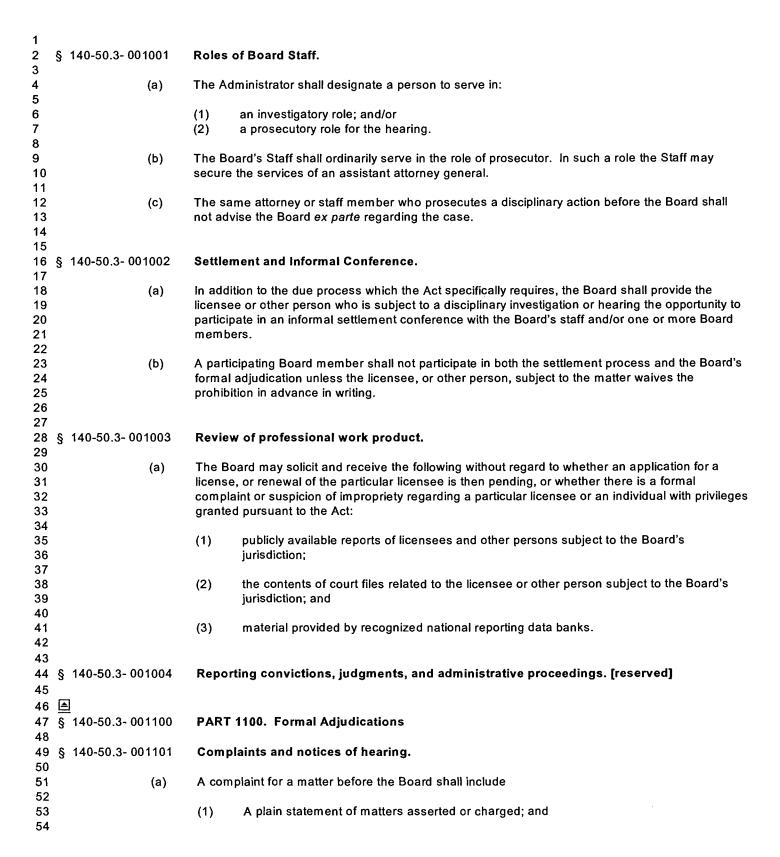
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1 2 3	(e)			hose license has lapsed shall complete no less than the number of hours of CE se Regulations during the two-year period preceding the date of re-application.
5 4 5 6	(f)		_	nted inactive status shall not be required to complete the continuing education pecified for an active licensee.
7 8	(g)	Reserved.		
9	(h)	The co	ntinuina	education requirement may be met in the CNMI or outside of the CNMI, via live
10	(,			through electronic or other means.
11				·
	<u> </u>			
	§ 140-50.3- 00606	Progra	ms qua	lifying for continuing professional education credit.
14				
15	(a)			program qualifies as acceptable continuing professional education if it is a program
16 47				ch contributes to the growth in the professional knowledge and professional if a licensee. The program must meet the minimum standards of quality of
17 18				presentation, measurement, and reporting of credits acceptable to the Board.
19				ogram sponsored by, or accepted by, the licensee's national professional
20				another state board will be acceptable to this Board.
21		J		·
22	(b)	A conti	nuing ed	ducation credit hour is a 60-minute hour. If the licensee attends a program and
23				e than six minutes (one-tenth of an hour), s/he shall deduct the portion of the hour
24		missed	1.	
25				
26				attention and to extend the description and transfer accords
	§ 140-50.3- 00607	Repor	ling cor	ntinuing professional education and keeping records.
28 29	(a)	Panort	format.	
30	(a)	Report	ioiiiiat.	
31		(1)	At the	completion of each reporting period a licensee shall file with the Board a sworn,
32		(- /		I statement, as follows:
33			Ū	
34				ration: I swear under the penalties of perjury that I have for the indicated reporting
35				completed the continuing education activities, for the hours of study/attendance,
36			stated.	. I am keeping the proof of attendance and the content for five years."
37		(2)	The re	apart shall list the year and at least the following information for each sativity:
38 39	÷	(2)	the re	port shall list the year and at least the following information for each activity:
40			(i)	number of credits;
41			(ii)	date earned;
42			(iii)	title;
43			(iv)	summary of subject; location; and
44			(v)	a short indication of whether the activity was approved by a national professional
45				organization or another state board.
46				
47	(b)			supporting materials may be kept in either hard copy or electronic format. The
48			-	electronic means, including scans into pdf format, in order to make easier the
49 50		review	or the n	naterials during an audit.
51	(c)	Proof	of comp	liance is the licensee's responsibility. The licensee shall be responsible for keeping
52	(0)			r continuing education credits and retaining materials that would demonstrate
53				The licensee should retain such documentation for a period of five (5) years
54				pletion of each compliance year.
