# COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS SAIPAN, TINIAN, ROTA and NORTHERN ISLANDS



# **COMMONWEALTH REGISTER**

VOLUME 35 NUMBER 08

AUGUST 28, 2013

# **COMMONWEALTH REGISTER**

VOLUME 35 NUMBER 08

August 28, 2013

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# NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS

RULES AND REGULATIONS REPEALING AND REENACTING MEDICAL REFERRAL SERVICES RULES AND REGULATIONS

ACTION TO ADOPT PROPOSED REGULATIONS: On June 28, 2013, as required under 1 CMC § 9104(a), the Commonwealth of the Northern Mariana Islands, Medical Referral Services, published public notice of its intent to repeal and re-enact the medical referral services regulations and to modify the regulations. (See 35 Com. Reg. 033549 (June 28, 2013)). The Commonwealth of the Northern Mariana Islands, Medical Referral Services, Office of the Governor, HEREBY ADOPTS AS PERMANENT REGULATIONS the regulations published at 35 Com. Reg. 033555-033590, pursuant to the procedures of the Administrative Procedure Act (APA), 1 CMC §§ 9102, 9104(a), 9105 and applicable regulations.

**AUTHORITY**: Medical Referral Services, Office of the Governor, through PL 16-51 § 3 (3 CMC § 2804(v)), as amended by Executive Order 2013-09, has the power to adopt regulations determining when off-island care is necessary and appropriate.

**SUBSTANTIVE CHANGES FROM PROPOSED REGULATIONS:** In its notice of intended action published on June 28, 2013, Medical Referral Services published proposed regulations. (See 35 Com. Reg. 033549 (June 28, 2013)(proposed regulations attached at 033555-033590)). No substantial substantive changes have been made to the proposed regulations now hereby adopted as permanent regulations by Medical Referral Services.

**EFFECTIVE DATE:** Pursuant to the APA, 1 CMC § 9105(b) and applicable regulations, these adopted Regulations are effective 10 days after compliance with 1 CMC §§ 9102, 9104(a) and 9105 and publication in the Commonwealth Register.

**COMMENTS AND AGENCY CONCISE STATEMENT**: Pursuant to APA, 1 CMC § 9104(a)(1), Medical Referral Services gave proper notice of its intended action. Pursuant to 1 CMC § 9104(a)(2), Medical Referral Services afforded all interested persons reasonable opportunity to submit data, views, or arguments, in writing. The Medical Referral Services notes that no data, views, or arguments were submitted in response to the notice of intended action. Upon this adoption of the Regulations, Medical Referral Services, if requested to do so by an interested person, either prior to adoption or within thirty days thereafter, will issue a concise statement of the principle reasons for overruling the reasons for and against its adoption.

ATTORNEY GENERAL APPROVAL FOR REGULATIONS: 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) (reviewed and approved, as to form and legal sufficiency) and are hereby being adopted without substantial substantive change.

I, Ronald D. Sablan, Director of Medical Referral Services, certify that the Regulations published at 35 Com. Reg. 033555-033590 (June 28, 2013) and adopted herein are a true copy of the regulations as adopted by the Medical Referral Services, Office of the Governor.

Submitted by: C Ronald D. Sablan

8/22/13

Date

Filed and San Micolor Recorded by:

Esther M. San Nicolas Commonwealth Register

**Director of Medical Referral Services** 

22/2013

Date



Commonwealth of the Northern Mariana Islands HEALTH CARE PROFESSIONS LICENSING BOARD P.O. Box 502078, #1242 Pohnpei Court Capitol Hill, Saipan, MP 96950 Tel No: (670)664-4809 Fax: (670)664-4814 Email: bpl@pticom.com

PUBLIC NOTICE AND CERTIFICATION OF ADOPTION OF THE AMENDMENTS TO THE HEALTH CARE PROFESSIONS LICENSING BOARD'S REGULATIONS FOR EMERGENCY MEDICAL RESPONDERS, EMERGENCY MEDICAL TECHNICIANS, ADVANCED EMERGENCY MEDICAL TECHNICIANS AND EMERGENCY MEDICAL TECHNICIANS-PARAMEDICS

> PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS PROPOSED AMENDMENTS TO REGULATIONS VOLUME 35, NUMBER 06, PP 33613-33658 OF JUNE 28, 2013

Regulations for Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians and Emergency Medical Technicians -Paramedics: NMIAC Title 140, \$140-50.3-2900

ADOPTION OF THE AMENDMENTS TO THE REGULATIONS FOR EMERGENCY MEDICAL RESPONDERS, EMERGENCY MEDICAL TECHNICIANS, ADVANCED EMERGENCY MEDICAL TECHNICIANS AND EMERGENCY MEDICAL TECHNICIANS-PARAMEDICS: The Health Care Professions Licensing Board (HCPLB), hereby adopts the above-referenced were published in the regulations as permanent regulations, which Commonwealth Register at pages 33613-33658 in Volume 35, No. 06 on June 28, 2013 pursuant to the procedures of the Administrative Procedure Act, 1 CMC § The Health Care Professions Licensing Board announced that it 9104(a). intended to adopt them as permanent and now does so.

The prior publication was as stated above. The Health PRIOR PUBLICATION: Care Professions Licensing Board adopted the regulations as final as of the date of signing below.

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY: None.

AUTHORITY: The Health Care Professions Licensing Board has statutory power to promulgate and effect regulations pursuant to P.L. 15-105, Section 3, § 2206 (b), as amended.

EFFECTIVE DATE: Pursuant to the APA, 1 CMC § 9105(b), these adopted amendments to the HCPLB regulations for Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians and Emergency Medical Technicians - Paramedics are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a), which in this instance is 10 days after this publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT. Pursuant to the APA, 1 CMC § 9104(a)(2), the HCPLB has reviewed comments on the proposed amendments to these regulations it received during the thirty-day period. 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.

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ATTORNEY GENERAL APPROVAL: The adopted amendments to the regulations for Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians and Emergency Medical Technicians - Paramedics 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 regulations 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 23 day of Aasurpment and a bar and a bar and correct day of <math>Aasurpment and a bar and a2013, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and Ordered by:

al-alarina Ahmad Al-Alou, MD

Chairman

Filed and Recorded by:

sther SN. Nesbitt Commonwealth Register

8/23/13

08.26.2013

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Commonwealth of the Northern Mariana Islands HEALTH CARE PROFESSIONS LICENSING BOARD P.O. Box 502078, #1242 Pohnpei Court Capitol Hill, Saipan, MP 96950 Tel No: (670)664-4809 Fax: (670)664-4814 Email: bpl@pticom.com

#### PUBLIC NOTICE AND CERTIFICATION OF ADOPTION OF THE AMENDMENTS TO THE HEALTH CARE PROFESSIONS LICENSING BOARD'S REGULATIONS PHYSICIANS

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS PROPOSED AMENDMENTS TO REGULATIONS VOLUME 35, NUMBER 06, PP 33602-33612 OF JUNE 28, 2013

Regulations for Physicians: NMIAC Title 140, §140-50.3-4200

ADOPTION OF THE AMENDMENTS TO THE REGULATIONS FOR PHYSICIANS: The Health Care Professions Licensing Board (HCPLB), hereby adopts the attached regulations as permanent regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Health Care Professions Licensing Board announced that it intended to adopt them as permanent and now does so.

PRIOR PUBLICATION: The prior publication was as stated above. The Health Care Professions Licensing Board adopted the attached regulations as final as of the date of signing below.

MODIFICATIONS FROM PRIOR PUBLISHED PROPOSED REGULATIONS, IF ANY:

To amend Section 4210(a)(2) - Licensure by Endorsement of the HCPLB Regulations for Physicians.

The Health Care Professions Licensing Board has statutory power AUTHORITY: to promulgate and effect regulations pursuant to P.L. 15-105, Section 3, § 2206 (b), as amended.

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

COMMENTS AND AGENCY CONCISE STATEMENT. Pursuant to the APA, 1 CMC § 9104(a)(2), the HCPLB has reviewed the comments on the proposed amendments to these regulations it received during the thirty-day period. 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.

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I declare under penalty of perjury that the foregoing is true and correct copy and that this declaration was executed on the 23 day of 4ngust, 2016, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and Ordered by:

Amud he - Alorins

Ahmad Al-Alou, MD Chairman

Filed and Recorded by:

Esther SN. Nesbitt Commonwealth Register

8/22/13 Date

08.21.2013

The AG's signature, and this paragraph, is necessary ONLY if there have been changes. Pursuant to 1 CMC Section 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC Section 9104(a)(3) (obtain AG approval) the certified final regulations, modified as indicated above from the cited proposed regulations, have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General, and shall be published (1 CMC Section 2153(f) (publication of rules and regulations)).

Dated the 27th day of August, 2013.

JOEY P. SAN NICOLAS Attorney General

#### Addition: To amend Section 4210(a)(2) - Licensure by Endorsement of the HCPLB Regulations for Physicians

To amend Section 4210(a)(1) - Licensure by Endorsement of the HCPLB Regulations for Physicians

#### § 140-50.3-4210 Licensure by Endorsement.

- a) The Board may grant a license to a person to practice as a physician by endorsement if:
  - (1) The person holds a full, unrestricted, active license to practice as a physician in another U.S. state or territory, or Canada; and

#### The person substantially complies with the requirements for licensure in § (2) 4205 or 4206.

To amend Section 4211- Requirements for Temporary/Limited License of the HCPLB Regulations for Physicians

#### **§ 140-50.3-004211 Requirements for Temporary/Limited License.**

**(a)** The board may issue a temporary or limited license for three (3) months to an applicant to practice as a physician if:

(1) The applicant meets all the requirements set forth in § 4205, but due to administrative error or time constraints, not the fault of the applicant, the Board's ability to issue the license in the ordinary course of its affairs has been impaired;

A public emergency occurred, such as a declared disaster of such destructive (2) magnitude force which damaged or destroyed homes, and injured or killed people, and produces a range of immediate suffering and basic human needs that cannot be promptly or adequately addressed by the affected people, and there is a shortage of physicians;

Applicant is to engage in post graduate training under the supervision of a licensed (3) physician at a hospital or other health care facility approved by the Board for such training; or

<u>(4)</u> There is an absence or a shortage of licensed physicians or osteopathic physicians in the CNMI and that the applicant has been duly licensed as a physician or osteopathic physician under the laws of another U.S. state or territory. For this purpose, the board may consider to have an absence or shortage of physicians or osteopathic physicians if the absence or shortage results from the temporary loss of a physician or osteopathic physician. An application for a temporary license due to absence or shortage of physicians shall require the applicant to provide a request from the Medical Affairs Director or the director of the CNMI Department of Public Health as to the absence or shortage of physicians in the CNMI.

(b) Applicants for temporary or limited license shall submit an application form provided by the Board and submit all required documents required under §140-50.3-004213. Make sure all documents are originals or a certified or notarized true copy of original documents.

Because of time constraint and the urgency of the situation, the temporary or limited license (c) may be issued to an applicant at the discretion and approval of the Chairperson of the Board or his designee, if the applicant meets the licensing requirements under this section, before the application

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and required documents are submitted to the Board. Application, required documents and fees shall be submitted within 5 business days after the license is issued.

(d)The Board may deny an application for a temporary or limited license if the person has been the subject of an adverse action in which his/her license was suspended, revoked, placed on probation, conditioned, or renewal denied.

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### COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS



**CIVIL SERVICE COMMISSION** OFFICE OF PERSONNEL MANAGEMENT P.O. BOX 5153 CHRB SAIPAN MP 96950 TEL NOS. (670) 234-6925/6958/8036 FAX NO. (670) 234-1013



#### PUBLIC NOTICE AND CERTIFICATION OF ADOPTION OF THE CIVIL SERVICE **COMMISSION'S PROPOSED EXCEPTED SERVICE PERSONNEL REGULATIONS.**

#### PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS PROPOSED REGULATIONS VOLUME 35, NUMBER 06, PP 033669-033770 OF JUNE 28, 2013

Excepted Service Personnel Regulations: NMIAC Title 10, §10-10-001-§10-10-325

ADOPTION OF THE PROPOSED EXCEPTED SERVICE PERSONNEL REGULATIONS: The Civil Service Commission hereby adopts the above-referenced regulations as permanent regulations, which were published in the Commonwealth Register at pages 033669-033770 in Volume 35, No. 06 on June 28, 2013 pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Civil Service Commission announced that it intended to adopt them as permanent and now does so. The Civil Service Commission certifies by signature below that, as published, such adopted Excepted Service Personnel Regulations 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 Civil Service Commission adopts the Excepted Service Personnel Regulations as final as of the date of signing below.

#### MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY: None.

AUTHORITY: The Civil Service Commission has statutory authority to promulgate and effect personnel regulations pursuant to 1 CMC § 8117, as amended by Public Law 17-80.

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

COMMENTS AND AGENCY CONCISE STATEMENT. Pursuant to the APA, 1 CMC § 9104(a)(2), the Civil Service Commission has reviewed the comments on the proposed Excepted Service Personnel Regulations it received during the thirty-day period. Upon this adoption of the regulations, 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: The adopted Excepted Service Personnel Regulations were approved for promulgation by the CNMI 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 or agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

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I declare under penalty of perjury that the foregoing is true and correct copy and that this declaration was executed on the 23rd day of August, 2013, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and Ordered by:

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Eric L. Plinske Acting Chairman, Civil Service Commission

8/26/2013 Date

Filed and Recorded by:

Esther SN. Nesbitt Commonwealth Register

<u>08,27,20</u>/3 Date

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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Herman T. Guerrero Chairperson

Lucia L. Blanco-Maratita Vice-Chairperson

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Non Public School Rep. Galvin S. Deleon Guerrero

Student Representative Michaelle Marie Chong Muña

**Teacher Representative** 



Commissioner of Education Rita A. Sablan, Ed.D. coe.ras@cnmipss.org

Commissioner of Education

# PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS WHICH ARE AMENDMENTS TO RULES AND REGULATIONS **REGARDING THE ENTRANCE AGE REGULATIONS OF** THE PUBLIC SCHOOL SYSTEM

**PROPOSED RULES AND REGULATIONS:** The Commonwealth of the Northern Mariana Islands Public School System (PSS) finds that:

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: The Commonwealth of the Northern Mariana Islands, Public School System (PSS) 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))

AUTHORITY: The proposed amendments to PSS regulations are promulgated pursuant to the Board's authority as provided by Article XV of the CNMI Constitution, Public Law 6-10 and the CNMI Administrative Procedures Act.

THE TERMS AND SUBSTANCE: The proposed regulation changes the cut-off date for the entrance age from August  $31^{st}$  to September  $30^{th}$ .

THE SUBJECTS AND ISSUES INVOLVED: Because the Public System School Year begins in September, under the current regulation, children who do not reach the age of six (6) on or before August 31<sup>st</sup> are denied entry into first (1<sup>st</sup>) grade. This amendment to this regulation allows for more CNMI children to have access to the Public School System without compromising the quality of education.

DIRECTIONS FOR FILING AND PUBLICATION: These Proposed 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 the principal vernacular. (1 CMC § 9104(a) (1))

Students First VOLUME 35ww.cn NUMBER 08 AUGUST 28, 20 Fax: PA(96) 004378

**TO PROVIDE COMMENTS:** All interested persons may examine the proposed amendments and submit written comments, positions, or statements for or against the proposed amendments to the Chairperson, State Board of Education, P.O. Box 501370, Saipan, MP 96950, call 237-3027 or fax 664-3711 within thirty (30) calendar days following the date of the publication in the Commonwealth Register of these amendments. (1 CMC § 9104(a) (2))

These regulations were approved by the State Board of Education on July 11, 2013.

Submitted by:

Herman T. Guerrero, Chairperson

State Board of Education

Received by:

Esther S. Fleming

Special Assistant for Administration

Filed and Recorded by:

Esther M. San Nicolas Commonwealth Register

Date

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

Dated this <u>19</u> day of July, 2013.

Joseph San Nicolas Acting Attorney General

#### PROPOSED AMENDMENT TO BOARD OF EDUCATION REGULATIONS

#### § 60-20-412 Entrance Age

- (a) A child shall be admitted to the first grade of elementary school at the beginning of the school year if the child's sixth birthday occurs on or before September 30<sup>th</sup> of the school year for which entrance application is made.
- (b) Any child may be admitted to kindergarten at the beginning of a school year if the child's fifth birthday occurs on or before September 30<sup>th</sup> of the school year for which application is made. Under no circumstances will a child whose sixth birthday occurs after September 30<sup>th</sup> but before the completion of the school year applied for be denied admission to school based solely upon the child's age.
- (c) Any child who meets the eligibility requirements of the Head Start Program may be admitted to Head Start at the beginning of a school year if the child's third, or fourth birthday occurs on or before September 30<sup>th</sup> of the school year for which entrance application is made.
- (d) A birth certificate or other legal document such as a passport will be required as proof of age.
- (e) In the event of extraordinary circumstances surrounding the admission or denial of a child's admission to a school or program, the Commissioner of Education may make exceptions to this regulation if it is in the best interests of the child and the PSS.

# Commonwealth gi Sangkattan na Islas Marianas Siha

STATE BOARD OF EDUCATION SISTEMAN ISKUELAN PUPBLIKU P.O. BOX 501370 SAIPAN, MP 96950

# NUTISIAN PUPBLIKU GI MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA NI MANMA'AMENDA PARA I AREKLAMENTU YAN REGULASION SIHA SIGUN GI REGULASION GI IDÅT HINALUM GI SISTEMAN ISKUELAN PUPBLIKU

**MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA:** I Commonwealth gi Sangkattan na Islas Marianas Siha i Sisteman Iskuelan Pupbliku ha sodda' na:

# I AKSION NI MA'INTENSIONA NA PARA U MA'ADÅPTA ESTI SIHA I MANMAPROPONI NA

**REGULASION SIHA:** I Commonwealth gi Sangkattan na Islas Marianas siha, Sisteman Iskuelan Pupbliku (PSS) ha intensiona para u adåpta kumu petmanienti na regulasion siha ni mañechettun i Manmaproponi na Regulasion Siha sigun i manera siha gi Åktun Administrative Procedure, 1 CMC § 9104 (A). I regulasion siha para u ifektibu gi dies(10) dihas na tiempu dispues di adåptasion yan pupblikasion gi halum i Rehistran Commonwealth. (1 CMC § 9105(b))

**ÅTURIDÅT:** I manmaproponi na amendasion siha gi regulasion PSS manmacho'gui sigun gi åturidåt i Kuetpu kumu mapribeniyi ni Attikulu XV gi Konstitusion CNMI, Lai Pupbliku 6-10 yan i Åktun CNMI Administrative Prodedures.

I TEMA YAN SUSTÅNSIAN I PALÅBRA SIHA: I maproponi na regulasion ha tulaika i cut-off date para i idåt hinalum ginin i Agostu 31 asta i Septembri 30.

I SUHETU NI MASUMÅRIA YAN ASUNTU NI MANTINEKKA: Sa' i Sakkan i Sisteman Iskuelan Pupbliku ha tutuhun gui' gi Septembri, gi papa' i prisenti na regulasion, i famagu'un ni ti kumumpli sais(6) åñus na idåt gi pat åntis di Agostu 31 siempri ti u fanma'asepta para u fanhålum gi primet(1<sup>st</sup>) grådu. Esti na amendasion gi esti na regulasion para u sedi bula na famagu'un CNMI ni para u guaha access guatu gi Sisteman Iskuelan Pupbliku sin kompromisun i kuålidåt idukasion.

**DIREKSION PARA U MAPO'LU YAN PUPBLIKASION:** Esti i Manmaproponi na Regulasion siha debi na mapupblika gi halum i Rehistran Commonwealth gi halum i seksiona ni maproponi yan nuebu na ma'adåpta na regulasion siha (1 CMC § 9102(a)(1) yan u mapega gi halum i mangkumbinienti na lugåt siha gi halum i civic center yan i halum ufisinan gubietnamentu siha gi kada distritun senadot, parehu English yan lingguåhin natibu. (1 CMC § 9104(a)(1))

**PARA U MAPRIBENIYI UPIÑON SIHA:** Todu manintirisåo na petsona siha siña ma'eksimina i manmaproponi na amendasion siha yan u mana'hålum tinigi' upiñon, pusision, pat diklarasion para pat kinentra gi manmaproponi na amendasion siha guatu gi Kabesiyu, State Board of Education, P.O. Box 501370, Saipan, MP 96950, pat ågang i 237-3027 pat fax gi 664-3711 gi halum trenta(30) dihas gi kalendåriu gi sigienti na fetchan u pupblikasion gi halum i Rehistran Commonwealth gi esti na amendasion siha.

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Esti i manmaproponi na regulasion siha manma'aprueban ni State Board of Education gi Huliu 11, 2013.

Nina'hålum as:

Herman T. Guerrero, Kabesiyu State Board of Education

**Rinisibi as:** 

Esther S. Flenning

Ispisiåt Na Ayudånti Para I Atministrasion

Fetcha

Fetcha

Pine'lu yan Ninota as:

Esther M. San Nicolas Rehistran Commonwealth

<u>PSJ21/20/3</u> Fetcha

Sigun i 1 CMC § 2153 (e), (Inaprueban Abugådu Heneråt i regulasion siha ni para`u macho'gui kumu fotma) yan i 1 CMC § 9104 (A) (3) (inahentan inaprueban Abugådu Heneråt) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueba kumu fotma yan sufisientl ligåt ginin i CNMI Abugådu Heneråt yan debi na u mapupblika, 1 CMC § 2153 (f) (pupblikasion areklamentu yan regulasion siha).

141- Agusto dittotiu, 2013. Mafetcha gi diha

JOEYPATRICK SAN NICOLAS Abugådu Heneråt

### MAPROPONI NA AMENDASION GI REGULASION SIHA PARA I KUETPUN IDUKASION

### § 60-20-412 IDÅT HINALUM

- (a) I patgun debi na u ma'atmiti gi primet grådu gi tutuhun såkkan iskuela gi iskuelan elementåriu yanggin i patgun ha kumpli i idåt-ña gi pat åntis di Septembri 30 gi såkkan iskuela gi anai macho'gui aplikasion hinalum.
- (b) Maseha håyi na påtgun siña ma'atmiti para i kindergarten gi tutuhun i sakkan iskuela yanggin måttu singku åñus i mafañågu-ña gi pat åntis di Septembri 30 gi sakkan iskuela anai macho'gui i aplikasion. Yanggin i patgun para u kumpli sias åñus dispues di Septembri 30, låo åntis di kinimplin i sakkan iskuela ni ma'aplika para u mapuni i hinalum gi iskuela sigun gi idåt i patgun.
- (c) Maseha håyi na påtgun ni ha meet i dinimåndan kualifikåo gi Prugråman Head start ni siña ma'atimiti hålum gi Head Start gi tutuhun i sakkan iskuela yanggin i idåt i patgun gi tres, pat kuåttru idåt- ña gi pat åntis di Septembri 30 gi sakkan iskuela gi anai macho'gui i aplikasion hinalum.
- (d) I settifikun mafañågu pat ottru na dokumentun ligåt tåtkumu i pasapotti para u madimånda kumu apruebasion idåt.
- (e) Yanggin siakåsu i extraordinary circumstances ni surrounding i hinalum pat pinuni gi hinalum i patgun gi iskuela pat prugråma, i Commissioner of Education siña mama'tinas exception gi esti na regulasion yanggin para minåolik i patgun yan i PSS.

# **COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

STATE BOARD OF EDUCATION PUBLIC SCHOOL SYSTEM P.O. BOX 501370 SAIPAN, MP 96950

# ARONGORONGOL TOULAP REEL POMWOL ATIWLIGH KKA RE AMENDÁÁLI REEL PUBLIC SCHOOL SYSTEM REEL RÁÁGHIL TOOLONGOL GAKKO.

**POMWOL ALLEGH ME ATIWLIGH:** Commonwealth of the Northern Mariana Islands Public School System ("PSS") e schungi bwe:

MÁNGEMÁNGIL MWÓGHUT YEEL EBWE AMWÓI EEW ATIWLIGH: Commonwealth of the Northern Mariana Islands Public School System ebwe adáptááli me alleghúwlo pomwol atiwligh kka e appasch bwe Proposed Regualtions, sángi mwóghutughutul Administrative Procedure Act, 1 CMC§ 9104(a). Atiwligh kkaal ebwe bwunguló 10 ráll mwiril yaar adaptááli me appascha llong lól Commonwealth Register.(1 CMC § 9105(b)).

**BWÁÁNGIL:** Pomwol Iliwel ngáli atilighil PSS ebwe akkatowow sángi lemelemil Board merel Article XV reel CMNI Constitution, Public Law 6-10 me CNMI Adminstrative Procedure Act.

**KKAPASAL ME AWEWEEL:** Pomwol atiwligh kkaal ebwe liweli cut-off date sangi Agosto 31 ngali Settembre 30 reel raghil toolongol gakko.

