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



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COMMONWEALTH DEVELOPMENT AUTHORITY

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PUBLIC NOTICE

OF CERTIFICATION AND ADOPTION OF THE AMENDMENTS TO THE DEVELOPMENT CORPORATION DIVISION (DCD) RULES AND REGULATIONS OF THE COMMONWEALTH DEVELOPMENT AUTHORITY (CDA)

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS PROPOSED AMENDMENTS September 28, 2013 Issue, Volume 35, Number 9, pp 034318-034322

ACTION TO ADOPT PROPOSED RULES AND REGULATIONS: In accordance with the Administrative Procedures Act ("APA), the Commonwealth of the Northern Mariana Islands Development Corporation Division (DCD) of the Commonwealth Development Authority HEREBY ADOPTS the proposed amendments to the DCD Rules and Regulations published in the Commonwealth Register at the above-referenced pages. The Chairman of the DCD Board of Directors and the Chairman of the CDA Board of Directors announced that they intended to adopt the amendments to the DCD Rules and Regulations and now do so.

We also certify by signing below that the amendments to the DCD Rules and Regulations being adopted are set forth as proposed amendments in the Commonwealth Register as cited above, and that they are adopted by the CDA Board of Directors at its meeting on February 11, 2014 without modification or amendment.

PRIOR PUBLICATION: The proposed amendments to the DCD Rules and Regulations were published on September 28, 2013.

AUTHORITY: The Board of Directors of the DCD of the CDA thru its Chairman and the Board of Directors of CDA thru its Chairman are authorized to promulgate the DCD Rules and Regulations pursuant to §6 of the CDA Act of 1985 (P.L. 4-49, as amended), 4 CMC §10203(a)(2) and (a)(30), and Section 1.4 of the DCD Rules and Regulations.

THE TERMS AND SUBSTANCE: These amendments to the DCD Rules and Regulations were formulated to restate, enhance and clarify the existing regulations and are necessary to effectively carry out the intent of the Development Corporation Division of the Commonwealth Development Authority.

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

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the 1 CMC §9104(a)(2), the CDA Board of Directors have fully considered all written and oral submissions regarding the proposed amendments to the DCD Rules and Regulations. Upon this adoption of the amendments, the agency, if requested to do so by an interested person, either prior to adoption or within thirty (30) days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. There were no comments submitted in opposition to the adoption of these amendments.

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

WE DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 11th day of February 2014, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

Tom Glenn A. Quitugua

Chairman, DCD Board of Directors

Diego M. Songao

Chairman CDA Board of Directors

02.21.2014

Filed and recorded by:

Esther SN. Nesbitt

Commonwealth Register

Date



COMMONWEALTH DEVELOPMENT AUTHORITY

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PUBLIC NOTICE

OF CERTIFICATION AND ADOPTION OF BOARD OF DIRECTORS' BY-LAWS OF THE COMMONWEALTH DEVELOPMENT AUTHORITY (CDA)

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED RULES AND REGULATIONS
September 28, 2013 Issue, Volume 35, Number 9, pp 034329-034342

ACTION TO ADOPT PROPOSED RULES AND REGULATIONS: In accordance with the Administrative Procedures Act ("APA), the Commonwealth of the Northern Mariana Islands Commonwealth Development Authority HEREBY ADOPTS the proposed CDA Board of Directors' By-Laws published in the Commonwealth Register at the above-referenced pages. The Chairman of the CDA Board of Directors announced that he intended to adopt the CDA Board of Directors' By-Laws and now does so.

I also certify by signing below that the CDA Board of Directors' By-Laws being adopted is set forth as proposed CDA Board of Directors' By-Laws in the Commonwealth Register as cited above, and that this was adopted by the CDA Board of Directors at its meeting on February 11, 2014, with the modification set forth below.

PRIOR PUBLICATION: The proposed CDA Board of Directors' By-Laws was published on September 28, 2013.

AUTHORITY: The Board of Directors of CDA thru its Chairman are authorized to promulgate the CDA Board of Directors' By-Laws pursuant to §6 of the CDA Act of 1985 (P.L. 4-49, as amended), 4 CMC §10203(a)(2).

THE TERMS AND SUBSTANCE: These CDA Board of Directors' By-Laws were formulated to restate, enhance and clarify the existing unpublished CDA Board of Directors' By-Laws and is necessary to effectively carry out the powers, duties and functions of the CDA Board of Directors.

EFFECTIVE DATE: Pursuant to APA, 1 CMC sec. 9105(b), this adopted CDA Board of Directors' By-Laws is effective ten (10) days after compliance with APA, 1 CMC §§9102 and 9104(a) or (b), which, in this instance, is ten (10) days after publication in the Commonwealth Register.

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY:

Insert a New Section 6 under ARTICLE V. MEETINGS OF THE BOARD, as follows:

"Section 6. <u>Lack of Quorum/Postponement of Meeting.</u> At a meeting published to begin at a certain time, if a quorum cannot be established for a period longer than thirty (30) minutes after the scheduled time, then the meeting shall be postponed by the Chairperson of the Board until a definite date and time when a quorum can be established."

Renumber Section 6. Compensation as Section 7.

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the 1 CMC §9104(a)(2), the CDA Board of Directors have fully considered all written and oral submissions regarding the proposed CDA Board of Directors' By-Laws. Upon this adoption of the amendments, the agency, if requested to do so by an interested person, either prior to adoption or within thirty (30) days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. There were no comments submitted in opposition to the adoption of these By-Laws.

ATTORNEY GENERAL APPROVAL: The adopted CDA Board of Directors' By-Laws were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register. (1 CMC §2153(e), duty to review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency, or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 11th day of February 2014, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

Diego M. Songao

Chairman, CDA Board of Directors

Pursuant to 1 CMC §2153(e) (AG's approval of regulations to be promulgated as to form) and 1 CMC §9104(3) (obtain AG's 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 §2153(f) (publication of rules and regulations).

Dated this 21st day of February, 2014

for JOEY P. SAN NICOLAS Attorney General

Filed and recorded by:

Commonwealth Register

02-21-2014

NORTHERN MAIRANAS HOUSING CORPORATION

P.O. BOX 500514, Saipan, MP 96950-0514



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PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS OF THE NORTHERN MARIANAS HOUSING CORPORATION (NMHC)

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS PROPOSED REVISIONS Volume 35, Number 10, pp 034400-034536, of October 28, 2013

Regulations of the Northern Marianas Housing Corporation (NMHC): NMIAC Chapter 100-80, Section 8 Administrative Plan for Rental Assistance Programs

ACTION TO ADOPT PROPOSED REGULATIONS: The Northern Marianas Housing Corporation ("NMHC"), HEREBY ADOPTS AS PERMANENT regulations the Proposed Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act,1 CMC § 9104(a). NMHC announced that it intended to adopt them as permanent, and now does so. (Id.) I also certify by signature below that:

PRIOR PUBLICATION: The prior publication was as stated above. The NMHC Board adopted the regulations as final at its meeting of February 05, 2014.

MODIFICATIONS FROM PROPOSED REGULATIONS. IF ANY:

- 1. ADD a new Subsection 3.3.3, the new subsection shall read:
- "3.3.3 Verification of Social Security Numbers (24 CFR Part 5.216 and PIH Notice 2012-10)
 - A. NMHC will verify Social Security Numbers through the following documents:
 - 1) An original SSN Card issued by the Social Security Administration;
 - 2) An original document issued by the Social Security Administration containing the name and SSN of the individual; or
 - 3) An original document issued by a federal, state, or local government agency containing the name and SSN of the individual.
 - B. NMHC will verify the SSN through the EIV System. Once the individual's identity verification status is classified as "verified" through the EIV Summary Report or Income Report, NMHC will retain a copy of the report in each family file as confirmation of compliance with the SSN disclosure, documentation, and verification requirements. The

retention of the EIV report in the tenant file is adequate documentation of a valid tenant SSN.

C. Once an individual's identity verification status is classified as "verified" through the EIV Summary Report or Income Report, NMHC will remove and destroy (i.e. shredding) the copy of the documentation referenced above so as to minimize the risk of exposing the individual's SSN. This should be done no later than the next annual or interim reexamination."

2. ADD a new Subsection 6.6, the new subsection shall read:

"6.6 VERIFICATION OF HOS DEFICIENCY CORRECTION (PIH 2012-15)

If NMHC determines that a unit does not meet HQS requirements during an annual, quarterly, or special inspection, aside from a re-inspection/follow-up inspection, verification of the correction of deficiencies may also be obtained by the following means:

- A. Owner's certification.
- B. A receipt from a vendor,
- C. A photo of the repair, or
- D. Tenant confirmation that required repairs were completed, followed by the verification of that action at the next on-site inspection."

Renumber sections:

- 6.6 HOS ENFORCEMENT as 6.7
- 6.7 APPLICABILITY OF CNMI BUILDING SAFETY CODE as 6.8
- 3. **REVISE** Subsection 7.2.2(S) of Subsection 7.2 Determining Adjusted Income:

Replace the words "The PHA" with "NMHC" at the end of the only sentence in this section.

4. ADD a new Subsection 9.8.1 Owner Restrictions, the new subsection shall read:

"9.8.1 Owner Restrictions

It is the policy of NMHC to recruit owners to participate in the program, and to provide owners with prompt and professional service in order to maintain an adequate supply of available housing throughout the jurisdiction of NMHC. These regulations define when NMHC must disallow an owner from participating in the rental assistance programs and HUD provides NMHC with discretion to disapprove or other restrict the participation of owners in certain categories.

A. Owner Restrictions and Penalties - If an owner commits fraud or abuse or is guilty of frequent or serious contract violations, NMHC will restrict the owner from future participation in the rental assistance programs for a period commensurate with the seriousness of the offense. NMHC may also terminate some or all other HAP contracts with the owner.

B. Overpayment to Owners - If the owner has been overpaid as a result of fraud, misrepresentation or violation of the Housing Assistance Payment Contract, NMHC may terminate the contract and arrange for restitution to NMHC and/or family as appropriate.

NMHC will make every effort to recover any overpayments made as a result of landlord fraud or abuse. Payments otherwise due to the owner may be debited in order to repay NMHC or the tenant as applicable."

5. REVISE - Subsection 12.2.1 C(2) of Subsection 12.2 Limitations and Restrictions:

Replace the term "money" with "back rent" in the only sentence in this section.

6. REVISE - Subsection 19.2.2 of Subsection 19.2 General Requirements:

Replace the words "project-based assistance" with the words "voucher programs" in the first sentence of this section

7. REVISE - Subsection 19.3.2(B) of Subsection 19.3 PBV Owner Proposals:

Change the title of 19.3.2(B) to read as follows:

"B. NMHC May Select a Proposal That Was Previously Selected Based On a Competition"

8. REVISE - Subsection 19.3.2(F) of Subsection 19.3 PBV Owner Proposals:

In the title of 19.3.2(F), replace "PHA" with "NMHC" "F. NMHC Selection of Proposals Subject to a Previous Competition Under a Federal, State, or Local Housing Assistance Program"

9. REVISE - Subsection 19.3.2(G) of Subsection 19.3 PBV Owner Proposals:

Replace the word "PHA" with "NMHC" in the second sentence within the section.

10. REVISE - Subsection 19.3.6(E) of Subsection 19.3 PBV Owner Proposals:

Replace the words "The PHA" with "NMHC" at the beginning of the first sentence in the section.

11. REVISE - Subsection 19.4.3 of Subsection 19.4 Overview:

Replace the words "The PHA" with "NMHC" at the beginning of the second sentence in the section.

12. REVISE - Subsection 19.4.4(F) of Subsection 19.4 Overview:

Replace the words "PHA-owner" with "NMHC-owner" at the end of the last sentence in the section.

13. REVISE - Subsection 19.5.2 of Subsection 19.5 Rehabilitated and Newly Constructed Units:

Replace the words "the PHA" with "NMHC" in the first sentence of the first paragraph in the section.

Replace the words "the PHA" with "NMHC" which appears twice in the second paragraph of the section.