55				

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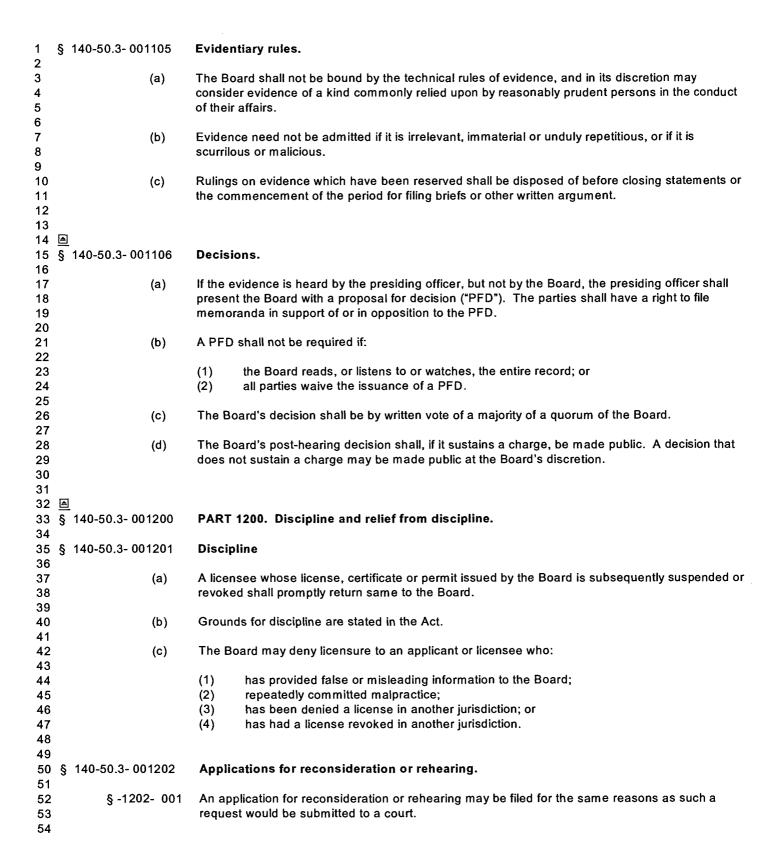


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1 2 3		 Reference to sections of the Act or of the Regulations related to the alleged unlawful conduct. 	İ
4	(b)	he Board shall make available a copy of the Act and the Board's Regulations;	
5 6 7 8 9	(c)	the Board shall make available a brief statement calling attention to the procedural rights of espondent to examine reports and evidence in advance of the hearing, to appear by counse ne hearing, to present evidence and argument, and to appeal an adverse decision.	
	§ 140-50.3- 001102	examination and copying of documents.	
13 14 15 16 17	(a)	respondent shall have the right in advance of the hearing to examine and copy a report of avestigation and documentary or testimonial evidence and summaries of evidence in the Boossession relating to the subject matter of the complaint. If Staff objects to the provision of naterial, the matter shall be decided by the Board or a presiding officer.	oard's
18 19 20 21 22	(b)	The right of examination may be exercised by the respondent or the respondent's attorney or gent at the Board's office where the records in question are kept, during regular business had not three (3) days' advance notice in writing. Copies shall be promptly furnished of any docular other materials designated for copying, but the Board may charge a fee for such copying.	nours, ments
		Representation by Counsel.	
25 26 27 28	(a)	A person who is the subject of a hearing may represent him/herself or may be represented leounsel.	эу
29 30	(b)	A non-individual may be represented by an officer of the firm or organization or by counsel.	
31 32 33	<u> </u>	Conduct of hearing.	
34 35	(a)	A hearing shall be conducted by:	
36 37 38 39		 The Board; or A presiding officer appointed by the Board, who shall be known as an administrative judge. 	e law
40 41	(b)	Fhe presiding officer shall be an attorney. S/he shall be empowered, among other things, to evidence under oath and to swear witnesses.	o take
42 43 44 45	, ,	The hearing shall comply with the requirements of the Administrative Procedure Act and du process. Rebuttal and surrebuttal evidence shall be allowed.	е
46 47 48	(d)	The parties shall be entitled to file memoranda of law and/or briefs. The parties may be giv opportunity to present oral argument, subject to the presiding officer's or the Board's decision	
49 50 51	(e)	The evidence and argument shall, to the maximum practicable extent, be provided by, or resto, a form reproducible by and searchable by, electronic means.	duced
52 53 54 55	,	The hearing shall be recorded, either by audio means or by audio/video means. A party sh given a copy upon request and payment of the fee for such recording.	all be



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1 2 3	§ -1202- 002	No such application shall be required as a prerequisite to a court appeal.		
4 5	§ 140-50.3- 001203	Action by the Board.		
