

VOLUME 32
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FEBRUARY 19, 2010

COMMONWEALTH REGISTER

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Commonwealth of the Northern Mariana Islands
Department of Public Health
Joseph Kevin P. Villagomez, Secretary
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**PUBLIC NOTICE OF EMERGENCY REGULATIONS
WHICH ARE ADDITIONS TO THE COMMONWEALTH HEALTH CENTER'S
SCHEDULE OF FEES**

EMERGENCY ADOPTION AND IMMEDIATE EFFECT: The Commonwealth of the Northern Mariana Islands Department of Public Health Secretary ("Secretary") finds that:

- (1) The attached rates added to the Commonwealth Health Center's Schedule of Fees shall be adopted immediately on an emergency basis because the public interest so requires, for the reasons stated below (1 CMC § 9104(b), (c); 1 CMC § 9105(b)(2)); and
- (2) The same regulations shall be adopted, after a proper notice and comment period, 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 is empowered by the Legislature to adopt rules and regulations for the administration and enforcement of the statute governing his activities.

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).

THE TERMS AND SUBSTANCE: These Rules and Regulations provide for the adoption of new rates for the services and procedures provided at the Commonwealth

Health Center. Specifically, they provide that services and procedures are priced for billing purpose.

THE SUBJECTS AND ISSUES INVOLVED: These Rules and Regulations

1. Add the attached rates to the Commonwealth Health Center's Schedule of Fees.

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

REASON FOR EMERGENCY ADOPTION: The Secretary finds that the public interest requires adoption of these regulations on an emergency basis, for the following reasons:

1. CHC finds the listed services and procedures are necessary for the medical care of the patient, CHC hereby prices and includes these items in the Schedule of Fees.

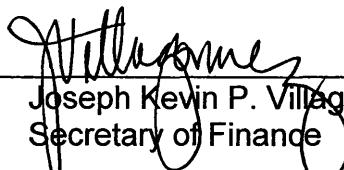
DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Rules and Regulations shall be published in the Commonwealth Register in the section/s on emergency and proposed regulations (see 1 CMC § 9102(a)(1) and posted in convenient places in the civic center and in local government offices in each senatorial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

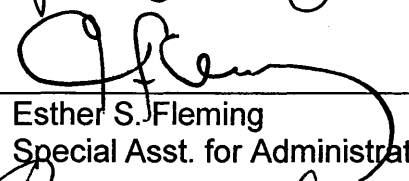
The Secretary shall take appropriate measures to make these Rules and Regulations known to the persons who may be affected by them (1 CMC 9105(b)(2)).

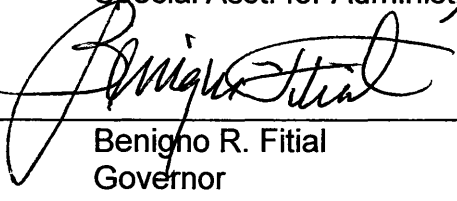
IMMEDIATE EFFECT: These emergency rules and regulations become effective immediately upon filing with the Commonwealth Register and delivery to the Governor. (1 CMC § 9105 (b) (2)). This is because the Secretary has found that this effective date is required by the public interest or is necessary because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

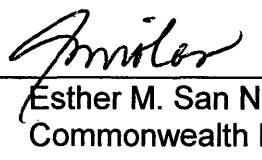
TO PROVIDE COMMENTS: No comments are required for these emergency rules and regulations. However, the related Notice of Proposed Rules and Regulations will specify comment procedures. Please see the notice regarding these emergency regulations being presented as proposed regulations, in the August 2009 Commonwealth Register.

These emergency regulations were approved by the Secretary on January 08, 2010.

Submitted by:  Jan. 08, 2010
Joseph Kevin P. Villagomez
Secretary of Finance
Date

Received by:  02/01/10
Esther S. Fleming
Special Asst. for Administration
Date

Concurred by:  2/01/10
Benigno R. Fitial
Governor
Date

Filed and Recorded by:  02.02.10
Esther M. San Nicolas
Commonwealth Register
Date

Pursuant to 1 CMC § 2153(e) and 1 CMC § 9104 (a) (3), 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)).

 2.2.10
Edward T. Buckingham
Attorney General
Date

Amendments to CHC Fee Schedule

Jan-10

Page 1 of 1

CPT/HCPCS	Description	Physician/Professional Fee/Component	Technical/Facility Fee/Component
34520	Cross-over vein graft	1330.00	5.00
35301	Rechanneling of artery	1358.00	5.00
35371	Rechanneling of artery	1075.00	5.00
43820	Fusion of stomach and bowel	1487.00	5.00
45119	Remove rectum w/reservoir	2206.00	5.00
49421	Insert abdom drain, permanent	445.62	59.00
50200	Renal biopsy; percutaneous, by trocar or needle	184.80	29.00
59612	Vbac delivery only	858.60	441.40
90935	Hemodialysis, one evaluation	89.00	N/A
P9021	RED BLOOD CELLS		ACTUAL COST + OVERHEAD
P9021	RED BLOOD CELLS, QUAD		ACTUAL COST + OVERHEAD
P9017	FRESH FROZEN PLASMA (SINGLE DONOR), FROZEN WITHIN 8 HOURS OF COLLECTION		ACTUAL COST + OVERHEAD
P9012	CRYOPRECIPITATE		ACTUAL COST + OVERHEAD
P9034	PLATELETS, PHERESIS		ACTUAL COST + OVERHEAD

Notes:

1. Physician/Professional Fee - is a fee for the services of a medical professional
2. Facility Fee - fees for the services of the hospital/outpatient facility
3. Both Professional and Facility fees are charged when the medical professional is an *employee* of CHC. or if the medical professional is contracted to provide services for CHC
4. If the medical professional is working for a private clinic, the patient will receive a bill from CHC for the facility fee only and will receive a separate bill from the private clinic for the professional component.
5. Some procedures may only have either the professional component or the facility component and therefore, will only have one of the components with a fee.