**KKAPASAL ME ÓUTOL:** Bweile igha Public School System Year e bweleta llól Settembre, faal atiwligh kkaa mwal, olighat kka raghiir ese ghula oloow(6) wóól ngare mwal Agosto 31<sup>st</sup> nge resemwal rebwe toolong aeewal (1<sup>st</sup>)gróódo. Amendáá ngali atiwligh yeel e mwuut ngali ssoghol Olighat llól CNMI yaar access ngali Public School System me reel esabw compromise li qualidóódul education.

AFAL REEL AMWELIL ME ARONGOWOWUL: Pomwol atiwligh kkaal ebwe appasch llong lól Commonwealth Register llól section we e ira proposed me newly adopted regulations. (1 CMC § 9102(a)(1) me ebwe bwal appasch fetal llól bwuley kka elo civic center me bwal llól bwulasiyoo kka llól senatorial district reel kkasal English, Remeraalis me Refaluwasch. (1 CMC § 9104(a)(1)).

ATOTOOLONGOL MWALIILI: Schóó kka remuschel rebwe areghi li proposed action to repeal yeel me isisilongol mángemáng, position ngare mwaliyer rel ngare re tipiyeew, me rese tipiyeew ngáli proposed action to Repeal ngáli Chairperson, State Board of Education, P.O. Box 501370 CK, Saipan, MP 96950, faingi 670-237-3027 ngare fax 670-664-3711 lól (30) calendar days mwiril yaal appaschlong lól Commonwealth Register rel amendments. (1CMC§9104(a)(2)) Atiwligh kkal e apreba sangi State Board of Education wóól Ullyo 11,

Isáliiyalong: \_

Herman T. Guerrero, Chairperson

7/19/13 Báil

State Board of Education

Aramas ye E bwughi: Esther S. Fleming **Special Assistant for Administration** 

8/2//13

Rái

File me **Rekkodliiyal:** 

: <u>Jaher M. Jan</u> M. Esther M. San Nicolas

**Commonwealth Register** 

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Ráll

Sengi 1 CMC § 2153(e) Allégh kkaal lleghló sángi AG bwe e fil reel fféérul me 1 CMC § 9104(a)(3) (A mwir sángi AG) Atiwligh iye rebwe amwói a appasch a takkal amwuri

fiischiy, me angúúngú ló fféérul me legal sufficiency sángi CNMI Attorney General me ebwele akkatewoow, (1 CMC § 2153(f)(Arongowowul allegh me atiwligh kkaal).

Ráálil iye 14 ráll Ilól Ullyo, 2013

Joey P/ San Nicolas Attorney General

### POMWOL AMENDÁ REEL ALLEGHÚL BOARD OF EDUCATION

§60-20-412 Rághil toolongol

(a) Eschay olighat emwal ebwe toolong aeewal gróódo llól elementary school bweletal rágh ngare aoloowal ubwutiwal nge e púúng wóól ngare mwal Settembre 30<sup>th</sup> llól rágh ila e isisilong yaal application.

(b) Inamwo iyo olighat emwal ebwe toolong kindergarten bweletal school year ngare yaal atewe alimoowal ubwutiwel e pung wóól ngare mwal Settembre 30<sup>th</sup> lól rágh la e isisilong yaal application. Inamwo meta nge eschay olighat iye yaal aoloowal ubwutiwel e púng mwuril Settembre 30<sup>th</sup> mwal ebwe taak school year we e applikka long rebwe deny li ebwe toolong gakko bwele igha reel raghil.

(c) Inamwo iyo olighát iye e attabwey eligibility requirements il Head Start Program ebwe toolong Head Start bweletal school year ngare yaal atewe aeluuwal, ngare afaauwal ubwutiwel e púng wóól ngare mwal Set**t**embre 30<sup>th</sup> Ilol school year Ia I isisilong yaal application.

(d) Birth certificate bwal akkaw legal document reel passport e nesisita bwe ebwe bwari raghil.

(f) Ngare eyoor extraordinary circumstances reel admissions ngare denial reel yaal atewe ebwe toolong gakko ngare progrómma, Commissioner of Education schagh mille emwel ebwe féér exceptions reel atiwligh yeel ngare reel ghatchúl atewe me PSS>



Commonwealth of the Northern Mariana Islands HEALTH CARE PROFESSIONS LICENSING BOARD P.O. Box 502078, #1242 Pohnpei Court Capitol Hill, Saipan, MP 96950 Tel No: (670)664-4809 Fax: (670)664-4814 Email: bpl@pticom.com

#### NOTICE OF PROPOSED REGULATIONS TO THE HEALTH CARE PROFESSIONS LICENSING BOARD FOR PODIATRISTS

INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS: The Health Care Professions Licensing Board (HCPLB) 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 compliance with 1 CMC §§ 9102 and 9104(a) or (b) (1 CMC §9105(b)).

AUTHORITY: The Health Care Professions Licensing Board has statutory power to promulgate and effect regulations pursuant to P.L. 15-105, Section 3, § 2206 (b), as amended.

THE TERMS AND SUBSTANCE: 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 regulatory agency, without placing it in a Department. The Board is authorized to license health care professionals in the Commonwealth, establish standards for educational programs, administer exams, and to discipline licensees for violations of the act. See PL 15-105. 3 CMC § 2206(b), which empowers the Board to adopt rules and regulations consistent with the Act and necessary to carry out the Act's provisions, including define and describe the regulated professions and their practice. The podiatrists are included in the health care professions, under the power, jurisdiction and authority of the HCPLB. § 2212 of PL 15-105.

THE SUBJECTS AND ISSUES INVOLVED: These are the proposed regulations for the practice of podiatry.

DIRECTIONS FOR FILING AND PUBLICATION: The Board is soliciting comments regarding these proposed amendments which must be received by the Board within thirty (30) days of first publication of this notice in the Commonwealth Register. Interested persons may request copies of the proposed amendments by contacting us at 664-4809 or by email at <u>bpl@pticom.com</u> or come by our office located at Bldg. 1242, Pohnpei Ct., Capitol Hill, Saipan. Written comments on these amendments should be drop off at our office or sent to the BPL, P.O. Box 502078, Saipan, MP 96950, or by email at bpl@pticom.com.

Submitted By: \_\_\_\_\_

Ahmad Al-Alou, MD HCPLB Acting Chairman

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Received By:

9. Fleming Esther

Special Assistant for Administration

08

Filed and Recorded By:

Esther M. San Nicolas Commonwealth Register

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).

P. SAN MICOLAS orney General

NUMBER 08 AUGUST 28, 2013 PAGE 034148 **COMMONWEALTH REGISTER VOLUME 35** 

Commonwealth gi Sangkattan na Islas Marianas Siha HEALTH CARE PROFESSIONS LICENSING BOARD P.O. Box 502078, #1242 Ponhpei Court Capitol Hill, Saipan, MP 96950 Tel. No.: (670) 664-4809 Fax No. : (670) 664-4814 e-mail: bpl@pticom.com

## NUTISIA GI MANMAPROPONI NA REGULASION SIHA PARA I HEALTH CARE PROFESSIONS LICENSING **BOARD PARA I PODIATRISTS**

### I AKSION NI MA'INTENSIONA NA PARA U MA'ADÀPTA ESTI I MANMAPROPONI NA REGULASION

SIHA: I Health Care Professions Licensing Board (HCPLB) ha intensiona para u adapta kumu petmanienti na regulasion siha ni mañechettun i Manmaproponi na Regulasion siha, sigun i manera siha gi Åktun Administrative Procedure, 1 CMC § 9104 (a). I regulasion siha para u ifektibu gi dies(10) dihas na tiempu dispues di kinimplin i 1 CMC §§ 9102 yan 9104 (a) pat (b) (1 CMC § 9105 (b)).

**ÅTURIDÅT:** I Health Care Professions Licensing Board gai fuetsa para u cho'gui yan u huyung i regulasion siha sigun gi Lai Pupbliku 15-105, Seksiona 3, § 2206 (b) ), kumu ma'amenda.

I TEMA YAN SUSTÅNSIAN I PALÅBRA SIHA: Historian Regulasion: Lai Pupbliku 15-105 (umifektibu anai inaprueba ni Gubietnu as Benigno R. Fitial, gi Nubembri 7, 2007), gi "Åktun Health Care Professions gi 2007, " 3 CMC §§ 2201 - 36. I Åktu ha fa'tinas i Health Care Professions Licensing Board, kumu indipendenti na regulatory agency, sin u mapega gi halum i Dipattamentu. I Kuetpu ha åturisa para i lisensia i health care professionals gi halum i Commonwealth, ha estapblesi i standards para i educational na prugråma siha, u atministra i eksam siha, yan para u discipline i manmalisensia siha para i violations i åktu. Atan i Lai Pupbliku 15-105. 3 CMC § 2206 (b), ni nina'i fuetsa i Kuetpu para u adåpta i areklamentu yan i regulasion siha kinunsisti ni Åktu yan nisisåriu para u chuli' huyung i prubension i Åktu siha, ingklulusu i difina yan madiskribi i regulated professions yan i prinaktikan-ñiha. I podiatrists maningklusu gi halum i health care professions, gi papa' i fuetsa, jurisdiction yan åturidåt i HCPLB. § 2212 gi Lai Pupbliku 15-105.

I SUHETU NI MASUMÁRIA YAN ASUNTU NI MANTINEKKA: Esti i manmaproponi na regulasion siha para i prinaktikan i podiatry:

DIREKSION PARA U MAPO'LU YAN PUPBLIKASION: | Kuetpu mamamaisin imfotmasion sigun gi manmaproponi na amendasion siha ni debi na u marisibi ginin i Kuetpu gi halum i trenta (30) dihas na tiempu gi primet na pupblikasion esti na nutisia gi halum i Rehistran Commonwealth. Håyi gai intires na petsona siha siña manggågåo kopia siha gi manmaproponi na amendasion siha ya å'agang ham gi 664-4809 pat i email gi <u>bpl@pticom.com</u> pat fåttu gi ufisinan-måmi ni gaigi gi Bldg. 1242, Pohnpei Ct., Capitol Hill, Saipan. Tugi'i hålum put esti na amendasion siha ya u machuli' guatu gi ufisinan- måmi pat na'hånåo para i BPL, P.O. Box 502078, Saipan, MP 96950, pat i email gi bpl@pticom.com.

Nina'hålum as: Mmal Al- aloums

Ahmad Al-Alou, MD **HCPLB Acting Kabesiyu** 

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Rinisibi as:

Esther S. Fleming Espisiåt Na Ayudånti Para I Atministrasjon

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(an Ninota as after M. Jan Weold

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Pine'lu Yan Ninota as:

Esther M. San Nicolas Rehistran Commonwealth

Sigun i 1 CMC § 2153 (e), (Inaprueban Abugådu Heneråt i regulasion siha ni para u macho'gui kumu fotma) yan i 1 CMC § 9104 (a) (3) (inahentan inaprueban Abugådu Heneråt) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueba kumu fotma yan sufisientl ligåt ginin i CNMI Abugådu Heneråt yan debi na u mapupblika, 1 CMC § 2153 (f) (pupblikasion areklamentu yan regulasion siha).

JOFY P. SAN NICOLAS Abugådu Heneråt

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Commonwealth of the Northern Mariana Islands HEALTH CARE PROFESSIONS LICENSING BOARD P.O. Box. 502078, #1242 Pohnpei Court Capital Hill, Saipan, MP 96950 Tel No: (670)664-4809 Fax: (670)664-4814 Email: bpl@pticom.com

# ARONGORONG REEL POMWOL ALLÉGH NGALI HEALTH CARE PROFESSIONS LICENSING BOARD REER PODIATRISTS

MÁNGEMÁNGIL MWÓGHUT YEEL BWE EBWE ADAPTÁÁLI POMMWOL ATIWLIGH KKAL: Health Care Professions Licensing Board (HCPLB) emuschel ebwe adaptááli me aleghú ló atiwligh kka e appasch bwe Proposed Regulations, sángi mwóghutughutul Administrative Procedure Act, 1 CMC § 9104(a). Atiwligh kka ebwe bwunguló 10 ráál mwiril re atabwey alleghul 1 CMC §§ 9102 me 9104(a)ngare (b) (1 CMC §9105(b)).

**BWÁNGIL:** \_Health Care Professions Licensing Board nge eyoor bwángil ebwe akkaté me ghitipwotchuw allégh kkaal bwelle reel P.L. 15-105, Talil 3, § 2206 (b), igha e amenda.

**KKAPASAL ME AWEWEEL:** Uruwowul atiwligh kkaal: P.L. 15-105(bwung ló ighiwe Sow Lemelem Benigno R. Fitial, November 7, 2007), "Health Care Professions Act of 2007," 3 CMC§§2201-36. Mwoghut yeel e féérú ta Health Care Professional Licensing Board, ngare eew independent regulatory agency, eso lo faal lemelemil eew department. Board e atorisa ebwe license liir health care professionals llol Commonwealth, ayoora standards reel progróómal education, isisiwow exams, me discipline liir licensees ngare re atay alleghul mwoghut yeel. Amweri PL 15-105. E CMC § 2206 (b), igha e ngaley bwangil Board ebwe adaptááli allégh kkaa e attabwey ngali Act me meta kka e nesesariyo ebwe féérú provisions il Act, e bwal toolong reel ebwe awewey regulated professions kkaal me yaar angaang. Podiatrists nge rebwal schuulong reel health care professions, faal lemelemil me bwangil HCPLB. §2212 reel PL 15-105.

KKAPASAL ME ÓUTOL: Pomwol atiwligh kkaal reel mwoghutughutul podiatry.

AFALA REEL AMWELIL ME ARONGOWOWUL: Board ekke tittingor mángemángiir toulap reel pomwol amenda kkaal ikka rebwe bwughil llól eliigh ráál ngare schagh aa akkatééló llól Commonwealth Register. Schóó kka re remuschal copy-il pomwol amenda kkal emwel rebwe faingi numero ye 664-4809 me ngare email <u>bpl@pticom.com</u> me ngare mweteló reel bwulasiyo Bldg 1242, Pohnpei Ct., Capital Hill, Seipel. Ischil mángemáng ebwe isisilong llól bwulasiyo me ngare afanga ngali BPL, P.O. Box 502078, Seipél, MP 96950.

Ahmad M- Alpero Isáliivalong:

Ahmad Al-Alou, MD **HCPLB Acting Chairman** 

8/9/13

Ráll

Mwir Sángi: Esther S. Fleming

Special Assistant for Administration

Amwel Sángi:

Esther M. San Nicolàs **Commonwealth Register** 

<u>'21 /13</u>

Ráll

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Ráll

Sángi 1 CMC § 2153(e) Allégh kkaal a lléghló sángi AG bwe e fil reel fféérúúl me 1 CMC §9104(a)(3)(mwiir sángi AG)Pomwol atiwligh kkal a appaschlong a takkal amwuri filschiy, me angúúngú ló fféérúl me legal sufficiency sángi CNMI Attorney General me ebwele akkatewoow, 1 CMC §2153(f) (Arongowowul allégh

me atiwligh kkaal,

y P. San Nicolas **Attorney General** 

#### § 140-50.3- 004500 Part 4500. Podiatrists

#### § 140-50.3- 004501 Definitions.

(a) "ABPS" means the American Board of Podiatric Surgery which is recognized by the Joint Committee on the Recognition of Specialty Boards of the Council on Podiatric Medical Education under the authority of the American Podiatric Medical Association as the specialty board to conduct a certification process in podiatric surgery.

(b) "APMA" means the American Podiatric Medical Association headquartered in Bethesda, MD, and is the leading resource for foot and ankle health information. Currently, the organization represents a vast majority of the estimated 15,000 podiatrists in the country.

(c) "APMLE" means the American Podiatric Medical Licensing Examinations (APLME Parts I, II, and III) provided by the National Board of Podiatric Medical Examiners.

(d) "CPME" means The Council on Podiatric Medical Education of the American Podiatric Medical Association and is an autonomous accrediting agency for podiatric medical education. The council has final authority for the accreditation of colleges of podiatric medicine, the approval of fellowships and residency programs, and sponsors of continuing education, as well as the recognition of specialty certifying boards for podiatric medical practice.

(e) "FPMB" means the Federation of Podiatric Medical Boards. The FPMB provides states with score results on the national licensing PM Lexis/Part III exam and is a clearinghouse for providing disciplinary action data to state boards and designated entities.

(f) "Human foot" means the ankle and soft tissue which insert into the foot as well as the foot.

(g) "NBPME" means the National Board of Podiatric Medical Examiners, a nonprofit corporation established in 1956. The mission of the corporation is to develop and administer examinations of such high quality that the various legal agencies governing the practice of podiatric medicine may choose to license those who have successfully completed such examinations for practice in their jurisdictions without further examination.

(h) "Podiatric medicine" or "podiatry" is the practice of medicine and surgery on the lower extremity including the diagnosis and treatment of conditions affecting the human foot, ankle and leg by all appropriate systems and means and adjunctive procedures thereto including the prescribing and administering of drugs and medicines.

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"Podiatrist" is a doctor of podiatric medicine (DPM), also (i) known as a podiatric physician or surgeon. Podiatrists diagnose and treat conditions of the foot, ankle, and tendons directly related to and governing the function of the foot and ankle. Podiatrists can specialize in many fields, including surgery, sports medicine, wound care, pediatrics and diabetic care. A podiatric physician may assist a licensed physician and surgeon holding a medical doctor or osteopathic medical doctor degree in non-podiatric procedures. Podiatric physicians and surgeons may issue prescriptions valid at any pharmacy for any drug, including narcotics, necessary in the practice of podiatry. Podiatrists shall not:

(i) Amputate the foot;

(ii) Administer spinal anesthetic or any anesthetic that

renders the patient unconscious; or

(iii) Treat systemic conditions.

§ 140-50.3-004502 Exemptions from License Requirements. These regulations shall apply to all licensed podiatrists in the CNMI except:

A regularly matriculated student undertaking a course of (a) professional instruction in a school of podiatric medicine from participating in medical training whenever and wherever prescribed as part of his or her course of study. Such training beyond the scope of podiatric medicine shall be under the supervision of a physician and surgeon holding the degree of medical doctor or doctor of osteopathic medicine; or

(b) The practice of podiatry in the CNMI by any commissioned podiatric officer serving in the Armed Forces of the United States or Public Health Service, or any medical or podiatric officer on duty with the United States Department of Veterans Affairs, while any such podiatric officer is engaged in the performance of the actual duties prescribed by the laws and regulations of the United States.

#### \$ 140-50.3- 004503 Reserved.

#### § 140-50.3- 004504 Requirements for Licensure.

An applicant to practice as a podiatrist must be at least (a) twenty-one (21) years of age, is a U.S. citizen or a foreign national lawfully entitled to remain and work in the Commonwealth, and meets the following requirements:

Applicant is a graduate of a school or college of (1)podiatric medicine accredited by the Council on Podiatric Medical Education of the American Podiatric Medical Association or a school or college approved by the Board;

Applicant have successfully passed the Part I, II, and (2) III of the National Board of Podiatric Medical Examiners (now known as the APMLE) examinations or a written examination that is recognized by the board to be the

equivalent in content to the exams administered by the NBPME. The Part III examination may be waived if the applicant is:

> certified by the American Board of Podiatric (i) Orthopedics and Primary Podiatric Medicine or the American Board of Podiatric Surgery; or

(ii) licensed as a podiatrist in another U.S. state or territory; and

The applicant has satisfactorily completed one year of (3) post-graduate training approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association. Clinical performance shall be deemed satisfactory to fulfill the purposes of this requirement. This post-graduate training shall be considered to include, but not be limited to, rotating podiatric residency, podiatric orthopedic residency, and podiatric surgical residency.

(b) Any person who uses in any sign or in any advertisement or otherwise, the word or words "doctor of podiatric medicine," "DPM," "podiatric physician and surgeon," "podiatrist," "foot specialist," or any other term or terms or any letters indicating or implying that he or she is a doctor of podiatric medicine, or that he or she practices podiatric medicine, or holds himself or herself out as practicing podiatric medicine, without having at the time of so doing a valid, unrevoked, and unsuspended license to practice podiatric medicine is guilty of a misdemeanor.

#### § 140-50.3 - 004505 Licensure by Endorsement.

The Board may grant a license to a person to practice (a) podiatry without examination if:

The person holds a valid, active license to practice (1)as a podiatrist in another jurisdiction;

The person substantially complies with the (2) requirements for licensure in § 140-50.3-004504; and

The requirements in the jurisdiction of licensure are (3) at least as stringent as those under these regulations.

(b) The Board may deny a license by endorsement to a person to practice podiatry, if the person has been the subject of an adverse action in which his/her license was suspended, revoked, placed on probation, conditioned or renewal denied.

#### § 140-50.3 - 004506 Applications.

An application for a license to practice as a podiatrist shall be made on a form to be provided by the Board accompanied with the following information and documentations as are necessary to establish that the possesses the qualifications as applicant required in these regulations:

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The applicant's full name and all aliases or other names (a) ever used, current address, date and place of birth and social security number;

Applicant's 2x2 photograph taken within six (6) months; (b)

Applicant must pay the appropriate fees, including the (C) application fee which shall not be refunded;

(d) Applicant to provide originals of all documents and credentials, or notarized or certified copies acceptable to the Board of such documents and credentials, including but not limited to:

Diploma or certificate showing successful completion  $(1)^{'}$ of an approved school or program in podiatry;

Documents showing satisfactory proof that applicant (2) has taken and passed the required examinations; or

Documents showing proof that applicant is licensed to (3) practice as a podiatrist in another jurisdiction and complies with the requirements for licensure in § 140-50.3-004504; and

Applicant to provide a list of all jurisdictions, U.S. (e) or foreign, in which the applicant is licensed or has applied for a license to practice podiatry;

Applicant to provide a detailed educational history, (f) institutions, including places, dates and program descriptions of all his or her education beginning with secondary schooling and including all college and/or training programs;

Applicant to provide a list of all jurisdictions, U.S. (q) or foreign, in which the applicant has been denied licensure or voluntarily surrendered a license to practice as a podiatrist;

Applicant to provide a list of all jurisdictions, U.S. (h) or foreign, of all sanctions, judgments, awards, or settlements against the applicant that would constitute or convictions grounds for disciplinary action under the Act or these regulations; and

An NPDB or FPMB's data bank report within sixty (60) days (i) from the signature date of the application. Additionally, when applicable, an applicant must provide a certificate or Letter of Good Standing from the appropriate government health agency having jurisdiction over a foreign-licensed podiatrist, or from any other entity, satisfactory to the Board, having information pertinent to the applicant's professional standing.

§ 140-50.3-004507 Reserved.

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#### § 140-50.3-004508 Continuing Education (CE).

(a) All podiatrists licensed to practice in the CNMI are required to complete at least fifty (50) CE hours relevant to the practice of podiatry as a prerequisite to the renewal of their biennial license.

(b) One CE unit or credit equals to one contact hour.

(c) Approved continuing education activities for podiatry includes but is not limited to the following:

(1) Programs approved by the American Podiatric Medical Association and their affiliated organizations, programs approved for Category 1 credit of the American Medical Association, or their affiliated organizations, and programs approved by the American Osteopathic Association or their affiliated organizations; or

(2) Programs offered by approved colleges or schools of podiatric medicine, medicine and osteopathic medicine or other programs approved by the Board. Completion of a podiatric residency program or clinical fellowship in a hospital shall be credited for 50 hours of approved continuing education.

(e) If a licensee fails to meet the CE requirements for renewal of license because of illness, military service, medical or religious activity, residence in a foreign country, or other extenuating circumstances, the Board upon appropriate written request from the applicant may grant an extension of time to complete same, on an individual basis.

(f) It shall be the responsibility of the licensee to obtain documentation, satisfactory to the Board, from the organization or institution of his or her participation in the continuing education, and the number of course/credit hours.

(g) Licensure renewal shall be denied to any licensee who fails to provide satisfactory evidence of completion of CE requirements, or who falsely certifies attendance at and/or completion of the CE as required herein.

#### § 140-50.3-0034509 Code of Ethics.

The Board recognizes the APMA's Code of Ethics and all podiatrists have the responsibility of aspiring to the highest possible standards of conduct and ethical behavior, assuring that the best care is provided for the individuals and groups whom they serve.

#### § 140-50.3-004510 Disciplinary Action.

The Board shall have the power to impose administrative penalties and/or reprimands; revoke or suspend; or refuse to issue, restore, or renew the license of any person who is found guilty of one or more of

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the violations pursuant to P.L. 15-105 § 2224 and §§ 140-50.3-3800 of the regulations.

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Commonwealth of the Northern Mariana Islands HEALTH CARE PROFESSIONS LICENSING BOARD P.O. Box 502078, #1242 Pohnpei Court Capitol Hill, Saipan, MP 96950 Tel No: (670)664-4809 Fax: (670)664-4814 Email: bpl@pticom.com

#### NOTICE OF PROPOSED REGULATIONS TO THE HEALTH CARE PROFESSIONS LICENSING BOARD FOR LICENSED PROFESSIONAL COUNSELORS, LICENSED MENTAL HEALTH COUNSELORS, AND LICENSED MENTAL HEALTH COUNSELOR ASSOCIATES

INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS: The Health Care Professions Licensing Board (HCPLB) 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 compliance with 1 CMC §§ 9102 and 9104(a) or (b) (1 CMC §9105(b)).