6 7	(a)	The Board may make its decision based on the submissions, or upon a hearing record.		
8 9 10	(b)	The Board may impose reasonable terms and conditions for reinstatement.		
10 11 12	(c)	The Board's decision may consider:		
13 14		(1) the offense for which the applicant was disciplined;		
15 16		(2) the applicant's activities during the time the license, certificate, privileges or permit was in good standing;		
17 18 19		(3) all activities of the applicant since the disciplinary penalty from which relief is sought was imposed;		
20 21 22		(4) the applicant's rehabilitative efforts;		
23 24		(5) restitution to damaged parties in the matter for which the penalty was imposed; and		
25 26		(6) the applicant's reputation for truth and professional probity.		
27 28 29 30	(d)	No application for reinstatement shall be considered while the applicant is under sentence for a criminal offense, including a period during which the applicant is on probation or parole.		
	§ 140-50.3- 001204	Applications for relief from disciplinary penalties.		
33 34 35	(a)	An application may be filed with the Board for modification of a suspension, limitation, revocation or probation:		
36 37		(1) by a person,		
38 39		(2) after completion of all requirements contained in the Board's disciplinary order.		
40 41 42 43	(b)	The application shall demonstrate the good cause for the relief sought, and shall be accompanied by at least two supporting recommendations, under oath, from licensees who have personal knowledge of the activities of the applicant since the discipline was imposed.		
44				
45 46	§ 140-50.3- 001300	PART 1300. Unlawful Acts.		
47 48	§ 140-50.3- 001301	Misleading firm names.		
		the title of a regulated professional in a misleading way. The title is misleading if, among other		
52 53	` '	The firm name implies the existence of a corporation when the firm is not a corporation;		
54 55	(b)	The firm name implies existence of a partnership when there is not a partnership (as in "Smith & Jones, Medical Associates");		

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1
                    (c)
                            The firm name includes the name of a person who is neither a present nor a past partner,
3
                            member or shareholder of the firm; or
4
5
                    (d)
                            The firm name includes the name of a person who is not a licensee.
6
7
    § 140-50.3-001302
                            Fictitious firm names.
8
9
                            A fictitious firm name is one consisting in part of the names or initials of someone other than
10
                    (a)
                            present or former: partners; members; or shareholders.
11
12
13
                    (b)
                            A fictitious firm name may not be used by a firm of licensees. Exception: It may be used if such
14
                            name has been registered with and approved by the Board as not being false or misleading.
15
16
    § 140-50.3-001400
                            PART 1400. [Reserved]
17
18
19
20
   ♠
21
   § 140-50.3-001500
                            PART 1500. Other Licensee Obligations
22
23 § 140-50.3-001501
                            Notify of changes.
24
25 Each licensee shall notify the Board in writing within 28 days (4 weeks) of a change of name, address and/or, in the case
26 of individual licensees, change of employment. A copy of the legal document supporting a name change, e.g. court order
    or marriage license, shall be provided. Notification can be by electronic means.
27
28
29
30 § 140-50.3-001502
                            Timely respond.
31
32 A licensee shall respond in writing to any communication from the Board requesting a response within 28 days (4 weeks)
33 of the mailing of such communication.
34
35
36 § 140-50.3-001503
                            Pay fees.
37
                            A licensee shall timely pay all fees which the Board requires.
            § -1503- 001
38
39
40
            § -1503- 002
                            Failure to pay a few timely may result in the cancellation of the item for which payment was due.
41
                            In particular, the Board may withdraw a licensing approval for failure to pay the applicable fee/s
42
                            within 63 days (9 weeks) of notification.
43
44 ≜
45 § 140-50.3-001504
                            Internet practice.
46
47 A firm offering or rendering professional services via an internet web site shall provide in the web site's homepage, a
48 name, an address, an email address, a telephone number, and principal state of licensure as a means for regulators and
49 the public to contact a responsible licensee in charge at the firm regarding complaints, questions, and/or regulatory
50
    compliance.
51
52
53
54 § 140-50.3-001600
                            PART 1600. Fees.
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1
2
   § 140-50.3-001601
                          Board schedule for fees.
3
4
   The Board has adopted a schedule of fees for the following services. Fees charged by the Board shall be as further
5
   established from time to time by resolution or regulation.
6
7
8
   § 140-50.3-001602
                          Fees, initially.
9
10 The fees shall be in effect initially as follows: The following fees must be paid for the following services.
11
12
                                                                       $100.00
           (a)
                   (b)
                   Initial License Fees: Physicians, Dentists, Pharmacists, Optometrists, Psychologists.......$200.00
13
           (c)
                                                                       $100.00
14
                   License Fees: all other Health Care Professionals. . .