BOARD OF PROFESSIONAL LICENSING
Commonwealth of the Northern Mariana Islands

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**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION
OF RULES AND REGULATIONS FOR
REAL PROPERTY APPRAISERS**

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED AMENDMENTS TO THE REGULATIONS
Volume 31, No. 12, pgs. 029997-030005, Dec. 22, 2009

Regulations of the Real Property Appraisers: NMIAC Title 125, §125-40.

ADOPTION OF THE PROPOSED AMENDMENT TO THE REGULATIONS FOR REAL PROPERTY APPRAISER: The Board of Professional Licensing hereby adopts the above-referenced regulations as permanent regulations, which were published in the Commonwealth Register at pages 029997-030005 in Volume 31, No. 12 on December 22, 2009, pursuant to the procedures of the Administrative Procedure Act, 1 CMC §9104(a). The Board of Professional Licensing announced that it intended to adopt them as permanent and now does so. *Id.* The Board of Professional Licensing certifies by signature below that, as published, such adopted amendments to the regulations for Real Property Appraisers are a true, complete and correct copy and that they are being adopted without modification or amendment.

PRIOR PUBLICATION: The prior publication was as stated above. The Board of Professional Licensing adopts the regulations for Real Property Appraisers as final as of the date of signing below.

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY: None

AUTHORITY: The Chairman of the Board of Professional Licensing is empowered with the authority to promulgate, adopt and amend regulations.

EFFECTIVE DATE: Pursuant to the APA, 1 CMC §9105 (b), these adopted amendments to the Regulations for Real Property Appraisers are effective 10 days after compliance with the APA, 1 CMC §9102 and 9104 (a) or (b), which in this instance is 10 days after publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA 1 CMC §9104 (a) (2), the agency received no comments on the proposed amendments to the regulations for Real Property Appraisers. Upon this adoption of the amendments, the agency if requested to do so by any interested person, within 30 days of adoption, will issue a concise statement of the principal reasons for and against its adoption.

ATTORNEY GENERAL APPROVAL for modified regulations. The adopted amendments to the regulations for Real Property Appraisers were approved for promulgation by the CNMI Attorney General in the above cited pages of the Commonwealth Register, pursuant to 1 CMC§ 2153 (3) (To review and approve as to form and legal sufficiency all rules and rules to be promulgated by any department or agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

I declare under penalty of perjury that the foregoing is true and correct copy and that this declaration was executed on the 11th day of February, 2010, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and Ordered by :




ROMAN S. DEMAPAN
Acting Chairman

2/11/2010

DATE

Filed and Recorded by :



ESTHER M. SAN NICOLAS
Commonwealth Register

02.16.2010

DATE



Commonwealth of the Northern Mariana Islands

Department of Public Health

Office of the Secretary



Commonwealth of the Northern Mariana Islands Department of Public Health, Medical Referral Services

Joseph Kevin P. Villagomez, Secretary

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Tel: 1 670 234-8950 Fax: 1 670 234-8930

Email: jksaipan@aol.com

PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS

WHICH ARE AMENDMENTS TO THE RULES AND REGULATIONS OF THE DEPARTMENT OF PUBLIC HEALTH, MEDICAL REFERRAL SERVICES

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS:

The Commonwealth of the Northern Mariana Islands, Department of Public Health, Medical Referral Services intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Regulations would become effective 10 days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b)).

The proposed amendments are as follows:

Title: Medical Referral Services (MRS) – To officially change the word Office to Services to better describe the function of the department.

I *Line 6 – To include adding other medical facilities referred by an approved provider or it specializes on a patient's medical requirement not available within the region.

II *2.3- To include "Representative for private contractors.

III *3.1- To allow appointments from private physicians to the Medical Referral Committee and require quorum for official meetings.

*3.7- To exempt Committee approval on urgent reports to the Secretary, Legislature or the Governor's Office on Statistical/Budgetary matters.

- IV *4.2 & 4.3- To reinstate original and delete previously amended version, which provides specific benefits impractical to the current budgetary crisis.
- Secondly, to add more specific requirements for residency criteria.
- V *5.3(b) – To include Hospital to Hospital ambulance services, if required due to medical condition of the patient.
- *5.4 (ii) – To specify ACLS certified nurse for air transport.
- *5.4 a(iv)- To include medical escort fee for Japan
- *5.4(b) – To clarify that only minors require automatic escort. Adult escort requirement would be based on referring physician recommendation depending on the physical condition of the patient irregardless of age.
- Also, to require an escort on cases where patient’s would not be able to effectively communicate in English.
- Lastly, to clarify that escorts have certain responsibilities other than physical assistance and companionship.
- *5.5 ii & iii – To amend the daily subsistence allowance currently at \$20.00 to be increased, not to exceed \$30.00 per day, depending on destination as specified by Public Law 14-64. Also to prohibit family escort for patient or intended escort who earned income of \$70,000 or more within the last twelve months.
- *5.6- Same as Section 4.2 and 4.3 due to impracticality and economic situation.
- VI *6.1(f) – To authorize reimbursement of expenses as specified on the condition of approval by the MRC for self arranged patients due to prearranged appointment.
- *6.1(g)- To update current forms and add others as required.
- *6.2b- To assure smooth coordination on an emergency referral especially on private transport or military medivac.
- *6.3 – To delete original version. Amended version authorizes prospective benefit from date of approval.
- VII To clarify that room and board are the patient’s responsibility if not covered by a third party payer.
- *7.1 – To allow appointments with Private Health Provider on Saipan other than CHC.