AUTHORITY: The Health Care Professions Licensing Board has statutory power to promulgate and effect regulations pursuant to P.L. 15-105, Section 3, § 2206 (b), as amended.

THE TERMS AND SUBSTANCE: 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 regulatory agency, without placing it in a Department. The Board is authorized to license health care professionals in the Commonwealth, establish standards for educational programs, administer exams, and to discipline licensees for violations of the act. See PL 15-105. 3 CMC § 2206(b), which empowers the Board to adopt rules and regulations consistent with the Act and necessary to carry out the Act's provisions, including define and describe the regulated professions and their practice. The Professional Counselors are included in the health care professions, under the power, jurisdiction and authority of the HCPLB. § 2212 of PL 15-105.

THE SUBJECTS AND ISSUES INVOLVED: These are the proposed regulations for the practice of professional counselors, mental health counselors, and mental health counselor associates.

DIRECTIONS FOR FILING AND PUBLICATION: The Board is soliciting comments regarding these proposed amendments which must be received by the Board within thirty (30) days of first publication of this notice in the Commonwealth Register. Interested persons may request copies of the proposed amendments by contacting us at 664-4809 or by email at bpl@pticom.com or come by our office located at Bldg. 1242, Pohnpei Ct., Capitol Hill, Saipan. Written comments on these amendments should be drop off at our office or sent to the BPL, P.O. Box 502078, Saipan, MP 96950, or by email at bpl@pticom.com.

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Submitted By: Monad M-Morro Abmad Al-Alou, MD

HCPLB Acting Chairman

8/9/13

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Received By:

Esther! Fleming Special Assistant for Administration

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Jedon 2013 Filed and Recorded By: Esther M. San Nicolas Commonwealth Register

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).

SAN NICOLAS torney General A

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## Commonwealth of the Northern Mariana Islands HEALTH CARE PROFESSIONS LICENSING BOARD P.O. Box. 502078, #1242 Pohnpei Court Capital Hill, Saipan, MP 96950 Tel No: (670)664-4809 Fax: (670)664-4814 Email: bpl@pticom.com

## ARONGORONG REEL POMWOL ALLÉGH REEL HEALTH CARE PROFESSION LICENSING BOARD REER LICENSED PROFESSIONAL COUNSELORS, LICENSED MENTAL HEALTH COUNSELORS ME LICENSED MENTAL HEALTH COUNSELOR ASSOCIATES.

MÁNGEMÁNGIL MWÓGHUT YEEL BWE EBWE ADAPTÁÁLI POMMWOL ATIWLIGH KKAL: Health Care Professions Licensing Board (HCPLB) emuschel ebwe adaptááli me aleghú ló atiwligh kka e appasch bwe Proposed Regulations, sángi mwóghutughutul Administrative Procedure Act, 1 CMC § 9104(a). Atiwligh kka ebwe bwunguló 10 ráál mwiril re atabwey alleghul 1 CMC §§ 9102 me 9104(a)ngare (b) (1 CMC §9105(b)).

**BWÁNGIL:** Health Care Professions Licensing Board nge eyoor bwángil ebwe akkaté me ghitipwotchuw allégh kkaal bwelle reel P.L. 15-105, Talil 3, § 2206 (b), igha e amenda.

KKAPASAL ME AWEWEEL: Uruwowul atiwligh kkaal: P.L. 15-105(bwung ló ighiwe Sow Lemelem Benigno R. Fitial, November 7, 2007), "Health Care Professions Act of 2007," 3 CMC§§2201-36. Mwoghut yeel e féérú ta Health Care Professional Licensing Board, ngare eew independent regulatory agency, eso lo faal lemelemil eew department. Board e atorisa ebwe license liir health care professionals llol Commonwealth, ayoora standards reel progróómal education, isisiwow exams, me discipline liir licensees ngare re atay alleghul mwoghut yeel. Amweri PL 15-105. 3 CMC § 2206 (b), igha e ngaley bwangil Board ebwe adaptááli allégh kkaa e attabwey ngali Act me meta kka e nesesariyo ebwe féérú provisions il Act, e bwal toolong reel ebwe awewey regulated professions kkaal me yaar angaang. Professional Counselors nge rebwal schuulong reel health care professions, faal lemelemil me bwangil HCPLB. §2212 reel PL 15-105.

**KKAPASAL ME ÓUTOL:** Pomwol atiwligh kkaal reer professional counselors, mental health counselors, me mental health counselor associates.

AFALA REEL AMWELIL ME ARONGOWOWUL: Board ekke tittingor mángemángiir toulap reel pomwol Iliwel kkal iye rebwe bwughil llól eliigh ráál ngare schagh aa akkatééló llól Commonwealth Register. Schóó kka re remuschal copy-il pomwol amenda kkal emwel rebwe faingi numero ye 664-4809 me ngare email <u>bpl@pticom.com</u> me ngare mweteló reel bwulasiyo Bldg 1242, Pohnpei Ct., Capital Hill, Seipel. Ischil mángemáng ebwe isisilong llól bwulasiyo me ngare afanga ngali BPL, P.O. Box 502078, Seipél, MP 96950.

Ahmed Al-almos Isáliiyalong:

Ahmad Al-Alou, MD HCPLB Acting Chairman

Mwir Sángi:

Esther S. Fleming Special Assistant for Administration

an Nicola Amwel Sángi

Esther M. San Nicolas Commonwealth Register

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Sángi 1 CMC § 2153(e) Allégh kkaal a lléghló sángi AG bwe e fil reel fféérúúl me 1 CMC §9104(a)(3)(mwiir sángi AG)Pomwol atiwligh kkal a appaschlong a takkal amwuri fiischiy, me angúúngú ló fféérúl me legal

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sufficiency sángi CNMI Attorney General me ebwele akkatewoow, 1 CMC §2153(f) (Arongowowul allégh me atiwligh kkaal.

Joey P. San Nicolas Attorney General

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## Commonwealth gi Sangkattan na Islas Marianas Siha HEALTH CARE PROFESSIONS LICENSING BOARD P.O. Box 502078, #1242 Ponhpei Court Capitol Hill, Saipan, MP 96950 Tel. No.: (670) 664-4809 Fax No. : (670) 664-4814 e-mail: bpl@pticom.com

## NUTISIA PUT I MANMAPROPONI NA REGULASION SIHA PARA I HEALTH CARE PROFESSIONS LICENSING BOARD NI PARA I LICENSED PROFESSIONAL COUNSELORS, LICENSED MENTAL HEALTH COUNSELORS, YAN LICENSED MENTAL HEALTH COUNSELOR ASSOCIATES

I AKSION NI MA'INTENSIONA NA PARA U MA'ADÀPTA I MANMAPROPONI NA REGULASION SIHA: 1 Health Care Professions Licensing Board (HCPLB) ha intensiona para u adapta kumu petmanienti na regulasion siha ni mañechettun i Manmaproponi na Regulasion siha, sigun i manera siha gi Åktun Administrative Procedure, 1 CMC § 9104 (a). I regulasion siha para u ifektibu gi dies(10) dihas na tiempu dispues di kinimplin i 1 CMC §§ 9102 yan 9104 (a) pat (b) (1 CMC § 9105 (b)).

**ATURIDAT:** I Health Care Professions Licensing Board gai fuetsa ni para u macho'gui yan u huyung i regulasion siha sigun gi Lai Pupbliku 15-105, Seksiona 3, § 2206 (b), kumu ma'amenda.

I TEMA YAN SUSTANSIAN I PALABRA SIHA: Historian Regulasion: i Lai Pupbliku 15-105 ni (umifektibu anai inaprueba ni Gubietnu as Benigno R. Fitial, gi Nubembri 7, 2007), i Åktun Health Care Professions Licensing Board gi 2007, 3 CMC §§ 2201 – 36. I Åktu macho'gui i Health Care Professions Licensing Board, kumu indipendenti na regulatory agency, sin u mapega i halum i Dipattamentu. I Kuetpu ma'aturisa para u lisensia i health care professionals gi halum Commonwealth, ha estapblesi i standards para i educational programs, u atministra i eksam siha, yan para u discipline licensees ni violations i åktu. Atan i Lai Pupbliku 15-105. 3 CMC 2206 (b), ni nina'i fuetsa i Kuetpu para u adåpta i areklamentu yan i regulasion siha ni kinunsisti ni Åktu yan nisisåriu para u chuli' huyung i prubension i Åktu siha, ingklulusu yan madiskribi i regulated professions yan i iyun-ñiha practice. I Professional Counselors maningklusu gi halum i health care professions, gi papa i fuetsa, jurisdiction yan åturidåt i HCPLB. § 2212 gi Lai Pupbliku 15 - 105.

I SUHETU NI MASUMÅRIA YAN ASUNTU NI MANTINEKKA: Esti i manmaproponi na regulasion siha para i prinaktikan i professional counselors, mental health counselors, yan i mental health counselor associates.

DIREKSION PARA U MAPO'LU YAN PUPBLIKASION: | Kuetpu mamamaisin imfotmasion sigun gi manmaproponi na amendasion siha ni debi na u marisibi ginin i Kuetpu gi halum i trenta (30) dihas na tiempu gi primet na pupblikasion esti na nutisia gi halum i Rehistran Commonwealth. Håyi gai intires na petsona siha siña manggågåo kopia siha gi manmaproponi na amendasion siha ya å'agang ham gi 664-4809 pat i email gi bpl@pticom.com pat fåttu gi ufisinan-måmi ni gaigi gi Bldg. 1242, Pohnpei Ct., Capitol Hill, Saipan. Tugi'i hålum put esti na amendasion siha ya u machuli' guatu gi ufisinan- måmi pat na'hånåo para i BPL, P.O. Box 502078, Saipan, MP 96950, pat i email gi bpl@pticom.com .

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Ahmad Al-Alou, MD

**HCPLB Acting Kabesiyu** 

<u>8/9/13</u> Esteba

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Rinisibi as: Esther S. Fleming Espisiåt Na Ayudanti Para I Atministrasion

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Verla Pine'lu Yan Ninota as Esther M. San Nicolas

Rehistran Commonwealth

Sigun i 1 CMC § 2153 (e), (Inaprueban Abugådu Heneråt i regulasion siha ni para u macho'gui kumu fotma) yan i 1 CMC § 9104 (a) (3) (inahentan inaprueban Abugådu Heneråt) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueba kumu fotma yan sufisientl ligåt ginin i CNMI Abugådu Heneråt yan debi na u mapupblika, 1 CMC § 2153 (f) (pupblikasion areklamentu yan regulasion siha).

JOET P. SAN NICOLAS Abugådu Heneråt

8/14/13

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§ 140-50.3-004600 Part 4600. Licensed Professional Counselors, Licensed Mental Health Counselors, and Licensed Mental Health Counselor Associates.

\$ 140-50.3- 004601 Definitions.
 (a) "AMHCA" is the American Mental Health Counselors
 Association.

(b) "AASCB" is the American Association of State Counseling Boards, the organization of state boards that regulate the practice of counseling. Founded in 1985, AASCB is an association of bodies which are legally responsible for the registration, certification, or licensing of counselors within their jurisdictions in the United States of America.

"CACREP" is the Council for Accreditation of Counseling and (C) Related Educational Programs. CACREP is an independent agency recognized by the Council for Higher Education Accreditation to accredit master's degree programs in: addiction counseling, counseling, clinical mental health counseling, career marriage, couple and family counseling, school counseling student affairs and college counseling. CACREP and also accredits doctoral programs in Counselor Education and Supervision.

(d) "CCPA" is the Canadian Counseling and Psychotherapy Association, a national bilingual association providing professional counselors and psychotherapists with access to exclusive educational programs, certification, professional development and direct contact with professional peers and specialty groups.

(e) "CRCE" is the Certified Rehabilitation Counselor Exam developed and offered by CRCC.

(f) "CRCC" is the Commission on Rehabilitation Counselor Certification which independent, not-for-profit is an organization that sets the standard for quality rehabilitation counseling services through its internationally recognized program. Individuals certification passing the voluntarv certification examination become qualified as Certified The CRC Certification Rehabilitation Counselors, or CRCs. Program is accredited by the National Commission for Certifying Agencies (NCCA).

(g) "Licensed Mental Health Counselor (LMHC)" means a person who is licensed to practice as a mental health counselor as defined in these regulations and whose license is in good standing.

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"Licensed Mental Health Counselor Associate" means (h) а person who is licensed to practice mental health counseling as an associate, as defined in these regulations, and is gaining the supervised experience necessary to become a licensed mental health counselor. A licensed associate counselor of mental health may not provide independent mental health counseling for a fee, monetary or other wise and must work under the supervision of a licensed mental health counselor.

"Licensed Professional Counselor (LPC)" means a person who (i) licensed to practice as a professional counselor as is defined in these regulations and whose license is in good standing.

"Mental health counseling" means the rendering of (i) professional services to individuals, families or groups for compensation, monetary or otherwise. These professional services applying the principles, methods, and theories of include: counseling, human development, learning theory, group and family dynamics, the etiology of mental illness and dysfunctional psychotherapeutic techniques to define goals and behavior and develop a treatment plan of action aimed toward the prevention, treatment and resolution of mental and emotional dysfunction and interpersonal disorders to all persons irrespective of intra or counseling diagnosis. The practice of mental health includes, but is not limited to, assessment, diagnosis and treatment, counseling and psychotherapy, of a nonmedical nature of mental and emotional disorders, psycho-educational techniques aimed at prevention of such disorders, and consultation to individuals, couples, families, groups, organizations and communities.

"NBCC" is the National Board for Certified Counselors., and (k) Affiliates, an independent not-for-profit credentialing body for counselors, was incorporated in 1982 to establish and monitor а national certification system, to identify those counselors who have voluntarily sought and obtained certification, and to maintain a register of those counselors.

"NCC" is the National Certified Counselor with NBCC. The (1)NCC is one of two NBCC certifications that are accredited by the The NCC is National Commission for Certifying Agencies (NCCA). the prerequisite for all specialty certifications with NBCC.

licensure "NCE" is the National Counselor Examination for (m) and certification with NBCC. NBCC's certification program recognizes counselors who have met predetermined standards in their training, experience and performance on the National Counselor Examination for Licensure and Certification, the most portable credentialing examination in counseling. The NCE is used for two purposes: national counselor certification and state counselor licensure.

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(n) "NCMHCE" is the National Clinical Mental Health Counseling Examination administered by NBCC.

#### § 140-50.3-004602 Exemptions from License Requirements.

These regulations shall apply to all licensed mental health and professional counselors or associates in the CNMI except:

a) Students whose activities are conducted within a course of professional education in professional or mental health counseling;

(b) Any person who is a duly recognized member of the clergy; provided that the person functions only within the person's capacity as a member of the clergy; and provided further that the person does not represent himself/herself to be a licensed mental health or professional counselor or mental health counselor associate;

(c) Any person who is obtaining supervised clinical experience for licensure as a mental health or professional counselor or associate, psychologist or social worker; provided that the person does not represent himself/herself to be a licensed mental health or professional counselor or associate;

(d) Any qualified members of other professions, including but not limited to nurses, psychologists, social workers, physicians, physician assistants or attorneys at law, from providing the services of mental health or professional counseling nature consistent with the accepted standards of their respective professions; and provided further that the person does not represent himself/herself to be a licensed mental health or professional counselor or associate; and

(e) The provision of mental health services through the department of human services or juvenile court; provided that the person does not represent him/herself to be a licensed mental health or professional counselor or associate.

#### § 140-50.3-004603 Reserved.

#### § 140-50.3-004604 Requirements for Licensure.

An applicant to practice as a professional or mental health counselor or associate must be at least twenty-one (21) years of age is a U.S. citizen or a foreign national lawfully entitled to remain and work in the Commonwealth, and meets the following requirements:

(a) Licensed Professional Counselor (LPC):

(1) An applicant who holds a current, unencumbered certification from NBCC as a national certified counselor, a national clinical mental health counselor, or a national certified rehabilitation counselor who has taken and passed the National Counseling Examination, the National Clinical

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Mental Health Counselor Examination, or the Rehabilitation Certification Examination; or

Applicant has a master's or doctoral degree in (2) counseling from a counseling program accredited by the CACREP or from a college or university accredited by an agency recognized by the U.S. Department of Education in counseling, that includes or is supplemented by 48 semester hours of graduate-level credit with 2 semester hours or greater in 8 content areas listed below and at least 6 semester hours of field experience:

- Human Growth and Development Theories in Counseling
- Social and Cultural Foundations in Counseling
- Helping Relationships in Counseling
- Group Counseling Theories and Processes
- Career Counseling and Lifestyle Development
- Assessment in Counseling
- Research and Program Evaluation
- Professional Orientation to Counseling
- Counseling Field Experience

Applicant must complete the supervised counseling work (3) experience required under (f) of this section;

Applicant who has completed the CACREP accredited (4) tracks is considered to have met the supervised, professional work experience required under (f) of this section; and

(5)Applicant successfully passed the NBCC's National Counselor Examination (NCE), the National Clinical Mental Health Counselor Examination (NCMHCE), or the Counselor Rehabilitation Certification Examination (CRC). The Board shall accept examinations administered by other state counselor licensing boards and professional counselor credentialing associations if the Board determines that such examinations are equivalent to the NCE, NCMHCE, or CRC relative to content and minimum satisfactory performance levels for counselors.

(b) Licensed Mental Health Counselor (LMHC):

> (1)An applicant who holds a current, unencumbered certification from NBCC as a national certified counselor, a national clinical mental health counselor, or a national certified rehabilitation counselor who has taken and passed the National Counseling Examination, the National Clinical Mental Health Counselor Examination, or the Rehabilitation Certification Examination; or

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(2) Applicant has a master's or doctoral degree in counseling with emphasis in mental health counseling from a mental health counseling program accredited by the CACREP or from a college or university accredited by an agency recognized by the U.S. Department of Education in counseling with emphasis in mental health counseling;

(3) Applicant completed at least two academic terms of supervised mental health practicum intern experience for graduate credit of at least three semester hours or five quarter hours per academic term in a mental health counseling setting with 300 hours of supervised client contact; the practicum experience shall be completed under the clinical supervision of a person who is a licensed mental health counselor, psychologist, clinical social worker, marriage and family therapist, or physician with a specialty in psychiatry;

(4) Applicant must complete the supervised clinical and counseling work experience required under (f) of this section;

(5) An applicant who has obtained Certified Clinical Mental Health Counselor status with the NBCC is considered to have met the clinical and counseling work experience required under (f) of this section; and

(6) Applicant successfully passes the NBCC's National Counselor Examination or the National Clinical Mental Health Counselor Examination, or the CRCC's Certified Rehabilitation Counselor Examination.

(C)

Licensed Mental Health Counselor Associate (LMHCA).

(1) An applicant who holds a current, unencumbered certification from NBCC as a national certified counselor, a national clinical mental health counselor, or a national certified rehabilitation counselor who has taken and passed the National Counseling Examination, the National Clinical Mental Health Counselor Examination, or the Rehabilitation Certification Examination; or

(2) Applicant completed sixty (60) semester hours of graduate course work in counseling that must include either a master's degree that required not less than fortyeight (48) semester hours or a doctor's degree in counseling. The graduate course work must include the following content areas:

- Human growth and development
- Social and cultural foundations of counseling
- Helping relationship, including counseling theory and practice

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- Group dynamics, processes, counseling, and consultation
- Lifestyle and career development
- Assessment and appraisal of individuals
- Research and program evaluation
- Professional orientation and ethics
- Foundations of mental health counseling
- Contextual dimensions of mental health counseling
- Knowledge and skills for the practice of mental health counseling and psychotherapy

(3) Applicant must complete not less than one (1) supervised clinical practicum, internship, or field experience in a counseling setting, which must include a minimum of one thousand (1,000) clock hours consisting of one (1) practicum of one hundred (100) hours, one (1) internship of six hundred (600) hours, and one (1) advanced internship of three hundred (300) hours with at least one hundred (100) hours of face to face supervision; and

Applicant successfully passes the NBCC's National (4) Counselor Examination or the National Clinical Mental Health Counselor Examination, or the CRCC's Certified Rehabilitation Counselor Examination.

Associates may not provide independent mental health (5) counseling, for a fee, monetary or otherwise. Associates must work under the supervision of an approved supervisor.

Applicants for professional counselor or mental health (d) counselor must complete the following supervised, clinical or counseling work experience which shall:

Be a minimum of 2 years or the equivalent of full-(1)time, postgraduate supervised clinical or counseling work experience in professional/mental health counseling;

Be completed following the practicum, internship, and (2) all graduate coursework, with the exception of the thesis;

For Professional or Mental Health Counselor, shall (3) complete not less than 3000 hours of post-graduate experience in the practice of professional or mental health counseling with 100 hours of face-to-face clinical supervision that shall be completed in no less than 2 years and in no more than 4 years, under the clinical supervision of a person who is a licensed professional or mental health counselor, psychologist, clinical social worker, marriage and family therapist, or physician with a specialty in psychiatry;

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Include at least 50 percent of the total hours of (5) clinical supervision as individual supervision;

Have 50 percent of the total hours of the clinical (6) supervision conducted in person; and

Have only supervised clinical contact credited for (7)this requirement.

To meet the requirements of the supervised clinical (8) and/or counseling experience, the supervisee must:

(i) meet with the supervisor for a minimum of 4 hours per month;

(ii) offer documentation of supervised hours signed by the supervisor;

iii) compute part-time employment on a prorated basis for the supervised work experience; and

(iv) have the background, training, and experience that is appropriate to the functions performed.

(9) The supervisor shall:

> Be a supervisor approved by the AASCB on (i) Supervision; or

(ii) Be a licensed professional/mental health counselor in any U.S. state or territory, with a minimum of 3 to 5 years of professional work experience following licensure; or

(iii) Be a CNMI licensed professional/mental health counselor with a minimum of 3 to 5 years of professional work experience following licensure.

No person who does not hold a current license shall (q) practice or offer to professional or mental health counseling or use in connection with the person's name, or otherwise assume, use, or advertise, any title, initials, or description tending to convey the impression that the person is a professional counselor, mental health counselor, or mental health counselor associate. No partnership, association, or corporation shall advertise or otherwise offer to provide or convey the impression that it is providing professional or mental health counseling unless an individual holding a current license is or will at the appropriate time be rendering professional or mental health counseling to which reference is made.

#### § 140-50.3 -004605 Licensure by Endorsement.

The Board may grant a license to a person to practice (a) professional or mental health counseling without examination if:

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(1) The person holds a valid, active license to practice as a professional or mental health counselor or mental health counselor associate in another jurisdiction; and

(2) The person substantially complies with the requirements for licensure in § 140-50.3- 004604; and
(3) The requirements in the jurisdiction of licensure are at least as stringent as those under these regulations.

(b) The Board may deny a license by endorsement to a person to practice as a professional or mental health counselor or mental health counselor associate, if the person has been the subject of an adverse action in which his/her license was suspended, revoked, placed on probation, conditioned or renewal denied.

#### § 140-50.3-004606 Applications.

(a) application for license An а to practice as а professional or mental health counselor or mental health counselor associate shall be made on a form to be provided by the Board accompanied with the following information and documentations as are necessary to establish that the applicant possesses the qualifications as required in these regulations:

(b) Applicant must also provide:

(1) The applicant's full name and all aliases or other names ever used, current address, date and place of birth and social security number; and

(2) Applicant's 2x2 photograph taken within six (6) months from date of application; and

(3) The appropriate fees, including the application fee which shall not be refunded; and

(4) Originals of all documents and credentials, or notarized or certified copies acceptable to the Board of such documents and credentials, including but not limited to:

(i) Diploma or certificate showing successful completion of the appropriate degree in professional counseling or mental health counseling from the required educational school or program;

(ii) Documents showing proof that applicant has satisfactorily completed all the appropriate required training under § 140-50.3- 004604;

(iii) Documents showing proof that applicant has taken and passed the appropriate required examination; or

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(iv) Documents showing proof that applicant is licensed to practice as a professional or mental health counselor or mental health counselor associate another jurisdiction and meets the licensing in requirements in § 140-50.3- 004504, when applicable; and

(5) A detailed educational history, including places, institutions, dates and program descriptions of all his or education beginning with secondary schooling and her including all college, pre-professional, professional, and professional postgraduate training;

(6) A list of all jurisdictions, U.S. or foreign, in which the applicant is licensed or has ever applied for a license to practice as a professional or mental health counselor or mental health counselor associate;

A list of all jurisdictions, U.S. or foreign, in which (7)the applicant has been denied licensure or voluntarily surrendered a license to practice as a professional or counselor or mental health counselor mental health associate;

A list of all jurisdictions, U.S. or foreign, of all (8) sanctions, judgments, awards, settlements or convictions against the applicant that would constitute grounds for disciplinary action under the Act or these regulations.

All documents submitted in a foreign language shall be (C) accompanied by a certified and accurate translation in English.