14. ADD a new Subsection title 19.5.3 Execution of Agreement, the new subsection title shall be inserted directly after L of subsection 19.5.2 and shall read:

"19.5.3 Execution of Agreement"

Renumber sections:

19.5.3 Conduct of Development Work as 19.5.4

19.5.4 Completion of Housing as 19.5.5

15. REVISE - Subsection 19.6.3(A) of Subsection 19.6 Housing Assistance Payments Contract (HAP):

Replace the words "the PHA" with "NMHC" which appears in the first sentence and twice in the second and third sentences of this section.

16. ADD a new Subsection title 19.6.3 Execution/Termination of HAP Contract, the new subsection title shall be inserted directly after I. of subsection 19.6.2 and shall read:

"19.6.3 Execution/Termination of HAP Contract"

Subsequent sections shall be re-numbered to:

- 19.6.3 Amendments to the HAP Contract as 19.6.4
- 19.6.4 HAP Contract Year, Anniversary and Expiration Dates [24 CFR 983.206(c) and 983.302(e)] as 19.6.5
- 19.6.5 Owner Responsibilities Under the HAP [24 CFR 983.209] as 19.6.6
- 19.6.6 Additional HAP Requirements as 19.6.7
- 17. REVISE Subsection 19.7.3 of Subsection 19.7 Selection of PBV Program Participants:

Replace the words "the PHA" with "NMHC" which appears at the end of the second sentence.

18. REVISE - Subsection 19.7.4 of Subsection 19.7 Selection of PBV Program Participants:

Replace the words "the PHA" with "NMHC" which appears in the first sentence.

19. REVISE - Subsection 19.7.4(C) of Subsection 19.7 Selection of PBV Program Participants:

Replace the words "the PHA" with "NMHC" which appears in the last paragraph of this section.

20. REVISE - Subsection 19.8.2(C)(2) of Subsection 19.8 Occupancy:

In subsection 19.8.2(C) there are six (6) subsections. Section 2 and 3 require an additional space between the 2 lines to follow the correct format.

21. REVISE - Subsection 19.8.2(F) of Subsection 19.8 Occupancy:

Replace the words "the PHA" with "NMHC" in the first and second sentences of the second paragraph.

22. REVISE - Subsection 19.9.2(G)(1) of Subsection 19.9 Determining Rent to Owner:

Replace the words "[see Section 19.5.D]" with the newly created and revised section "[see Section 19.6.3(C)]" as stated in the first sentence of said section.

23. REVISE - Subsection 19.9.2(G)(4) of Subsection 19.9 Determining Rent to Owner:

Replace the words "the PHA" with "NMHC" as it appears two times in the paragraph once in the first and second sentence.

24. REVISE - Subsection 19.9.4 of Subsection 19.9 Determining Rent to Owner:

Replace the words "Section 17-VIII.B" with "Section 19.9.2" as the section identified does not exist in this administrative plan.

25. REVISE - Subsection 19.10.2(A) of Subsection 19.10 Payments to Owner;

Replace the words "Section 19.5.2" with "Section 19.6.7".

26. REMOVE - Word program formatting comment pane next to Subsection 19.10.2(B) of Subsection 19.10 Payments to Owner:

Remove Word program formatting comment pane next to section.

27. REVISE - Subsection 19.10.3(B) of Subsection 19.10 Payments to Owner:

Replace the words "the PHA" with "NMHC" which appears in the second sentence of the second paragraph of this subsection.

28. REVISE - Appendix A - Introduction:

Delete the words "based" and "a" to read "and need not be as elaborate. . . " on the 4th line of the first paragraph of the introduction.

29. REVISE - Appendix A / Decisions Subject to Informal Review:

Replace the words "the PHA" with "NMHC" in the third bullet line of the second paragraph.

30. REVISE - Appendix B / Decisions Subject to Informal Hearing:

Replace the words "the PHA" with "NMHC" in the second, third and fifth bullet lines.

31. REVISE - Appendix B / Scheduling an Informal Hearing [24 CFR 982.555(d)]:

Replace the words "a PHA" with "NMHC" in the first sentence of the section.

32. REVISE - Appendix B / Informal Hearing Office [24 CFR 982.555(e)(4)]:

In this section there is an immediate subsection following the first paragraph titled <u>NMHC Policy</u>. The first paragraph and subsection <u>NMHC Policy</u> require an additional space between the 2 lines to follow the uniform format set up.

AUTHORITY: The NMHC Board is required to adopt rules and regulations regarding those matters over which the NMHC Board has jurisdiction, including its regulation of the Section 8 Administrative Plan for Rental Assistance Programs pursuant to Executive Order No. 94-3, Section 407 of the Reorganization Plan No. 2 of 1994, Directive No. 138, and NMHC's Articles of Incorporation and Bylaws on file with the CNMI Registrar of Corporation as of February 06, 1995.

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

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA, I CMC sec. 9104(a)(2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency's concise statement, if there are any, in response to filed comments.

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

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 18th day of February, 2014, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

	February 25, 2014
Merced (Marcie) M. Tomokane,	Date

Chairperson, Northern Marianas Housing Corporation

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

Dated the 26th day of Feb

for JOEY P. SAN NICOLAS

Attorney General

Filed and Recorded by:

IER SAN NICOLAS NESBITT Commonwealth Register

02.26.2014



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

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

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED AMENDMENTS TO REGULATIONS
VOLUME 35, NUMBER 10, PP 34388-34399 OF OCTOBER 28, 2013

Regulations for Acupuncture: NMIAC Title 140, §140-50.3-2100

ADOPTION OF THE AMENDMENTS TO THE REGULATIONS FOR ACUPUNCTURE: 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: 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 Acupuncture 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.

ATTORNEY GENERAL APPROVAL: The adopted regulations for Acupuncture 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).

I declare under penalty of perjury that the foregoing is true and correct copy and that this declaration was executed on the 10 day of rebrucy 2014, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and Ordered by:

ahmad Al-Alovino

HCPLB Chairman

2/10/14

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(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 §2153(f) (publication of rules and regulations).

Dated the 18th day of Feb., 2012

Gilbert Birnbrich, DAG

for JOEY P. SAN NICOLAS Attorney General

Filed and Recorded by:

Esther SN. Nesbitt Commonwealth Register 02.18.2014

To amend the regulations and include "Continuing Education" under this section and "Renewal" in the following section and re-number the sections accordingly.

§ 140-50.3-002106 Continuing Education.

- (a) All acupuncturists licensed to practice in the CNMI are required to complete thirty (30) CE hours during the twenty-four (24) months prior to the expiration of their license as a prerequisite to the renewal of their biennial license.
- (b) One hour of credit will be allowed for each clock hour of CE participation.
- (c) The content of all courses of continuing education submitted for board approval shall be relevant to the practice of acupuncture and Asian medicine and shall fall within the following categories:
 - (1) Acupuncture and Asian Medicine;
 - (2) Western biomedicine and biological sciences;
 - (3) Scientific or clinical content with a direct bearing on the quality of patient care, community or public health, or preventive medicine; or
 - (4) Courses concerning law and ethics and health facility standards.
- (d) The Board shall award hours in an approved continuing education as follows:
 - (1) Seminar or workshop;
 - (2) Course at an accredited educational institution; or
 - (3) Self-study, online, or correspondence course.
- (e) 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 of the number of credits earned.
- (f) If a licensee fails to meet the CE requirements for renewal of license because of illness, military service, or other extenuating circumstances, the Board, upon appropriate written explanation, may grant an extension of time to complete same, on an individual basis.
- (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.

§ 140-50.3-002107 Renewal.

- (a) All licenses issued 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 a 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 and the fee and any additional requirements for the renewal thereof.

- (c) All licensees must submit satisfactory evidence of completion of CE requirements, as required under §2106 of these regulations.
- (d) A late fee of \$25.00 will be charged every 1st of the month after the expiration date.
- (e) Licenses which have expired for failure to renew on or 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 acupuncture in the CNMI. This will not, however, prevent the Board from considering a new application.



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

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PUBLIC NOTICE AND CERTIFICATION OF ADOPTION OF THE AMENDMENTS TO THE HEALTH CARE PROFESSIONS LICENSING BOARD'S REGULATIONS FOR DENTISTS, SPECIALISTS, DENTAL HYGIENISTS, DENTAL THERAPISTS, AND DENTAL ASSISTANTS

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS PROPOSED AMENDMENTS TO REGULATIONS VOLUME 35, NUMBER 11, PP 34591-34595 OF NOVEMBER 28, 2013

Regulations for Dentists, Specialists, Dental Hygienists, Dental Therapists and Dental Assistants: NMIAC Title 140, \$140-50.3-2600

ADOPTION OF THE AMENDMENTS TO THE REGULATIONS FOR DENTISTS, SPECIALISTS, DENTAL HYGIENISTS, DENTAL THERAPISTS, AND DENTAL ASSISTANTS: 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.

MODIFICATIONS FROM PRIOR PUBLISHED PROPOSED REGULATIONS, IF ANY:

- 1. § 140-50.3-002617 Dental Hygienist-Scope of Practice.
 - A CNMI-licensed dental hygienist may not: Deliver dental hygiene services independent of a CNMI-licensed dentist, except for educational and preventative oral health services provided by dental hygienists employed by the Commonwealth Healthcare Corporation which are rendered pursuant to the Public Health's Oral Health Program for children, within the scope of these regulations;
- 2. § 140-50.3-002633 Dental Assistant-Scope of Practice. A dental assistant employed by the Commonwealth Healthcare (c) Corporation may assist a dental hygienist, independent of a licensed dentist, for educational and preventative oral health services rendered pursuant to the Public Health's Oral Health Program for children, within the scope of these regulations;

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 Dentists, Specialists, Dental Hygienists, Dental Therapists and Dental Assistants 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.

ATTORNEY GENERAL APPROVAL: The adopted regulations for Dentists, Specialists, Dental Hygienists, Dental Therapists and Dental Assistants 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).

I declare under penalty of perjury that the foregoing is true and correct copy and that this declaration was executed on the 10 day of 12014, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and Ordered by:

ahmed A - alov. rs

Dr. Ahmad Al-Alou, MD HCPLB Chairman 2/10/14

Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(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 §2153(f) (publication of

Dated the 18th day of February , 2012

Gilbert Birnbrich, DAG

rules and regulations).

JOEY P. SAN NICOLAS

Attorney General

Filed and Recorded by:

Esther SN. Nesbitt Commonwealth Register 02.18.2014 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

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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 11, PP 34585-34590 OF NOVEMBER 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 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: 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 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.

ATTORNEY GENERAL APPROVAL: The adopted regulations for Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency

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(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).

I declare under penalty of perjury that the foregoing is true and correct copy and that this declaration was executed on the 10 day of Tebruary, 2019, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and Ordered by:

Shoul Al-alovins

Dr. Ahmad Al-Alou, MD HCPLB Chairman

2/10/14

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(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 §2153(f) (publication of rules and regulations).

Dated the 18th day of February , 2012

Gilbert Birnbrich, DAG

JOEY P. SAN NICOLAS Attorney General

Filed and Recorded by:

Esther SN. Nesbitt

Commonwealth Register

02.18.2014 Date

To delete § 140-50.3-2906 (a) (5) because the HCPLB is not administering these examinations at this time.

§ 140-50.3-2906 Requirements for Licensure-Emergency Medical Responder (EMR).

No individual shall hold himself or herself out to be an EMR unless that individual is licensed by the Board. An applicant to practice as an EMR must be at least eighteen (18) years of age, a U.S. citizen or a national lawfully entitled to remain and work in the CNMI, and meet the following requirements:

- (a) Applicant must submit evidence of one of the following:
 - (5) Document showing evidence of passage of the NREMT's FR examinations completed within the last two years prior to applying for licensure; and

To delete \$140-50.3-2907 (a) (5) because the HCPLB is not administering these examinations at this time.

§ 140-50.3-2907 Requirements for Licensure-Emergency Medical Technician (EMT).