XI *11.1 (b) To cover federal recipients' air transportation up to the state of California if accepted by a recognized MRS provider.

(c) To clarify the role of MRS on OCW referral and the financial responsibility of the employer.

*11.1(f) – To update The Eligibility Criteria in accordance with the 2009 Poverty Level Guidelines of the State of Hawaii Consumer Price Index adjusting to 125% and 150% for each category respectively due to Hawaii's higher standard of living.

To reclassify the indigent criteria of 95/5 to 100% and 70/30 to 75/25 respectively as most patients in this category are Indigent or MIAP clients with limited or zero resources to cover their share. MRS ends up authorizing non collectable Promissory Notes that is costlier to maintain.

To specify the responsible party of a minor's financial obligation not covered by a third party payer.

*11.4- To double the lifetime limit of a medically certified catastrophic patient due to the extent of medical treatment required.

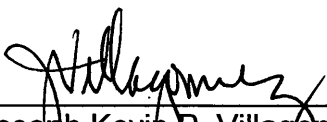
AUTHORITY: The Secretary Of Public Health is authorized to implement these amendments to the Rules and Regulations Governing the Establishment and administration of the Medical Referral Services program pursuant to 1 CMC 2605.

DIRECTION FOR FILING AND PUBLICATION: These proposed Rules and Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC 9102(a)(1) and posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in principal vernacular. (1 CMC 9104(a)(2)).

TO PROVIDE COMMENTS: Send or deliver your comments to Mr. Ronald D. Sablan, Manager, Medical Referral Services Attn: New Medical Referral Services Rules and Regulations at the above address or Fax: 670 236-8604 or email to medrefspn@gmail.com. Comments are due within 30 days from the date of publication of this notice. Please submit your data, views or arguments. (1 CMC 9104 (a)(2)).

These proposed Rules and Regulations were approved by the Secretary of Public Health on December 8, 2009.

Submitted by:



Joseph Kevin P. Villagomez
Secretary of Public Health


1-27-2010
Date

Received by:


ESTHER S. FLEMING
Governor's Special Assistant for Administration

01/28/10
Date

Filed and
Recorded by:


ESTHER M. SAN NICOLAS
Commonwealth Register

02.02.10
Date

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 pursuant to 1 CMC § 2153(f) (publication of rules and regulations).

Dated the 2 day of ^{February, 2010}~~December, 2009~~.


EDWARD T. BUCKINGHAM
Attorney General

Commonwealth Téél falúw kka falúwasch Efáng Marianas

Depattamentool Imwal Limilimal Iligh

Bwulasiyool Samwool

Commonwealth Téél falúw kka falúwasch Efáng Marianas
Depattamentool Imwal limilimal iligh, Alillisil Medical Referral
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ARONGORONGOL TOULAP REEL POMWOL ALLÉGH KKAAL

**IKKA AA SSIWEL NGÁLI ALLÉGHÚL DEPATTAMENTOOL IMWAL
LIMILIMAL ILIGH, ALILLISIL MEDICAL REFERRAL**

MÁNGEMÁNGIL IGHA EBWE FILLÓÓY POMWOL ALLÉGH KKAAL:
Bwulasiyool Imwal Limilimal Iligh, alillisil medical Referral mellÓl Commonwealth
Téél falúw kka falúwasch Efáng Marianas nge e tipeli ebwe schéschéél fillóoy pomwol
allégh kka e appasch, bwelle mwóghutul Administrative Procedure Act, 1 CMC Tálil
9104(a). Allégh kkaal ebwe kkamal schagh llól seigh (10) ráálil ngáre schagh raa fillóoy
me akkatééló llól Commonwealth Register. (1 CMC Tálil 9105(b)).

Pomwol ssiwel kka e táletiw:

- Title: Medical Referral Services (MRS) – Ebwe schéschéél siweli tapelal
kkepas ye Bwulasiyo ngáli Alillis bwelle ebwe afattawow angaangal
bwulasiyo.
- I *Line 6 – Ebwe aschuulong akkáaw fasilidóód iye e alúghúlúgh mereel
akkáaw provider me ngáre re kkof ngáliir ammweleer mal semwaay igha
esóór mellól akkáaw bwuley (region).
 - II *2.3 – Ebwe atoolongow sów pischeeli (representative) llól private
contractors kkaal.
 - III *3.1 – Ebwe ayoora rállil wer fengal (appointment) me sów safey kka llól
private ngali Medical Referral Committee me tingór quorum ngáre
ebwe official meetings.
- *3.7 – Rebwe ayúwúló yaar alúghúlúgh mwiisch reel repot kka e pirisisu
ngáli Samwool, Sów Fféerúl allégh me Bwulasiyool Sów Lemelem
reel Aweewel Salaapi.