#### § 140-50.3-004607 Continuing Education (CE).

Each professional or mental health counselor licensed to (a) practice in the CNMI is required to complete forty (40) CE hours and each licensed mental health counselor associate is required to complete twenty (20) CE hours, during the 24 months prior to the expiration of his or her license as a prerequisite to the renewal of his or her biennial license.

One hour of credit will be allowed for each clock hour of (b) CE participation.

Approved continuing education activities include, but are (c)not limited to the American Mental Health Counselors Association, the American Association of State Counseling Boards, the Canadian Counseling and Psychotherapy Association, and the National Board for Certified Counselors.

If a licensee fails to meet the CE requirements for renewal (d) of license because of illness, military service, or other extenuating circumstances, the Board, upon appropriate written

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explanation, may grant an extension of time to complete same, on an individual basis.

It shall be the responsibility of the licensee to obtain (e) documentation, satisfactory to the Board, from the organization or institution of his or her participation in the continuing education, and the number of credits earned.

Licensure renewal shall be denied to any licensee who (f) fails to provide satisfactory evidence of completion of CE requirements or who falsely certifies attendance at or completion of the CE as required herein.

#### § 140-50.3-004608 Renewal.

All licenses, except temporary or limited licenses issued (a) by the Board, expire every two years following issuance or renewal and become invalid after that date.

(b) Each licensee shall be responsible for submitting а completed renewal application at least sixty (60) days before the expiration date. The Board shall send, by mail or email, a notice to every person licensed hereunder giving the date of expiration, the fee, and any additional requirement for the renewal thereof.

(c)All licensees must submit satisfactory evidence of completion of CE requirements, as required under \$4607 of these regulations.

A late fee of \$25.00 will be charged every 1st of the month (d) after the expiration date.

Licenses which have expired for failure to renew on or (e) before the date required may be reinstated within one year of the expiration date upon payment of the renewal and late fees for each calendar month until the renewal fee is paid. Each licensee whose license has expired and lapsed for more than one year by failure to renew must file a new application, meet current requirements for licensure, and receive Board approval.

(f) A licensee whose license has been revoked, suspended, or placed on probation by the licensing authority of another U.S. or foreign jurisdiction, or who has voluntarily or involuntarily surrendered his or her license in consideration of the dismissal or discontinuance of pending or threatened administrative or criminal charges, following the expiration date of his or her CNMI license, may be deemed ineligible for renewal of his or her license to practice as a professional or mental health counselor or mental health counselor associate in the CNMI. This will not, however, prevent the Board from considering a new application.

§ 140-50.3-004609 Reserved.

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COMMONWEALTH REGISTER VOLUME 35

#### § 140-50.3-004610 Code of Ethics.

The Board recognizes the NBCC's Code of Ethics and licensed counselors are responsible for ensuring that their behavior adheres to the standards identified in the Code of Ethics.

#### § 140-50.3-004611 Disciplinary Action.

The Board shall have the power to impose administrative penalties and/or reprimands; revoke or suspend; refuse to issue, restore or renew, the license of any person who is found guilty of one or more of the violations enumerated in § 2224 of P.L. 15-105 and §§ 140-50.3-00901 - 1300 of these regulations.

COMMONWEALTH REGISTER

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Commonwealth of the Northern Mariana Islands BOARD OF PROFESSIONAL LICENSING P.O. Box 502078, #1242 Pohnpei Court Capitol Hill, Saipan, MP 96950 Tel No: (670)664-4809 Fax: (670)664-4814 Email: bpl@pticom.com

#### NOTICE OF PROPOSED AMENDMENTS TO THE BOARD OF PROFESSIONAL LICENSING REGULATIONS FOR ENGINEERS, ARCHITECTS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS

**INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS:** The Board of Professional Licensing (BPL) 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 compliance with 1 CMC §§ 9102 and 9104(a) or (b) (1 CMC §9105(b)).

AUTHORITY: The Board of Professional Licensing has statutory power to promulgate and effect regulations pursuant to P.L. 14-95 and 1739, as amended.

THE TERMS AND SUBSTANCE: The BPL must amend the regulations to add under § 11.1(C) that we can send renewal notices via email to the licensees.

THE SUBJECTS AND ISSUES INVOLVED: To amend Section 11.1(C) of the Board of Professional Licensing Regulations for Engineers, Architects, Land Surveyors and Landscape Architects or Section (c), of 125-20.1-805 of 125-20.1, NMIAC Title 125.

**DIRECTIONS FOR FILING AND PUBLICATION:** The Board is soliciting comments regarding these proposed amendments which must be received by the Board within thirty (30) days of first publication of this notice in the Commonwealth Register. Interested persons may request copies of the proposed amendments by contacting us at 664-4809 or by email at <u>bpl@pticom.com</u> or come by our office located at Bldg. 1242, Pohnpei Ct., Capitol Hill, Saipan. Written comments on these amendments should be drop off at our office or sent to the BPL, P.O. Box 502078, Saipan, MP 96950.

Submitted By:

Roman S. Demapan

7.25.13

BPL Chairman

Received By:

Esther S. Fleming Special Assistant for Administration

COMMONWEALTH REGISTER

VOLUME 35

NUMBER 08 AUGUST 28, 2013

Filed and Recorded By:

eath

103

Date

Esther M. San Nicolas Commonwealth Register

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).

JOI

P. SAN NICOLAS Attorney General

NUMBER 08 AUGUST 28, 2013

To amend Section 11.1(C) of the Board of Professional Licensing Regulations for Engineers, Architects, Land Surveyors and Landscape Architects or Section (c), of 125-20.1-805 of 125-20.1, NMIAC Title 125.

#### PART XI. RENEWALS, REINSTATEMENTS, AND INACTIVE LICENSES

#### 11.1 Renewals

A. Renewal of all certificates or licenses shall be every two years following their issuance or renewal.

B. Failure of a licensure to renew on or before the expiration date shall render the license or certificate null and void.

C. A renewal notice shall be mailed **or sent by email** by the Board to the last known address of each individual holding a license and to each firm holding a Certificate of Authorization indicating the date of expiration of the license or certificate and the renewal fee amount due.

D. Each licensee, firm or holder of a temporary license is responsible to immediately notify the Board of any changes to his/her or its mailing address.

E. Temporary licenses shall not be renewable.

**F.** Renewal fees may be paid any time prior to the biannual renewal date but must be paid on or before the expiration date to avoid penalty for late renewal. Responsibility for the timely payment of the renewal fee rests solely with the licensee.

# Commonwealth gi Sangkattan na Islas Marianas Siha **BOARD of PROFESSIONAL LICENSING**

P.O. Box 502078, #1242 Ponhpei Court Capitol Hill, Saipan, MP 96950 Tel. No.: (670) 664-4809 Fax No. : (670) 664-4814 e-mail: bpl@pticom.com

## NUTISIA PUT I MANMAPROPONI NA AMENDASION SIHA PARA I PROFESSIONAL LICENSING BOARD GI REGULASION SIHA PARA ENGINEERS, ARCHITECTS, LAND SURVEYORS YAN LANDSCAPE ARCHITECTS

I AKSION NI MA'INTENSIONA NA PARA U MA'ADÀPTA I MANMAPROPONI NA REGULASION SIHA: | Board of Professional Licensing (BPL) ha intensiona para u adapta kumu petmanienti na regulasion siha ni mañechettun i Manmaproponi na Regulasion siha, sigun i manera siha gi Åktun Administrative Procedure, 1 CMC § 9104 (a). I regulasion siha para u ifektibu gi dies(10) dihas na tiempu dispues di kinimplin i 1 CMC §§ 9102 yan 9104 (a) pat (b) (1 CMC § 9105 (b)).

**ÅTURIDÅT:** I Board of Professional Licensing gai fuetsa ni para u macho'gui yan u huyung i regulasion siha sigun gi Lai Pupbliku 14-95, yan 1739, kumu ma'amenda.

I TEMA YAN SUSTÅNSIAN I PALÅBRA SIHA: I BPL debi na u amenda i regulasion siha ni para u åomenta gi papa' i § 11.1 (C) nai siña mana'hånåo i nutisian rinunueba siha kontra i email guatu gi manmalisensia siha.

SUHETU NI MASUMÅRIA YAN ASUNTU NI MANTINEKKA: Para u amenda i Seksiona 11.1 (C) gi Kuetpu i Professional Licensing na Regulasion siha para Engineers, Architects, Land Surveyors yan Landscape Architects pat i Seksiona (c), gi 125-20.1-805 gi 125-20.1, NMIAC Titulu 125

DIREKSION PARA U MAPO'LU YAN PUPBLIKASION: I Kuetpu mamamaisin imfotmasion sigun gi manmaproponi na amendasion siha ni debi na u marisibi ginin i Kuetpu gi halum i trenta (30) dihas na tiempu gi primet na pupblikasion esti na nutisia gi halum i Rehistran Commonwealth. Håyi gai intires na petsona siña manggågåo kopia siha gi manmaproponi na amendasion siha ya å agang ham gi 664-4809 pat i email gi bpl@pticom.com pat fåttu gi ufisinan-måmi ni gaigi gi Bldg. 1242, Pohnpei Ct., Capitol Hill, Saipan. Tugi'i hålum put esti na amendasion siha ya u machuli' guatu gi ufisinan- måmi pat na'hånåo para i BPL, P.O. Box 502078, Saipan, MP 96950.

Nina'hålum as: Roman Demgan

7.3-13

Roman S. Demapan Kabesiyu, BPL

Rinisibi as: Esther S. Flerhing Espisiåt Na Ayudånti Para I Atministrasion

8/2/

ierlor Pine'lu Yan Ninota as:

Ésther M. San Nicolas Rehistran Commonwealth

OS

Sigun i 1 CMC § 2153 (e), (Inaprueban Abugådu Heneråt i regulasion siha ni para u macho'gui kumu fotma) yan i 1 CMC § 9104 (a) (3) (inahentan inaprueban Abugådu Heneråt) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueba kumu fotma yan sufisientl ligåt ginin i CNMI Abugådu Heneråt yan debi na u mapupblika, 1 CMC § 2153 (f) (pupblikasion areklamentu yan regulasion siha).

JOFY P. SAN NICOLAS Abugådu Heneråt

19/13

Fetcha

Para u amenda i Seksiona 11.1 (C) gi Regulasion siha gi Kuetpun Professional Licensing para Engineers, Architects, Land Surveyors yan Landscape Architects pat i Seksiona (c), gi 125-20.1-805 gi 125-20.1, NMIAC Titulu 125.

### PÅTTI XI. RINUNUEBA SIHA, REINSTATEMENTS, YAN INACTIVE LICENSES

#### 11.1 Rinunueba Siha

A. Rinunueba gi todu settifiku pat lisensia siha debi na kada dos(2) åñus ni tinattitiyi i malaknus-ñiha pat i rinunueba.

B. I licensure ni ti ha rinueba gi pat åntis di fetchan expiration debi na u cho'gui i lisensia pat i settifiku null yan void.

C. I nutisian rinunueba debi na u ma-email pat u mana'hånåo email ni i Kuetpu para i mås matungu' na address gi kada indibiyuåt ni manggogo'ti lisensia yan kada firm holding i Settifikun Åturidåt ni ha indidika i fetchan expiration i lisensia pat settifiku yan i apas rinunueba ni due.

D. Kada malisensia, firm pat holder ni i tempuråriu na lisensia risponsåpbli para i nutisia insigidas gi Kuetpu gi maseha håfa na tinilaika siha gi iyon-ña mailing address.

E. I tempuråriu na lisensia siha ti debi na u marinueba.

F. Åpas rinunueba siha siña ma'apåsi maseha håfa na ora gi åntis di dos biåhi gi fetchan rinunueba gi sakkan låo debi na uma'apåsi gi pat åntis di fetchan expiration ni para u suhåyi i mutta gi rinunueban atrasåo. Risponsåpblidåt para åpas rinunueban åpas gi ora u mapega yan i malisensia. Commonwealth of the Northern Mariana Islands BOARD OF PROFESSIONAL LICENSING P.O. Box 502078/ #1242 Pohnpei Court Capital Hill, Saipan, Mp 96950 Tel No: (670)664-4809 Fax: (670)664-4814 Email: <u>bpl@pticom.com</u>

## ARONG REEL POMWOL AMENDÁ NGALI ATWILIGHIL BOARD OF PROFESSIONAL LICENSING REEL ENGINEERS, ARCHITECTS, LAND SUVEYORS ME LANDSCAPE ARCHITECTS

MÁNGEMÁNGIL MWÓGHUT YEEL BWE EBWE ADAPTÁÁLI POMWOL ATIWLIGH KKAAL: Board il Professional Licensing (BPL) emuschel ebwe adaptááli me aleghú ló atiwligh kkaa e apasch bwe Proposed Regulations, sángi mwóghutughutul Administrative Procedure Act, 1 CMC §9104(a). Atiwligh kkaal ebwe bwunguló 10 ráál mwiril yaar atabwey 1 CMC §§9102 me 9104(a) ngare (b) (1 CMC§9105(b)).

**BWÁNGIL:** Board il Professional Licensing nge eyoor bwángil ebwe akkaté atiwligh kkaal me ghitipwotchuw sangi P.L. 14-95 me 1739 igha e amenda.

**KKAPASAL ME AWEWEEL:** BPL ebwe amenda atiwligh kkaal reel ebwe appaschalong faal §11.1 (C) bwe emwal schaagh aibwe afanga renewal notices via email ngaliir licensees.

**KKAPASAL ME ÓUTOL:** Ebwe amendá Section 1101 © reel Board of Professional Licensing Regulations reer Engineers, Architects, Land Surveyors me Landscape Architects me ngare Section (c) lól 125-20-1-805 reel 125-20.1, NMIAC Title 125.

**AFAL REEL AMWELIL ME ARONGOWOWUL:** Board ekke titingor mangemangir toulap reel pomwol amennda kkaal iye rebwe bughil llól eliigh (30) ráál ngare schagh aa akkatééló llól Commonwealth Register. Schóó kkaa remuschel kkopial pomwol amenda kkal emwel rebwe faingi 664-4809 me ngare email reel <u>bpl@pticom.com</u> me ngare mweteló reel bwulasiyo Bldg 1242, Pohnpei Ct., Capital Hill, Seipel, Ischil mángemáng ebwe isisilong llól bwulsiyo me ngare afanga BPL, P.O. Box 502078, Seipél, MP 96950.

Isáliiyalong: oman Roman S.Demapan

**BPL Chairman** 

Mwir Sángi: Esther S. Fleming

Special Assistant for Administration

Amwel Sángi: Esther M. San Nicolas

**Commonwealth Register** 

Ráll

\$21/12 12013 Ráll

Sángi 1 CMC § 2153(e) (Allégh kkaal a lléghló sángi AG bwe e fil reel ffeérúúl me 1 CMC § 9104 (a) (3))mwiir sángi AG) Pomwol atiwligh kkaal a appaschlong a takkal amwuri fiischiy, me anguúngú ló fféérúl me legal sufficiency sángi CNMI Attorney General me ebwele akkatewoow, 1 CMC § 2153(f)(Arongowowul allégh kkaal.

San Nicolas in Attørney General.

14/13

Ebwe amendá Section 11.1 (C) reel Board of Professional Licensing Regulations reer Engineers, Architects, landy Surveyors me Landscape Arcitects me ngare Section (c), reel 125-20.1-805 ree; 125-20.1. NMIAC Title 125

#### PEIGH XI. RENEWALS, REINSTATEMENTS, ME INACTIVE LICENSES

#### 11.1 Renewals

- A. Féér sefalil alongal certificates me licenses nge ebw llól iteital ruwoow rágh mwuril isisiwowul me féér sefalil.
- B. Ngare ese féér sefal licensure wóól ngare mwáál rálil expiration date nge ebwe null me void.
- C. Renewal Notice nge rebwe afanga ngare email li mereel Board ngali address aramas iye eyoor yaal licensee me eew firm iye e akkamasch Certificate of Authorization nge e affata ralil expiration il license ngare certificate me méél obwossul renewal.
- D. Eschay licensee, firm ngare school akkamwaschul licese nge e responsibilidoódul ebwe aghuley ngali Board ngare eyoor liwel reel yaal mailing address.
- E. Temporary Licenses nge ese renewable.
- G. Obwossul renewal nge emwal ebwe obwoss inamwo ilet mwal biannual renewal date nge ebwe obwoss wóóL ngare mwaal expiration date bwe ete obwossu mwuta reel igha e atarasów. Yaal responsibilidóód licensee reel ebwe obwossu renewal fee ótol obwoss.



Commonwealth of the Northern Mariana Islands BOARD OF PROFESSIONAL LICENSING P.O. Box 502078, #1242 Pohnpei Court Capitol Hill, Saipan, MP 96950 Tel No: (670)664-4809 Fax: (670)664-4814 Email: bpl@pticom.com

#### NOTICE OF PROPOSED AMENDMENTS TO THE BOARD OF PROFESSIONAL LICENSING REGULATIONS FOR REAL PROPERTY APPRAISERS

INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS: The Board of Professional Licensing (BPL) intends to adopt as permanent regulations the Regulations, pursuant to the procedures of the attached Proposed Administrative Procedure Act, 1 CMC § 9104(a). The regulations would become effective 10 days after compliance with 1 CMC \$\$ 9102 and 9104(a) or (b)(1 CMC § 9105(b)).

The Board of Professional Licensing has statutory power to AUTHORITY: promulgate and effect regulations pursuant to P.L. 14-95, as amended. See also Executive Order 94-3 (effective August 23, 1994, reorganizing the Executive branch).

THE TERMS AND SUBSTANCE: The BPL must amend the regulations to meet guidelines adopted by the Appraisal Subcommittee (ASC) relating to licensure by reciprocity and to add a delinquent fee per month for licensees not renewing their license on time.

THE SUBJECTS AND ISSUES INVOLVED: These rules and regulations:

To add a subsection (E) to Section 4.4 of the Regulations or 1. Section 125-40-115(e) of 125-40, NMIAC Title 125 to allow licensure by reciprocity.

To add a subsection (K) to Section 16.1 of the Regulations or 2. Section 125-40-825(a) (1) (xi) of 125-40, NMIAC Title 125 to charge a delinquent fee of \$25.00 a month.

DIRECTIONS FOR FILING AND PUBLICATION: The Board is soliciting comments regarding these proposed amendments which must be received by the Board within thirty (30) days of first publication of this notice in the Commonwealth Register. Interested persons may request copies of the proposed amendments by contacting us at 664-4809 or by email at bpl0pticom.com or come by our office located at Bldg. 1242, Pohnpei Ct., Capitol Hill, Saipan. Written comments on these amendments should be drop off at our office or sent to the BPL, P.O. Box 502078, Saipan, MP 96950.

1

Submitted By:

Koman Roman S. Demapan Chairman, BPL

7.25.13 Date

COMMONWEALTH REGISTER

VOLUME 35

Received By:

Esther S. Ileming

Special Assistant for Administration

Filed and Recorded By:

Esther M. San Nicolas

Q8

Commonwealth Register

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).

P. SAN NICOLAS JOE

Attorney General

COMMONWEALTH REGISTER

NUMBER 08

2

AUGUST 28, 2013

To add a subsection (E) to Section 4.4 of the Regulations or Section 125-40-115(e) of 125-40, NMIAC Title 125.

E. Licensure by Reciprocity.

The Board may grant a license to a person to practice as a real property appraiser by reciprocity if:

1. The person holds an active, valid license for real property appraisal in another U.S. state or territory for the real property classification he/she is applying for;

2. The person is coming from a state or U.S. territory that is "in compliance" with Title XI as determined by the ASC; and

3. The licensure requirements in the jurisdiction of the applicant meet or exceed the requirements in these regulations

To add a subsection (K) to Section 16.1 of the Regulations or Section 125-40-825(a) (1) (xi) of 125-40, NMIAC Title 125.

16.1 Fees.

(K) Delinquent Fee (every month). . . . .

COMMONWEALTH REGISTER

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\$25.00

### Commonwealth gi Sangkattan na Islas Marianas Siha **BOARD OF PROFESSIONAL LICENSING** P.O. Box 502078, #1242 Ponhpei Court Capitol Hill, Saipan, MP 96950 Tel. No.: (670) 664-4809 Fax No. : (670) 664-4814

e-mail: bpl@pticom.com

## NUTISIA GI MANMAPROPONI NA AMENDASION GI BOARD OF PROFESSIONAL LICENSING PARA REGULASION SIHA NI PARA I KINATKULAN PRESIUN PROPIADÅT TÅNU'

#### I AKSION NI MA'INTENSIONA NA PARA U MA'ADÀPTA ESTI SIHA I MANMAPROPONI NA

**REGULASION SIHA:** I Board of Professional Licensing (BPL) ha intensiona para u adåpta kumu petmanienti na regulasion siha ni mañechettun i Manmaproponi na Regulasion siha, sigun i manera siha gi Åktun Administrative Procedure, 1 CMC § 9104 (a). I regulasion siha para u ifektibu gi dies(10) dihas na tiempu dispues di kinimplin i 1 CMC §§ 9102 yan 9104 (a) pat (b) (1 CMC § 9105 (b)).

**ÅTURIDÅT:** I Board of Professional Licensing gai fuetsa ni para u macho'gui yan u huyung i regulasion siha sigun gi Lai Pupbliku 14-95, kumu ma'amenda. Atan lokkui' i Etdin Eksakatibu 94-3 ni iefektibu gi Agostu 23, 1994, ya mata'lun otganinisa i råmas Eksakatibu.

I TEMA YAN SUSTÅNSIAN I PALÅBRA SIHA: I BPL debi na u amenda i regulasion siha para u meet i giniha siha ni ma'adapta ni Appraisal Subcommittee (ASC) ni ma'achuli' yan i licensure gi reciprocity yan para u åomentayi ni apas dilingkuenti kada mes para i manmalisensia siha ni ti manmarinuenueba i lisensian-ñiha kuntiempu.

SUHETU NI MASUMÅRIA YAN ASUNTU NI MANTINEKKA: Esti na areklamentu yan regulasion siha: Para u åomenta i subsection (E) para i Seksiona 4.4 gi Regulasion siha pat i Seksiona 1. 125-40-115 (e) gi 125-40, NMIAC Titulu 125 para u sedi i licensure ni reciprocity.

Para u aomenta i sebsection (K) para i Seksiona 16.1 gi Regulasion siha pat i Seksiona 2. 125-40-825 (a) (1) (xi) gi 125-40, NMIAC Titulu 125 ni para u charge i apas dilingkuenti gi \$25.00 gi mes.

DIREKSION PARA U MAPO'LU YAN PUPBLIKASION: I Kuetpu mamamaisin imfotmasion sigun gi manmaproponi na amendasion siha ni debi na u marisibi ginin i Kuetpu gi halum i trenta (30) dihas na tiempu gi primet na pupblikasion esti na nutisia gi halum i Rehistran Commonwealth. Håyi gai intires na petsona siña manggågåo kopia siha gi manmaproponi na amendasion siha ya å'agang ham gi 664-4809 pat i email gi bpl@pticom.com pat fåttu gi ufisinan-måmi ni gaigi gi Bldg. 1242, Pohnpei Ct., Capitol Hill, Saipan. Tugi'i hålum put esti na amendasion siha ya u machuli' guatu gi ufisinan- måmi pat na'hånåo para i BPL, P.O. Box 502078, Saipan, MP 96950.

Nina'hålum as: Koman

Roman S. Demapan Kabesiyu, BPL

7-5-13 Fetcha

1

COMMONWEALTH REGISTER

VOLUME 35

Rinisibi as:

8/2///3 Fetcha

Esther S. Fleming J Espisiåt Na Ayudånti Para I Atministrasion

Pine'lu Yan Ninota as:

: John M. Dan Mudlar

0812 20/3 Fetcha

Esther M. San Nicolas Rehistran Commonwealth

Sigun i 1 CMC § 2153 (e), (Inaprueban Abugådu Heneråt i regulasion siha ni para u macho'gui kumu fotma) yan i 1 CMC § 9104 (a) (3) (inahentan inaprueban Abugådu Heneråt) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueba kumu fotma yan sufisientl ligåt ginin i CNMI Abugådu Heneråt yan debi na u mapupblika, 1 CMC § 2153 (f) (pupblikasion areklamentu yan regulasion siha).

JØFY P. SAN NICOLAS Abugådu Heneråt

2

AUGUST 28, 2013 P

Para u åomenta i subsection (E) gi Seksiona 4.4. gi Regulasion siha pat Seksiona 125-40-115(e) gi 125-40, NMIAC Titulu 125.

E. Licensure by Reciprocity.

I Kuetpu siña ha na'i i petsona lisensia para u praktika i kinatkulan propiadat tanu' ginin i reciprocity yanggin:

1. I petsona ha gogo'ti active, valid license ni para i kinatkulan propiadåt tånu' gi ottru na U.S. state pat territory ni para i klasifikasion propiadåt tånu' ni ha aplilika para;

2. I petsona ni humåhalum ginin i state pat U.S. territory ni "compliance" yan i Titulu XI kumu madetitmina ni i ASC; yan

3. I dinimånda siha gi licensure gi halum i jurisdiction i aplikånti ha meet pat ha exceed i dinimånda siha gi esti na regulasion siha

Para u ma'åomenta i subsection (K) ni para i Seksiona 16.1 gi Regulasion siha pat gi Seksiona 125-40-825(a) (1) (xi) gi 125-40, NMIAC Titulu 125.