No individual shall hold himself or herself out to be an EMT unless that individual is licensed by the Board. An applicant to practice as an EMT must be at least eighteen (18) years of age, a U.S. citizen or a national lawfully entitled to remain and work in the CNMI, and meet the following requirements:

- (a) Applicant must submit evidence of one of the following:
 - (5) A document showing evidence of passage of the NREMT's EMT-Basic examinations completed within the last two years prior to applying for licensure; and

To delete § 140-50.3-2908 (a) (5) because the HCPLB is not administering these examinations at this time.

\$ 140-50.3-2908 Requirements for Licensure-Advanced Emergency Medical Technician (AEMT):

No individual shall hold himself or herself out to be an AEMT unless that individual is licensed by the Board. An applicant to practice as an AEMT must be at least eighteen (18) years of age, a U.S. citizen or a national lawfully entitled to remain and work in the CNMI, and meet the following requirements:

- (a) Applicant must submit evidence of one of the following:
 - (5) Document showing evidence of passage of the NREMT's AEMT examinations completed within the last two years prior to applying for licensure; and

To delete § 140-50.3-2909 (a) (5) because the HCPLB is not administering these examinations at this time.

§ 140-50.3-2909 Requirements for Licensure-Emergency Medical Technician-Paramedic (EMT-P)

No individual shall hold himself or herself out to be an EMT-P unless that individual is licensed by the Board. An applicant to practice

as an EMT-P must be at least eighteen (18) years of age, a U.S. citizen or a national lawfully entitled to remain and work in the CNMI, and meet the following requirements:

a) Applicant must submit evidence of one of the following: (5) Document showing evidence of passage of the NREMT-P examinations completed within the last two years prior to applying for licensure; and

To amend \$140-50.3-2914\$ (2) (i) typo error; should be "or" instead of "and".

(2) EMT:

(i) Completion of an approved 24 hour DOT National Standard EMT-B/EMT refresher or CECBEMS approved refresher course; or

To amend \$140-50.3-2914\$ (3) (i) typo error; should be "or" instead of "and".

(3) AEMT:

(i) Completion of an approved 36 hour DOT National Standard AEMT refresher or CECBEMS approved refresher course; or

To delete § 140-50.3-2914 (4) (ii) below because it's redundant.

(4) EMT-P:

(ii) Completion of approved continuing education equivalent to a refresher course; and



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PUBLIC NOTICE AND CERTIFICATION OF ADOPTION OF THE AMENDMENTS TO THE HEALTH CARE PROFESSIONS LICENSING BOARD'S REGULATIONS FOR LICENSED BACCALAUREATE SOCIAL WORKER, LICENSED MASTER'S SOCIAL WORKER AND THE LICENSED CLINICAL SOCIAL WORKER

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS PROPOSED AMENDMENTS TO REGULATIONS VOLUME 35, NUMBER 10, PP 34371-34387 OF OCTOBER 28, 2013

Regulations for Licensed Baccalaureate Social Worker, Licensed Master's Social Worker and the Licensed Clinical Social Worker: NMIAC Title 140, \$140-50.3-2300

ADOPTION OF THE AMENDMENTS TO THE REGULATIONS FOR LICENSED BACCALAUREATE SOCIAL WORKER, LICENSED MASTER'S SOCIAL WORKER AND THE LICENSED CLINICAL SOCIAL WORKER: 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)).

PRIOR PUBLICATION: The prior publication was as stated above. 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: 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 Licensed Baccalaureate Social Worker, Licensed Master's Social Worker and the Licensed Clinical Social Worker 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. adoption of the amendments, the agency, if requested to do so by any interested person, within 30 days of adoption, will issue a concise statement of the principal reasons for and against its adoption.

ATTORNEY GENERAL APPROVAL: The adopted regulations for Licensed Baccalaureate Social Worker, Licensed Master's Social Worker and the Licensed Clinical Social Worker 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).

I declare under penalty of perjury that the foregoing is true and correct copy and that this declaration was executed on the 10 day of Tebruan, 2010, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and Ordered by:

Almad Al- alongs

Ahmad Al-Alou, MD HCPLB Chairman

2/10/14 Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(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 \$2153(f) (publication of rules and regulations).

Dated the 18th day of February , 2012

Gilbert Birnbrich, DAG

JOEY P. SAN NICOLAS Attorney General

for

Filed and Recorded by:

Esther SN. Nesbitt

Commonwealth Register

02.18.2014

- § 140-50.3-002300 Part 2300. Licensed Baccalaureate Social Worker, Licensed Master's Social Worker and the Licensed Clinical Social Worker.
- § 140-50.3- 002301 Definitions.
 - (a) "ACSW" is the Academy of Certified Social Workers.
 - (b) "ASWB" is the Association of Social Work Boards.
 - (c) "CASSW" is the Canadian Association of Schools of Social Work, which is the council that accredits the schools of social work in Canada.
 - (d) "CSWE" is the Council on Social Work Education, which is the council that accredits baccalaureate and master's degree programs in social work in the U.S.
 - (e) "L.B.S.W." means a "licensed baccalaureate social worker" who has been issued a license by this board to practice within their scope of practice and whose license is in good standing.
 - (f) "L.M.S.W." means a "licensed master's social worker" who has been issued a license by this board to practice within their scope of practice and whose license is in good standing.
 - (g) "L.C.S.W." means a "licensed clinical social worker" who has been issued a license by this board to practice within their scope of practice and whose license is in good standing.
 - (h) "NASW" is the National Association of Social Workers.
 - (i) "Practice of Baccalaureate Social Work" is applying social work theory, knowledge, methods, ethics and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations and communities. Baccalaureate Social Work is generalist practice and may include interviewing, assessment, planning, intervention, evaluation, case management, mediation, counseling, supportive counseling, direct practice, information and referral, problem solving, supervision, consultation, education, advocacy, community organization, and policy and program development, implementation, and administration.
 - (j) "Practice of Clinical Social Work" is the practice of social work that requires applying social work theory, knowledge, methods, ethics, and the professional use of self to restore or enhance social, psychosocial, or bio-psychosocial functioning of individuals, couples, families, groups, and/or persons who are adversely affected by social or psychosocial stress or health impairment. The practice of clinical social work requires applying specialized clinical knowledge and advanced clinical skills in assessment, diagnosis, and treatment of mental,

emotional, and behavioral disorders, conditions and addictions, including severe mental illness and serious disturbances in adults, adolescents, and children. The clinical social worker may engage in Baccalaureate Social Work practice and Master's Social Work practice. Clinical treatment methods may include but are not limited to providing individual, marital, couple, family, and group therapy, mediation, counseling, supportive counseling, direct practice, and psychotherapy. Clinical social workers are qualified and authorized to use the Diagnostic and Statistical Manual of Mental Disorders (DSM), the International Classification of Diseases (ICD), Procedural Terminology (CPT) Codes, other and diagnostic classification systems in assessment, diagnosis, treatment and other practice activities. An LCSW may provide any clinical or non-clinical social work service or supervision in either an employment or independent practice setting. An LCSW may work under contract, bill directly for services, and bill third parties for service reimbursements.

- "Practice of Master's Social Work" is applying social work theory, knowledge, methods and ethics and the professional use of or enhance social, psychosocial, or self to restore psychosocial functioning of individuals, couples, families, groups, organizations and communities. An LMSW may practice clinical social work in an agency employment setting under clinical supervision or under contract with an agency when under a clinical supervision plan. Master's Social Work practice may include applying specialized knowledge and advanced practice skills in assessment, treatment, planning, implementation and evaluation, case management, mediation, counseling, supportive counseling, direct practice, information and supervision, consultation, education, research, advocacy, community organization and developing, implementing administering policies, programs and activities. An LMSW may engage in Baccalaureate Social Work practice.
- (1) "Private Practice of Social Work" means that independent practice of a social worker on a self-employed basis.

§ 140-50.3- 002302 Exemptions.

Licensure shall not be required of:

- (a) Any licensed person doing work within the scope of practice or duties of the person's profession that overlaps with the practice of social work; provided that the person does not hold him/herself out to be a social worker;
- (b) Any student enrolled in an educational institution in a recognized program of study leading toward attainment of a degree in social work; provided that the student's activities and services are part of a prescribed course of study supervised by the educational institution, and the student is identified by an

appropriate title such as "social work student", or any other title which clearly indicates the student's training status;

- (c) Any person in the practice of a religious ministry; provided that the person functions only within the person's capacities as a member of a religious ministry; and provided further that the person does not hold him/herself out to be a social worker; or
- (d) Any person who is obtaining supervised clinical experience for licensure as a psychologist, marriage and family therapist, or as another licensed professional; provided that the person does not hold him/herself out to be a social worker.
- § 140-50.3- 002303 Reserved.

§ 140-50.3- 002304 Requirements for Licensure.

- (a) An applicant to practice as a social worker must be at least twenty-one (21) years of age, be a U.S. citizen or a foreign national lawfully entitled to remain and work in the Commonwealth, and meets the following requirements:
 - (1) Licensed Baccalaureate Social Worker (L.B.S.W.): (i) Hold's a Bachelor's degree in social work from a college or university accredited by or deemed to be equivalent to an accredited program by the Council on Social Work Education, or the Canadian Association of Schools of Social Work or from a college or university accredited by an accrediting organization recognized by the Board, or a social work education program approved by the Board; and
 - (ii) Has passed the basic examination administered by the Association of Social Work Boards, or an examination in social work approved by the Board.
 - (2) Licensed Master's Social Worker (L.M.S.W.):
 (i) Hold's a Master's degree in social work from a
 college or university accredited by or deemed to be
 equivalent to an accredited program by the Council on
 Social Work Education, or the Canadian Association of
 Schools of Social Work or from a college or university
 accredited by an accrediting organization recognized
 by the Board, or a social work education program
 approved by the Board; and
 - (ii) Has passed the intermediate examination administered by the Association of Social Work Boards, or an examination in social work approved by the Board.
 - (3) Licensed Clinical Social Worker (L.C.S.W.):

- (i) Hold's a master's or doctoral degree in social work from a college or university accredited by or deemed to be equivalent to an accredited program by the Council on Social Work Education, or the Canadian Association of Schools of Social Work or from a college or university accredited by an accrediting organization recognized by the Board, or a social work education program approved by the Board;
- (ii) Has passed the clinical examination administered by the Association of Social Work Boards, or an examination in social work approved by the Board; and
- (iii) Has provided evidence of successful completion of at least two (2) years of continuous full-time employment in postgraduate clinical social work under the supervision of a licensed clinical social worker, a licensed physician or a licensed osteopathic physician who has completed a residency in psychiatry, a licensed clinical mental health counselor, a diplomate in clinical social work, a designated member of the ACSW, a licensed psychiatrist, or a licensed psychologist.

§ 140-50.3- 002305 Supervisor; Supervision Report.

- (a) A supervisor shall be a licensed clinical social worker, a licensed physician or a licensed osteopathic physician who has completed a residency in psychiatry, a licensed clinical mental health counselor, and a diplomate in clinical social work, a designated member of the ACSW, a licensed psychiatrist, or a licensed psychologist.
- (b) Supervision shall have occurred in an agency setting that provides clinical diagnosis and psychotherapy and, supervisor and applicant shall have met at least one hour each week to discuss client cases and treatment procedures.
- (c) Supervision Report shall contain sufficient detail to evaluate an applicant's supervised practice, including:
 - (1) The applicant's name;
 - (2) The supervisor's name, signature, address, license number, state where granted, date when granted, and area of specialization;
 - (3) The name and nature of the practice setting and a description of the client population served;
 - (4) Specific dates of practice covered in the report;
 - (5) Number of practice hours during this period (to include all duties);

- (6) The applicant's specific duties;
- (7) Number of one-to-one supervisory hours;
- (8) Detailed assessment of the applicant's performance;
- (9) The clinical skills supervised; and
- (10) The ethical practices reviewed.
- (d) Supervision of a LMSW pursuing licensure as an independent practitioner (non-clinical) must be provided by a licensed LMSW or LCSW approved to provide independent practice.