- IV *4.2 & 4.3 – Rebwe asefááililong schéschéél me atotoowow ssiwel kka fasúl, iye ese aghatchú benefisio ighila.
Aruwowal, Ebwe yoor maas ammatafal reel aramasal faleey.
- V *5.3 (b) – Ebwe toolong mwóghutul ambulance sáangi eew Espitóód mwete ngáli eew, ngáre bwelle reel malawal mal semwaay
- *5.4 (ii) Ebwe affat bwe ACLS nge nurse kka re kkof (certified) reel air transport.
- *5.4 a (iv) – Rebwe ayoora óbwóssul schóóy attabw (escort) ló Japan
- *5.4 (b) – Ebwe affat bwe olighát schagh emmwel ebwe attabw escort. (Escort) reer tufey nge ebwe mwir sáangi dokkto dependi reel kkapasal mal semwaay, ese toolong raáágh.
- Bwal eew, Rebwe ayoora schóóy escort bwelle mal semwaay kka rese mmwelil mwaaliili llól mwaliyeer Amerikkónu.
- Aighúghúl, Ebwe affat bwe eyoor yaar angaang schóóy attabw ressóbw ttabw schagh me allis
- *5.5 ii & ii – Ebwe ssiwel óbwós ye reweigh (\$20.00) dóóla bwe ebwe sássár, nge essóbw luuló eliigh eliigh (\$30.00) erál. Dependi igha rebwe afangaaló iye, ekke ira llól Alleghul Toulap 14-64. Bwal eew rebwe ayúwúló famillia kka rebwe ttabw (escort) bwelle mal semwaay me schóóy attabw ye ekke bwughi fisigh sangaras (\$70.000) me ngáre e lapeló llól seigh me ruwoow maram kkewe eló.
- *5.6 – E weewe schagh me Tálil ye 4.2 me 4.3 bwelle reel aweweel ese fil ngáli weiresil ótol kkey (impractical & economic situation).
- VI *6.1 (f) – Ebwe óbwós sefáál (reimbursement) meeta kka re yáali sáangi yaal alúghúlúgh MRC reel self arranged patients bwelle reel prearranged appointment.
- *6.1 (g) – Rebwe aghatchúwuló tilighial (forms) kka ighila me atotoolong akkááw tingór.
- *6.2b-Ebwe ghi ghatch alillis kkaal reel ghitipwothol akkafang ngáre reel private transport me military medivac.
- *6.3 – Rebwe atowowu schéschéél version. Siweli schéschéél version kka eyoor salaapial ótol yaal allégh.

- VII Ebwe ffat bwe yaar angaang mal semwaay room and board, ngáre third party ese óbwóssuw
- *7.1 – Rebwe mmwelil wer fengál (appointment) Private Health Provider mewóól Seipél me mmwal CHC.
- XI *11.1 (b) Rebwe cover federal recipients reel óbwóssul air transport ló State of California ngáre MRS ye e recoqnize me akseptaa bwe provider.
- (c) Rebwe affata angaangal MRS mereel OCW referral me salapial employer.
- *11.1 (f) – Rebwe affata aweewel eligibility bwelle reel 2009 poverty Level Guidelines ngáli State of Hawaii Consumer Price Index adjusting ngáli 125% me 150 schéschéél kada category, bwelle igha Hawaii higher standard of living.

Rebwe amweri sefáali schéschéél aweewel (criteria) reel aramas faleey llól 95/5 ngáli 100% me 70/30 ngali 70/25 igha e tomwógh ngáli aramasal faleey me MIAP clients kka e aighúgh me esóór schagh óbwóssul yaar share. MRS nge essóbw alisi Promissory Notes kka rese risibi me e tchów rebwe bwughi

Rebwe afatta yaar tarabwaagho party reer salaapial olighát iye third party ebwe ammwela.

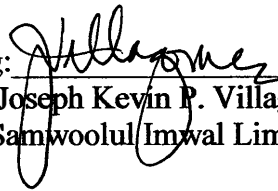
*11.4 – Ebwe double tool mille lifetime reel medical certified catastrophic patient bwelle reel lalayil medical treatment igha e required.

BWÁNGIL: Samwoolul Imwal Limilimal Iligh nge eyoor bwangil ebwe fféer ssiwel reel Allégh ye e lemeli bwuley yeel me administration mellol Medical Referral Services program bwelle 1 CMC 2605.

AFALAFAL REEL AMMWELIL ME AKKATÉÉL: Pomwol Allégh kkaal ebwe akkatééló llól Commonwealth Register mellól Tálil kka rekke pomwoli me allégh kka raa fillóoy (1 CMC 9102(a)(1) me appasch igha e fisch iye mellol civic center kkaal me llól bwulasiyool gobenno kkaal me senatorial district, llól kkasal Amerikkonu, me llól ipighil mwaliyeer schóól faleey. (1 CMC 9104(a)(2)).

REEL ISISILONGOL AGHIYEGH: Afangaló yóomw aghiyegh reel Sóumwar Ronald D. Sablan, Samwoolul, Medical Referral Services Attn: New Medical Referral Services Rules and Regulations reel address ye weilang me Fax: 670 236-8604 me email reel medrefspn@gmail.com Ischil mángemáng ebwe atotoolong llól eliigh (30) ráalil igha schagh e akkaté ammataf yeel. Ów isisilong Yáámi data, aingüingil. (1 CMC 9104 (a)(2)).

Pomwol Allégh kkaal nge aa allégheló mereel Samwoolul Imwal Limilimal Iligh wóol Tumwur (December) 8, 2009.

Isaliyallong: 
Joseph Kevin P. Villagomez
Samwoolul Imwal Limilimal Iligh

Jan. 27, 2010
Rál

Mwir sáangi: 
ESTHER S. FLEMING
Sów Alilhs Sów Lemelem

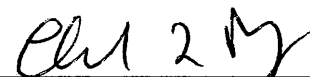
01/29/10
Rál

Ammwel sáangi: 
ESTHER M. SAN NICOLAS
Commonwealth Register

02.02.10
Rál

Sáangi allégh ye 1 CMC Talil 2153(e) (Alúghúlúgh mereel AG ebwe akkaté ighila me 1 CMC Tálil 9104(a)(3) (bwughi yaal alúghúlúgh AG) pomwol allégh kka e appasch nge raa takkal amweri fischi allégheló mereel CNMI Sów Bwungul Allégh Lapalap me ebwe atéew bwelle 1 CMC Talil 2153(f) (akkatéel allégh kkaal).

Rááilil ye 2 ^{Mááischigh 2010} ~~Tumwur~~, 2009.