15
           (d)
                   $200.00
16
           (e)
                   Renewal License for Physicians, Dentists, Pharmacists, Optometrists, Psychologists.........$200.00
           (f)
17
                   Renewal License: all other Health Care Professionals
                                                                       $100.00
                   Delinquent (each month).....
18
           (g)
                                                                       $ 25.00
                                                                       $ 75.00
           (h)
                   Replacement/Duplication of License.....
19
           (i)
                                                                       $ 25.00
20
                   Replacement/Duplication of wallet-size card......
           (j)
21
                   Application for Permit to Operate Clinical Laboratory. .
                                                                       $200.00
22
           (k)
                   Permit to Operate Clinical laboratory.....
                                                                       $300.00
23
           (I)
                   Application for Permit to Operate Pharmacy. . . . . . . .
                                                                       $200.00
                                                                       $300.00
24
           (m)
                   Permit to Operate Pharmacy......
25
                   Renewal Permit for Clinical Laboratory or Pharmacy. .
                                                                       $300.00
           (n)
26
           (o)
                   Fees for documents shall be as follows:
27
28
29
                   (1)
                                   Photocopies: less than 10 copies - no charge; 11 or more copies - $0.50 per page
30
                   (2)
                                   Electronic files on CD: $10.00 for each CD
                   (3)
                                   Electronic files on DVD: $20.00 for each DVD
31
                   (4)
                                   Copies of meeting minutes on cassette tape: $15.00 per tape
32
                                   If complying with a request for information takes longer than one hour, labor shall be
33
                   (5)
34
                                  charged at the rate of $20.00 per hour.
35
36
           (p)
                   Annual reports of the Board, Ten Dollars ($10.00)/hard copy.
37
                   Such other charges and fees may be charged as shall be required for special licensee-related services, as
           (q)
38
                   performed in-house or through a contract.
39
           (r)
                   Other fees and charges to be published by the Board:
40
41
                   (1)
                                  In forma pauperis waiver
42
                   (2)
                                  Verification of license fee
                   (3)
43
                                  Certified copies
44
                   (4)
                                  Research of licensure status
45
                   (5)
                                  Hearing transcripts
46
                   (6)
                                  Preparation of record on appeal
47
48
    49
   § 140-50.3-001700
                                  PART 1700. Reports.
50
51 § 140-50.3-001701
                                  Annual reports.
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53 The Board shall, from time to time, prepare and distribute electronically to all licensees, a report of the activities of the Board, including amendments to this chapter and regulations adopted by the Board, and may likewise distribute reports of 55 other matters of interest to the public and to practitioners.

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§ 140-50.3-001702 Other reports. 2 3 The Board shall compile and maintain, or may have compiled and maintained on its behalf, a register of licensees that 4 contains information that the Board determines is necessary for the purposes for which the Board was established. The 5 Board shall make the register available to a licensee and to the public. 6 7 § 140-50.3-001800 PART 1800. Papers; Retention. 8 9 10 § 140-50.3-001801 Documentation and retention. 11 12 With respect to documents and retention, licensees shall comply with all professional standards. 13 14 \land 15 § 140-50.3-001802 Retention Period for Documentation. 16 17 If documentation is required to be kept for longer than seven (7) years because of a pending Board investigation or disciplinary action, the documentation shall not be destroyed until the licensee has been notified in writing by the Board of 18 19 the closure of a Board investigation or disciplinary proceeding. 20 21 22 § 140-50.3-001900 PART 1900. Temporary Practice in or Contact with the CNMI. 24 § 140-50.3-001901 Notification. [reserved] 25 § 140-50.3-001902 Non-jurisdictional activities. A non-resident person shall not be deemed to have 26 27 practiced their profession in the CNMI if the person's contact with the CNMI is limited to: 28 29 30 (a) teaching a college or continuing professional education course; 31 32 (b) delivering a lecture; 33 34 (c) moderating a panel discussion; and/or 35 rendering professional services to a member of the person's family or household. 36 (d) 37 38 39 § 140-50.3-001903 Minimum reportable information. 40 A person notifying the Board pursuant to this Part shall present a current address, telephone, fax and email address for the 41 public to contact the person regarding complaints, questions, service of legal papers, and regulatory compliance. An 43 individual shall further present the principal state of licensure and license number. 44 45 46 § 140-50.3-002000 PART 2000. Particular Professions - General Provisions. 47 48 49 50 The following additional general provisions shall apply to each Part for each specific practice area, Parts 2100 - 9000, 51 unless in conflict with the specific provision of one of those Parts. When there is a conflict, the specific provision controls

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over the general provisions of these Regulations.