§ 140-50.3 - 002306 Licensure by Endorsement.

- (a) The Board may grant a license to a person to practice as a Baccalaureate, Master's or Clinical social worker without examination if:
 - (1) The person holds a valid, active license to practice as a Baccalaureate, Master's or Clinical social worker in another U.S. state or territory; and
 - (2) The person substantially complies with the appropriate requirements for licensure in § 140-50.3-002304; 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 Baccalaureate, Master's or Clinical social worker 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 - 002307 Application.

An application for a license to practice as a Baccalaureate, Master's or Clinical social worker 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:

- (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;
- (2) Applicant's 2x2 photograph taken within six (6) months from date of application; and
- (3) Applicant must pay the appropriate fees, including the application fee which shall not be refunded;

- Applicant to provide originals of (4) all documents 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 of the appropriate degree in social work from the required educational school or program;
 - (ii) Documents showing satisfactory proof that applicant has taken and passed the appropriate required examination;
 - (iii) For the L.C.S.W., documents showing proof applicant has satisfactorily completed the training required under § 140-50.3- 002304 (a)(3)(iii); or
 - (iv) Documents showing proof that applicant holds a valid, active license to practice as a Baccalaureate, Master's or Clinical social worker in another jurisdiction and substantially complies with the appropriate requirements for licensure under § 140-50.3- 002304; and
- Applicant to provide a list of all jurisdictions, U.S. or (5) foreign, in which the applicant is licensed or has applied for a license to practice as a Baccalaureate, Master's or Clinical social worker;
- Applicant to provide a detailed educational (6) including places, institutions, 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. or (7) foreign, in which the applicant has been denied licensure or voluntarily surrendered a license to practice as a Baccalaureate, Master's or Clinical social worker; and
- Applicant to provide a list of all jurisdictions, U.S. or foreign, of all sanctions, judgments, awards, settlements or convictions against the applicant that would constitute grounds for disciplinary action under the Act or these regulations.

§ 140-50.3-002308 Scope of Practice.

- Licensed Baccalaureate Social Worker (L.B.S.W.): A LBSW (a) may:
 - Engage in psychosocial evaluation, excluding the diagnosis and treatment of mental illness, and conduct basic data gathering or records and specific life issues of individuals, groups and families, assess this data and formulate and implement a plan to achieve specific goals related to specific life issues;

- (2) Serve as an advocate for clients or groups of clients for the purpose of achieving specific goals relating to specific life issues;
- (3) Refer clients to other professional services;
- (4) Plan, manage, direct or coordinate social services; and
- (5) Participate in training and education of social work students and supervise other LBSW.
- (b) A LBSW may not engage in the private practice of social work, diagnose mental illness and emotional disorders or provide psychotherapy.
- (c) Licensed Master's Social Worker (L.M.S.W.): A LMSW may: (1) Engage in administration, research, consultation, social planning and teaching of social work;
 - (2) Perform all the functions of a LBSW;
 - (3) Engage in a non-clinical private practice; and
 - (4) Engage in the consultation of a LBSW for the purpose of preparing the LBSW for eventual LMSW's status. This includes responsibility for ongoing training and evaluation. The LMSW has an obligation to assess the LBSW's competence and ethics and may share this assessment with the Board at the time the LBSW applies for the LMSW license.
- (d) Licensed Clinical Social Worker (L.C.S.W.): A LCSW may: (1) Practice social work in a clinical setting without consultation;
 - (2) Engage in psychosocial evaluation, including diagnosis and treatment of mental illness and emotional disorders;
 - (3) Engage in clinical private practice of social work;
 - (4) Perform all the functions of a LMSW; and
 - (5) Engage in the clinical consultation of a LMSW for the purpose of preparing the LMSW for eventual LCSW's status. This includes responsibility for ongoing training and evaluation. The LCSW has an obligation to assess the LMSW's competence and ethics and may share this assessment with the Board at the time the LMSW applies for the LCSW license.

§ 140-50.3-002309 Employment of Social Worker.

A social worker employed directly by a physician, psychologist or other social worker, or by a public or private agency, institution, hospital, nursing home, rehabilitation center, or any similar facility, is not to be considered within the definition of an independent practitioner. Furthermore, a social worker who contracts with an agency or institution that assumes full responsibility for and supervises the services provided to clients is not considered to be a private practitioner.

§ 140-50.3-002310 Continuing Education (CE).

- (a) All L.B.S.W., L.M.S.W., or L.C.S.W. licensed to practice in the CNMI are required to complete the following CE hours as a prerequisite to the renewal of their biennial license:
 - (1) L.B.S.W. 20 hours;
 - (2) L.M.S.W. 25 hours;
 - (3) L.C.S.W. 30 hours.
- (b) One CE unit or credit equals to one clock hour.
- (c) Approved continuing education activities includes but is not limited to the following:
 - (1) Courses, workshops, programs or online CE approved by the National Association of Social Workers and its affiliates, the Association of Social Work Boards and its affiliates, or other programs approved by the Board;
 - (2) Seminars, courses, conferences, or workshops sponsored by national, regional, state, or local social work professional organizations or state boards in the related specialties of marriage, family and group counseling, psychiatry, psychology, pastoral counseling;
 - (3) Postgraduate training programs (e.g., intern, residency or fellowship programs) or completion of social work related courses that are part of the curriculum of a college, university or graduate school of social work;
 - (4) Teaching or presenting the activities described in paragraph (2) and (3) of this section;
 - (5) Writing a published work or presenting work applicable to the profession of social work; or
 - (6) Providing supervision to a social worker participating in a social work education program approved by the Board.
- (d) 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.

- (e) 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.
- (f) 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.

§ 140-50.3-002311 Retention of Client Records; Disposition of Client Records in Case of Death or Incapacity of Licensee.

- (a) In this section, "client record" means information maintained in a written or electronic form regarding treatment of billing of a client.
- (b) A social worker who serves clients outside of an agency setting shall ensure that a client record is maintained for each such client and that all client records are legible and are kept in a secure, safe, and retrievable condition.
- (c) The social worker shall retain a client record for seven (7) years from the date of the last session with the client.
- (d) The social worker in private practice shall make necessary arrangements for the maintenance of and access to client records that ensure the clients' right to confidentiality in the event of the death or incapacity of the licensee.
- (e) The social worker shall name a qualified person to intercede for client welfare and to make necessary referrals, when appropriate.

§ 140-50.3-002312 Code of Ethics.

The Board recognizes the Code of Ethics of the National Association of Social Workers (and any amendments thereof to the Code) as its model code, to the extent that it does not conflict with CNMI laws, rules or regulations or Board Position Statements. A copy of the NASW Code of Ethics may be obtained at www.nasw.org.

§ 140-50.3-002313 Standards for Clinical Social Work in Social Work Practice.

The Board recognizes the National Association of Social Workers Standards for Clinical Social Work in Social Work Practice (and any amendments thereof to the standards) as its model standards, to the extent that it does not conflict with CNMI laws, rules or regulations or Board Position Statements. A copy of the standards may be obtained at www.nasw.org.

§ 140-50.3-002314 Reserved.

§ 140-50.3-002315 Disciplinary Action.

The Board shall have the power to impose administrative penalty and/or reprimand; 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 pursuant to § 2224 of P.L. 15-105 and §§ 140-50.3-00901 - 1300 of the regulations, including but is not limited to the following:

- (a) Revealing facts, data or information relating to a client or examinee, except as allowed by the law or rules and regulations;
- (b) Making gross or deliberate misrepresentations or misleading claims as to his/her professional qualifications or of the efficacy or value of his/her treatments or remedies, or those of another practitioner;
- (c) Directly or indirectly giving to or receiving from any person, firm or corporation any fee, commission, rebate or other form of compensation for any professional services not actually rendered. Social workers shall not participate in fee-splitting arrangements, nor shall they give or accept kickbacks for referrals:
- (d) The commission of any act or sexual misconduct, sexual abuse or sexual relations with one's client, patient, student supervisee or with an ex-client or patient within 24 months after termination of treatment;
- (e) Putting an intern or trainee under the social worker's supervision to perform, or to pretend to be competent to perform, professional services beyond the trainee's or intern's level of training;
- (f) Submission of fraudulent claims for services to any person or entity including, but not limited to, health insurance companies or health service plans or third party payers; and
- (g) Failing to insure that all records and written data are stored using security measures that prevent access to records by unauthorized persons. Social workers are responsible for insuring that the content and disposition of all records are in compliance with all relevant law and rules and regulations.



Jude U. Hofschneider Lt. Governor

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Bureau of Environmental and Coastal Quality

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Frank M. Rabauliman Administrator

> David B. Rosario Director, DEQ

Frances A. Castro Director, DCRM

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davidrosario@deq.gov.mp

PUBLIC NOTICE OF PROPOSED AMENDMENTS TO REGULATIONS

INTENDED ACTION TO ADOPT THESE PROPOSED AMENDMENTS TO THE REGULATIONS: The Commonwealth of the Northern Mariana Islands, Office of the Governor, Beaureau of Environmental and Coastal Quality intends to adopt as permanent regulations the attached Proposed Amendments to the Earthmoving and Erosion Control 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 Administrator of BECQ is empowered by the Legislature to adopt rules and regulations for the administration and enforcement of the Commonwealth Environmental Protection Act. 2 CMC § 3122.

THE TERMS AND SUBSTANCE: The proposed amended regulations ensure the proper management of nonpoint source runoff from human-related activities in order to protect water quality and public health. The amendments clarify the existing Earthmoving and Erosion Control Regulations adopted in 1993.

THE SUBJECTS AND ISSUES INVOLVED:

- 1. The amendments shall increase the fees associated with obtaining an earthmoving and erosion control permit; and
- 2. The amendments expand the requirements for temporary erosion control plans to include the designation of a certified erosion control specialist and the inclusion of a long-term stormwater maintenance plan, and

Page 1



Jude U. Hofschneider Lt. Governor

Commonwealth of the Northern Mariana Islands OFFICE OF THE GOVERNOR

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Frank M. Rabauliman Administrator

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> Frances A. Castro Director, DCRM

- 3. The amendments augment the criteria for grading, filling, and clearing operations by incorporating specified sections of the 2006 CNMI and Guam Stormwater Management Manual; and
- 4. The amendments rectify multiple references to CNMI Department of Public Works and its Director; and
- 5. The amendments correct numerous grammatical errors.

DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Amendments to the 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))

TO PROVIDE COMMENTS: Send or deliver your comments to David B. Rosario, DEQ Director, Re: Earthmoving and Erosion Control Amendments, at the above address or to the above fax number. 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 Director on January ____, 2014.

Submitted by:

Frank M. Rabauliman

Administrator, CNMI Beaureau of

Environmental and Coastal Quality

Received by:

ESTHER'S. FLEMING

Governor's Special Assistant

for Administration

Page 2



Eloy S. Inos Governor

Jude U. Hofschneider Lt. Governor

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Frank M. Rabauliman Administrator

David B. Rosario Director, DEQ

Frances A. Castro Director, DCRM

Filed and Recorded by:

GNESDITT ESCHER SN NESRITT

02.18.2014

Da

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).

Dated the 1900 Fdorway 2014.