EDWARD T. BUCKINGHAM
Sów Bwungul Allégh Lapalap

COMMONWEALTH GI SANGKATTAN NA ISLAN MARIANAS SIHA

Dipattamenton Hinemlo' Pupbliku

Ofisinan i Sekretario

Commonwealth gi Sangkattan na Islan Marianas Siha

Dipattamenton Hinemlo' Pupbliku, Setbision Medical Referral Siha

Joseph Kevin P. Villagomez, Sekretario

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**NOTISIAN PUPBLIKU POT I MANMAPROPONEN AREKLAMENTO YAN
REGULASION SIHA**

**NI MANMA'AMENDA SIHA PARA I AREKLAMENTO YAN
REGULASION SIHA GI DIPATTAMENTON HINEMLO' PUPBLIKU, SETBISION
MEDICAL REFERRAL SIHA**

**MA INTENSIONA NA AKSION PARA U MA'ADAPTA ESTE SIHA I
MANMAPROPONE NA AREKLAMENTO YAN REGULASION SIHA:**

I Commonwealth gi Sangkattan na Islan Marianas Siha, i Dipattamenton i Hinemlo' Pupbliku, Setbision Medical Referral siha ha intensiona para u adapta komu petmanene na regulasion siha ni mañechetton i Manmapropone na Regulasion siha, sigun gi manera siha gi akton Administratibe Proçedure, 1 CMC § 9104(a). I Regulasion siha para u efektibu gi halom i dies (10) diha siha despues di adaptasion yan publikasion gi halom i Rehistran i Commonwealth. (1 CMC § 9105(b)).

I manmapropone na amendasion gi sigiente siha:

- Titulu: Setbision Medical Referral Siha (MRS) – Para u mana’ofisiât na para u matulaika i palâbra Ofisina asta Setbisio para u mâs maolek i madeskribi i funksion i dipattamento.
- I *Râya 6 - Para u ingklusu muna’danña’i ni otro fasilidât medical siha ni mariferi ginen i ma’apreba na provider pat i umespecialize gi sigun i patient’ medical requirement ni ti gumuaha gi halom i lugât (region)
- II *2.3 – Para u ingklusu i “Representative para i private contractors.
- III *3.1 - Para u sedi appointments ginen i private physicians para i Medical Referral Committee yan madimânda na u quorum para u ofisiât na hunta siha.
- *3.7 – Para u ma’exempt i inapreban i Komite gi urgent na ripotte siha para i i Sekretario, Lehislatura pat i Ofisinan Gobietno gi Statistical/Budgetary na manera siha.
- IV *4.2 & 4.3 – Para u mata’lun mabira i oriyinât yan mana’suha i maloffan ni manma’amenda na version ni ha pribeniyi propiu na benefisio siha ni ti manpraktikât para i presente na predikamenton salâppe’ .
- Mina’sigundu, para u mana’danña’ mâs na espesifiku na dinimânda para i residency criteria.
- V *5.3 (b) – Para u ingklusu i Espitât asta Espitât setbision ambulan siha, yanggen madimânda sigun i kondision i medikât i malângu.
- *5.4 (ii) – Para u espesifika i ACLS certified na emfetmera para i air transport.
- *5.4 (iv) – Para u ingklusu i medical escort na âpas para Hapon.
- *5.4 (b) – Para u klarifika na i menus di id*ât siha madimânda automatic escort. Âmko’ na escort madimânda na u mabased gi rekomendasion i manrefeferi na dokto depende gi kondisjon i fisikât i malângu gi maseha hâfa na idât.
- Lokkue’, para u madimânda i escort gi manera siha anai mânu i malângu nai ti sumiña para u efektibu i kuminikasion English.
- Los ottimu, para u klarifika na i escort siha u fan gai responsâpblidât siha otro ki inasisten fisikât yan gina’chunge.

*5.5 ii & iii – Para u ma’amenda i daily subsistence allowance gi presente gi \$20.00 pesos ya u mahâtsa ni ti u inipos \$30.00 pesos gi ha’âni depende gi destinasion ni ma’espisifika ginen i Lai Puplicu 14-64. Lokkue’ para u mapribi i escort familia para i malângu pat ma’intensiona hâyi na escort manrisisbi gi \$70,000.00 pat mâs gi halom i dosse(12) meses siha tatte.

*5.6 – Parehu komu i Seksiona 4.2 yan 4.3 sigun i impracticality yan i sichuasion i ekonomia.

VI *6.1 (f) – Para u âturisa i reimbursement gi gâsto siha komu ma’espisifika gi kondision i inapreba ginen i MRC para i self arranged patients sigun gi prearranged appointment.

*6.1 (g) – Para u ma’update i presente na fotma siha yan i otro siha kumo madimânda.

*6.2b – Para u mana’siguru na smooth i coordination gi emergency referral espisiâtmente gi private transport pat medivac militât.

*6.3 – Para u mana’suha i version oryiginât. I ma’amenda na version ha âturisa i prospective benefit ginen i inapreban i fecha.

VII Para u klarifika na i kuâtto yan i board i responsâpblidât i malângu yanggen ti kinubre ni third party na a’apas.

*7.1 – Para u sedi appointment siha yan i Private Health Provider Saipan otro ki i CHC.

XI *11.1 (b) Para u kubre i recipient i federât gi air transportation guatu asta i ya California yanggen ma’aksesepta ginen i marekoknisa na MRS provider.

(c) Para u klarifika i che’cho’ i MRS gi OCM referral yan i responsâpblidât fainasiât gi manempleple’a.