52

While the following sub-Parts are intended as a template for the organization of each of the practice area Parts, there may 1 2 be some variation among the Parts. 3 4 § 140-50.3-002001 Additional definitions 5 6 "Candidate" means an applicant who has completed a filing but has not been licensed. (a) 7 (b) [reserved] 8 § 140-50.3-002002 **Authorized Activities and Any Limitations** 9 10 § 140-50.3-002003 Requirements for Licensure 11 12 13 General (a) (b) Education 14 15 (c) **Practice** 16 (d) Other 17 18 § 140-50.3-002004 **Applications** 19 Applications for licensure must be made on a form provided by the Board and filed with the Board by a 20 (a) 21 due date specified by the Board. 22 The application for license form shall include an affidavit which is clear and says in relevant part: "I declare 23 (b) under penalty of perjury that my answers and all statements made by me herein are true and correct. 24 Should I furnish any false information in this application, I hereby agree that such act(s) shall constitute 25 cause for the denial, suspension, or revocation of my license to practice in the Commonwealth of the 26 27 Northern Mariana Islands." 28 29 Each application shall include: (c) 30 31 (1) name; 32 (2) age; 33 (3) birth date; 34 (4) social security number, or equivalent if from a non-US jurisdiction; 35 (5) documentary proof of identity, preferably a passport, but the Board may also accept: 36 driver's license, or other picture identity card; 37 (6) photograph; 38 (7) current residence; 39 (8)current mailing address; 40 (9) current employer; telephone and fax, if applicant has same; 41 (10)42 (11)email address, if applicant has same; copy of license or certificate from each other jurisdiction in whch licensed; 43 (12)report of character and fitness, or equivalent, from the national database applicable to the 44 (13)applicant's profession, if any; 45 46 (14)proof of applicable education or training; (15)short description of prior professional discipline; 47 48 (16)listing and short description of prior and current malpractice actions; short description of prior convictions for misdemeanors or crimes of moral turpitude. 49 (17)50 An application shall not be considered filed until the application fee and other fees required by these 51 (d) 52 Regulations and all required supporting documents have been received. 53 54 (e) An applicant who fails to complete the application shall forfeit all fees.

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March 25, 2008

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1
   § 140-50.3-002005
                                 Licensing
2
3
           (a)
                  Examination
4
           (b)
                  Endorsement - US
5
                  Foreign trained or licensed
           (c)
6
           (d)
                  Issuance of licenses
7
                                 The Board shall issue to the successful candidate a hard copy license, signed by the
8
                  (1)
9
                                 Chair or his/her designee.
10
                  (2)
                                 The Board may also issue an electronic version of such license.
11
12
13
                  Special provisions
           (e)
14
15
   § 140-50.3-002006
                                 Renewals
16
                                 Time Periods
17
   § 140-50.3-002007
18
                                 Practice - Independent Practice, Affiliated Practice or Supervision
19
   § 140-50.3-002008
20
                                 Rules of Conduct
21
   § 140-50.3- 002009
22
                                 Discipline and Penalties
23 § 140-50.3- 002010
24
   § 140-50.3-002011
                                 Other
25
26
27
   PART 2100. Audiologist. [reserved]
28
   § 140-50.3-002100
29
   À
                                 PART 2200. Chiropractor. [reserved]
30
   § 140-50.3-002200
31 🖹
                                 PART 2300. Clinical Social Worker. [reserved]
32 § 140-50.3-002300
33 🖹
34 § 140-50.3-002400
                                 PART 2400. Clinical Laboratory. [reserved]
35 <u>△</u>
   § 140-50.3- 002500
                                 PART 2500. Dental Assistant. [reserved]
36
37
   PART 2600. Dental Hygienist. [reserved]
38
   § 140-50.3- 002600
39
40 🖴
                                 PART 2700. Dentist. [reserved]
41 § 140-50.3-002700
42
                                 PART 2800. Embalmer. [reserved]
43 § 140-50.3-002800
44 🖹
    § 140-50.3-002900
                                 PART 2900. Emergency Medical Technician (EMT). [reserved]
45
46
   § 140-50.3-003000
                                  PART 3000. Medical or Clinical Laboratory Technologist/Technician. [reserved]
47
48
49
50 🔼
51 § 140-50.3-003100
                                  PART 3100. Midwife.