JOEY PATRICK SAN NICOLAS Attorney General



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Eloy S. Inos Governor

Jude U. Hofschneider Lt. Governor Frank M. Rabauliman Administrator

> David B. Rosario Director, DEQ

Frances A. Castro Director, DCRM

COMMMONWEALTH MELLÓL TÉÉL FALÚW KKA FALUWASCH MARIANAS BWULASIYOL SÓULEM,

BWULASIYOL ENVIRONMENTAL AND COASTAL QUALITY

Frank M. Rabauliman, Administrator Gualo Rai Center (Middle road across from "Subway") P.O. BOX 501204 Saipan MP 96950 Tel: (670) 664 8500 Fax: (6570) 664 8540

ARONGORONGOL TOULAP REL POMMWOL LIWIL REL ALLÉGH

MÁNGEMÁNGIL MWÓGHUT YEEL BWE EBWE ADAPTÁÁLI POMMWOL KKAL:

Commonwealth mellól Téél falúw kka faluwasch, Bwulasiyol Sóulem, Bureau of Environmental and Coastal Quality e tipáli ebwe adaptááli allégh bwe ebwe llégh lló bwe allégh ikka e appaaschlong bwe pommwol liwil sángi *Earthmoving me Erosion Control Regulations*, arongowoowul mwóghutughutúl *Administrative Procedure Act*, 1 CMC § 9104(a). Allégh kkaal ebwe bwunguló llól seigh (10) ráll mwiril yal lléghló rel 1 CMC §§ 9102 me 9104 (a) me ngare (b). (1 CMC § 9105 (b)).

BWÁNGIL: Sángi Legislature re ayoora ngáli bwángil *Administrator BECQ* bwe ebwe adaptááli allégh me mwóghutughút ngáli *Administration* me *Enforcement* rel *Commonwealth Environmental Protection Act.* 2 CMC §3122.

KKAPASAL ME AWEWEEL: Pommwol liwil rel mwóghutughút nge rebwe ayoora alúghúlúgh rel lemelemil *Nonpoint source runoff* rel millikka aramas re féfféérú rel aweewel igha rebwe mmwel bwe rebwe afálliy ghatchúw schaal me meefiyal le ilighiliir toulap. Liwil kkaal nge ebwe ffat kkapasal me mwóghutughutúl Earthmoving me Erosion Control iwe re adaptááli llól rágh 1993.

KKAPASAL ME OUTOL:

- 1. Liwil kkaal nge ebwe sásáártá abwóós rel bwobwooghul *Earthmoving* me *Erosion Control Permit*; Me
- 2. Liwil ebwe ayoora lló mwóghutughút rel *Temporary Erosion Control Plans* bwe rebwe umwuumw *Certified Erosion Control Specialist* me bwal aschuuwlong *Longterm Storm water maintenance plan*; Me
- 3. Liwil nge rebwe ayooralong mwóghutughutúl iye ebwe ffat rel grading, filling me clearing operations igha rebwe appaaschlong leyil tálil llól rágh 2006 CNMI and Guam Stormwater Management Manual; Me

- 4. Liwil nge rebwe awelaaló tálil mwóghutughútúl CNMI Bwulasiyol Public Works me Director; Me
- 5. Liwil nge ebwe bwal awelaaló ólongal grammatical errors

AFALAFAL REEL AMWELIL ME AKKATÉÉL:

Pomwol Allégh kkaal ebwe akkatéélong llól Commonwealth Registar llól tálil ye pommwol me allégh ffé kka aa adaptááli (1 CMC §9102(a)(1)) nge ebwe bwal appasch fetal llól bwuley kka elo civic center me bwal llól bwulasiyo kka llól senatorial district rel kkasal English, Remeraalis me Refaluwasch. (1 CMC § 9104(a)(1))

ISIISILONGOL MWÁLILI: Afanga ngáre bwughiló yóómw mwáliili rel David B. Rosario Director Division of Environmental Quality, Re: Earthmoving and Erosion Control Amendments rel Address ie elo weiláng ngáre fax li lló rel numiiro ie e lo weiláng. Mwáliili kkaal nge ebwe attotoolong llól eliigh (30) ráll mwirilól akkatééwowul arongorong yeel. Ów isiisliong yáámi aghiyágh, mángemáng me ngare angiingi. (1CMC §9104 (a)(2)).

Pomwol allég	h kkaal aa llégh lló merel Administrator w	vól January2014.		
Isáliiyallong:	Frank M. Rabauliman Administrator	2/14/14 Ráll		
CNMI Bureau of Environmental and Coastal Quality				
Mwiir Sángi:	Esther S. Fleming Governor's Special Assistant For Administration	2/18/14) Ráll		
File me Rekoodliiyal:	Esther SN. Nesbitt	02.18.2014 Ráll		

Sángi 1 CMC § 2153(e) (Allégh kkaal ebwe lléghló sángi AG bwe ebwe akkatééwow reel féérúl) me 1 CMC § 9104 (a)(3) (aa bweibwogh sángi AG) rel pomwol allégh ie e appaschllong, bwe a ttakkal amweeri fiischiy, me angúúngú ló fféérúl me legal sufficiency sángi CNMI Sówbwungúl Allégh Lapalap me ebwele akkatééwow 1 CMC § 2153(f) (akkatéél allégh kkaal).

February

Ráll iye January 18,2014.

Gilbert Birnbrich, DAG

JOEY PATRICK SAN NICOLAS Sóubwungúl Allégh Lapalap

for



Jude U. Hofschneider Lt. Governor

Commonwealth of the Northern Mariana Islands OFFICE OF THE GOVERNOR

Bureau of Environmental and Coastal Quality

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Frank M. Rabauliman Administrator

> David B. Rosario Director, DEQ

Frances A. Castro Director, DCRM

Commonwealth gi Sangkattan na Islas Marianas Siha
UFISINAN GUBIETNU, Bureau of Environmental yan Coastal Quality

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NUTISIAN PUPBLIKU GI MANMAPROPONI NA AMENDASION PARA I REGULASION SIHA

I AKSION NI MA'INTENSIONA PARA U MA'ADAPTA ESTI I MANMAPROPONI NA REGULASION SIHA:

I Commonwealth gi Sangkattan na Islas Marianas siha, gi Ufisinan i Gubietnu, Bureau of Environmental yan Coastal Quality ha intensiona para u adapta kumu petmanenti na regulasion siha ni mañechettun i Manmaproponi na Amendasion siha para i earthmoving yan i Regulasion i Erosion Control Siha i sigun gi manera siha gi Åktun i Administrative Procedure 1 CMC § 9104(a). I Regulasion siha para u ifektibu gi halum i dies (10) dihas dispues di makumpli i 1 CMC §§ 9102 yan i 9104 (a) pat (b). (1 CMC § 9105(b))

<u>Åturidåt</u>: I Lehislatura ha åturisa i Atministradot i BECQ na para u adåpta i areklamentu yan regulasion siha para i atministrasion yan enforcement gi Åktun Environmental Protection gi Commonwealth. 2 CMC § 3122.

I TEMA YAN I SUSTÅNSIAN I PALÅBRA SIHA: I manmaproponi na regulasion siha manmaplaneha para u mana'siguru i propiu na minaneha gi nonpoint source runoff ginin i human-related na aktibidåt siha gi anai para u prutehi i kuålidåt i hanum yan i hinemlu' pupbliku. I amendasion siha ha klarifika i prisenti na Earthmoving yan i Regulasion i Erosion Control ni ma'adåpta gi 1993.

I SUHETU NI MASUMÅRIA YAN ASUNTU NI MANTINEKKA:

- 1. I amendasion siha debi na u mahåtsa i apas siha ni mana'achuli' yan i hinentan i earthmoving yan i lisensian erosion control; ya
- 2. I amendasion siha ma'adilanta i dinimanda siha para i tempurariu na planun erosion control siha ni para u saonao i disiknasion i masettifikun specialist erosion control yan u saonao i long-term na planun stormwater maintenance, yan



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- 3. I amendasion siha ma'aomenta i criteria para i grading, filling, yan operasion clearing siha ni incorporating specified na seksiona siha gi 2006 CNMI yan Guam Stromwater Management Manual; yan
- 4. I amendasion siha ma'arekla i kantidå na references para i CNMI Department of Public Works yan i Direktot-ña; yan
- 5. I amendasion siha ha arekla i lus kuantus numiru ni para u na'dinanchi i grammatical errors.

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

PARA U MAPRIBENIYI UPIÑON SIHA: Na'hanao pat intrega i opiñon-mu siha guatu gi as David B. Rosario, Direktot DEQ, Re: Earthmoving yan Erosion Control na Amendasion siha, gi sanhilu' na address, pat gi sanhilu' na numirun fax. Todu opiñon u mana'fanhålum trenta(30) dihas ginin i fetchan i pupblikasion esti na nutisia. Put fabot na'hålum i imfetmasion, opiñon, pat testamoñon kinentesta siha. (1 CMC § 9104(a)(2))

Esti i manmaproponi na regulasion siha i	manma	'aprueba ginin i Atministradot gi Ineru _.		, 2014.
And 1	1	1	. 1	1

Nina'hålum as:

Atministradot, Bureau of Environmental yan

Coastal Quality CNMI

Rinisibi as:

ESTHER S. FLEMING

Ispisiåt Na Ayudånti Para I Atministrasion Gubietnu



Jude U. Hofschneider Lt. Governor

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Frank M. Rabauliman Administrator

> David B. Rosario Director, DEQ

> Frances A. Castro Director, DCRM

Pine'lu yan Ninota as:

Rěhistran Commonwealth

02,18,2014

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

Febreru Mafetcha gi diha di Ineru, 2014

Gilbert Birnbrich, DAG

for JOEY PATRICT SAN NICOLAS

Abugådu Heneråt

Northern Mariana Islands Administrative Code

CHAPTER 65-30 EARTHMOVING AND EROSION CONTROL REGULATIONS

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1. Authority

The rules and regulations in this chapter have been promulgated by the Department of Public Health and Environmental Services Division of Environmental Quality in accordance with the Commonwealth Environmental Protection Act, 2 CMC §§ 3101 to 3134 (Public Law 3-23, as amended), of the Commonwealth of the Northern Mariana Islands. These rules, regulations, technical provisions, and specifications, to be adopted by the Department of Public Health and Environmental Services Division of Environmental Quality as necessary, shall have the force and effect of law and shall be binding on all persons and other legal entities subject to the jurisdiction of the Commonwealth of the Northern Mariana Islands Division of Environmental Quality.

2. **Purpose**

- The purpose of the regulations and technical provisions in this chapter is to establish certain minimum standards and requirements as determined by the Department Division to be necessary for control of nonpoint source runoff from human-regulated related activities. Specifically, these regulations are designed to:
- Protect marine and fresh water quality; (a)
- (b) Maintain and enhance beneficial uses of marine and fresh waters;
- Promote public awareness of the importance of protecting the CNMI's marine and fresh water resources from siltation, and bacteriological, and chemical contamination; and,
- Protect public health by protecting and enhancing the quality of marine and fresh water recreational and traditional fishing sites; and.

II. As with all of the Department of Public Health and Environmental Services, Division of Environmental Quality regulations, the design standards and details described in the regulations in this chapter and in the permitting processes are for minimum standards necessary to protect public health and the environment. The ultimate responsibility of the project lies with the applicant, the Division assumes no responsibility for design failures of systems reviewed by the Division. Each design must be designed for the specific site location.

3. **Definitions**

- "Abutter" means a person that owns or leases land adjacent to or directly across a public rightof-way from a parcel of land in question.
- "Abutting property" means any property which shares a common boundary, or one which I. lies directly across a public right-of-way, from the subject property.
- II. "Act" means the Commonwealth Environmental Protection Act, 2 CMC §§ 3101 to 3134 (Public Law 3-23, as amended), of the Commonwealth of the Northern Mariana Islands.
- "Aquifer" means a geologic formation, group of formations, or part of a formation that is water bearing and which transmits water in sufficient quantity to supply springs and pumping wells.
- "Area of instability" means an area where there is risk of rock movement.
- "Beneficial use" shall include the use of water reasonably required for domestic, III. agriculture, commercial, industrial, recreational, and other purposes, on both public and private lands.
- "Building" means a structure having a roof and intended to shelter people, animals, IV. property, or business activity, or any structure used or intended to be used for supporting or sheltering any use or occupancy.
- "Chief" means the Chief of the Division of Environmental Quality or the chief's duly authorized representative unless otherwise specified.
- V. "Clearing of vegetation" means total or partial removal of naturally occurring vegetation on an area of land, by mechanical or non-mechanical means, if it may potentially result in soil erosion..
- VI. "CNMI" means the Commonwealth of the Northern Mariana Islands.
- VII. "Contamination" means the introduction of any physical, chemical, biological, or radiological substance into surface water which has the potential to pose a threat to human health or the environment, or to impede the most beneficial use of water.