#### 16.1 Åpas Siha.

(K) Å	Åpas Dilingkuenti	(kada mes)	\$25.00
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## Commonwealth of the Northern Mariana Islands BOARD OF PROFESSIONAL LICENSING P.O. Box 502078/ #1242 Pohnpei Court Capital Hill, Saipan, Mp 96950 Tel No: (670)664-4809 Fax: (670)664-4814 Email: <u>bpl@pticom.com</u>

## ARONG REEL POMWOL AMENDÁ NGALI ATWILIGHIL BOARD OF PROFESSIONAL LICENSING REEL REAL PROPERTY APPRAISERS

MÁNGEMÁNGIL MWÓGHUT YEEL BWE EBWE ADAPTÁÁLI POMWOL ATIWLIGH KKAAL: Board il Professional Licensing (BPL) emuschel ebwe adaptááli me aleghú ló atiwligh kkaa e apasch bwe Proposed Regulations, sángi mwóghutughutul Administrative Procedure Act, 1 CMC §9104(a). Atiwligh kkaal ebwe bwunguló 10 ráál mwiril yaar atabwey 1 CMC §§9102 me 9104(a) ngare (b) (1 CMC§9105(b)).

**BWÁNGIL:** Board il Professional Licensing nge eyoor bwángil ebwe akkaté atiwligh kkaal me ghitipwotchuw sangi P.L. 14-95 igha e amenda. Amwuri Executive Order 94-3 (bwunguló Agosto 23, 1994. Igha e féér sefali Executive branch).

**KKAPASAL ME AWEWEEL:** BPL ebwe amendááli atiwligh reel ebwe atabwey mwóghutughut kkaa re adáptááli mereel Appraisal Subcommittee (ASC) e awewey licensure by reciprocity me ebwe apaschalong obwossul delinquent eew maram reel licensees kkaa rese féér sefali yaar license wóól ótol féér sefal.

## KKAPASAL ME ÓUTOL: Allégh kkaal:

- 1. Ebwe apaschalong eew subsection (E) ngali Section 4.4 reel aleghúl ngare Section 125-40-115 (e) reel 125-40, NMIAC Title 125 ebwe mwut ngali licensure by reciprocity.
- 2. Ebwe apaschalong subsection (K) ngali Section 16.1 reel atiwlighil ngare Section 125-40-825 (a) (1) (xi) reel 125-40, NMIAC Title 125 ebwe yoor obwossul delinquent reel \$25.00 eew maram.

AFAL REEL AMWELIL ME ARONGOWOWUL: Board ekke titingor mangemangir toulap reel pomwol amennda kkaal iye rebwe bughil llól eliigh (30) ráál ngare schagh aa akkatééló llól Commonwealth Register. Schóó kkaa remuschel kkopial pomwol amenda kkal emwel rebwe faingi 664-4809 me ngare email reel <u>bpl@pticom.com</u> me ngare mweteló reel bwulasiyo Bldg 1242, Pohnpei Ct., Capital Hill, Seipel, Ischil mángemáng ebwe isisilong llól bwulsiyo me ngare afanga BPL, P.O. Box 502078, Seipél, MP 96950.

Isáliiyalong:

man Roman S.Demapan

BPL Chairman

**Mwir Sángi:** Esther S. Fleming

Special Assistant for Administration

Vool of Amwel Sángi: Esther M. San Nicolas

Esther M. San Nicolas Commonwealth Register

7.25.13 Ráll

8/21/13 Ráll

21/2013

Ráll

Sángi 1 CMC § 2153(e) (Allégh kkaal a lléghló sángi AG bwe e fil reel ffeérúúl me 1 CMC § 9104 (a) (3))mwiir sángi AG) Pomwol atiwligh kkaal a appaschlong a takkal amwuri fiischiy, me anguúngú ló fféérúl me legal sufficiency sángi CNMI Attorney General me ebwele akkatewoow, 1 CMC § 2153(f)(Arongowowul allégh kkaal.

Jøey P. San Nicolas Attorney General

8/14/13

Appaschalong subsection (E) ngali Section 4.4 reel atiwlighil ngare Section 125-40-115(e) reel 125-40, NMIAC Title 125

E. Licensure by Reciprocity

Board emwal ebwe mwut ngali eschay aramas iye e license ngare eschay real property appraiser reel reciprocity ngare:

1. Eschay aramas e akkamwasch eew active , valid license reel real property appraisal sangi eew U.S. state ngare territory reel real property classification iye e kke applikka ngali:

2. Aramas yeel e ito mereel eew state ngare U.S. territory iye "e attabwey Title XI iye re detetminali mereel ASC; me

3. requirements il licensure llól jurisdiction il applicant nge e lu sangi requirements llól atiwligh yeel.

Appaschalong subsection (K) ngali Section 16.1 reel atiwlighil ngare Section 125-40-825 (a) (1) (xi) reel 125-40, NMIAC Title 125.

16.1 Obwoss.

(K)Méél delinquent(alongal maram)......\$25.00

Commonwealth of the Northern Mariana Islands Department of Commerce Alcoholic Beverage and Tobacco Control Division Sixto K. Igisomar, Secretary Department of Commerce – ABTC Division Caller Box 10007 CK Capitol Hill Road, Pohnpei Street, Saipan MP 96950

> tel 670.664.3077; fax:670.664.3067 info@commerce.gov.mp

## PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS WHICH ARE AMENDMENTS TO THE RULES AND REGULATIONS OF THE DEPARTMENT OF COMMERCE ALCOHOLIC BEVERAGE AND TOBACCO CONTROL DIVISION

**INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS:** The Commonwealth of the Northern Mariana Islands, Department of Commerce, Alcoholic Beverage and Tobacco Control (ABTC) division 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))

**AUTHORITY:** The Secretary of the Department of Commerce is authorized to promulgate rules and regulations pursuant to 4 CMC §5575, and 1 CMC §2454, (modified by Section 302(c) of Executive Order 94-3, text printed in Reorganization Plan No. 2, Directive 93, Comm. Reg. Vol. 16, No. 6, at 11931 [effective date June 15, 1994], Public Law 16-27 [effective date April 07, 2008], and Public Law 17-83 [effective date September 23, 2012]) to be codified at 4 CMC, Division 5, Chapter 5, as amended, repealed and re-enacted.

**THE TERMS AND SUBSTANCE:** The proposed promulgation and amendments of regulations are made to effectuate the Alcoholic Beverage Control Statutory Enforcement, Licensing and Requirements created in Title 4 CMC, Division 5, Chapter 5, §5575, Public Law 16-27 (effective date April 07, 2008) and Public Law 17-83 (effective date September 23, 2012).

THE SUBJECTS AND ISSUES INVOLVED: These rules and regulations:

1) Title 4 CMC, Division 5, Chapter 5, §5575, provides for the regulations to be consistent with the provisions of this chapter and amend or repeal them as it deems necessary to carry out all intents of the provisions of this chapter and to enable it to exercise the powers and perform the duties conferred upon it.

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2) Mandated by Public Law 16-27 (effective date April 07, 2008), the proposed Alcoholic Beverage Control Regulations provides for the exemption of business establishments situated within the passenger holding areas at the airports within the CNMI from the requirements of the Hours of Sale in accordance with §5554, as well as during election day when polls are open for voting in accordance with §5557.

- 1

3) Mandated by Public Law 17-83 (effective date December 24, 2012), the proposed Alcoholic Beverage Control Regulations provides for the requirement of business establishments and persons to be subjected to stiffer fines and penalties for providing and selling alcoholic beverages to persons under the age of twenty-one (21), and to impose stiffer fines for persons under twenty-one (21) years of age who purchases, consumes, or possess any alcoholic beverages, and to promulgate regulations consistent to the provisions of Public Law 17-83. Specifically to establish a new class of license and amend existing license fees.

**DIRECTIONS FOR FILING AND PUBLICATION:** These Proposed 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 the principal vernacular. (1 CMC § 9104(a)(1)).

**AVAILABILITY:** The proposed regulations may be obtained from the Department of Commerce, Alcoholic Beverage and Tobacco Control Division, located at the Donni Hill Complex on Capitol Hill Road, Pohnpei Street, or write to and request copies from David R. Maratita, Director of ABTC Division, Caller Box 10007 CK, Saipan, MP 96950, or email your request to <u>cnmi.abtc@commerce.gov.mp</u>.

**TO PROVIDE COMMENTS:** The Secretary of Commerce is soliciting comments on these proposed regulations from the general public. Anyone interested in submitting comments on these proposed regulations may do so in writing addressed to David R. Maratita, Director of ABTC Division, Caller Box 10007 CK, Saipan, MP 96950. Written comments may be hand-delivered to the Director of ABTC, Department of Commerce, emailed to <u>cnmi.abtc@commerce.gov.mp</u>, or faxed to 664-3067. 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 regulations were approved by the Secretary of the Department of Commerce on June 04, 2013 and intends to adopt these regulations.

Page 2

Submitted by; SIXTO K. IGISOMAR

2013-022 Date

Secretary of Commerce

Received by:

FLEMING ESTHER S. Governor's Special Assistant for Administration

Filed and Recorded by:

THER M. SAN NICOLAS **Commonwealth Register** 

08/21/2013 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, 1 CMC § 2153(f) (publication of rules and regulations).

Dated this 19th day of August , 2013.

SANNICOLAS. orney General



Sixto K. Igisomar Secretary of Commerce DEPARTMENT OF COMMERCE

Alcoholic Beverage and Tobacco Control Division Caller Box 10007 C.K. Saipan, MP 96950 Tel: (670) 664-3065 • Fax: (670) 664-3067 Hotline: (670) 483-1821 Email: <u>cnmi.abtc@commerce.gov.mp</u> Web: www.commerce.gov.mp



David R. Maratita Director

# PROPOSED PROMULGATION AND AMENDMENTS OF THE ALCOHOLIC BEVERAGE CONTROL RULES AND REGULATIONS

Filed this \_\_\_\_\_\_, 2013

At the Commonwealth Register, Office of the Attorney General Commonwealth of the Northern Mariana Islands

## I. GENERAL PROVISIONS

#### Section 1. Authority:

The proposed amendments of the Alcoholic Beverage Control Rules and Regulations have been promulgated for adoption pursuant to Title 4 CMC, Division 5, Chapter 5 §5575 of the Commonwealth Code, as amended, repealed and re-enacted.

### Section 2. Purpose:

To establish uniform regulations in order to carry out the intent and purpose of Public Law 16-27 (effective date April 07, 2008), as amended, and Public Law 17-83 (effective date December 24, 2012), as amended, repealed and re-enacted, to be codified at Title 4, Division 5, Chapter 5 of the Commonwealth Code.

#### Section 3. Definitions:

The definition applicable to a particular word set forth in Title 4 CMC, Division 5, Chapter 5 §5511 of the Commonwealth Code, the definitions described in Public Law 16-27 (effective date April 07, 2008), the definitions in Public Law 17-83 (effective date December 24, 2012) shall govern whenever any word contained in their particular sections are used herein.

## **II. LICENSES.**

## Section 1. License Applications:

The requirements for license applications in Northern Marianas Administrative Code §20-10.1-101are amended to read as follows:

\* a. Applications for any Alcoholic Beverage Control License or transfer of any license shall be submitted upon proper forms to be provided and approved by the Secretary of Commerce or his designee.

\* b. Each application must be properly and completely filled out and accompanied by any and all required data supplementing the application form. If the Secretary of Commerce or his designee determines that additional information is necessary, consideration of the application may be postponed and a reasonable period of time may be afforded the applicant to comply with this requirement.

\* c. A deposit of \$50.00 to cover the cost of processing the application must accompany all applications for license. Full payment of the license fee is due and payable at the time the license is issued.

### Section 2. Type of License:

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The types of licenses are amended and a new Class 7 license added to read as follows:

<u>Class</u>	<u>Fee</u>
* Class 1 – Manufacturer's License	\$1,500.00
* Annual Sampling Fee	\$100.00
* Class 2 – Wholesale Agent's License	\$1,000.00
* Annual Sampling Fee	\$100.00
Class 3 – Retail Dealer's On-Sale License:	
* Beer and Wine	. \$150.00
* General	. \$500.00
* Annual Sampling Fee	\$50.00
* General If Class-A Restaurant License	\$300.00
Class 4 – Retail Dealer's Off-Sale License:	
* Beer and Wine	. \$150.00
* General	. \$500.00
* Annual Sampling Fee	\$50.00
* Class 5 – Temporary Beer License	\$100.00
* Class 6 – Club License	\$1,000.00
* Class 7 – Special Liquor License	\$1,500.00

#### Section 3. License Duration:

The duration of license is amended to read as follows:

\* Upon payment of required license fees, except for a temporary beer license, each license shall be for a period of one year from the date of issuance.

## Section 4. Renewal:

The requirement for renewing a license is amended to read as follows:

\* Except for a temporary beer license which is authorized not to exceed three days, to renew a license, the license fees for renewal must be fully paid on or before the expiration date of the license. If the required renewal license fees are not paid on or before the expiration date, the license shall automatically be suspended and a penalty of \$25.00 shall be assessed for each day the license is not renewed. If a Licensee fails to renew a license within thirty (30) calendar days from the date of expiration, the license shall automatically be revoked and the Secretary of Commerce shall not issue a license except upon a new original application, provided however, that any penalty fee pending for payment must be paid in full prior to the issuance of a new license.

#### Section 5. Qualifications of Prospective Licensees:

The qualifications for applicants are amended to read as follows:

\* a. Prior to the Secretary of Commerce or his designee in considering an application for an Alcoholic Beverage Control license, a thorough investigation into an applicant's background will be conducted. The Secretary of Commerce or his designee may inquire into an applicant's:

- 1. Moral Character;
- 2. Prior Criminal Record;
- 3. Whether he/she has been adjudged insane;
- 4. Location of the premises to determine whether the premises would be a nuisance;
- 5. Past business conduct and practices;
- 6. Condition of premises; and

7. Any and all other matters and things which in the judgment of the Secretary of Commerce or his designee pertain to or affect the matter of the application, its issuance or the exercise of the license applied for.

\* The Secretary of Commerce or his designee will carefully consider the results of this investigation and may make a determination as to approval or disapproval of the application.

\* b. Where the applicant for a license is a corporation, partnership, or limited liability company, all individuals who own stock in, or are members, officers or directors of such corporation, partnership, or limited liability company or are otherwise involved in any way as proprietors, managers, employees or agent of the business being considered for licensing, shall be listed by legal name in the current application on file with the Alcoholic Beverage and Tobacco Control Division. No license shall be issued or renewed unless these listing are complete and legally accurate and reveal sufficient compliance with all pertinent provisions of 4 CMC, Division 5, Chapter 5 and or these regulations as made applicable.

\* c. All applicants, as a condition for receiving a Class 3 Retail dealer's on-sale General license, excluding those applying for a Class 3 Retail dealer's on-sale General license in conjunction with a Class A restaurant license, shall post a surety bond on the amount of five thousand (\$5,000) United States Dollars.

\* d. All applicants, as a condition for obtaining any class type of license, shall meet the following requirements prior to the issuance of license:

- 1. Attend the training and certification program on responsible alcohol sales and services provided by the Alcoholic Beverage and Tobacco Control division. Upon completion of training and certification, the Secretary of Commerce or his designee shall issue I.D. cards certifying the owner and each employee of his/her establishment, which shall be worn at all times during on-duty hours. Such certified I.D. cards shall expire three (3) years from the date of certification. It shall be the responsibility of the ABTC division to provide necessary update to the licensee of any changes affecting the sales and service of alcoholic beverages.
- 2. Make a deposit of \$10.00 for the cost of certification which will be assessed for each person that completed the certification process. Full payment of the certification fee is due at the time the certified I.D. card is issued.
- 3. In the event a new employee is hired, it shall be the responsibility of the licensee to register the newly hired employee within 24 hours with the ABTC division. The licensee shall arrange an appointment with the ABTC division to have such new employee undergo the training and certification prior to handling any sell or service of alcoholic beverages.

\* e. All applicants, as a condition for receiving an on-sale Class 7 Special Liquor License, shall meet the following requirements prior to the issuance of license:

- 1. Applicant is currently in good business standing with the Commonwealth and federal laws and shall have no prior ABC violation(s) in file in the past five (5) years from the date of application.
- 2. Must complete the training and certification of responsible alcohol sales and services and have a valid certification card under Section 5(d)(1) of these regulations.

#### Section 6. Application Review:

The process for application review is amended to read as follows:

\* Upon inspection and investigation, and in reference to the guidelines set forth in Section 5 of this regulation, the Secretary of Commerce or his designee shall consider the application and shall within 15 days give its decision, granting or refusing, the application.

\* a. If the Secretary of Commerce or his designee decides in favor of the applicant or licensee, the applicant or licensee shall be promptly notified of the decision. If the Secretary of Commerce or his designee decides otherwise, an appropriate decision and order shall be issued and provided to the applicant or licensee. The decisions and order shall be accompanied by separate findings of fact and conclusion of law. The Secretary of Commerce or his designee shall within a reasonable time send a certified copy thereof to the applicant or licensee.

b. Where an application for license has been denied, a person aggrieved by such a denial shall be entitled to a review of the decision by the Governor.

c. Judicial Review shall be as provided by law.

#### Section 7. Premises Qualification:

The qualification of premises is amended to read as follows:

\* a. All premises licensed or proposed to be licensed shall be constructed, arranged, furnished, equipped, maintained and operated in such manner as may be prescribed by the Secretary of Commerce or his designee.

\* b. Licensed on-sale premises, including furnishings, equipment and paraphernalia on the premises, shall be kept in clean and sanitary condition, and drinking glasses must be effectively sterilized. There must be a certificate of building occupancy obtained from the Department of Public Works (building safety code division) where liquor is to be sold and consumed on the premises, must have sufficient lighting and adequate toilet facilities, which facilities must have the approval of the Bureau of Environmental Health of the Commonwealth Healthcare Corporation.

\* c. The Secretary of Commerce shall have the authority to define the premises to be used for the serving of alcoholic beverages for all on-sale licensees in the Commonwealth. These premises shall normally include an emergency exit and exit sign provided within the building and its perimeter as regularly used within the business activity during normal hours of operation by the on-sale licensee.

\* d. Premises proposed to be licensed for sampling activity or event shall establish a designated consumption area for the sampling of alcoholic beverages. The designated consumption area shall be cordoned-off or fenced-in with an entrance and exit access way. At no time under any circumstances shall a sample be offered or allowed to be consumed by an intoxicated person or any individual under the age of twenty-one (21) years.

(1) Procedures for Sampling:

- a. No sample may be offered from more than four products at any one time.
- b. No more than one bottle of each of the four products to be sampled may be displayed and opened at any one time.
- c. Samples given shall not be more than two ounces for each product sampled.
- d. All open bottles must be visible at all times and all open bottles must be removed at the conclusion of the sampling activity.
- e. No person under the age of twenty-one (21) years shall conduct or participate in the sampling activity.

#### Section 8. Transfer of License:

The requirement for the transfer of license is amended to read as follows:

COMMONWEALTH REGISTER VOLUME 35 \* Commonwealth Register, Volume \_\_\_\_, No.\_\_\_\_, July \_\_\_, 2013, Page \_\_\_\_\_ \* a. Where a license has been issued to or in the name of corporation, partnership, or soleproprietorship, no substitution, addition, removal or other change to the license holder shall be made until the proposed change has first been approved by the Secretary of Commerce or his designee upon application for transfer between two distinct business entities.

\* b. No application for transfer of a license will be approved by the Secretary of Commerce or his designee unless the applicant has met the same qualifications as required in Section 5 for an original license.

### Section 9. Responsibilities of the Licensee:

COMMONWEALTH REGISTER VOLUME 35 \* Commonwealth Register, Volume \_\_\_\_\_, No.\_

The responsibilities of the licensee are amended to read as follows:

\* a. It shall be the responsibility of a licensee to notify the Secretary of Commerce or his designee in writing of any and all changes in a licensed business ownership, management, agents or any other changes which materially affect or modify the data on file and recorded as the basis for granting or renewal of such license prior to the time such change occurs. This shall include any event a licensee intends or is in the process of foreclosing his/her business, which shall include a brief purpose of the foreclosure. Failure to do so within twenty-four (24) hours of such change shall require an immediate temporary suspension of the license pending investigation and review by the Secretary of Commerce or his designee. The suspension of the license shall remain in effect until removal, modification or other action as may be deemed necessary and appropriate action.

- \* b. The following shall apply to all Class-3, retail on-sale establishments:
  - \* 1) It shall be the responsibility of the licensee to have a duly registered manager or assistant manager on the premises, in the absence of the licensee and daily during the hours when the business is open until closing. The manager or assistant manager shall be capable of maintaining order and responsible for compliance to laws and regulations that pertain to the licensed premises.
  - \* 2) It shall be the responsibility of the licensee, manager or assistant manager to announce a last-call to order alcoholic beverage one hour ahead prior to closing time, and no orders of any alcoholic beverage shall be taken, sold or served within the hour after the last-call is announced prior to securing and closing the business premises.
  - \* 3) It shall be the responsibility of the licensee, manager or assistant manager to ensure that no customers remain on the premises, except employees for cleaning-up purposes, after closing and securing of business premise at 2:00 a.m., and after 4:00 a.m. if the licensee holds a Class 7 Special Liquor License.
  - \* 4) It shall be the responsibility of the licensee, manager and assistant manager to post sign at the front main entrance (and other entrances, if any) indicating "I.D. Card is Mandatory/Required before Entering".
  - \* 5) It shall be the responsibility of the licensee, manager and assistant manager to ensure that a customer does not leave the premises with any alcoholic beverage in his/her possession. Further, it shall be the responsibility of the licensee to post signs on strategic or conspicuous areas within the business premises indicating "No Alcoholic Beverage Allowed to be Taken Outside or Beyond the Business Premises".

\* d. A licensee proposing to transfer or who is in the process of transferring his license to another party shall remain responsible for the conduct of the business and liable for compliance with all terms of the licensed business and all laws and regulations pertaining thereto until such time as the Secretary of Commerce or his designee has approved the transfer and the transferred license has been re-issued in the new licensee's name.

\* e. A licensee shall post a sign-in sheet for employees indicating the time and position each employee reports for duty and the time each employee signs off from duty. This list shall be

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available at all times for inspection purpose by the enforcement officers of the ABTC division. In addition, the licensee shall have the responsibility to ensure that the certified I.D. cards are worn at all times during duty hours for verification during inspection.

\* f. It shall be the responsibility of a licensee to register or cause to be registered with the ABTC division, the names of employees employed by his/her establishment who will be engaged in handling the sell, including mixing and/or serving of alcoholic beverages, within twenty-four (24) hours after employment.

\* g. It shall be the responsibility of a licensee to keep and preserve for a period of three (3) years adequate records of the gross proceeds of sales of the business. The licensee shall also keep itemized invoices for all merchandise purchased (and whether procured from local or other retail or wholesale outlets), all bank statements and cancelled checks, and all other books or accounts as may be necessary to determine the financial position of the business. All itemized purchase invoices shall bear the date of purchase, name of the seller and purchaser. Cash register tapes may not be used in lieu of itemized invoices for record purposes. In addition to the above records, restaurant licensee shall keep records of gross sales in three (3) separate categories; food, beer and alcoholic beverages. Such records shall be adequate in substance to conform with generally accepted accounting practices and all records shall be written in the English language. All records shall be open for examination at any time by the ABTC Director, any authorized employee of the Department, or its duly authorized agent. The records provided for in this regulation shall be kept at the licensee's place of business or at his/her office or accountant within the CNMI. Failure to keep such records or refuse to allow examination of such records shall subject the licensee to immediate temporary suspension of license.

\* h. All on-sale and off-sale licensee shall be required, as a condition of license, to provide monthly sales report of all alcoholic beverage products (and tobacco products, if licensed to sell tobacco products). It shall be the responsibility of the licensee to ensure that such report are submitted to the ABTC division at the end of each month, which shall commence thirty (30) days after the date the license is issued. Such reporting format shall be prescribed by the ABTC division upon issuance of license. Failure to provide the required report, the licensee shall be grounds for immediate temporary suspension in accordance with Section 11(b) under this Title, until such time the licensee complies with this requirement.

\* i. Every license issued and in effect under Title 4 CMC, Division 5, Chapter 5 shall at all times be conspicuously posted and exposed to view, convenient for inspection, on the licensed premises.