*11.1 (f) – Para u update i Eligibilty Criteria sigun gi i 2009 Poverty Level Guidelines gi State i Hawaii Consumer Price Index mana’mâmaolek para i sientu bente i singko (125%) pot sientu yan sientu singkuenta(150%) pot sientu para kada katagoria respectively due para i Hawaii’s higher standard of living. Para u mata’lon klasifika i indigent criteria gi 95/5 para i sientu(100%) pot sientu yan 70/30 para i 75/25 respectively komu pumalu na malângu siha gi halom este na katagoria man Indigent pat MIAP clients ni didide’ pat tâya’ resources para u kubre i iyon-fiiha share. Los ottimu i MRS manaturirisa non collectable Promissory Notes ni mâs guaguan para u mamaintain.

Para u espesifika i responsible party i minor's obligasion fainansiát ni ti kinubre ni third party payer.

*11.4 – Para u na' doble i lifetime limit i medically certified catatrophic patient sigun gi i extent medical treatment ni madimánda.

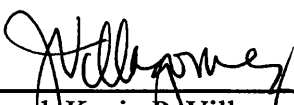
ÁTURIDÁT: I Sekretáron i Hinemlo' Pupbliku ma' áturisa para u implementa este na amendasion siha para i Areklamento yan Regulasion siha ni Ginobebietna i Fondasion yan i atministrasion i Setbision Medical Referral siha na prográma sigun gi 1 CMC 2605.

DIREKSION PARA U MAPO'LO YAN MAPUPBLIKA: Este i manmapropone na Areklamento yan Regulasion siha debi na u mapupblika gi halom i Rehistran Commonwealth gi seksiona ni mapropone yan nuebu na ma'adápata na regulasion (1 CMC 910 2 (a (1) yan mapega gi mangkombiniente na lugát gi halom i civic center yan i halom i ofisinan gobietnamento siha gi kada distriton senadot, parehu gi English yan i lengguáhen natibu. (1 CMC 9104(a) (2)).

PARA U MAPRIBENIYI OPIÑON SIHA: Na'hanágue pat osino entrega i opiñon-mu guatu gi as Siñot Ronald D. Sablan, Manchánte, Setbision Medical Referral Siha Attn: Nuebu Na Areklamento yan Regulasion Siha para i Setbision Medical Referral gi sanhilo' na address pat fax: 670-236-8604 pat email para i medrefspn@gmail.com. Opiñon siha debi na u fanhálor trenta(30) diha siha ginen i fechan publikasion este na notisia. Pot fabot na'hálor i infotmasion-mu, opiñon, pat testamonion kinentra siha. (1 CMC 9104 (a)(2)).

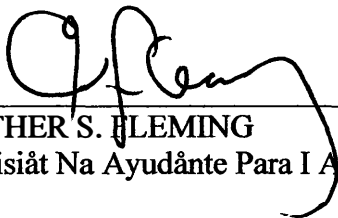
Este i manmapropone na regulasion siha manma'apreba ginen i Sekretáron i Hinemlo' Pupbliku gi Disembre 8, 2009.

Nina'hálor as:



Joseph Kevin P. Villagomez
Sekretáron i Hinemlo' Pupbliku

Jan. 27, 2010
. Fecha

Rinisibi as: 
ESTHER S. FLEMING
Espisiât Na Ayudante Para I Administrasion

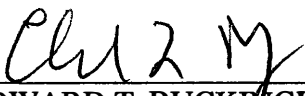
01/28/10
Fecha

Pine'lo Yan Rinekot as: 
ESTHER M. SAN NICOLAS
Rehistran Commonwealth

02.02.10
Fecha

Sigun i 1 CMC § 2153(e) (I Abugadu Henerat ha apreba i regulasion siha na para u macho'gue komu fotma) yan 1 CMC § 9104(a)(3) (hentan inapreban Abugadu Henerat) i manmapropone na regulasion siha ni mafiechetton guini ni manmarebisa yan manma'apreba komu fotma yan suficiente ligat ginen i C MI Abugadu Henerat yan debi na u mapupblika, sigun gi 1 CMC § 2153(f) (publikasion areklamento yan regulasion siha).

Mafecha guini gi diha 2, ~~Disembre, 2009~~ ^{Febrero 2010}


EDWARD T. BUCKINGHAM
Abugadu Henerat

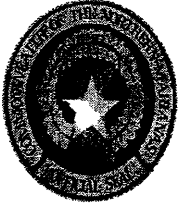
FOR PUBLICATION

**This notice is intended for publication in the Commonwealth Register pursuant to
1 CMC §9909 and 1 CMC §9102.**

Contact: Dolores S. Bernudes,
Senate Clerk
(670) 664-8850

NOTICE OF SESSION SCHEDULE- January 21, 2010

The Senate of the 17th Northern Marianas Commonwealth Legislature announces the First and Second Regular Session Schedules for 2010. The schedule is attached in "Exhibit A". The session are open and public.



THE SENATE
Seventeenth Northern Marianas Commonwealth Legislature

EXHIBIT A

SENATE CALENDARED SESSIONS

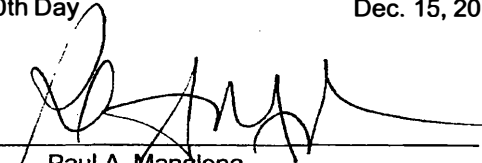
	<u>DATE</u>	<u>TIME</u>	<u>PLACE</u>	<u>SENATORIAL DISTRICT</u>
<u>First Regular Session (01/11/10 - 03/31/10)</u>				
2nd 1st Day	Feb. 04, 2010	10:00 AM	Senate Chamber	Saipan
3rd 2nd Day	Feb. 25, 2010	10:00 AM	Senate Chamber	Saipan
4th 3rd Day	Mar. 09, 2010	10:00 AM	Senate Chamber	Saipan
5th 4th Day	Mar. 25, 2010	10:00 AM	Senate Chamber	Saipan

April to July 31, 2009 is reserved for SPECIAL SESSIONS

- 1st Special
- 2nd Special
- 3rd Special
- 4th Special
- 5th Special
- 6th Special