- VIII. "CUC" means the Commonwealth Utilities Corporation, a public authority currently providing currently treatment for domestic and industrial wastewater.
- "Department" means the Department of Public Health and Environmental Services unless otherwise specified.
- IX. "Director" means the Director of the Department of Public Health and Environmental Services Division of Environmental Quality or the Director's duly authorized representative unless otherwise specified.
- X. "Division" or "DEQ" means the Division of Environmental Quality unless otherwise specified.
- "DPW" means the Department of Public Works.
- XI. "Duplex" means a building which is designed exclusively for the occupancy of one family in-which each of two single family dwelling units are attached to each other and which are detached from any other dwelling or commercial building.
- "EPA" means the United States Environmental Protection Agency.
- XII. "Earthmoving activity" means any construction or other activity which disturbs or alters the surface of the land, a coral reef, or bottom of a lagoon, or ocean floor, including, but not limited to clearing of vegetation, excavations, dredging, embankments, land reclamation in a lagoon, land development, subdivision development, mineral extraction, ocean disposal and the moving, depositing or storing of soil, rock, coral or earth; or sand mining.
- XIII. "Erosion Control Specialist" or "Specialist" means any person certified as such by the Division following the requirements given in section D.10.
- XIV. "Fill" means any rock, soil, gravel, sand or other material deposited by man.
- "Geological terms" means any term used in the regulations in this chapter which pertains to the science of geology as defined and set forth in the latest edition of the "Glossary of Geology" published by the American Geological Institute, unless such term is otherwise defined herein.
- "Grading" means cutting through, altering, or otherwise disturbing the layers of the soil mantle so as to change the topography of the existing landform.
- "Groundwater" is the part of the subsurface water which is in the zone of saturation.
- XVI. "IWDS" means individual wastewater disposal system. See the CNMI's IWDS Regulations [NMIAC, title 65, chapter 120].
- "MPLC" means the Marianas Public Lands Corporation

"MVB" means the Marianas Visitor's Bureau.

XVII. "NPDES" means the national pollutant discharge elimination system <u>under the federal Clean Water Act, 33 U.S.C. § 1251 et seq.</u> An <u>federal NPDES</u> permit is required for all municipal and industrial waste and waste treatment plant discharges to the waters of the Commonwealth and certain industrial facilities and construction projects depending on type and size.

XVIII. "Permit" as used in the regulations in this chapter shall mean an earthmoving and erosion control permit.

XIX. "Person" means any individual; firm; partnership; association; corporation, — both public and private; — and any entity or agency of the Commonwealth government or the United States of America.

"Potable water" means water that is of quality that meets the requirements of the CNMI's Drinking Water Regulations, [NMIAC, title 65, chapter 20], latest revision.

- XX. "Sand mining" means the taking of any rock, sand, gravel, or other material from any site, including but not limited to all areas from the landward vegetation line to the seaward outer slope of the barrier or fringing reef.
- XXI. "Single family dwelling" means a building designed exclusively for the occupancy of one family which is detached from any other dwelling or commercial building.
- "Water of the Commonwealth" means all waters, either fresh, brackish, or marine, including:
- (1) Shore waters surrounding the CNMI;
- (2) Intermittent and perennial streams;
- (3) Lakes, springs, and wetlands; and
- (4) Surface storm water drainage systems, whether publicly or privately owned.
- "Water supply" means the water withdrawn from a water source, or that might feasibly be withdrawn from an undeveloped or partially developed water source.
- (ii) "Wellhead protection area" means an area within close hydrogeologic proximity (in the zone of contribution) of an existing well or spring, configured as an oval either:
- (1) With equal down-gradient and side dimensions from an individual wellhead/spring, and with an up-gradient dimension from the wellhead/spring equal to twice the down-gradient dimension;
- (2) An area contributing to an aquifer believed by DEQ to have the potential to produce sufficient quantities of potable water (i.e. water meeting the CNMI's Drinking Water Regulations) to supply future pumping wells or springs.
- (jj) "Zone of contribution" is the land are which contributes recharge, and therefore potential contaminants, to an existing or proposed water well or well field.

4. General Provisions

Compliance. Construction and maintenance of any landfills; excavations, cuts, grading, clearing of vegetation, and revegetation of cleared areas; and all other earthmoving activities or activities that may cause erosion of soils shall be in compliance with the terms of the regulations in this chapter. Permits shall be required as provided in this chapters and such permits shall be granted or denied in conformity with the provisions of the regulations in this chapter. Regardless of the requirement for a permit, all activities shall be conducted in a manner that minimizes erosion.

B - Permit System

1. Permits Required

- I. No earthmoving or landclearing activity shall take place unless clearance has been obtained from the CNMI Historic Preservation Office in accordance with PL 3-29 applicable law. Until this clearance has been obtained no person shall commence or continue any earthmoving activity including grading, excavating, filling, or clearing of vegetation, and no activity shall take place without having first obtained a permit in accordance with the regulations in this chapter. Approvals from other agencies (e.g. Zoning Office, Coastal Resource Management Office, and Department of Public WorksDepartment of Lands and Natural Resources, Division of Fish and Wildlife) may also be required prior to issuing a permit.
- II. All permits shall expire in one year unless otherwise specified in the permit. Permits may not be granted for longer than a two year period. Extensions may be granted thirty days prior to a permit's expiration. Through permit renewal requests, a permit may never be active for a period longer than three years.

2. Permit Procedure

- I. General Requirements
- (a) No person shall commence or continue any of the following: grading, filling, or clearing of vegetation without first obtaining a permit from DEQ, except that
- (1) Permits are not required for landscaping or gardening on projects of less than one hundred square meters and a grade less than three percent slope. DEQ may, however, require persons to submit erosion control plans for review and approval on a case by case basis depending on the project's potential environmental impacts; and
- (2) Permits are not required for projects for the construction of individual wastewater disposal systems, where the project has been permitted by the Chief Director of DEQ. This applies only to the construction of the individual wastewater systems portion of the project.
- (b) Signatory Requirements
- (1) Applications. All permit applications shall be signed as follows:
- (i) For corporations: by a responsible corporate officer. For the purposes of this section, a responsible corporate officer means a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation.
- (ii) For a partnership or sole proprietorship: by a general partner or proprietor; or

- (iii) For any permittee, an authorized representative may sign the permit, if a responsible corporate officer, general partner, proprietor, or individual has provided DEQ with a signed, written delegation of authority, specifically delegating his authority to the authorized representative and acknowledging that the authorized representative is acting on his behalf.
- (2) Reports. All reports required by the terms of a permits and other information requested by the Chief Director of DEQ shall be signed by a person described in subsection I.(b)(1) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- (i) The authorization is made in writing by a person described in subsection I.(b)(1) of this section;
- (ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as position of plant manager, operator of a well or well field, superintendent, position of equivalent responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
- (iii) The written authorization is submitted to the Chief Director of DEQ.
- (3) Changes to authorization. If an authorization under subsection I.(b)(2) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of subsection I.(b)(2) of this section must be submitted to the Chief Director of DEQ prior to or together with any reports, information, or applications to be signed by an authorized representative.
- (4) Certification. Any person signing a document under subsections I.(b)(1)or I.(b)(2)of this section shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I understand that it is my responsibility to insure that procedures as specified in this document and its attachments are implemented and followed.

This application and the attachments constitute my "One Start" Permit Application Package and Fee for review, as required by the DEQ Earthmoving Regulations. I agree to conduct the proposed earthmoving in accordance with the law and regulation that governs the CNMI and to comply with any conditions that may be specified in the permit issued by the Division of Environmental Quality. I also understand that any knowing and willful false statement, representation, or answer on this application may be considered grounds for permit denial and/or a civil or criminal penalty not to exceed \$50,000.00 or one (1) year imprisonment or both.

II. Application Form and Erosion and Sediment Control Plan for Permits for Commercial Use Applicants for a permit shall submit an application to DEQ upon a form prescribed by DEQ in duplicate. Applicants for a permit shall furnish to DEQ an informational report, as described in this section, prepared by individuals qualified by training and experience to have knowledge in the subject. DEQ shall determine the adequacy of the report and may require the submission of

additional information where necessary. The report shall provide the following information, except to the extent that DEQ determines that such information is not applicable to the project:

- (a) An A temporary erosion and sediment control plan in conformity with the following requirements;, additionally information may be requested by DEQ:
- (1) The plan shall be prepared and certified by a qualified registered professional engineer with seal and signature as specified in NMIAC §125-20.1-705 of the Regulations of the Board of Professional Licensing for Engineers, Architects, Land Surveyors, and Landscape Architects;
- (2) The details of calculations and reference sources of information must be provided;
- (3) Plans must be based on the 25 year 24 hour duration storm event;
- (4) Conveyance structures must be based on the 15 year 24 hour duration storm event peak discharge:
- (5) Sediment control structures (e.g. ponding basins, sediment basins/traps) must be based on the 25 year 24 hour storm event. Designs may be based on either:
- (i) Minimum of 24 hour detention time including sediment storage volume; or
- (ii) Sediment removal rate of not less than 75%;
- (6) A map clearly depicting the land capabilities of the property on which the grading is to be performed, including the applicable soil name, soil group, hydrologic group, slope, runoff potential, soil depth, erosion potential, and natural drainage;
- (7) A map clearly depicting accurate contours at two foot intervals showing the topography of the ground to be cleared, graded, or filled. The map shall extend beyond the site to be developed far enough so that any impact of erosion from the site and its deposition on adjacent properties may be assessed;
- (8) A subsurface soil and geological report including subsurface investigations, if such report is required by the Chief, Director. The report shall be done pursuant to part 200 C of these regulations this chapter;
- (9) An accurate plot plan showing the exterior boundaries of the property on which the grading is to be performed, which. This plot plan shall include a grading plan prepared in accordance with engineering and planning practices, applicable codes and restrictions imposed by the recommendations of the subsurface soil and geological report;
- (10) Elevations and dimensions, including quantity, location, and extent of proposed grading;
- (11) Location, construction, and maintenance of sediment retention structures and equipment;
- (12) A site plan, which shall specify:
- (i) the type, dimensions, and location of all sediment retention or stormwater management structures and equipment;
- (ii) The site plan shall indicate the construction sequence of erosion control structures coordinated with the increment development schedule; and
- (iii) The site plan shall include a maintenance program for the control facilities during the construction phase. The plan shall include plans for the removal and disposal of materials from the control facilities on the project area;
- (13) A map and report showing existing tree locations, size (diameter and height), species, and the proposed extent and manner of tree cutting and vegetation clearing, including a plan for disposing of cut trees and vegetation and protection of vegetation remaining on site;
- (14) A description of equipment and methods to be employed in disposing of soil and other material that is removed from the grading site;
- (15) A schedule showing when each stage of the project will be completed, and when all clearing, grading, and stabilization operations shall be completed on a specified increment before

moving on to the next specified increment. The schedule must detail the plan for eliminating erosion during the Commonwealth's rainy season (June through December);