### Section 10. Prohibitions:

The activities prohibited on a licensed establishment are amended to read as follows:

- a. At no time under any circumstances shall any liquor be sold or furnished by any licensee:
  - 1) To any person under the age of 21;
  - 2) To any person at the time under the influence of liquor as defined in 1 CMC §7105;
  - \* 3) After 2:00 a.m. and before 9:00 a.m. if licensee holds an on-sale license, except for Class-7 Special Liquor License holder;
  - \* 4) After 4:00 a.m. and before 9:00 a.m., if licensee holds a Class 7 Special Liquor license;
  - \* 5) Before 7:00 a.m. and after 10:00 p.m. if licensee holds an off-sale license;
  - \* 6) When election polls are open for voting. This prohibition is not applicable to licensees who are situated within the sterile passenger holding areas at CNMI airports, including licensees who are situated within hotels, hotel resorts, and golf resorts.

b. No employee, owner, manager or agent thereof of any licensed premises shall consume or be permitted to consume any alcoholic beverage while on duty on such premises. \* c. Except for Class-3 on-sale restaurant licensee, an on-sale general license holder whose business is primarily engaged in the sale and consumption of alcoholic beverages such as but not limited to night clubs, karaoke clubs, bars, cabarets, or disco clubs, shall not permit:

- Any person under the age of twenty-one (21) years to enter his/her establishment. The licensee shall mandatorily demand, regardless of the appearance of an individual, a valid I.D. Card prior to allowing any person to enter his/her establishment.
- 2) Any person who does not immediately carry in his/her possession a valid official identification card issued by the CNMI Government, Municipalities of the CNMI, the United States Government, United State's states, United States territories, or by foreign governments which bears the person's full name, current photograph, sex, and date of birth indicating that the possessor is twenty-one (21) years of age or older and that said presentation and verification occurs. Provided however that, an on-sale licensee may allow persons under the age of twenty-one (21) years to enter his/her establishment only on the following occasion:
  - a) Special youth programs or events. During such youth program or event, licensee shall remove or lock away all alcoholic beverage and remove any promotional materials of alcoholic beverage from the premises.
  - b) Licensee shall promptly notify, in writing, the Director of ABTC division at least five (5) business days in advance prior to such special youth program or event from taking place.
- 3) Any person under the age of twenty-one (21) years to mix or serve any alcoholic beverage while on duty on such premises.

\* d. Stacking alcoholic beverages for consumption by customers is prohibited. "Stacking" means serving more than one drink at any one time to any one individual. Provided however that, beers of not more than six cans or bottle may be sold and served in a larger container such as a special bucket sale to an individual who is accompanied with his/her companions, or if the individual is buying the bucket for other group of customers within the establishment. At no time under any circumstances shall a bucket be sold or served to an individual if the individual is buying a bucket for herself.

\* e. Refill prohibited. A licensee shall not refill any distilled spirits' containers with distilled spirit nor keep, offer for sale or sell distilled spirits from a container that has been refilled. Immediately upon emptying a container, a licensee shall destroy it.

## \* Section 11. Suspension and Revocation of Licenses:

The suspension and revocation of licenses is amended to read as follows:

- \* a) A license of any class may be suspended or revoked on any of the following grounds:
  - 1. Where the continuation of a license would be contrary to the public interest;
  - 2. Violation of, causing or permitting a violation of, or failure or refusal by a licensee to comply with any provision of this Title or any regulation of the Alcoholic Beverage and Tobacco Control adopted under Title 4 CMC, Division 5, Chapter 5;
  - 3. Misrepresentation of a material fact by an applicant in obtaining or renewing a license;
  - 4. A plea, verdict, or judgment of guilty to any public offense involving moral turpitude;
  - 5. Upon filing of a sworn written report with the ABTC Director by an inspector setting forth any of the grounds in Section 11 for the temporary suspension or revocation of license;
  - b) The ABTC Director may temporarily suspend any license pending a regular hearing by the Department;

- 1. The ABTC Director upon temporarily suspending a license shall immediately notify the Secretary of Commerce in writing of the decision and action taken to be transmitted with the inspector's report which shall include the names of all witnesses. Any temporary suspension of license shall not exceed forty-eight (48) hours;
- 2. The Secretary of Commerce, upon receiving the report as required in Section 11(g), shall immediately hold a hearing based on such report as soon as practicable;
- 3. The Secretary of Commerce, through its findings of facts and conclusion of law, may suspend or revoke the license of any licensee found guilty of violating any of the provisions adopted under Title 4 CMC, Division 5, Chapter 5;
- 4. Without reference to the ABTC director, any person may file an accusation with the Secretary of Commerce against any licensee setting forth a ground for suspending or revoking a license. Provided however, that such accusation shall be provided with a list of witnesses prior to any decision and order for suspending or revoking a license.

## Section 12. Procedure on Revocation or Suspension of License:

\* The Secretary of Commerce may revoke or suspend the right of the licensee to use his/her license for the violation of any provision of Title 4 CMC, Division 5, Chapter 5 or any rule or regulation applicable thereto.

In any case where it is proposed to revoke or suspend the exercise of any license, the licensee shall be given:

a. Notice and hearing; the notice to be given at least five (5) business days before hearing;

b. At the hearing, the licensee shall be entitled to be heard in person or through counsel and shall be given a full and fair opportunity to present any facts showing that the alleged cause or causes for the proposed action do not exist;

c. The testimony taken shall be under oath and taken steno-graphically or by machine, but the parties shall not be bound by strict rules of evidence. The Commonwealth Administrative Procedures Act shall apply wherever applicable.

d. Copies of any transcript made at the hearing shall be given to the licensee upon request at his/her expense.

e. , The following civil sanctions and/or fines and penalties shall apply to violations of Title 4 CMC, Division 5, Chapter 5, or any rule or regulation applicable thereto:

- \* 1) First Offense: a \$1,000 fine; and a four (4) hours mandatory attendance of ABC Laws and Regulations Refresher Orientation by the Licensee or his/her designee;
- \* 2) Second Offense: a \$3,000 fine; and the Secretary of Commerce shall issue a final notice for revocation of license on third offense;
- \* 3) Third Offense: revocation of license and a \$5,000 fine.

\* f. Any order of revocation or suspension by the Secretary of Commerce upon the licensee shall be in addition to any penalty that might be imposed upon the licensee upon his/her conviction in a criminal prosecution for violation of Title 4 CMC, Division 5, Chapter 5.

#### \* Section 13. Appeal:

Where the Secretary of Commerce revokes or suspends a license, the person aggrieved by such revocation or suspension shall be entitled to a review of the decision by the Governor.

### Section 14. Disposal of Confiscated Alcoholic Beverages.

- a. All alcoholic beverages confiscated in the Commonwealth shall bee disposed of at the discretion o the Secretary of Commerce by either:
- (i) dumping in public by the Secretary or his authorized representative in the presence of one employee of the Department of Safety and one employee of the Office of the Attorney General; or,
- (ii) sale by public auction with the reserve yet without warranty of fitness or merchantability, and after execution of appropriate releases and/or covenants not to sue by the bidders, and following 14 days public notice in a newspaper of general circulation.

Commonwealth of the Northern Mariana Islands Department of Commerce Alcoholic Beverages and Tobacco Control Division Sixto K. Igisomar, Secretary Department of Commerce-ABTC Division Caller Box 10007 CK Capital Hill Road, Pohnpei Street, Saipan MP 96950

> Tel 670.664-3077; fax:670.664-3067 info@commerce.gov.mp

# ARONGOL TOULAP REEL POMWOL ALLÉGH KKA EBWE AMENDÁÁ REEL ALLÉGHÚL DEPARTMENT OF COMMERCE ALCOHOLIC BEVERAGE AND TOBACCO CONTROL DIVISION

# MÁNGEMÁNGIL MWÓGHUT YEEL BWE EBWE ADAPTÁÁLI POMWOL ATIWLIGH KKAAL:

Commonwealth of the Northern Mariana Islands, Department of Commerce Alcoholic Beverage me Tobacco Contro (ABTC)division emuschel ebwe adaptááli me aleghú ló atiwligh kkaa e apasch bwe Proposed Regulations, sángi mwóghutughutul Administrative Procedure Act, 1 CMC §9104(a). Atiwligh kkaal ebwe bwunguló 10 ráál mwiril yaar adaptááli me appasch llól Commonwealth Register (1 CMC§9105(b)).

**BWÁNGIL:** Eyoor bwángil Secretary-il Depatamentol Commerce ebwe arongawow atiwligh kkaal sangi 4 CMC §5575, me 1 CMC§2454. (modified mereel Section 302(c) reel Executive Order 94-3, e iisch llól Reorganization Plan No.2, Derective 93, Comm. Reg. Vol. 16, reel 11931(bwunguló wool únnyo 15, 1994), P.L. 16-27(bwungló wóól Abrid 07,2008) me Alleghúl Toulap me 17-83(bwunguló wóól Settembre 23, 2012) ebwe codified reel 4 CMC, Dibision 5, Chapter 5, igha e amendá , ayúúló, féér sefal.

**KKAPASAL ME AWEWEEL:** Pomwol arong me amendáál atiwligh kkaal ebwe ebwe ngaley bwangil Alcoholic Beverage Control Statutory Enforcement, Licensing me Requirements ikka e féér Ilól Title 4 CMC, Division 5, Chapter 5, §5575, Alleghúl Toulap 16-27(bwunguló Abrid 07, 2008) me Alleghúl Toulap 17-83(bwunguló Settembre 23,2012).

## KKAPASAL ME ÓUTOL: Atiwligh kkaal:

1) Títle 4 CMC, Division 5, Chapter 5, §5575, ayoora reel atiwligh kkaal reel ebwe wewe ngali provisions llól chapter yeel me ebwe amendááli ngare ayúúwló ngare e nesesariyo reel ebwe féérú alongal meta e tingor llól provisions yeel lóll chapter yeel me ebwe ngalley bwangil me pomwoli angaangal.

2) Sángi Alleghúl Toulap 16-27 (bwungló Abrid 07,2008), Pomwol Atiwligh kka ngali Alcoholic Beverage Control eayoora exemptions ngali business kka e lo airport reel leliliyal passenger holding areas Ilól CNMI sangi requirements reel Oral Akkaméló sangi §5554, bwal durantil ralil bwota ngare a susu reel bwotasion sangi §5557.

3) Sángi Alleghúl Toulap 17-83 (bwunguló Disembre 24, 2012), Pomwol Atiwlighil Alcoholic Beverage Control reel requirement il business me aramas reel óbwóss me mutal reel ngare re akkamé ngaliir me ngaleer aramas iye esaal 21 rághil ie e akkameé, úúl, me bweibwogh áschi, me ebwe arongawow atiwligh kkaal e wewe ngali provisions il Alleghúl Toulap 17-83. Reel ebwe ayoora eew feel class il license me amenda li méél license kka ello.

AFAL REEL AMWELIL ME ARONGOWOWUL: Pomwol atiwiigh kkaal ebwe appasch llól Commonwealth Register llól section proposed and newly adopted regulations (1 CMC §9102(a)(1)) me appasch llól bwuley kka llól Civic Center me bwulasiyoo llól eew senatorial district, llól English, Refaluwasch me Remeraalis. (1 CMC §9104(a)(1)).

**EYOOR:** Emal oubwe bwughi Pomwol atiwligh kkal mereel Department of Commerce, Alcoholic Beverage and Tobacco Control Division, e lo Donni Hill Complex, Capital Hill road, Pohnpei Street, me ngare iisch ngare tingor kkopial reel David R. Maritita, Director of ABTC Division, Caller Box 10007 CK, Saipan, MP 96950, ngare email yóómw tingor reel <u>cnmi.abtc@commerce.gov.mp.</u>

ATOTOOLONGOL MWALIILI: Secretary -il Commerece ekke tingor isisilongol mangemange reel pomwol atiwligh kkaal sangi toulap. Iyo emwuschel ebwe isisilong mefiyer reel pomwol atiwligh kkaal ebwe iisch nge a address ngali David R. Maritita, Director of ABTC Division, Caller Box 10007 CK, Saipan, MP 96950. Iischil Memef nge rebwe bwughiló reel Director of ABTC, Department of Commerece, email ngali cnmi.abtc@commerce.gov.mp, ngare faxed ngali 664-3067 Isisilongol mangemang nge ebwe llól 30 raal sangi raalil iye e appasch arongorong yeel. Isalilong yóómw data, mangemang me angingi. (1 CMC § 9104(a)(2)).

Pomwol atiwligh kkal re apreba li mereel Secretary of the Department of Commerce wóól Unnyo 04,2013 me ebwe adáptááli atiwligh kkaal.

Tsáliiyalong: SIXTO K.IGISOMA

**Secretary of Commerce** 

**Mwir Sángi: Esther S. Fleining** 

**Special Assistant for Administration** 

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tin **Amwel Sángi:** 

Esther M. San Nicolàs **Commonwealth Register** 

<u>- 072</u>9 Ráll

8/21/13

21/2013

Ráll

Sángi 1 CMC § 2153(e) (Allégh kkaal a lléghló sángi AG bwe e fil reel ffeérúúl me 1 CMC § 9104 (a) (3))mwiir sángi AG) Pomwol atiwligh kkaal a appaschlong a takkal amwuri fiischiy, me anguúngú ló fféérúl me legal sufficiency sángi CNMI Attorney General me ebwele akkatewoow, 1 CMC § 2153(f)(Arongowowul allégh kkaal.

ΆS.

orney General

# COMMONWEALTH GI SANGKATTAN NA ISLAN MARIANAS SIHA Dipattamentun Kumetsiu Alcoholic Beverage yan Tobacco Control Division Sixto K. Igisomar, Sekritåriu Dipattamentun Kumetsiu, ABTC Division Caller Box 10007 CK Capital Hill Road, Pohnpei Street, Saipan MP 96950

tel 670.664.3077; fax 670.3067 info@commerce.gov.mp

# NUTISIAN PUPBLIKU PUT I MANMAPROPONIN AREKLAMENTU YAN REGULASION SIHA NI MANMA'AMENDA PARA I AREKLAMENTU YAN REGULASION SIHA GI DIPATTAMENTUN KUMETSU GI DIBISION ALCOHOLIC BEVERAGE YAN TOBACCO CONTROL

I AKSION NI MA'INTENSIONA PARA U MA'ADÅPTA ESTI I MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA: I Commonwealth gi Sangkattan na Islas Marianas, i Dipattamentun Kumetsiu, dibision Alcoholic Beverage yan Tobacco Control (ABTC) ha intensiona para u adåpta kumu petmanienti na regulasion siha ni mañechettun i Manmaproponi na Regulasion siha, sigun gi Åktun Administrative Procedure, 1 CMC § 9104(a). I Regulasion siha para u ifektibu gi halum i dies(10) dihas dispues di adåptasion and pupblikasion gi halum i Rehistran Commonwealth. (1 CMC § 9105(b))

**ÅTURIDÅT:** I Sekritåriun Dipattamentun Kumetsiu ma'åturisa para u cho'gui i areklamentu yan regulasion siha sigun gi 4 CMC §5575, yan i 1 CMC §2454, (matulaika ni Seksiona 302(c) gi Otdin Eksakatibu 94-3, text ni ma'imprenta gi halum Reorganization Plan No. 2, Directive 93, Comm. Reg. Baluma 16, gi Numiru 6, gi 11931 [ifektibu na fetcha gi Huniu 15, 1994], Lai Pupbliku 16-27, [ifektibu na fetcha gi Abrit 07, 2008], yan Lai Pupbliku 17-83 [ifektibu na fetcha gi Septembri 23, 2012] ni para u makodigu gi 4 CMC, Dibision 5, Kapitulu 5, kumu ma'amenda, mana'påra yan mata'lun ma'otdin.

I TEMA YAN SUSTÅNSIAN I PALÅBRA SIHA: I manmacho'gui ni maproponi yan amendasion gi regulasion siha mafa'tinas para u effectuate i Alcoholic Beverage Control Statutory Enforcement, Licensing yan Dinimånda siha ni macho'gui gi Titulu 4 CMC, Dibision 5, Kapitulu 5, §5575, Lai Pupbliku 16-27 (ifektibu gi Abrit 07, 2008) yan i Lai Pupbliku 17-83 (ifektibu gi Septembri 23, 2012).

SUHETU NI MASUMÅRIA YAN ASUNTU NI MANTINEKKA: Esti i areklamentu yan regulasion siha:

1) Titulu 4 CMC, Dibision 5, Kapitulu 5 §5575, ni ha pribeniyi i regulasion siha ni para u kunsisti yan i prubension gi esti na kapitulu yan u ma'amenda pat u mana'påra siha kumu ha deems i nisisåriu para u carry out todu intension siha gi prubension esti na kapitulu yan para u siña ni para u eksisiu i fuetsa yan u cho'gui i risponsåpblidåt siha conferred gi sigun.

2) Ma'otdin ni Lai Pupbliku 16-27 (umifektibu gi Abrit 07, 2008), maproponi i Regulasion siha i Alcoholic Beverage Control ni ha pribeniyi para i exemption gi inestapblesin bisnis ni situated gi halum i arian passenger holding gi plasan batkunairi siha gi halum CNMI ni ginin i dinimanda siha gi Oran Binendi Siha sigun gi §5554, tatkumu i durantin i ha'anin ileksion yanggin mababa para botasion sigun gi §5557.

3) Ma'otdin ni Lai Pupbliku 17-83 (umifektibu gi Disembri 24, 2012), i maproponi na Regulasion siha para Alcoholic Beverage Control ha pribeniyi para dinimåndan inestapblesin bisnis siha yan petsona siha ni para u fanmasuhetu ni para i latakhilu' na mutta yan pena siha yan para u ma'-impose latakhilu' na mutta siha para i petsona siha ni manggaigi gi papa' benti'un(21) åñu na idåt ni mamåhan, ha usa, pat ha possess maseha håfa na alcoholic beverages, yan para u macho'gui i regulasion siha ni kinunsisti gi prubension siha gi Lai Pupbliku 17-83. Ispisiåmienti para u istapblesi i nuebu na klåsin lisensia yan u amenda i existing na åpas lisensia siha.

**DIREKSION PARA U MAPO'LU YAN PUPBLIKASION:** Esti i Manmaproponi na Regulasion siha debi na u mapupblika gi halum i Rehistran Commonwealth gi halum i seksiona gi maproponi yan i nuebu ma'adåpta na regulasion siha (1 CMC § 9102(a)(1) yan u mapega gi kumbinienti na lugåt siha gi halum i civic center yan gi halum i ufisinan gubietnamentu siha gi kada distritun senadot, parehu gi English yan gi lingguåhin natibu. (1 CMC § 9104(a)(1)).

**AVAILABILITY:** I manmaproponi na regulasion siha siña ma'ahenta ginin i Dipattamentun Kumetsiu, Dibision Alcoholic Beverage yan Tobacco Control, ni gaigi gi Donni' Hill Complex giya Capitol Hill Road, Pohnpei Street, pat tugi'i para i yan un famaisin kopia siha gi as David R. Maratita, Direktot ABTC Division, Caller Box 10007 CK, Saipan, MP 96950, pat email i finaisen-mu guatu gi <u>cnmi.abtc@commerce.gov.mp</u>.

PARA U MAPRIBENIYI UPIÑON SIHA: I Sekritåriun Kumetsiu mamamaisin upiñon siha gi esti i manmaproponi na regulasion siha ginin i heneråt pupbliku. Maseha håyi na petsona ni para u na'hålum upiñon siha gi esti i manmaproponi na regulasion siña macho'gui gi tinigi' ni ma'-address guatu gi as David R. Maratita, Direktot i Dibision ABTC, Caller Box 10007 CK, Saipan, MP 96950. Tinigi' upiñon siha siña machuli' guatu gi Direktot i ABTC, Dipattamentun Kumetsiu, emailed guatu gi <u>cnmi.abtc@commerce.gov.mp</u>, pat faxed gi 664-3067. Todu upiñon siha debi na u fanhålum trenta(30) dihas ginin i fetchan pupblikasion esti na nutisia. Put fabot na'hålum imfotmasion, upiñon, testimoniun kinentra siha. (1 CMC § 9104(a)(2)).

Esti i manmaproponi na regulasion siha manma'aprueba ni Sekritåriun Dipattamentun Kumetsiu siha gi Huniu 04, 2013 yan ha intensiona para u adåpta esti na regulasion siha.

Nina'hålum as: SIXTO K. IGISOMAR **Fetcha** Sekritåriun Kumetsiu Påhina 2 **COMMONWEALTH REGISTER VOLUME 35** NUMBER 08 AUGUST 28, 2013 PAGE 034210

Rinisibi as:

Pine'lu yan Ninota as:

ESTHER S. FLEMING Ispisiåt Na Ayudånti Para I Atministrasion

hcolar

ESTHER M. SAN NICOLAS Rehistran Commonwealth

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Fetcha

Sigun i 1 CMC § 2153(e) (I Inaprueban Abugådu Heneråt gi regulasion siha na para u macho'gui kumu fotma) yan 1 CMC § 9104(a)(3) (inahentan inaprueban Abugådu Heneråt) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueba kumu fotma yan sufisienti ligåt ginin i CNMI Abugådu Heneråt yan debi na u mapupblika, 1 CMC § 2153(f) (pupblikasion areklamentu yan regulasion siha).

2013. Mafetcha esti gi diha

JOEY/P. SAN NICOLAS Abugådu Heneråt

# Commonwealth of the Northern Mariana Islands Department of Community and Cultural Affairs – Child Care Licensing Program Laura T. Ogumoro, Acting Secretary

Department of Community and Cultural Affairs, Child Care Licensing Program Caller Box 10007, Building No. 1341 Ascension Road, Capitol Hill Saipan, MP 96950

Tel no. 670-664-2577 Fax no. 670-664-2547

# PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS WHICH ARE AMENDMENTS TO THE RULES AND REGULATIONS OF THE Department of Community and Cultural Affairs, Child Care Licensing Program

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: The Commonwealth of the Northern Mariana Islands, Department of Community and Cultural Affairs, Child Care Licensing Program ("CCLP") 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 compliance with 1 CMC §§ 9102 and 9104 (a). See 1 CMC § 9105(b).

AUTHORITY: The Department of Community and Cultural Affairs is empowered by the Legislature to adopt rules and regulations for the administration and enforcement of the statutes governing activities over which the department has jurisdiction. *See* 1 CMC § 2354.

THE TERMS AND SUBSTANCE: The Rules and Regulations provide for the regulation of all providers under the Child Care Licensing Program.

THE SUBJECTS AND ISSUES INVOLVED: DCCA proposes to adopt or make the following amendments to their regulations :

Part 100 General Provisions

§ 55-40.1-001

Change (kk) to – "Irregular" means varying from the typical or normal pattern of the child care center, group child care home, or family care home, or a practice of schedule that varies from the routine or uniform and is not subject to explained or rational variations.

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Part 200 Day Care Center and Group Child Care Homes, Before and After School Programs

Subpart C – Staffing Requirements

Change to read

§ 55-40.1-226 Staffing Training, Experience and Personal Qualifications

(a) Each caregiver shall be qualified through training, experience, and personal qualities for the age group for which the person works. All child care service staff must annually participate in at least 15 hours of training as approved and monitored by the Child Care Licensing Program.

Subpart D – Health Standards for Children

Add this new section § 55-40.1-249 Hand Washing Policy for Children

(a) The facility shall have a written policy that specifies when hand washing is required for children, defines the hand washing procedure, and provides continuous monitoring to assure that the hand washing procedure is followed.

(b) The hand washing policy for children shall require that hand washing is done:

- (1) Before drinking;
- Before and after meals;
- (3) Before handling clean utensils;
- (4) After going to the bathroom;
- (5) After contact with body secretions e.g., mucus, saliva, or drainage from wounds; and
- (6) After outdoor play.

(c) Children who self-feed in any manner shall have their hands washed with soap and water before and after eating and after toileting.

(d) Hand washing may be done with cold water and drying hands may be done with disposable paper towels or an individual hand towel that will be taken home for laundry at the end of each day.

(e) Liquid soap should be used and placed in a pump dispenser and shall be replaced or cleaned as necessary.

Subpart E – Health Standards for Staff

Add this new section § 55-40.1-251Hand Washing Policy for Staff

(a)The facility shall have a written policy that specifies when hand washing is required for staff, defines the hand washing procedure, and provides continuous monitoring to assure that the hand washing procedure is carried out.

(b) The hand washing policy for staff shall require that hand washing is done:

- 1. Before eating, drinking, or smoking;
- 2. Before handling clean utensils and equipment;
- 3. Before handling food;
- 4. Before and after assisting or training the child in feeding and in toileting;
- 5. After going to the bathroom;
- After contact with body secretion --- e.g., blood, urine, feces, mucus, saliva, or drainage from wounds;
- After handling soiled diapers, clothes, equipment, or menstrual pads;
- 8. After removing disposable gloves; and
- 9. After smoking.

(c) Staff should wash hands with soap and running water.

(d) Hand washing may be done with cold water and drying hands may be done with disposable paper towels or an individual hand towel that will be taken home for washing at the end of each day.

(e) Liquid soap in a pumped dispenser should be used which shall be replaced or cleaned as necessary.

Subpart G – Physical Facilities Standards

§ 55-40.1-272 Building Codes and Space Requirements

Add this new subsection.

(d)(1)(iii) Requirements During Naptime

All child care facilities shall meet the following requirements for naptime:

- a. A selection of toys for quiet activities shall be available;
- b. Comfortable individual beds or cots that may be cleaned and sanitized shall be available or supplied by parents;
- c. Individual beds or cots shall be placed at least three feet apart

or have a solid barrier between each bedding; and

d. Lighting levels should be appropriate for napping and specific activities including naptime, but must allow for children to be visible at all times.