Second Regular Session (8/01/10 - 12/31/10)

1st Day	Aug. 05, 2010	10:00 AM	Senate Chamber	Saipan
2nd Day	Aug. 19, 2010	10:00 AM	Tinian Court House	Tinian
3rd Day	Sept. 02, 2010	10:00 AM	Senate Chamber	Saipan
4th Day	Sept. 16, 2010	10:00 AM	Rota Court House	Saipan
5th Day	Sept. 30, 2010	10:00 AM	Senate Chamber	Saipan
6th Day	Oct. 07, 2010	10:00 AM	Senate Chamber	Rota
7th Day	Oct. 21, 2010	10:00 AM	Senate Chamber	Saipan
8th Day	Nov. 09, 2010	10:00 AM	Senate Chamber	Saipan
9th Day	Dec. 02, 2010	10:00 AM	Senate Chamber	Saipan
10th Day	Dec. 15, 2010	10:00 AM	Senate Chamber	Saipan


 Paul A. Mangiona
 Senate President

Date: Jan. 21, 10



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Eloy S. Inos
Lieutenant Governor

DIRECTIVE 267

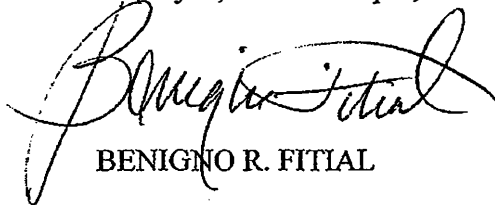
DATE: February 3, 2010
TO: All Departments/Agencies and TIMEKEEPERS
FROM: GOVERNOR

I hereby direct all departments' and agencies' supervisors, directors, secretaries and timekeepers to review Personnel Regulations to re-educate themselves on proper approval and usage of annual leave hours.

Pursuant to Personnel Regulations, annual leave must be applied for in advance and must be approved by the appropriate approving authority before any employee avails to their accrued leave hours.

It has come to my attention that many employees are not completing their number of work hours each pay period as indicated in their employment contract, but are instead applying for annual leave to make up for hours not worked and approving authorities are approving them. This is not allowed and certainly not tolerated. Furthermore, employees do not have the discretionary authority to dictate which 8 hours of the day they will work or to use their lunch hour to make up for lost time. Government operation hours are from 7:30am to 4:30pm, Monday to Friday.

Any further reports I receive from departments and agencies that are following this unapproved policy in contradiction to regulations set forth will result in sanctions for the employee, the timekeeper, and the department/agency head alike.



BENIGNO R. FITIAL

Caller Box 10007 Saipan, MP 96950 Telephone: (670) 664-2200/2300 Facsimile: (670) 664-2211/2311



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Eloy S. Inos
Lt. Governor

DIRECTIVE NO: 268

DATE :
TO : All Department & Activity Heads
FROM : Governor
SUBJECT : Policy Adoption Protocol

Written policy guidance to members of departments is essential to improve management, performance and accountability. Sound policies not only guide actions and define protocols but also provide support staff members with guidance who are operating within the established parameters of defined policies.

Coordination between agencies and the Administration is also essential to ensure that we are coordinated and unified in the adoption and implementation of policies.

Effective immediately, the following processes and procedures are to be followed:

Policy Adoption Process

1. Department develops appropriate policy. [Policy development should include coordination with appropriate public and private entities as well as coordination with other Executive Branch agencies.]
2. Prior to finalizing a policy, the draft policy is to be provided to the Office of the Governor for review and direction.
3. Policy development includes written Standard Operating Procedures and Policy (SOPP) and organization charts, including functional charts.

Caller Box 10007 Saipan, MP 96950 Telephone: (670) 664-2200/2201 Facsimile: (670) 664-2211

4. Publication of draft / final policies to be published in the Commonwealth Register in coordination with the Office of the Attorney General.
5. Subsequent changes and revisions to policies and procedures, in whole or in part, must undergo the same processes and procedures described in steps 1, 2, 3 and 4 above.

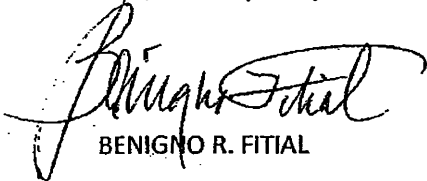
Quarterly Certification

On a quarterly basis, each department head shall submit a certified statement to the Office of the Governor including the following:

1. List of all policies adopted during the quarter.
2. Certification that the Policy Protocol Adoption Directive has been followed during the quarter.

Non-Compliance: Penalties

Failure to comply with the above listed processes and procedure and / or failure to submit the required quarterly certification shall result in referral of the matter to the designee(s) of the Governor for such follow up and investigation as appropriate. A determination of non-compliance may result in corrective and / or disciplinary actions including removal from position, reassignment, or termination.



BENIGNO R. FITIAL



Commonwealth of the Northern Mariana Islands
Office of the Attorney General

2nd Floor Hon. Juan A. Sablan Memorial Bldg.
Caller Box 10007, Capitol Hill
Saipan, MP 96950
Tel: (670) 664-2341
Fax: (670) 664-2349

AG Opinion 2010-02

Concerning the need, if any, to re-submit heads of executive departments to the Commonwealth Senate for confirmation if they were previously confirmed by the Commonwealth Senate during the Governor's first term

Legal Issue

Whether heads of executive branch departments previously nominated by the Governor and confirmed by the Senate during the first term of the Administration of Benigno R. Fitial may continue to exercise their authority without re-nomination or reconfirmation by the Senate?

Short Answer

YES. A person previously nominated and confirmed by the Senate NEED NOT be re-nominated by the Governor and reconfirmed by the Senate so long as the person remains in the same position.