- (16) All earthmoving activities shall cease during storms. Extra measures and precautions must be taken to eliminate erosion during this these periods;
- (17) Extra measures and precautions must be taken to eliminate erosion during a three week period surrounding the annual coral spawning event (typically in June or July). The extra measures may include ceasing earthmoving activities in areas that are either highly erodible or near the coast. The actual date shall be determined by the Chief Director;
- (18) A slope stabilization and re-vegetation plan, with the following features;
- (i) The applicant shall submit a slope stabilization and re-vegetation plan which shall include a complete description of the existing vegetation, the vegetation to be removed and its disposal, the vegetation to be planted, erosion control and slope stabilization measures to be installed; and,
- (ii) The plan shall include an analysis of the environmental effects of such operations, including the effects on slope stability, soil erosion, water quality, and fish and wildlife;
- (19) A copy of the approved erosion control plan must be kept at the project site;
- (20) Inspection and maintenance plan for all erosion control measures. The plan shall include at a minimum:
- (i) Weekly visual inspections of all physical erosion control measures;
- (ii) Inspection of all physical erosion control measures after each and every major rainfall event;
- (iii) Maintenance records for the physical erosion control measures; and
- (iv) Copies of all inspections and maintenance reports shall be kept on file at the project site;
- (21) The plan shall specify at least one Erosion Control Specialist who will oversee the installation and daily implementation of the temporary erosion control plan. The designated Erosion Control Specialist must be present during all site inspections when advance notice has been given;
- (22) Any additional information requested by DEO that may be relevant to the specific construction and maintenance activities identified in this subsection; and,
- (23) All maps and site plan drawings prepared to comply with this subsection shall be prepared using a computer-based drawing tool such as Auto-CAD.
- (b) A permanent storm water control plan for the project after the construction is complete. The plan must be in conformity comply with subsection II.(a) excluding subsection II.(a)(20).
- (c) A long-term stormwater maintenance plan, describing the necessary inspection and maintenance procedures that shall be carried out by the owner of the building or structure throughout the lifetime of the building once earthmoving activity has ceased. This plan shall include:
- (1) Detailed inspection procedures for the stormwater infrastructure;
- (2) The required frequency of inspection and maintenance; and
- (3) Procedures for ensuring that the infrastructure remains in working condition.
- (3) (d) Application Fee

A non-refundable application fee must accompany all applications prior to DEQ reviewing the application. The application fee shall be as follows:

Project Area

Up to 1 hectare

\$100.00\$150.00

Greater than 1 hectare

less than or equal to 5 hectare

\$400.00\$450.00

Greater than 5 hectare

less than or equal to 15 hectare

\$800.00\$850.00

Greater than 15 hectare

less than or equal to 50 hectare \$2,000.00\$3,000.00

Greater than 50 hectare

less than or equal to 100 hectare \$5,000.00 \$6,000.00

Greater than 100 hectare

less than or equal to 200 hectare

\$10,000.00

Greater than 200 hectare

\$15,000.00

- (4) (e) Proof of title or lease to the land and authorizingation applicant to conduct such activities.
- (5) (f) Applicant's signature on the application or a representative's signature. A representative's signature will only be accepted with a legal instrument granting the representative power to act for the applicant in such matters. The legal instrument will not preclude DEQ from taking action against either the representative or the applicant in the event of violations.
- (6) (g) Other assurances necessary to ensure that the applicant abides by the plans may be required on a case by case basis, where applicant has a prior history of noncompliance.
- (7) (h) Applicants for projects of five acres one acre (2.02 0.404 hectares) or greater may be required to obtain an NPDES permit.
- (8) (i) Applicants must provide either proof of the ability to hook-up to CUC sewer system or a completed individual wastewater disposal system (IWDS) application.
- (9) (i) Applicant must provide proposed public safety measures (e.g. fencing and barricades) for the construction area.

III. Non-commercial, Agricultural, and Exploratory Permits

Projects of a non-commercial nature require a permit but do not require and a reduced permit fee and generally require less information submitted as part of the application. All earthmoving activities not defined under this section shall be considered to be commercial earthmoving unless the Chief Director determines otherwise based on information submitted by the applicant.

- (a) Definition of a non-commercial, agricultural, or exploratory activity under this section:
- (1) The work is an exploratory excavation under the direction of a soils engineer or geologist not to exceed an aggregate area of one hundred square meters;
- (2) The work is for field plowing or agricultural purposes;
- (3) The work is for the purpose of erecting a one single or two family residence dwelling or a duplex;
- (4) The work is the clearing of vegetation for landscape purposes or site inspection (i.e. transit survey or topographical survey limited to necessary area to conduct work) which does not exceed two thousand square meters in area and there is sufficient prevention of erosion, and the applicant can demonstrate to DEQ that there will be no adverse environmental impact to any surface water as a result of the earthmoving activity; or
- (5) The work is done by a public agency (but not by a contractor for a government agency).
- (b) Application Form and Erosion and Sediment Control Plans for Permits for Non-commercial Use

Applicants for a permit shall submit an application to DEQ upon a form prescribed by DEQ in duplicate. Applicants for a permit shall furnish to DEO the following information:

- (1) A completed earthmoving and erosion control application;
- (2) Proof of title or lease to the land and authorization to conduct such activities;

- (3) An erosion and sediment control plan, which shall include the following information and feature;, additionally information may be requested by DEQ.
- (i) Temporary sediment control structures to prevent the discharge of sediment from the site during construction;
- (ii) A site development plan showing the locations of all proposed structures;
- (iii) All earthmoving activities shall cease during storms. Extra measures and precautions must be taken to eliminate erosion during these periods;
- (iv) Extra measures and precautions must be taken to eliminate erosion during a three week period surrounding the annual coral spawning event (typically in June or July). The extra measures may include ceasing earthmoving activities in areas that are either highly erodible or near the coast. The actual date shall be determined by the Chief Director;
- (v) A copy of the approved erosion control plan must be kept at the project site; and,
- (vi) Any additional information requested by DEO, which may be relevant to the specific construction and maintenance activities identified in this subsection.
- (4) A map clearly depicting:
- (A) The land capabilities of the property on which the grading is to be performed;
- (i) An accurate plot plan showing the exterior boundaries of the property on which the grading is to be performed;
- (ii) Elevations and dimensions including quantity, location, and extent of proposed grading;
- (iii) Existing tree locations, size, species, and the proposed extent and manner of tree cutting and vegetation clearing; and,
- (E) A description of equipment and methods to be employed; and
- (iv) Where cuts and fills are planned, the applicant must address the impacts on the adjacent lots.
- (c) Application Fee

A non-refundable application fee of \$25.00 must accompany non-commercial applications covered by this section prior to DEQ reviewing the application, except when the work is done by a public agency. In cases where the work is done by a public agency, the application fee shall be waived.

3. **Undue Procedural Requirements**

DEQ may take administrative action to relieve an applicant of undue procedural requirements by utilizing such devices as permit surrender and consolidated permit applications upon a finding that such actions will be in the best interest of the Commonwealth and will meet-or cause to be met by any applicable law standards or regulation in force.

C Required Investigations, Reports, and Plans

1. General Requirements for Subsurface Investigations

Subsurface soil and geological report shall be performed throughout the area to sufficiently describe the existing conditions.

2. Specific Requirements of Subsurface Investigations

- I. Subsurface investigation shall be conducted whether the use is commercial or noncommercial and a subsurface soil and geological report shall be prepared, where stability may be lessened by the proposed grading or filling or when such grading or filling will be performed at any of the following locations:
- (a)(a) Zones of trapped or high water table;
- (b)(b) Where a fill slope is to be placed above a cut slope;
- (e)(c) Where pile driving is to be conducted;
- (d)(d) Proposed or existing fills exceeding twenty feet in height;
- (e)(e) Proposed or existing cuts exceeding twenty feet in height, unless in extremely competent rock;
- (f)(f) Where fills are to be placed on existing slopes steeper than sixteen percent;
- (g)(g) Where excavation causes slope to exceeds a one-to-one (45% 45° or 100% slope)
- (h)II. Where any of the particular problem areas listed above or other significant problems are found, the subsurface investigation shall be of sufficient scope and detailed to describe the problem thoroughly. The person making the report shall submit written report findings and recommendations.

3. **Additional Investigations and Reports**

When requested by DEQ, the applicant shall procure and furnish, at applicant's own expense, additional engineering, geologic, and ownership reports, plans or surveys, and other material necessary to determine and evaluate site conditions and the effect of the proposed work on abutting properties, public ways, and public welfare and safety within the purposes of the regulations in this chapter.

D Standards of Grading, Filling, and Clearing

Criteria for Grading, Filling, and Clearing Operations 1.

- I. All grading, filling, and clearing operations, whether or not requiring a permit under the regulations in this chapter, shall be designed as follows:
- (a) To preserve, match, or blend with the natural contours and undulations of the land;
- (b) To retain trees and other native vegetation, to stabilize hillsides, retain moisture, reduce erosion, siltation, and nutrient runoff, and preserve the natural scenic beauty;

- (c) To minimize scars from cuts and fills;
- (d) To reduce the amount of cuts and fills and to round off sharp angles at the top, bottom (toe), and sides of all necessary cut and fill slopes;
- (e) To limit development on steep terrain;
- (f) To take into consideration geologic fragileness and adverse soil conditions and their effect on the future stability of the development;
- (g) To assure that all cleared slopes, cuts, and fills and other areas vulnerable to erosion shall be stabilized:
- (h) To assure that construction, clearing of vegetation, or disturbance of the soil will be limited to those areas of proven stability;
- (i) To assure that the natural geological erosion of hillsides, slopes, graded areas, and filled areas, will not be exceeded; and
- (i) To assure that sediment or other material deposited in the marine waters or coastline, or any other public or private lands will not exceed that which would have been deposited if the land had been left in its natural state.
- II. All projects must meet the standards set forth in 2.1 and 2.2 of the 2006 CNMI and Guam Stormwater Management Manual, specifically E&SC Standards 1-11 and Post-construction Standards 1-13. The Manual is attached as Appendix 1. The remainder of the Manual provides guidance for complying with the standards. Temporary and permanent project construction shall reflect all of the applicable stormwater control standards as set forth in the standards referenced above.

2. **Discharge Prohibitions**

I. Direct Discharge

No person shall discharge solid or liquid waste or materials including soil, silt, clay, sand, and other organic or earthen materials into the lagoon, ocean, or coastline, surface waters such as lakes, wetlands, streams, or springs, or other people's property without a permit.

II. Indirect Discharge

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No material shall be placed near the coastline or ocean water, wetlands, streams, springs, or lakes in such a manner that it would be susceptible to erosion and/or deposition into said waters.

III. Discharge Control Devices

In order to prevent such discharges from occurring, approved erosion and siltation control devices and measures shall be required for all grading and filling. Control devices and measures which may be required include, but are not limited to the following:

(a) Energy absorbing devices to reduce the velocity of runoff waters;

- (b) Sedimentation controls such as desilting basins and catch basins;
- (c) Removal of Any trapped sediment shall be removed to a site approved by DEQ;
- (d) Dissipation of water runoff from developed areas into drainage fields to dissipate the runoff into the subsoil;
- (e) Discharge of water runoff from developed areas into drainage fields to dissipate the runoff into the subsoil;
- (f) Multiple discharge points to reduce the volume of runoff over the localized discharge areas; and,
- (g) Physical erosion control devices.

IV. Temporary Control

Approved temporary erosion control and sedimentation control devices, facilities, and measures shall be required during construction.

3. **Dust Control**

Whenever the ground cover is removed or disturbed or whenever fill material is placed on the site, the exposed surface shall be treated to the extent necessary to eliminate dust arising from the exposed material.

4. Prohibition of Grading During Inclement Weather and the Annual Coral Spawning

Grading, filling, clearing of vegetation, or other disturbance of the soil are prohibited during inclement weather and for resulting period of time when the site is in a saturated, muddy, or unstable condition. Whenever practicable, major earthmoving should be scheduled to coincide with the dry season. All earthmoving activities shall cease during storms and during the three week period surrounding the annual coral spawning event. Extra measures and precautions must be taken to eliminate erosion during these periods.

5. Schedule of Operations -

All grading and filling operations shall proceed according to a work schedule included in the grading plan. The schedule shall be prepared to provide for the shortest possible period of time that exposed soil is unprotected.

6. **Disposal of Cleared Vegetation**

Vegetation removed during clearing operations shall be disposed of by stockpiling it on the site for use as mulch or compost, or shall be disposed of in a manner and at a location approved by DEQ.

7. Disposal of Removed Earthen Materials

Earthen materials removed during operations hereunder shall be disposed of as follows:

- I. By stockpiling all or some of the top soil on the site for use or on areas to be re-vegetated; or
- II. By disposal of the material at a location approved by DEQ.