52
                                  Definitions
    § 140-50.3-003101
53
54
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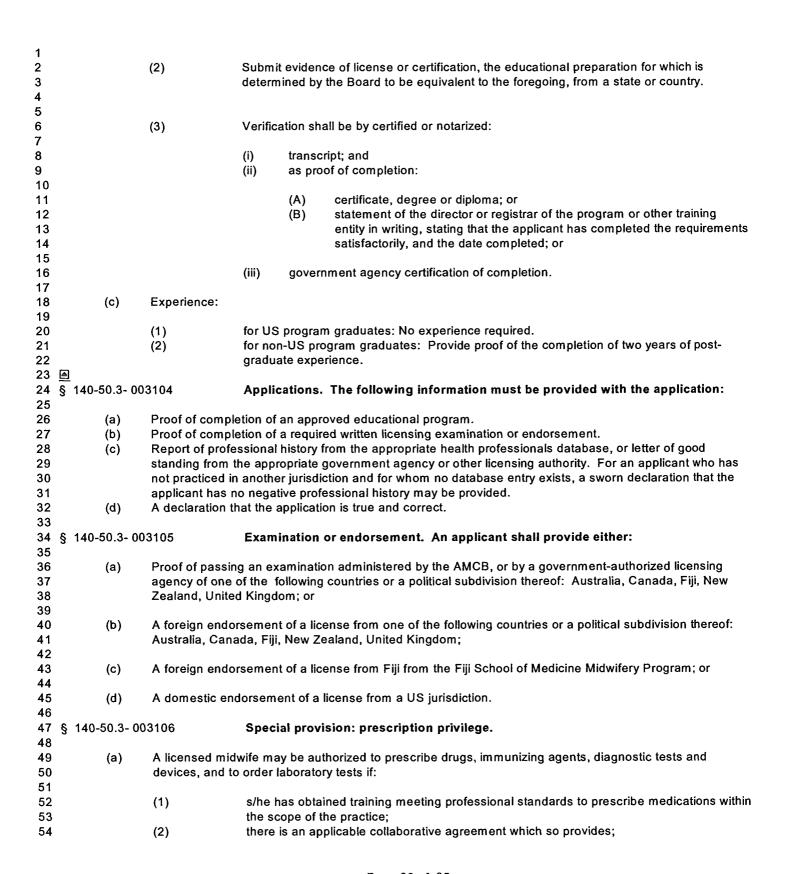
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1 2	(a)	"Approved educational program in midwifery" means an academic and practical program of midwifery approved by the ACNM.					
3	(b)	"ACNM" means the American College of Nurse-Midwives.					
4	(c)	"AMCB" means the American Midwifery Certification Board.					
5	(d)	"Midwife" means a person who practices midwifery.					
6	(e)		"Midwifery" means the independent management of cases of normal childbirth, including prenatal,				
7		intrapartum	intrapartum, postpartum, and normal newborn care, and well woman care, including the management of				
8		common h	common health problems, newborn evaluation, resuscitation and referral for infants.				
9	(f)	"Nurse-mic	dwife" means	a nurse who also practices midwifery.			
10							
	140-50.3-0	03102	Authori	ized Activities and Any Limitations			
12							
13	(a)	Midwifery s	Midwifery shall be practiced in accordance with the practice protocols for obstetrics and gynecology.				
14	• • • • • • • • • • • • • • • • • • • •	-	•	•			
15	(b)	Midwifery	shall be pract	ticed in accordance with a written agreement between the midwife and:			
16	()						
17		(1)	a licens	ed physician who is board certified as an obstetrician-gynecologist by a national			
18			certifyin				
19		(2)		ed physician who practices obstetrics and has full surgical obstetric privileges at a			
20		(-)		hospital; or			
21		(3)		tal that provides obstetrics through a licensed physician having full surgical			
22		(-)		cal privileges at such institution.			
23				Francisco			
24	(c)	Midwiferv	need not be n	racticed under the direct supervision of a physician.			
25	(0)		nood not be p	raciosa andor the anostrosportioner of a physician.			
26	(d)	The writte	n agreement	shall:			
27	(4)	THO WING	in agroomone	onan.			
28		(1)	provide	o for:			
29		(')	provide	, 101,			
30			(i)	physician consultation;			
31			(ii)	collaboration;			
32			(iii)	referral and emergency medical obstetrical coverage;			
33			(111)	Telefful and emergency medical obstation coverage,			
34		(2)	include	written guidelines and protocols;			
35		(2)	molude	writter guidemies and protocols,			
36		(3)	provide	that one of the parties is responsible for securely maintaining patient records for			
37		(3)		six (6) years, including the obstetrical record. And further, the retention shall be			
38				d, if the patient is a minor, until at least one (1) year after the minor reaches the			
39				twenty-one (21) years. Except that these periods shall vary if a provision of law			
40			_	cally requires otherwise;			
41			Specific	ally requires ourerwise,			
42		(4)	provide	guidelines for the identification of pregnancies that are not considered normal and			
		(4)	•	s the procedures to be followed;			
43 44			adures	s the procedures to be followed,			
45		<i>(</i> 5)	provido	a mechanism for dispute resolution; and			
		(5)	provide	a mechanism for dispute resolution, and			
46		(e)	provido	that the judgment of the appropriate physician shall prevail as to whether the			
47		(6)					
48				ncy, childbirth or postpartum care is normal and whether the woman is essentially			
49			nealthy	in the event the practice protocols do not provide otherwise.			