Change this subsection to read as follows: (d)(2) Outdoor Areas:

(d)(2)(i)For all Child Care Service providers who have a valid license as of April 30, 2013, the facilities must have a designated area for outdoor play. At a minimum, this designated outdoor area shall be equal to 33% of the facility's maximum child capacity multiplied by 75 square feet per child.

Example: If the facility's maximum child capacity is 12 children, the outdoor area requirement would be based on 4 children (33% of 12). Each of these 4 children must have 75 square feet. Thus, the facility's total outdoor area requirement would be calculated as:  $4 \times 75 = 300$  sq. ft.

(d)(2)(ii) For all Child Care Service providers that are licensed after April 30, 2013, the square footage for the outside areas shall be a general area requirement related to total child capacity and not limited or qualified by the number of children outside at any one time.

(a) 720 square feet for 6 children plus 70 square feet per child thereafter up through 10.

(b) 1,065 square feet for 11 children plus 65 square feet per child thereafter up through 30.

(c) 2,360 square feet for 31 children plus 60 square feet per child thereafter up through 50.

(d) 3,555 square feet for 51 children plus 55 square feet per child thereafter up through 100.

(e) 6,295 square feet for 101 children plus 45 square feet per child thereafter.

TO PROVIDE COMMENTS: Send or deliver your comments to Laura T. Ogumoro, DCCA Acting Secretary, *Attn: Updated Child Care Licensing Rules and Regulations*, at the above address, fax or email address. Please use the subject line: "Updated Child Care Licensing Rules and Regulations." Comments must be submitted within 30 days of the date of publication of this notice. The DCCA welcomes your data, views and arguments. See 1 CMC § 9104(a)(2).

These proposed regulations were approved by the DCCA Acting Secretary on April 29, 2013.

Submitted by:

Received by:

Laura T. Oqumoro DCCA\Secretary

8 5 3

ESTHER S. FLEMING Date ' Governor's Special Assistant for Administration

Filed and Recorded by:

8.26.2013

ESTHER SN. NESBITT Commonwealth Register

Pursuant to 1 CMC § 2153(e) and 1 CMC § 9104(a)(3), these proposed regulations have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, see 1 CMC § 2153(f).

Signed this \_\_\_\_\_day of May, 2013.

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Joey P. San Nicolas Attorney General

# Commonwealth gi Sangkattan na Islas Marianas Siha Dipattamentun Kumunidåt yan Kuttura – Prugråman Child Care Licensing Laura T. Ogumoro, Acting Secretary Dipattamentun Kumunidåt yan Kuttura, Prugråman Child Care Licensing Caller Box 10007 Numirun Guma' 1341 Asension Road, Capitol Hill Saipan, MP 96950

Tel. 670- 664-2577 Fax no. : 670-664-2547

# NUTISIAN PUPBLIKU GI MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA

NI MANMA'AMENDA PARA I AREKLAMENTU YAN I REGULASION SIHA GI Dipattamentun Kumunidåt yan Kuttura, Prugråman Child Care Licensing

# I AKSION NI MA'INTENSIONA PARA U MA'ADÅPTA ESTI I MANMAPROPONI NA AREKLAMENTU YAN

**REGULASION SIHA:** I Commonwealth gi Sangkattan na Islas Marianas siha, Dipattamentun Kumunidåt yan Kuttura, Prugråman Child Care Licensing ("CCLP") ha intensiona para u adåpta kumu petmanenti na regulasion siha ni mañechettun i Manmaproponi na Regulasion siha, sigun gi manera siha gi Åktun i Administrative Procedure, 1 CMC § 9104(a). I regulasion siha para u ifektibu gi dies(10) dihas dispues di makumpli i 1 CMC §§ 9102 abd 9104 (a). *Atan* i (1 CMC § 9105 (b))

**Åuturidåt:** I Dipattamentun Kumunidåt yan Kuttura nina'i fuetsa ni Leyislatura para u adåpta i areklamentu yan i regulasion siha para i atministrasion yan i enforcement i estatua ni ginibebietna i aktibidåt siha ni i jurisdiction i dipattamentu. *Atan* i 1 CMC § 2354.

I TEMA YAN I SUSTÅNSIAN I PALÅBRA SIHA: I Areklamentu yan i Regulasion siha ha pribeniyi para i regulasion todu providers gi papa' i Prugråman i Child Care Licensing.

I SUHETU NI MASUMÅRIA YAN ASUNTU NI TINEKKA: I DCCA ha proponi para u adåpta pat u fa'tinas i sigienti na amendasion siha para i regulasion-ña siha:

Påtti 100 Prubension Heneråt Siha

§ 55-40.1-001

Tulaika (kk) para – "Irregular" kumeke'ilek`na difirensiåo ginin i typical pat normal pattern gi i sentrun i child care, gurupun guma' child care, pat family care home, pat prinaktikan i masiñåla gi difirensiåo na routine pat uniform yan ti masuhetu para u ma'eksplika pat rational variations.

Påtti 200 Sentrun Day Care yan Gurupun Guma' na Child Care Siha, Prugråman Åntis yan Dispues di Finakpu' Eskuela Siha

Subpart C – Dinimånda Gi Staffing Siha

Tinilaika para Mataitai

§ 55-40.1 - 226 Staffing training, Ekspirensia yan Petsonat Kualifikasion Siha

(a) Kada caregiver debi u kuålifika ginin i training, ekspirensia, yan petsonåt na kåulidåt siha para i gurupun idåt para i petsona na u facho'chu'. Todu setbision child care na staff debi na u pattisipåo kada såkkan putlomenus 15 oras gi training kumu ma'aprueba yan ma-monitored ginin i Prugråman Child Care Licensing.

Subpart D – Health Standards para i Famagu'un

Mana'danña'i esti nuebu na seksiona. § 55-40.1 -249 Areklun Fina'gåssin Kånnai para i Famagu'un

- (a) I fasilidåt debi na u matugi' i areklu ni ha espisifika ngai'an i fina'gåssin kånnai na u manisisita para i famagu'un, ha difina i procedure gi fina'gåssin kånnai, yan ha pribeniyi continuous monitoring para u mana'siguru na i procedure gi fina'gåssin kånnai matattiyi.
- (b) I areklun mafa'gåssin kånnai para i famagu'un debi na u dimånda fuma'gåssi i kannai na munhåyan:
  - (1) Åntis di gumimin;
  - (2) Åntis yan Dispues di boka siha;
  - (3) Åntis di handling i gasgas na utensils;
  - (4) Dispues di humanåo para i kemmun;
  - (5) Dispues di contact yan i body secretions ---e.g., mucus, to'la', pat chugu' ginin i chetnut siha; yan
  - (6) Dispues di humugåndu gi sanhiyung.
- (c) Famagu'un ni chumuchugu' maisa siha gi maseha håfa na manera ni kannai-ñiha u mafa'gåssi i kannai-ñiha ni habbun yan hånum åntis yan dispues di mañotchu yan dispues di kemmun.
- (d) Fina'gåssin kånnai siña mafa'gåssi ni hanum manengheng yan nina'ånglu' kånnai siña masåosåo ni disposable paper towels pat kada tu'ayå-ña ni para u machuli' para i gima' para u mafa'gåssi gi kada ottimun ha'åni.
- (e) Liquid soap debi na u ma'usa yan u mapega i pump dispenser yan debi na u mareplaced pat u mana'gåsgas kumu nisisåriu.

Subpart E – Health Standards para i Staff

Mana'danña'i esti nuebu na seksiona

§ 55 -40.1-251 Areklun Fina'gåssin Kånnai para i Staff

- (a) I fasilidåt debi na u matugi' areklu ni ha espisifika ngai'an i dinimåndan fina'gåssin kånnai para i staff, ha difina i procedure para i fina'gåssin kånnai, yan ha pribeniyi continuous monitoring para u mana'siguru na i procedure gi fina'gåssin kånnai na u ma-carried out.
- (b) I areklun fina'gåssin kånnai para i staff ni u madimånda na i fina'gåssin kånnai u macho'gui:
  - 1. Åntis di chumotchu, gumimin, pat chumupa;
  - Åntis di handling clean utensils yan equipment;
  - 3. Åntis di handling i nengkannu';
  - Åntis yan dispues di inasistin pat training i mana'chotchu i patgun yan i toileting;
  - 5. Dispues di humanåo para i kemmun;
  - 6. Dispues di contact yan i body secretion ---e.g., håga', me'mi', tåki', mucus, to'la', pat chugu' ginin i chetnut siha;
  - 7. Dispues di handling i soiled diapers, magågu siha, equipment, pat menstrual pads;
  - 8. Dispues di mana'suhan i disposable gloves; yan
  - 9. Dispues di chumupa.
- (c) I staff debi na u mafa'gåssi i kannai ni habbun yan i mababa na hånum.
- (d) Fina'gåssin kånnai siña mafa'gåssi ni hanum manengheng yan nina'ånglu' kånnai siña masåosåo ni disposable paper towels pat kada tu'ayå-ña ni para u machuli' para i gima' para u mafa'gåssi gi kada ottimun ha'åni.
- (e) Liquid soap debi na u ma'usa yan u mapega i pump dispenser yan debi na u mareplaced pat u mana'gåsgas kumu nisisåriu.

Subpart G - - Physical Facilities Standards

§ 55-40.1-272 Kodigun Building yan Dinimåndan Kåmpu Siha

Mana'danña'i esti nuebu na seksiona.

- (d)(1) (iii) Dinimånda gi Duråntin Maigu'
  - Todu fasilidåt child care siha debi na ma-meet i sigienti na dinimånda siha para oran maigu':
  - a. I sileksion hugetu siha para i silensiu na aktibidåt siha debi na u guaha;

- b. Comfortable na kåttrin indibiyuåt siha pat cots ni siña mana'gåsgas yan masanitized debi na u guaha pat u mapribeniyi ni mañaina siha;
- c. Indibiyuåt na kåttri siha pat cots nai debi na u mapega putlumenus tres(3)pie na inachagu' pat u guaha solid barrier gi entalu' i kada kåttri; yan
- Lighting levels debi na asintådu para maigu' yan specific na aktibidåt siha ingklusu i oran maigu', låo debi na u masedi para i famagu'un na u fana'annuk todu i tiempu siha.

Tinilaika gi esti na subsection para u mataitai kumu sigienti siha: (d)(2) Sanhiyung na Lugåt Siha:

(d)(2)(i) Para todu Sitbision Child Care providers ni manggai lisensia kumu i Abrit 30, 2013, i fasilidåt siha debi na u madisikna i lugåt gi sanhiyung para sagan humugåndu. Gi i minimum, esti i madisikna na lugåt debi na u parehu gi 33% gi facility maximum child capacity multiplie yan i 75 square feet para kada påtgun.

Put ihemplu: Yanggin i facility's maximum child capacity gi 12 na famagu'un, i sanhiyung na lugåt ha dimånda ni u based gi 4 na famagu'un gi (33% gi 12). Gi kada esti siha na famagu'un guini debi na u guaha 75 square feet. Thus, i tutåt i fasilidåt gi sanhiyung dinimånda para u ma-calculated kumu: 4 x 75 = 300 sq. ft.

(d)(2)(ii) Para todu Sitbision Child Care providers ni manmalisensia gi Abrit 30, 2013, i square footage para i sanhiyung na lugåt siha debi na general area na dinimånda ni ma'achuli' para i total child capacity yan ti minidi pat kualifikåo ginin i numirun famagu'un gi sanhiyung gi kada un biåhi.

- (a) 720 square feet para 6 na famagu'un yan 70 square feet kada patgun thereafter up through 10.
- (b) 1,065 square feet para kada 11 na famagu'un yan 65 square feet kada påtgun thereafter up through 30.
- (c) 2,360 square feet para kada 31 na famagu'un yan 60 square feet kada påtgun thereafter up through 50.
- (d) 3,555 square feet para kada 51 na famagu'un yan 55 square feet kada påtgun thereafter up through 100.
- (e) 6,295 square feet para kada 101 na famagu'un yan 45 square feet kada påtgun thereafter.

PARA U MAPRIBENIYI UPIÑON: Na'hånao pat intrega i imfetmasion-mu guatu gi as Laura T. Ogumoro, DCCA Acting Secretary, Attn: Updated i Areklamentu yan Regulasion siha gi Child Care Licensing, gi sanhilu' na address, fax pat email address. Put fabot usa i råyan suhetu: "Updated na Areklamentu yan Regulasion Siha gi Child Care Licensing". Todu imfotmasion siha debi na u fanhålum trenta(30) dihas ginin i fetchan pupblikasion esti na nutisia. I DCCA welcomes i imfetmasion, upiñon, pat testamoñon kinentra siha. (1 CMC § 9104(a)(2))

Esti i manmaproponi na regulasion siha manma'aprueba ginin i Acting Secretary i DCCA gi Abrit 29, 2013.

Nina'hålum as: Laura T. Ogumoro DCCA Secretary Rinisibi as: ESTHER S. FLEMING Ispisiåt na Ayudanti para Atministradot Gubietnu Pine'lu yan Ninota as: ESTHER SN. NESBITT

Rehistran Commonwealth

Fetcha

8.26.2013

Sigun i 1 CMC § 2153(e) yan i 1 CMC § 9104(a)(3), esti i manmaproponi na regulasion siha manmaribisa yan manma'aprueba kumu fotma yan sufisienti ligåt ginin i CNMI Ufisinan Abugådu Heneråt van debi na u mapupblika, 1 CMC 2153(f).

Mafitma esti gi diha di Måyu, 2013.

Joey F./San Nicolas Abugadu Henerat

# Commonwealth of the Northern Mariana Islands Department of Community and Cultural Affairs-Child Care Licensing Program

Laura T. Ogumoro, Acting Secretary Department of Community and Cultrual Affairs, Child Care Licensing Program Caller Box 10007, Building No. 1341 Ascension Road, Capital Hill Saipan, MP 96950

Tel no. 670-664-2577 Fax no. 670-664-2457

# ARONGORONGOL TOULAP REEL POMWOL ALÉGH

# KKA EBWE AMENDÁLI ALÉGHUL Department of Community and Cultural Affairs, Child Care Licensing Program

## MÁNGEMÁNGIL MWÓGHUT YEEL BWE EBWE ADAPTÁÁLI POMMWOL ATIWLIGH KKAL:

Commonwealth of the Northern Mariana Islands, Department of Community and Cultural Affairs , Child Care Licensing Program("CCLP") emwuschel ebwe adáptáli me aleghúw ló atiwligh kka e appasch bwe Proposed Regulation, sangi mwóghutughutul Administrative Procedure Act, 1 CMC §9104(a). Atiwligh kkal ebwe kkama ló 10 ráll mwuril igha re atabwey 1 CMC §§ 6102 me 9104 (a). Amwuri 1 CMC§9105(b).

**BWÁNGIL:** \_ Eyoor bwangil Depatamentol Community me Cultural Affairs mereel Legislature reel ebwe adáptáli atiwligh kkaal me mwóghutughut kka e lo faal lemelemil depatamento.

**KKAPASAL ME AWEWEEL:** Alégh kka ebwe ngaliir providers kka re lo faal Child Care Licensing Program

KKAPASAL ME ÓUTOL: DCCA e pomwoli ebwe adáptáli me amendáli yaar alégh:

Peigh 100 Milikka Autol

§ 55-40.1-001

Liweli (kk) ngali-"irregular" faal nge liwel sangi fasul mwoghutughutul reel child care center, group child care home, family care home, ngare eew poomwil schedule iye ese wewe ngali meta kka re kke atabwey ngare uniform nge ese subject ngali awewe me ngare rational variations.

Peigh 200 Day Care Center me Group Child Care Homes, Progróómal Mwal me Muril Gakko.

Subpart C- Staffing Requirements

Liwel ngali

§ 55-40.1-226 Training il Staff, Experience me Personal Qualifications

(a) Eschay caregiver nge ebwe qualified sangi training, experience, me personal qualities reel gurupwul raghir olighat kka e angaang ngaliir. Alonger child care service staff nge rebwe tabwey alongal raagh training kka re ayoora mereel progróómal Child Care Licensing me 15 hours il training.

Subpart D- Health Standard reer Olighat

Apascha long section iye e féé. § 55-40.1-249 Alégh reel tattalil Payur Olighát

(a) Fasilidóód ebwe ayoora ischiil alégh iye ebwe afata ileta olighát rebwe talú payur, awewey pomwol tattalil pay, me ayoora continuous monitoring bwe rebwe asuguru li bwe re atabwey mwóghutughutil tattalil payur.

(b) Aléghul tatal payur olighat nge rebwe asuguru li bwe re atabwey

- (1) Mwal rebwe úúl.
- (2) Mwal me mwuril mwungo
- (3) Mwal rebwe amwóghutu utensils kka e ghasaghas.
- (4) Mwuril yayal kkomwun
- (5) Mwuril e amwóghuti –e.g. mucus, atuf, me ngare schalul ruubw; me
- (6) Mwuril yaar ukkur lúghúl

(c) Olighat kka reghal bwusil amwungor nge rebwe talú payur reel abwil me schaal mwal me mwuril mwungo me yayal kkomwun.

(d) Tatalúl paay nge emwel rebwe yaya schaal patapat takk nge ra yaya disposable paper towel me ngare yaya yaar tuwóza iye rebwe bwughi ló leim rebwe lo talu alongal ráll.

(e) Rebwe yaya liquid soap me isisilong lól pump dispenser me rebwe ghal liweli me aghasaghasa ngare e nesesario.

Subpart E- Health Standard il Schóól Angaang

Apascha long section iye e féé §55-40.1-251 Alégh reel Tatalul Payur Schóól Angaang

(a) Fasilidóód ebwe ayoora ischiil alégh iye ebwe afata ileta schóól angaang rebwe talú payur, awewey pomwol tattalil pay, me ayoora continuous monitoring bwe rebwe asuguru li bwe re atabwey pomwol tattalil payur.

PAGE 034223

- (b) Aléghul tatal payur schóól angaang nge rebwe asuguru li bwe re atabwey
  - (1) Mwal mwungo, úúl, me suubwa
  - (2) Mwal rebwe amwóghuti utensil me equipment kka e ghasaghas
  - (3) Mwal rebwe amwóghuti mwungo
  - (4) Mwal me mwuril yaar alisi me abwungú olighát we le mwungo, me yáyál kkomwun.
  - (5) Mwuril yáyál kkoomwun
  - (6) Mwuril igha u amwóghuti-e.g tcha, sir, bwuse, mucus, atuf, me schalúl ruubw.
  - (7) Mwuril yóómw amwóghuti soiled diapers, mwungógh, pisegh me menstrual pads;
  - (8) Mwuril igha uwa atawala disposable gloves, me
  - (9) Mwuril suubwa.
- (c) Schóól angaang rebwe talú payúr reel abwil me schaal.
- (d) Tatalúl paay nge emwel rebwe yaya schaal patapat takk nge ra yaya disposable paper towel me ngare yaya yaar tuwóza iye rebwe bwughi ló leim rebwe lo talu alongal ráll.
- (e) Rebwe yaya liquid soap iye e lo lól pump dispenser me rebwe ghal liweli me aghasaghasa ngare e nesesario.

Subpart G-Physical Facilities Standards

§ 55-40.1-272 Building Codes me Space Requirement

Apascha long subsection iye e féé

(d)(1)(iii) Requirements durantil Nenne

- Alongal child care facilities nge rebwe atabwey requirements reel nenne:
- a. Ebwe yoor differentis kklósil toys ebwe yoor durantil quiet activities.
- Ebwe yoor eew me eew kkatari me cots ikka emwel rebwe aghasaghasa me sanitized me ngare rebwe ayoora mereel iil me saam.
- c. Eew me eew kkatari me ngare cots nge ebwe eluuw feet lepeter me ngare ebwe yoor solid barrier lepetel kkatari ; me
- d. Lighting levels ebwe ffil ngali atol nenne me activities durantil naptime, me emwal rebwe weriir olighát.

Liweli subsection yel bwe ebwe: (d)(2)Leliyal lúghúl (d)(2)(i) Reer alonger Child Care Services providers ikka yaar licenses e valid sangi Abriid 30, 2013, Facilidóód ebwe ayoora leliyal ukkur lúghul. Leliyal ukkur lughul ebwe wewe ngali 33% il facilitiy maximum child capacity multiply ngali 75 square feet reel eschay olighat.

Awewe: Ngare facility's maximum child capacity nge 12 olighat, leliyal ukkur lughul requirement nge ebwe based wól 4 olighat (33% il 12). Eschay me leyir 4 olighat nge ebwe 75 square feet. Iyel lapal yaal facility outdoor area requirement iye rebwe calculate li ngare 4 x 75= 300 sq.ft.

(d)(2)(ii) Reer alonger Child Care Service providers ikka re licensed mwuril Abrid 30,
2013 lapal leliyal lughul nge ebwe general area requirement reel total child capacity nge esabw aighugh ngali me ngare qualified reel fitimal olighat re lo lughul inamwo ilet.
(a) 720 square feet reel 6 olighat apasch ngali 70 square feet reel eschay olighat tori 10.
(b) 1, 065 square feet reel 11 olighat apasch ngali 65 square feet reel eschay olighat tori 30
(c) 2,360 square feet reel 31 olighat apasch ngali 60 square feet reel eschay olighat tori 50.
(d) 3,555 square feet reel 51 olighat apasch ngali 55 square feet reel eschay olighat tori 100.

ISISILONGOL MÁNGEMÁNG: Afanga ngare bwughi lo mángemangim reel Laura T. Ogumoro DCCA Acting Secretary, Attn: Updated Child Care Licensing Rules and Regulations, reel address iye weilang, fax ngare email address. Yááyá subject line: Updated Child Care Licensing Rules and Regulatins." Isişilongol mángemáng nge ebwe lól 30 ráll mwuril akkatel arong yel.

Isáliiyalong: Laura T. Ogumoro DCCA Secretary

Ráll

Mwir Sángi: ESTHER S. FLEMING Governor's Special Assistant for Administration

Ráll

.....

Amwel Sángi: ESTHER SN. NESBITT

Commonwealth Register

8.26. Ráll

Sángi 1 CMC § 2153(e) Allégh kkaal a lléghló sángi AG bwe e fil reel fféérúúl me 1 CMC §9104(a)(3)(mwiir sángi AG)Pomwol atiwligh kkal a appaschlong a takkal amwuri fiischiy, me angúúngú ló fféérúl me legal sufficiency sángi CNMI Attorney General me ebwele akkatewoow, 1 CMC §2153(f)

E fitma wól rállil lól Mózzo, 2013 an Nicolas

Attorney General



# COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Eloy S. Inos Governor Jude U. Hofschneider Lieutenant Governor

# **EXECUTIVE ORDER No. 2013-15**

## **DECLARATION OF HEALTH EMERGENCY**

and a second second

WHEREAS, the Commonwealth Healthcare Corporation ("CHC") provides the bulk of necessary healthcare in the Commonwealth, as well as providing all emergency medical services; and

WHEREAS, the disruption of the provision of medical services by the CHC poses a direct threat to the health and safety of the people of the Northern Mariana Islands; and

WHEREAS, the CHC is currently in arrears for payments to certain vendors providing vital services, equipment and supplies including critical medical supplies; and is in arrears in regards to utility payments; and

WHEREAS, although CHC's financial condition is improving, it is still in such a state that it is jeopardizing CHC's federal funding because it affects CHC's ability to maintain adequate infrastructure, equipment and personnel; and

WHEREAS, CHC, in 2012, had been notified by federal authorities that due to deficiencies in CHC operations and infrastructure, CHC will cease to be eligible for Medicare/Medicaid payments, along with other penalties, if the deficiencies are not promptly remediated.

WHEREAS, CHC was given a temporary reprieve by the federal authorities, a final decision on CHC eligibility for Medicare/Medicaid payments has not been rendered and steps still need to be taken to meet the federal requirements or Medicare/Medicaid funding will be ended.

WHEREAS, the termination of Medicare/Medicaid funding will lead to the termination or reduction of many of the medical programs and services provided by CHC leading to an increase in otherwise preventable deaths, illness and injury.

WHEREAS, management of CHC has improved, it is still incomplete and unstable as no permanent Chief Executive Officer has been appointed which may thwart CHC's ability to meet federal requirements.

WHEREAS, Article III §10 of the Constitution of the Commonwealth and PL 18-4, § 104 of the Homeland Security and Emergency Management Act of 2013 provide that the Governor has the authority and duty to take necessary steps to respond to impending disasters;

**NOW THEREFORE**, I, ELOY S. INOS, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, § 10 of the Commonwealth Constitution and PL 18-4, do hereby declare a State of Significant Emergency for the Commonwealth of the Northern Mariana Islands due to the imminent threat of the disruption of critical medical services in the Commonwealth and the danger that such a condition poses to the public because of the great increase in otherwise preventable deaths, illness and injury that would result.