Analysis

The Constitution of the Commonwealth of the Northern Mariana Islands sets forth the structure of the government. The Constitution creates offices and provides terms for said offices. For example, regarding judicial officers: "A supreme court justice and superior court judge shall initially be appointed by the governor and confirmed by the senate. Justices shall serve terms of eight (8) years and judges shall serve terms of six (6) years." N.M.I. Const. Art. IV sec. 5. In the executive branch, the terms of the Governor and Lieutenant Governor are usually¹ governed by section four of Article III. N.M.I. Const. Art. III sec. 4 ("The governor and lieutenant governor shall be elected at large within the Commonwealth for a term of office of four years.")

Per the constitution, the heads of executive departments must be appointed by the governor, and such appointments require the advice and consent of the Senate. Section fourteen of article III of

¹ To align the Commonwealth with federal election law, the current term of the governor is five years.

the Constitution reads, in pertinent part: “The governor shall appoint the heads of executive departments with the advice and consent of the senate.” N.M.I. Const. Art. III sec. 14.

The “executive departments” referred to in section fourteen are explored in depth in section fifteen. They are comprised of the offices, agencies and instrumentalities of the executive branch and include the Attorney General, but for the purposes of this opinion, do not include the Public Auditor.²

The Constitution is silent as to the term of the department heads, saying only “The governor may remove the heads of executive departments.” *Id.*

Except for the statement in section fourteen of Article III, nothing in Articles II or III sheds any light on the matter. Article VIII dealing with elections is equally silent.³ The appointments section of the Commonwealth Code is also silent.⁴ *See* 1 CMC §§2901 et.seq.

Since the Constitution does not explicitly create a term for the heads of executive departments, and does not explicitly peg service as a department head to any term of any other officer, one should hesitate to read such a limitation into the constitution. As discussed *supra*, the framers were cognizant of terms for certain officials and also established the position of Public Auditor as a position without a defined term (i.e., an indefinite term). *See generally* N.M.I. Const. Art. III, sec.12.

This indefinite term is discussed more fully in the ANALYSIS OF THE CONSTITUTION OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS:

² The Attorney General is created by section eleven of Article III, which reads, in pertinent part: The governor shall appoint an Attorney General with the advice and consent of the Senate.” N.M.I. Const. Art. III, sec. 11. For the purpose of this opinion, the Attorney General will be considered a “head of an executive department” in the section fourteen sense referred to above, for no term of office has been specified by either the Constitution or laws of the Commonwealth.

The Public Auditor is created by section twelve of Article III, which reads, in pertinent part: “The governor shall appoint a public auditor with the advice and consent of each house of the legislature.” N.M.I. Const. Art. III, sec.12. Although the Constitution is silent as to the term of the Public Auditor, the Legislature has provided a term by statute. 1 CMC §2302(b) (“The Public Auditor shall be appointed for a term of six years. No person may serve as Public Auditor for more than two consecutive full six-year terms or the balance of an unexpired term plus two full six-year terms.”) Accordingly, the Public Auditor is not considered a “head of an executive department” for the purpose of this opinion.

³ Article VIII does set the inauguration date for officers of the Commonwealth government. “Officers elected at the regular general election shall take office on the second Monday of January of the year following the year in which the election was held.” N.M.I. Const. Art. VIII sec. 4.

⁴ This statement should not be interpreted as implying that the Legislature could put a term limit on the heads of executive departments. Given that the constitution states that the Governor can remove them, *see* N.M.I. Const. Art. III, sec. 14, it is likely that such an attempt would be *ultra vires*.

No term of office is specified by this section. The legislature may act to provide a term of office. If the legislature acts before the first public auditor is appointed, that appointee serves for the term specified by law and may be removed during the term only by the affirmative vote of two-thirds of the members of each house of the legislature and only for cause. If the legislature does not act before the first public auditor is appointed, that appointee serves an indefinite term.

ANALYSIS OF THE CONSTITUTION OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS at 79 (emphasis added).

Based on the foregoing, it cannot be said that the framers thought only of defined, limited duration terms. Instead, the framers contemplated terms of both limited and indefinite duration. Accordingly, it would be inappropriate to conclude that the framers meant to explicitly limit the duration of the heads of executive branch departments when they pointedly chose not to. Of course, even in the context of an indefinite term, the head of each executive department serves at the pleasure of the Governor.

An additional consideration is the fact that the members of the various constitutional conventions could have explicitly required re-nomination and reconfirmation. For example, the people of New Mexico considered amending their constitution to require reconfirmation in the event the governor was reelected.

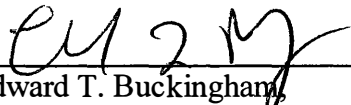
Current law requires that cabinet secretaries be confirmed by the state senate, but, once confirmed, a secretary serves at the pleasure of the governor. Constitutional Amendment No. 3 proposes to add a new section to Article 5 of the Constitution of New Mexico that would require that the heads of all cabinet-level departments or agencies whose appointment is subject to confirmation by the state senate be reconfirmed at the beginning of each term of a governor.

<http://www.zianet.com/lwv/Amendments%202008%20corrected.htm> (viewed February 1, 2010).

This opinion seems in line with the treatment of US cabinet members. For example, the current Secretary of Defense, Robert M. Gates, was appointed by President George W. Bush and confirmed by the United States Senate in December, 2006. Secretary Gates remains in the position after the election of President Obama and did not require re-nomination by the President or reconfirmation by the US Senate.

CONCLUSION

The heads of executive departments serving in the same capacity need not be re-nominated by the Governor and reconfirmed by the Senate and they may continue to exercise their authority without interruption.



Edward T. Buckingham
Attorney General

2-3-10
Date