50 51	/-1	The seeds		n agreement shall review it his annually prior to license renowal, and so indicate in			
51	(e)	•	s to the writte	n agreement shall review it bi-annually, prior to license renewal, and so indicate in			
52		writing.					
53	/ 0	D		Developed Alto Devi			
54	(f)	Prescription	on privilege. S	See infra, this Part.			
55							

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2 3 (1) periodic exams, including gynecological care, primary care, health screening counseling with a focus on health promotion and disease prevention; 5 (2) history and physical exams; 6 (3) first exams for young women; 7 (4) family planning and prescribing of birth control methods; 8 (5) pre-conception counseling; 9 (6) well woman and adolescent gynecological care; 10 (7) perimenopausal and postmenopausal counseling and care; 11 (8) comprehensive maternity care including prenatal, labor, delivery, postpartum	and
history and physical exams; first exams for young women; family planning and prescribing of birth control methods; for pre-conception counseling; well woman and adolescent gynecological care; perimenopausal and postmenopausal counseling and care;	
6 (3) first exams for young women; 7 (4) family planning and prescribing of birth control methods; 8 (5) pre-conception counseling; 9 (6) well woman and adolescent gynecological care; 10 (7) perimenopausal and postmenopausal counseling and care;	
7 (4) family planning and prescribing of birth control methods; 8 (5) pre-conception counseling; 9 (6) well woman and adolescent gynecological care; 10 (7) perimenopausal and postmenopausal counseling and care;	
8 (5) pre-conception counseling; 9 (6) well woman and adolescent gynecological care; 10 (7) perimenopausal and postmenopausal counseling and care;	
9 (6) well woman and adolescent gynecological care; 10 (7) perimenopausal and postmenopausal counseling and care;	
10 (7) perimenopausal and postmenopausal counseling and care;	
11 (8) comprehensive maternity care including prenatal, labor, delivery, postpartum	
12 newborn care;	ang
13 (9) hospital admission, rounds and discharge;	
14 (10) inducing and augmenting labor by using both pharmacologic and non-pharma 15 modalities;	cologic
16 (11) assisting at surgical procedures;	
17 (12) obstetric and gynecologic screening procedures;	
18 (13) evaluation and treatment of common health problems;	
19 (14) public education activities;	
20 (15) ordering diagnostic tests; and	
21 (16) referral to specialists.	
22	
23 (h) Nothing in this Part shall be construed to prevent, limit, expand or otherwise affect any duty of	
24 responsibility of:	
25	
26 (1) a licensed physician from practicing midwifery;	
27 (2) a medical student or midwifery student in pursuit of an educational program f	rom
28 practicing midwifery:	
29	
	the .
	ui e
provisions of this Part.	
34 <u>A</u>	
35 § 140-50.3- 003103 Requirements for Licensure	
36 37 (a) General: In order to be licensed as a midwife, an applicant shall fulfill the following requireme	nte:
• • • • • • • • • • • • • • • • • • • •	iito.
38 30 (1) Application file on application with the Board:	
Application: file an application with the Board;	
40 (2) Education: satisfactorily complete the education requirement, below;	
Examination: pass an examination satisfactory to the Board;	
42 (4) Age: be at least 21 years of age;	-f 1
43 (5) Character: be of good moral character, including not be convicted of a crime	or morai
turpitude or of a felony; and	
45 (6) Fees: pay all applicable fees.	
46	
47 (b) Education.	
48	
49 (1) An applicant must demonstrate completion of an approved educational prog	ram for the
50 practice of midwifery:	
51	
52 (i) Approved by the ACNM;	
53 (ii) Approved by a state of the US; or	
54 (iii) Approved by one of the following countries or a political subdivision	hereof:
55 Australia, Canada, Fiji, New Zealand, United Kingdom; or	

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1 2			(3)	s/he has obtained a Drug Enforcement Administration (DEA) number for controlled substances; and		
3 4			(4)	the Board has approved such authorization.		
5		(b)	The license sha	Il carry a notation as to such authorization, as "Certified with prescriptive privilege."		
7 8	§	140-50.3- 00	3107	Special provision - Continuation of previous CNMI practice.		
9 10		(a)		nad previously been licensed in the CNMI in 2006 or 2007 as a nurse midwife shall be ense to practice midwifery, notwithstanding any other provision of these Regulations.		
11 12 13		(b)	Such license sh	all be eligible for annual renewal.		
14 15 16 17		(c)	person's first ap	king such licensure shall apply to the Board for a license. The Board may consider the plication complete without the pre-payment of any applicable fees, as long as provision is yment thereof within 56 days (8 weeks) after delivery of the license.		
18 19	§	140-50.3- 00	3108	Special provision - Practice under the supervision of a licensed midwife.		