WHEREAS, BY THIS DECLARATION OF A STATE OF SIGNIFICANT EMERGENCY. I intend to enable CHC to continue to provide necessary services to the people of the Commonwealth. This Declaration is necessary to protect the health and safety of all CNMI residents and visitors.

NOW, THEREFORE, I hereby invoke my authority under Article III, § 10 of the Commonwealth Constitution and PL 18-4 § 104(c), to take all necessary measures to address the threats facing the Commonwealth of the Northern Mariana Islands and CHC including, but not limited to, the authority to:

- 1. Suspend all statutory or regulatory provisions as required; and
- 2. Utilize all available resources of the Commonwealth government and its political subdivisions as reasonably necessary to respond to the emergency.

# It is hereby **ORDERED** that:

This Declaration of a State of Significant Emergency shall take effect immediately and all memoranda, directives, and other measures taken in accordance with this Declaration shall remain in effect for thirty (30) days from the date of this Executive Order unless I, prior to the end of the thirty (30) day period, terminate the declaration of a state of significant emergency. *See* PL 18-4, § 104(g).

Under the authority of this Declaration and with the goal of mitigating or ameliorating the above described crises, I immediately direct the following:

**Directive 1:** All of the executive power of the CHC shall be exercised either by me or by my designated Chief Executive Officer.

**Directive 2:** Authority is granted to suspend applicable procurement regulations as authorized by me so as to ensure timely compliance with Center for Medicare and Medicaid Certification.

**Directive 3**: To ensure that the suspension of regulatory provisions does not lead to financial abuse, this emergency declaration incorporates the March 19, 2012 Memorandum of Understanding (MOU) between CHC and the Department of Finance, Office Management and Budget, and Office of the Attorney General. In addition, any financial reports submitted by the

CHC pursuant to the MOU must be submitted with a certification of the person submitting them stating that the reports are a full and accurate under penalty of perjury.

The above described Directives are in no way meant as the limits of actions or authority under this Declaration. Accordingly, I reserve the right under this Declaration to issue any and all directives necessary to prevent, mitigate or ameliorate the adverse effects of the emergency.

Done this 79 TU day of July. 2013 **ELOY S. INOS** 

Governor



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Eloy S. Inos Governor Jude U. Hofschneider Lieutenant Governor

# **EXECUTIVE ORDER NO. 2013 -16**

SUBJECT: Northern Marianas Commonwealth Council for the Improvement of the Criminal Justice System

AUTHORITY: Executive Order 16 dated March 28, 1980 (amending Executive Order No. 6, dated July 10, 1978) and Public Law 11-47 (repealing Executive Order 94-3 §303(a))

WHEREAS, on March 28, 1980, Executive Order No. 16 (see attached) created the Northern Marianas Council for the Improvement of the Criminal Justice System (hereinafter "Council") under the Governor's Office; and

WHEREAS, on August 23, 1995, Executive Order 94-3 took effect placing the Council under the jurisdiction of the Department of Public Safety Plan for the purposes of coordination and administration; and

WHEREAS, on November 20, 1998, pursuant to P.L. 11-47, the Council was transferred back under the Governor's Office; and

WHEREAS, The Northern Marianas Criminal Justice Planning Agency ("CJPA") was established under the Council and tasked to comply with Federal Omnibus Crime Control and Safety Streets Act of 1968. as amended; and

WHEREAS, the Council's duties as outlined below pursuant to section 6 of Executive Order 80-16 include the following:

- a) To supervise the Agency in performing its powers and duties under Executive Order 80-16.
- b) To review, approve, and maintain general oversight of the State Plan and its implementations.
- c) To prepare an annual report detailing its work during the preceding calendar year, which shall be submitted to the Governor and the Legislature, and made available to the public. Other studies, evaluations, crime data analysis and reports may be submitted to the Governor or legislature upon request or as may be deemed appropriate by the Council.
- d) To guide the CJPA to define goals and develop standards for the criminal justice system; conduct or authorize a criminal justice plan and annual revisions to it and

other appropriate planning studies for the improvement of law enforcement and criminal justice; build on work already completed, including studies pertaining to the protection of juveniles in criminal proceedings; provide advice to the Governor in areas of its competence; identify, conduct, oversee or coordinate programs, including demonstration projects, for the prevention of crimes, effectiveness of criminal procedures, and the care, treatment and rehabilitation of offenders; monitor and assess criminal justice activities; and recommend legislation or regulations to the Governor as may be appropriate. The Council shall serve in an advisory coordinative capacity to the branches and agencies of the government in its area of competence and may provide technical advice on request.

e) To advise and assist the Governor in developing policies, plans, programs, and budgets for improving the coordination, administration and effectiveness of the criminal justice system in the Commonwealth; and

WHEREAS, it has been found that the changes to the composition to the Council made by Executive Order No. 2006-005 have not led to the expected improvements in efficiency and efficacy expected at the time of that executive order; and

WHEREAS, the Council will perform its functions more effectively and efficiently as originally composed under Executive Order No. 16;

NOW, THEREFORE, I, Eloy S. Inos, by virtue of the power vested in me by the Constitution and laws of the Commonwealth of the Northern Marianas Islands, and in order to achieve effective and efficient government administration so as to better serve the interests of the Commonwealth and its law enforcement capabilities, do hereby,

**ORDER,** that Executive Order No. 2006-005 is rescinded in its totality, and that Executive Order No. 16, at Commonwealth Register Vol. 2 No. 3, as amended by Executive Order 94-3 and P.L. 11-47, is reenacted in its entirety, including all sections of the Order relating to the composition of the Council, the appointment of members of the Council, and terms of appointment.

SIGNED AND PROMULGATED on this 1<sup>st</sup> day of August, 2013.

**ELOY S. INOS** 

Governor



# COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Eloy S. Inos Governor Jude U. Hofschneider Lieutenant Governor

# EXECUTIVE ORDER NO. 2013-17

**SUBJECT: DECLARATION OF EXECUTIVE REORGANIZATION OF THE WORKFORCE** INVESTMENT AGENCY UNDER THE DEPARTMENT OF LABOR

**AUTHORITY:** "The Governor may make changes in the allocation of offices, agencies and instrumentalities and in their functions and duties that are necessary for efficient administration." CNMI Constitution, Article III, Section 15.

WHEREAS, Section 15 of Article III of the CNMI Constitution empowers the Governor to make changes to the allocation, functions, and duties of offices, agencies, and instrumentalities of the executive branch necessary for efficient administration; and

WHEREAS, the Workforce Investment Agency ("WIA") is currently under the Office of the Governor;

WHEREAS, the Department of Labor ("DOL") has a Division of Employment Services under its department wherein its mission is to increase its ability to encourage and locate private sector employment for Commonwealth residents;

WHEREAS, the purpose of WIA is to increase the employment, retention, and earnings of participants, and increase occupational skill attainment by the participants, and as a result, improve the quality of the workforce, reduce welfare dependency and enhance the productivity and competitiveness of the local workforce;

WHEREAS, the services and mission of WIA and the Division of Employment Services of DOL are similar and oftentimes overlap;

WHEREAS, transferring WIA to DOL reduces duplication of duties and decreases confusion by employment applicants as to where to seek guidance and assistance; and

WHEREAS, WIA must comply with applicable federal laws and regulations in order to receive funding;

**NOW, THEREFORE**, I. Eloy S. Inos. Governor of the Commonwealth of the Northern Mariana Islands, pursuant to the powers vested in me by the Constitution of the Commonwealth of the Northern Mariana Islands, do hereby,

**DECLARE** that the efficient administration of employment services for the residents of the Commonwealth necessitates the transfer of WIA from the Office of the Governor to the Department of Labor.

**ORDER** that, pursuant to my constitutional reorganization powers:

1. WIA shall be transferred from the Office of the Governor to DOL and shall be a new division under DOL.

2. All records and property (real or personal) of WIA and all the personnel used in the administration of WIA are hereby transferred to DOL and shall be accounted for and segregated in a manner that complies with applicable federal laws and regulation. All personnel transferred pursuant to this Executive Order shall maintain their current positions and status in the classified civil service or in the excepted service, if applicable and as the case may be. The Director of Personnel Management shall ensure an orderly transfer of personnel.

3. The unexpended balances of appropriations, allocations, allotments, or other funds available for the use of WIA on the effective date of the transfer are transferred to DOL on the effective date of this transfer and shall be accounted for and segregated in a manner that complies with applicable federal laws and regulation. In the transfer of such funds, an amount may be included for the liquidation of obligations incurred prior to the transfer. Subsequent to the transfer, WIA's operations shall be reflected in the annual budget of DOL.

4. DOL shall ensure that WIA operates in a manner consistent with all applicable federal laws and regulations. Further, the State Workforce Investment Board shall remain intact and continue to carry out its enumerated functions and duties.

**PROVIDE** that all rules, orders, contracts and agreements relating to the assigned functions and governance of WIA lawfully adopted prior to the effective date of this Executive Order shall continue to be effective until revised, amended, repealed or terminated.

**PROVIDE** that if any provision of this Executive Order or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Executive Order or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

**PROVIDE** that in accordance with the Constitution, this plan shall become effective sixty days after submission to the Legislature, unless specifically modified or disapproved by a majority of the members of each house of the Legislature, provided,

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that in case it shall appear to the Governor that the interest of economy or efficient management require that the transfer be delayed beyond the date this plan becomes effective, the Governor may, in his discretion, fix a later date therefore, and he may for like cause further defer such date from time to time.

SIGNED AND PROMULGATED on this 1<sup>st</sup> day of August 2013.

**ELOY S. INOS** 

Governor

COMMONWEALTH REGISTER VOLUME 35 NUMBER 08 AUGUST 28, 2013 PAGE 034234



# **COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

Eloy S. Inos Governor Jude U. Hofschneider Lieutenant Governor

# EXECUTIVE ORDER NO. 2013-18

## SUBJECT: DECLARATION OF A STATE OF SIGNIFICANT EMERGENCY

AUTHORITY: I, ELOY S. INOS, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, § 10 of the Commonwealth Constitution and PL 18-4, § 104 of the Homeland Security and Emergency Management Act of 2013, do hereby declare a State of Significant Emergency for the Commonwealth of the Northern Mariana Islands due to the imminent threat of the inability of the Commonwealth Utilities Corporation ("CUC") to provide critical power generation, water, and wastewater services to the CNMI and considering the harm such condition would pose to the community, environment, and critical infrastructure of the Commonwealth of the Northern Mariana Islands.

WHEREAS, CUC IS THE SOLE ELECTRICITY SUPPLIER to the Government of the CNMI, including all public safety activities, the schools, and the only hospital. CUC also supplies electricity to most of the CNMI's businesses and homes. While some businesses and agencies own backup generators, they are not generally organized to use the backups as permanent power sources and the diesel oil purchased to run these generators is substantially more expensive than that used for CUC power.

# WHEREAS, WITHOUT CUC ELECTRICITY:

- Most CNMI economic activity would come to a halt, much refrigeration and air conditioning would end, and the airports and ports would be forced to rely on emergency generation on the limited, expensive oil supply for it;
- (2) The CNMI's health and safety would immediately be at risk because traffic signals and street lighting would cease to function; emergency, fire, police facilities and their communications systems, and the hospital and island clinics would have to rely on limited oil supplies for emergency generation and then cease functioning; and much refrigeration of food and medicines would end, as would air conditioning for the elderly and sick;
- (3) The public schools and the Northern Marianas College would close. Other educational institutions would close as their backup oil supplies for emergency generators were exhausted; and

Page | 1

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

(4) Water and sewage treatment would soon end. One of CUC's largest electric customers is the combined CUC Water and Wastewater Divisions. CUC is the sole supplier of electricity for these systems. CUC's water system relies on electricity to maintain the system pressure needed to prevent the backflow of pathogens, to chlorinate, and to pump, store, and distribute water supplies. CUC's wastewater system requires electricity to collect, pump, process, treat, and discharge sewage. The lack of electricity could result in sewage overflows, contaminating land and water.

## WHEREAS, THERE EXISTS A FINANCIAL CRISIS:

- (1) CUC is owed approximately \$16 million by the public school system ("PSS") and the Commonwealth Healthcare Corporation ("CHC") and is owed over millions more by residential users;
- (2) There is conflict and potential conflict between CUC and government agencies over money owed and other issues. Such conflict drains resources especially if it results in the parties going to court. Interagency cooperation and oversight is vital to ensure that government agencies can continue its operations without draining CUC's remaining resources.
- (3) The people of the Commonwealth and its government are going through economically distressed times. This has put a severe strain on the government to meet its obligation.
- (4) CUC often only has days' worth of purchased diesel fuel to power its system because it lacks the funds to buy oil from its sole, cash-only supplier. CUC has no credit or other means to buy fuel than the revenue it collects from its customers;
- (5) A unified government approach is necessary to reconcile and resolve the fiscal crises of the government with the fiscal crises of CUC. This can only be achieved through a declaration of significant emergency.

## WHEREAS, THERE EXISTS A TECHNICAL WORKER CRISIS:

- CUC faces a manpower crisis. Skilled workers and a responsive support system are key to the success of the operation, particularly for preventative maintenance. At present, CNMI law at 3 CMC §§ 4531 and 4532 prohibits CUC from hiring any more non-U.S. technical workers;
- (2) CUC bears a substantial obligation to deliver highly technical work on time to the satisfaction of the U.S. District Court and the U.S. Environmental Protection Agency ("EPA"), pursuant to two sets of consent, or "Stipulated Orders." Failure to meet the requirements of the federal court orders could subject CUC and the CNMI to substantial fines and charges and, in the extreme, to a federal takeover of their finances;

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- (3) CUC requires employees with specialized training. There are many non-U.S. citizens whom CUC needs to retain on technical and professional contracts. Without these positions filled, CUC operations would be severely compromised;
- (4) The legislature, through P.L. 17-1 (Mar. 22, 2010), has limited CUC's ability to hire technical staff, eliminating prior statutory permission to hire up to nineteen foreign workers and reinstituting a moratorium on the government's hiring of foreign nationals, even if needed for highly technical positions for which no local or mainland citizens are available. The CUC Act, as subsequently reenacted by P.L. 16-17 (Oct. 1, 2008), provides that CUC shall hire such persons as are necessary for operations, except as otherwise limited by other law. 4 CMC § 8123(h);
- (5) There are not enough U.S. citizen or U.S. resident technical specialists at CUC to perform the power generation work, particularly specialists with experience in the type of engines that CUC uses. U.S. citizens with the necessary skills are not readily available in the CNMI and it is costly to recruit from the United States. CUC believes that the vast majority of skill sets, considering its cash restrictions, must come from non-U.S. personnel. CUC has tried to hire diesel mechanics in the CNMI, but has been unsuccessful in finding enough qualified candidates;
- (6) The impact of an inadequate workforce is substantial. First, there would be a direct deterioration of service to existing customers. There would be brownouts or area blackouts with the above-mentioned loss of service. Second, the power plants would again degrade, producing more of these outages. Third, if CUC fails to meet federal court deadlines for the Stipulated Orders, the Court could appoint a federal receiver and its consulting team, with all expenses charged to CUC customers.
- (7) CUC's renewal of contracts and hiring of foreign expert workers is necessary to sustain the integrity of CUC's systems. Thus, continued relief from the legislative prohibition on hiring foreign national workers is necessary to ensure the delivery of uninterrupted power services to the people of the Commonwealth.

## WHEREAS, A BOARD OF DIRECTORS DOES NOT EXIST:

- (1) There is no Board of Directors. CUC has functioned without a Board because it has had to. While CUC's enabling act, reenacted as P.L. 16-17, as amended, authorizes a Board, there is no CUC Board yet because, while the staff of the Governor's Office have diligently tried to find persons who meet the complex statutory qualifications, they have been unable to do so. Nonetheless, CUC must continue to function.
- (2) Without a Board in place, I still must provide for the continued operations of CUC. The Executive Director needs to be able to negotiate with federal and other agencies.

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WHEREAS, BY THIS DECLARATION OF A STATE OF SIGNIFICANT EMERGENCY, I intend to enable CUC to continue to provide necessary services to the people of the Commonwealth. This Declaration is necessary to protect the health and safety of our children, our senior citizens, businesses, and all other CNMI residents and visitors.

NOW, THEREFORE, I hereby invoke my authority under Article III, § 10 of the Commonwealth Constitution and PL 18-4 § 104(c), to take all necessary measures to address the threats facing the Commonwealth of the Northern Mariana Islands including, but not limited to, the authority to:

- 1. Suspend all statutory or regulatory provisions as required; and
- 2. Utilize all available resources of the Commonwealth government and its political subdivisions as reasonably necessary to respond to the emergency.

### It is hereby ORDERED that:

This Declaration of a State of Significant Emergency shall take effect immediately and all memoranda, directives, and other measures taken in accordance with this Declaration shall remain in effect for thirty (30) days from the date of this Executive Order unless I, prior to the end of the thirty (30)-day period, terminate the declaration of a state of significant emergency. PL 18-4, § 104(g)

Under authority of this Declaration and with the goal of mitigating or ameliorating the above described crises, I immediately direct the following:

**DIRECTIVE 1:** All of the executive power of the CUC, which shall include any and all powers vested in the Board of Directors and the Executive Director, shall be exercised by my designated Executive Director.

**DIRECTIVE 2:** Section 4531 of Title 3 of the Commonwealth Code is hereby suspended as to CUC as follows:

The following strike-out formatted language of the quoted provisions of the following statute regulating government employment is, as indicated, suspended immediately:

#### 3 CMC §4531. Restrictions on Government Employment

Employment by departments, agencies, and all other instrumentalities of the Commonwealth government is limited to citizens and permanent residents; provided that the government may enter into contracts with foreign nationals for services performed outside of the Commonwealth.

As a result of my suspension of 3 CMC § 4531, CUC shall have the full power and authority to retain staff which may include employees other than citizens and permanent residents of the United States.

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The above described Directives are in no way meant as the limits of my actions or authority under this Declaration. Accordingly, I reserve the right under this Declaration to issue any and all directives necessary to prevent, mitigate or ameliorate the adverse effects of the emergency.

SIGNED AND PROMULGATED on this 101 THeay of August 2013.

**ELOY S. INOS** 

Governor

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# **COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

Eloy S. Inos Governor

Jude U. Hofschneider Lieutenant Governor

# EXECUTIVE ORDER No. 2013-19

# DECLARATION OF HEALTH EMERGENCY

WHEREAS, the Commonwealth Healthcare Corporation ("CHC") provides the bulk of necessary healthcare in the Commonwealth, as well as providing all emergency medical services; and

WHEREAS, the disruption of the provision of medical services by the CHC poses a direct threat to the health and safety of the people of the Northern Mariana Islands; and

WHEREAS, the CHC is in a precarious financial state and is in arrears in regards to utility payments; and

WHEREAS, although CHC's financial condition is improving, it is still in such a state that it is jeopardizing CHC's federal funding because it affects CHC's ability to maintain adequate infrastructure, equipment and personnel; and

WHEREAS, CHC, in 2012, had been notified by federal authorities that due to deficiencies in CHC operations and infrastructure, CHC will cease to be eligible for Medicare/Medicaid payments, along with other penalties, if the deficiencies are not promptly remediated.

WHEREAS, CHC was given a temporary reprieve by the federal authorities, a final decision on CHC eligibility for Medicare/Medicaid payments has not been rendered and steps still need to be taken to meet the federal requirements or Medicare/Medicaid funding will be ended, such steps include the hiring of key medical personnel, the acquisition of medical equipment and supplies, and specified training for CHC staff.

WHEREAS, the termination of Medicare/Medicaid funding will lead to the termination or reduction of many of the medical programs and services provided by CHC leading to an increase in otherwise preventable deaths, illness and injury.

WHEREAS, management of CHC has improved, but it is still incomplete and unstable as no permanent Chief Executive Officer has been appointed which may thwart CHC's ability to meet federal requirements.

WHEREAS, Article III §10 of the Constitution of the Commonwealth and PL 18-4, § 104 of the Homeland Security and Emergency Management Act of 2013 provide that the Governor has the authority and duty to take necessary steps to respond to impending disasters;

NOW THEREFORE, I, ELOY S. INOS, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, § 10 of the Commonwealth Constitution and PL 18-4, do hereby declare a State of Significant Emergency for the Commonwealth of the Northern Mariana Islands due to the imminent threat of the disruption of critical medical services in the Commonwealth and the danger that such a condition poses to the public because of the great increase in otherwise preventable deaths, illness and injury that would result.

WHEREAS, BY THIS DECLARATION OF A STATE OF SIGNIFICANT EMERGENCY, I intend to enable CHC to continue to provide necessary services to the people of the Commonwealth. This Declaration is necessary to protect the health and safety of all CNMI residents and visitors.

NOW, THEREFORE, I hereby invoke my authority under Article III, § 10 of the Commonwealth Constitution and PL 18-4 § 104(c), to take all necessary measures to address the threats facing the Commonwealth of the Northern Mariana Islands and CHC including, but not limited to, the authority to:

- 1. Suspend all statutory or regulatory provisions as required; and
- 2. Utilize all available resources of the Commonwealth government and its political subdivisions as reasonably necessary to respond to the emergency.

It is hereby **ORDERED** that:

This Declaration of a State of Significant Emergency shall take effect immediately and all memoranda, directives, and other measures taken in accordance with this Declaration shall remain in effect for thirty (30) days from the date of this Executive Order unless I, prior to the end of the thirty (30) day period, terminate the declaration of a state of significant emergency. See PL 18-4, § 104(g).

Under the authority of this Declaration and with the goal of mitigating or ameliorating the above described crises, I immediately direct the following:

**Directive 1:** All of the executive power of the CHC shall be exercised either by me or by my designated Chief Executive Officer.

**Directive 2:** Authority is granted to suspend applicable procurement regulations as authorized by me so as to ensure timely compliance with Center for Medicare and Medicaid Certification.

**Directive 3**: To ensure that the suspension of regulatory provisions does not lead to financial abuse, this emergency declaration incorporates the March 19, 2012 Memorandum of Understanding (MOU) between CHC and the Department of Finance, Office Management and Budget, and Office of the Attorney General. In addition, any financial reports submitted by the CHC pursuant to the MOU must be submitted with a certification of the person submitting them stating that the reports are a full and accurate under penalty of perjury.

The above described Directives are in no way meant as the limits of actions or authority under this Declaration. Accordingly, I reserve the right under this Declaration to issue any and all directives necessary to prevent, mitigate or ameliorate the adverse effects of the emergency.

Done this 2 gTH day of August, 2013 ELOY S. INOS

Governor

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# **COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

Benigno R. Fitial Governor Timothy P. Villagomez Lieutenant Governor

Executive Order No. 2006 - 006

SUBJECT: Zoning Board Reorganization Plan No. 1 of 2006

AUTHORITY: Constitution, Article III, Section 15

WHEREAS, the intent of the Legislature was that the Zoning Board be an independent regulatory commission with all the protections required by the NMI Constitution;

WHEREAS, the Zoning Board's mission involves technically complex matters and requires careful, often time-consuming, deliberation;

WHEREAS, the Zoning Board may have been erroneously allocated to the Department of Lands and Natural Resources (DLNR) for administration and coordination;

WHEREAS, the respective missions of the Zoning Board and DLNR are different enough that such allocation may impede the Zoning Board from carrying out its critical mission;

WHEREAS, the Zoning Board has been allocated resources to engage technically competent staff and other assistance and therefore requires the ability to directly manage its resources; and

WHEREAS, allocating the Zoning Board to the Office of the Governor for administration and coordination will comport with the treatment of other independent agencies.

NOW, THEREFORE, to comport with the mandate of the Constitution, the requirements of CNMI law, and to promote efficient administration, it is hereby

## ORDERED

1. That the following provisions shall constitute the Zoning Board Reorganization Plan No. 1 of 2006 (Executive Order).

Caller Box 10007 Saipan, MP 96950 Telephone: (670) 664-2200/2300 Facsimile: (670) 664-2211/2311 COMMONWEALTH REGISTER VOLUME 35 NUMBER 08 AUGUST 28, 2013 PAGE 034243

- 2. The Zoning Board is an independent regulatory agency whose members I appoint. The Zoning Board shall be and is hereby allocated by this Executive Order to the Office of the Governor for purposes of administration and coordination. All prior such allocations of this agency, to the extent they may be lawful and effective, are hereby repealed.
- 3. I delegate to the Zoning Board Chairperson the expenditure power and authority necessary to budget, obligate, and spend money and to further delegate such power and authority to the Zoning Administrator as the Chair finds necessary and appropriate.
- 4. Severability. The provisions of this Executive Order are severable. If any provision of this Executive Order or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Executive Order or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.
- 5. Savings Clause. This Executive Order and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Executive Order shall not affect any proceeding instituted under or pursuant to prior law. The enactment of the Executive Order shall not have the effect of terminating or in any way modifying any liability, civil or criminal, that shall already be in existence on the date this Executive Order becomes effective.
- 6. Effective Date. In accord with the N.M.I. Constitution, Article III, Section 15, this Executive Order shall take effect 60 days after submission to the Legislature, unless specifically modified or disapproved by a majority of the members of each house of the Legislature.

Done this day of August, 2006.

BENIGNO R. FITIAL Governor

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