20 21 22 23		(a)	A candidate may practice midwifery under the supervision of a midwife who has received a nor license if the candidate has met all other requirements for licensure but has not yet passed the licensing examination.			
24 25	▲	(b)	Such supervised	d practice shall be licensed for no more than a one year.		
26 27		140-50.3- 00	3109	Renewals		
28 29 30		(a) (b)	Continuing professional education ("CE") shall be required as a condition of renewal. The reporting period for CE shall be every two calendar years, by March 1 of the year following the reporting period.			
31 32 33		(c)		CE credits to be earned for each reporting period shall be: 30 credits, representing two (2)		
34 35		140-50.3- 00	3110	Time Periods [reserved]		
36 37		140-50.3- 00	3111	Identification of midwife practice.		
38 39 40		(a)	Only a person li midwife".	censed under this Part shall use the title "midwife", "certified midwife" or "licensed		
41 42 43		(b)	A licensed midy "licensed nurse	vife who is also a nurse may use the title "nurse-midwife", "certified nurse-midwife" or -midwife".		
44 45		(c)	An appropriate	abbreviation may be made on a birth certificate.		
46 47	§	140-50.3- 00	3112	Rules of Conduct.		
48 49			hall follow the rule	es of conduct specified by the ACNM.		
		140-50.3- 00	3113	Discipline and Penalties.		
52 § 140-50.3-003114		3114	Other - Professional history. The licensee and/or applicant shall have an affirmative duty to disclose to the Board within 28 days:			

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1
           (a)
                  the occurrence of any disciplinary action in any jurisdiction;
2
           (b)
                  the filing of a claim of malpractice in any jurisdiction;
3
                  the filing of a criminal charge in any jurisdiction and the resolution thereof.
           (c)
4
5
6
7
   § 140-50.3-003200
                                PART 3200. Occupational Therapist. [reserved]
8
9
                                PART 3300. Optometrist. [reserved]
10
   § 140-50.3-003300
11 🖹
   § 140-50.3-003400
12
                                PART 3400. Paramedic. [reserved]
13
14 ≜
15 § 140-50.3-003500
                                PART 3500. Pharmacist. [reserved]
16 ≜
17 § 140-50.3-003600
                                PART 3600. Pharmacy. [reserved]
18 🖹
19 § 140-50.3-003700
                                PART 3700. Pharmacy Intern. [reserved]
20 🖹
                                PART 3800. Pharmacy Tech. [reserved]
21 § 140-50.3-003800
22
23 § 140-50.3-003900
                                 PART 3900. Physical Therapist. [reserved]
24 ≜
25 § 140-50.3-004000
                                PART 4000. Physical Therapist Assistant. [reserved]
26
27
28 § 140-50.3-004100
                                 PART 4100. Physician's Assistant. [reserved]
29 🖹
                                 PART 4200. Physician-Doctor of Osteopathy. [reserved]
30
   § 140-50.3- 004200
31 🖹
32 § 140-50.3-004300
                                 PART 4300. Physician-Medical Doctor. [reserved]
33 🖲
34 § 140-50.3-004400
                                 PART 4400. Physician-Medical Officer. [reserved]
35 ≜
                                 PART 4500. Podiatrist. [reserved]
36 § 140-50.3-004500
37 鱼
                                 PART 4600. Professional Counselor. [reserved]
38 § 140-50.3- 004600
39
   40
   § 140-50.3-004700
                                 PART 4700. Psychologist. [reserved]
41
42
43 § 140-50.3- 004800
                                 PART 4800. Radiologic Technologist. [reserved]
44 鱼
45 § 140-50.3-004900
                                 PART 4900. Respiratory Therapist. [reserved]
46 ≜
47 § 140-50.3-005000
                                 PART 5000. Speech and Language Pathologist. [reserved]
48
49
   ≜
50 § 140-50.3-005100
                                 PART 5100. A person providing one of the above-listed services under a different
51
                                 name. [reserved]
52
53
   § 140-50.3- 005200
                                 PART 5200. A student under the direct supervision of a licensee. [reserved]
54
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1
2
   § 140-50.3-005300
                               PART 5300. [reserved]
3
   § 140-50.3-005400
5
                               PART 5400. [reserved]
6
7
   § 140-50.3- 005500
8
                               PART 5500. [reserved]
10 💻
11 § 140-50.3-005600
                              PART 5600. [reserved]
12
13
14 鱼
15 § 140-50.3- 006000
                             PART 6000. Reserved.
16
17 🔼
18 § 140-50.3- 007000
                              PART 7000. Reserved.
19
20 🚊
21 § 140-50.3-008000
                              PART 8000. Reserved.
23 🖹
24 § 140-50.3-009000
                              PART 9000. Reserved.
25
26
27
28
29 0 HCPLB Regs Genl and Midwives Final.wpd
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