8. Cuts

I. Maximum Slope

The maximum cut slope shall be determined on the basis of the risk of soil instability or soil erodibility as shown by the information report, the subsurface soil and geological report, or other available information.

II. Slope Materials

If the material of the slope is of such composition and character as to be unstable under the maximum moisture content anticipated, DEQ shall require such measures as necessary in order to insure the stability of the slope.

III. Mechanical Stabilization

Where mechanical stabilization or containment of the slope by other than the use of <u>non-native</u> material is employed, the stabilization devices shall be at least partially screened by vegetation.

9. Fill

I. Maximum Slope

The maximum fill slope shall be determined on the basis of the risk of instability or soil erodibility as shown by the information report, the subsurface soil and geological report, or other available information.

II. Fill Material

Any material not subject to proper compaction or not conducive to stability shall not be permitted in fills.

III. Compaction

Each layer of material for fill shall be compacted to relative compaction of not less than ninety percent ASTM - D1557 - 70 as certified by the applicant to DEQ. Fills and backfills must be compacted at a minimum of every ten inch horizontal layer to ensure that the total fill is compacted to the above referenced ninety percent.

10. Certification of Erosion Control Specialists

I. General Provisions

- (a) The purpose of this subsection is to assure that all earthmoving activities are performed under the supervision of individuals who are trained and certified with the knowledge and understanding of the erosion control standards.
- (b) No later than July 1, 2014, all earthmoving activity shall have a certified Erosion Control Specialist to oversee the implementation of any erosion and sediment control plan.

(c) The Division may charge reasonable fees to cover the expenses of the certification program. These fees may include an initial application fee for new applicants, an exam fee if an exam is to be administered, and a renewal fee for a Specialist who is already certified. The Division shall provide a written schedule of current fees, published in the Commonwealth Register.

II. Certification Requirements

- (a) A person seeking certification under this regulation shall submit an application to the Division on a form approved by the Division.
- (b) The Division will certify an applicant who has met the requirements of section III.

III. Examination Requirements

- (a) To be certified as an Erosion Control Specialist, a person must pass the DEQ-administered "Erosion & Sediment Control Certification Exam" to demonstrate the person's skills, knowledge, ability, and judgment in erosion control practices.
- (b) The person must obtain a minimum score of 70% on the exam in order to pass the examination.
- (c) A person may not take the same certification exam more than once within a span of 90 days.
- (d) The applicant must submit the fee for the exam prior to taking the exam.

IV. Certification Term and Renewal

- (a) A certificate issued under part D.10 of these regulations is valid for a three-year period beginning January 1 of the year of issuance.
- (b) The Division will renew a certificate only if a Specialist:
- (1) Has paid the required fee; and
- (2) Is otherwise in compliance with these regulations.

V. Lapsed Certificates

- (a) A Specialist who seeks renewal of a lapsed certificate shall submit a request for renewal within 90 days after the certificate lapses. Upon receipt of a valid request for renewal, including proof of compliance with section IV, and payment of the appropriate fee, the Division shall renew a certificate.
- (b) The Division will require reexamination of a Specialist whose renewal application is received more than 90 days after the certificate lapses.

VI. Revocation of Environmental Specialist Certification

- (a) After an investigation and review of the facts, and in accordance with all applicable Commonwealth laws and regulations, the Director may revoke the certification of a Specialist for any of the following reasons:
- (1) The Specialist has practiced fraud or deception, has falsified reports to Division inspectors, or falsified other operating records. A person committing such actions may be liable for civil or criminal penalties in accordance with 2 CMC §§ 3131(c) and (d) or other applicable law;
- (2) The Specialist does not use, in the judgment of the Director, reasonable care, judgment, or the application of knowledge in the performance of the Specialist's duties. The Director's reasons for such a determination shall be stated in detail and in writing at the time of revocation;
- (3) The Specialist does not perform duties in a manner that meets earthmoving and erosion control compliance requirements of Commonwealth laws and regulations. The Director's

reasons for such a determination shall be stated in detail and in writing at the time of revocation;

- (4) The certification of the Specialist has expired.
- (b) If the Director revokes a certification for any reason other than certificate expiration, the Specialist may appeal the Director's decision as set forth in part F.4 of these regulations.

\mathbf{E} Restriction of Vehicles to Graded Areas

1. Restriction of Vehicles to Graded Areas

- I. For the protection of plant material, construction equipment shall be limited to the actual areas to be graded as specified in the approved plans. No vehicles of any kind shall pass over areas to be left in their natural state according to the approved plans.
- II. The permittee, contractor, and subcontractor shall be fully responsible for compliance with the requirements of the regulations in this chapter, including any damage caused to existing trees or other vegetation

F **Action on Applicants**

1. Additional Information

The Chief Director may require the applicant to furnish additional information, plans, or specifications before acting on an applicant for any permit.

2. **Action on Permit Applications**

Each application permit shall be reviewed for completeness. The Division shall review and act on any application for a permit within thirty 21 calendar days of receipt of the complete application.

3. **Incomplete Applications**

For all applications found to be incomplete, the Division will notify the applicant via a short written statement, describing the deficiencies found. Corrective and/or follow-up action, design, field tests, etc. is the responsibility of the applicant. The Division is not responsible, nor will the Division personnel undertake, completion or correction of an incomplete or incorrect permit application. When the Division finds one or more deficiencies in the application, the Division will stop processing the permit, and the 21 calendar day permitting period will be put on hold, until such time that the applicant submits the information necessary to complete the application.

Appeal of Permit Decision 4.

The Chief Director shall notify the applicant in writing of the decision regarding any application for permit. The Chief Director shall inform the applicant of sufficient facts and reasons for upon which a disapproval or conditional limited approval of a complete application was based. The

applicant shall be afforded the opportunity to file a written appeal of the Chief's Director's decision. A Request for appeal shall be served upon the Division within seven calendar days from receipt of the disapproval or eonditional limited approval. Failure to file this appeal within seven calendar days shall constitute a waiver of the applicant's rights to any future appeal of the Chief's Director's decision. Appeals shall be heard in the same manner as hearings on administrative orders specified in part H.3 of these regulations.

5. Transfer of Permits

A permit issued pursuant to the regulations in this chapter shall not be transferred from one location to another, or from one person to another, without the written approval of the Chief Director.

6. Amendment of Permits

After a permit application has been approved, a permittee may alter the proposed project by requesting, in writing, an official application for a permit amendment. All relevant design drawings and plans must accompany the written request, and will be subject to approval by the Director or the Director's authorized representative. Each amendment application shall be processed within 21 days as specified in part F.2, and for Commercial Permits, the applicant shall pay a fee of one-half (50%) of the original permit application fee.

G - Inspections and Right of Entry

1. Inspection Condition of Permit

As a condition for the issuance and continuation of any permit granted under the regulations in this chapter, the holder of a permit shall allow the Director or the Director's authorized representative prompt access to the premises covered by the permit to the Chief's authorized representative permitted site for the purpose of inspecting the premises for compliance with the terms of the permit. This shall include any work already completed under a permit pursuant to this section. The inspection may be made with or without advance notice to the permit holder, with good purpose, at the discretion of the Chief Director, but shall be made at reasonable times unless an emergency dictates otherwise.

2. Searches Under Court Order or Warrant

If the Chief <u>Director</u> has probable cause to believe a violation of the regulations in this chapter or any order issued under this chapter, or any term of a permit granted <u>under this chapter</u> that* this chapter has occurred or is imminent, or if it when necessary to permit allow the Chief <u>Director</u> to perform the duties under this Act, the <u>Chief Director</u> shall apply to the <u>Superior Court of the Commonwealth Of Commonwealth Trial Court of the District Court for the Northern Mariana Islands for an order or warrant to enter upon and search any property, take necessary samples or readings therefrom, seize evidence found therein, and examine or impound any book or record found therein or specified in such order or warrant.</u>

*So in original

3. Searches Without Court Order or Warrant

The <u>Chief Director</u> or the <u>Chief's Director's</u> authorized representative may enter upon any property for the purpose set forth in § 65-30-G.I part G.1. of these regulations without an order or warrant if he/she has probable cause to believe all of the following:

- That a violation described in the subsection has occurred or is imminent.
- II. That the violation poses a serious, substantial, and immediate threat to the public health or welfare.
- III. That the delay in obtaining a court order or warrant would prolong or increase the threat, or would prevent, hinder, or delay the discovery of evidence of the violation or the taking of any necessary mitigating or remedial measures.

4. Inspections at Reasonable Times

All construction or work for which a permit is required shall be subject to DEQ inspection at reasonable times by authorized employees of DEQ.

5. General Inspections

DEQ may make any inspections of any construction work deemed necessary, whether completed or ongoing, to ascertain compliance with the provisions of the regulations in this chapter or other regulations of the DEQ.

6. Notification

The permittee or permittee's agent shall notify the DEQ at least two working days in advance of the start of the grading, clearing, or filling operation.

7. Inconsistent Conditions

If the inspector finds inspection reveals that the soil or other conditions are other than as stated in the application for permit, he the Director may revoke the permit for violations and refuse to approve work until approval is obtained for an amended a revised permit which will conform to the existing conditions. In such event, all work shall cease until a revised an amended permit has been obtained.

8. Inspection of Concealed Work

Whenever any work on which inspections are required by the regulations in this chapter is covered or concealed by additional work without first having been inspected, DEQ may require, by written notice, that such work be exposed for examination. The All costs associated with of

exposing the concealed work and recovering shall be borne by the permittee or by the party responsible for conducting the earthmoving in the case where no permit is obtained. No costs relating to the <u>concealed</u> work of exposing and recovering shall be borne by DEQ.

9. **Duty to Provide Information**

The permittee shall furnish to the Chief Director of DEQ, within a reasonable time, any information which the Chief Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Chief Director of DEQ upon request, copies of records required to be kept by this permit.

H Penalties, Fines, Suspension, Revocation, and Other Orders

1. **Instituting Actions**

The Chief Director may institute civil actions through the Commonwealth courts or by administrative orders issued by the Chief and the Director.

2. Civil Actions in the Commonwealth Courts

Civil actions initiated through the Commonwealth courts shall be transmitted through and with the approval of the Director and the Attorney General as necessary to enforce the regulations in this chapter in consonance with, and in accordance with the applicable laws of the CNMI. The Attorney General will institute legal actions to enjoin a violation, continuing violation, or threatened violation of this chapter.

3. **Issuance Appeals** of Administrative Orders

Any person who is subject to civil penalties, revocation, or suspension pursuant this part may be served with an administrative order and notice of violation and may, upon written request, seek an appeal hearing before the Chief Director or the Chief's Director designee. Request for an appeal may be served upon the Division within seven calendar days from the receipt of the administrative order. Failure to request an appeal within seven calendar days shall result in the person's waiving the right to any appeal or hearing.

4. **Procedures for Administrative Orders**

Procedures for administrative orders shall be conducted as follows:

I. The Chief Director may issue and order any person to pay a civil fine of not-more than \$1,000.00 as specified in the Commonwealth Environmental Protection Act, 2 CMC § 3131(c) for each violation of the Act, regulations adopted pursuant to the Act, or any permit or license issued pursuant to the Act and such regulations. Each day of continued violation after issuance of written notice by the Chief Director or his designee and the expiration of any reasonable

period allowed for corrective action is a separate offense. The Director shall determine whether to allow for a period for corrective action, and the length of that time period, based on prior violations of these regulations and the nature of the current violation. The Director need not allow for a period for corrective action where previous violations of these regulations have occurred or where it is not practicable to correct the violation.

- II.(a) The written request for a hearing shall serve as the answer to the complaint. The request for hearing or "answer" shall clearly and directly admit, deny, or explain each of the factual allegations contained in the complaint with regard to which the alleged violator (respondent) has any knowledge. Where respondent has no knowledge of a particular factual allegation and so states, the allegation is deemed denied. The answer shall also state
- (1) The circumstances or arguments which are alleged to constitute the grounds of defense,
- (2) The facts which respondent intends to place at issue, and
- (3) Whether a hearing is requested.
- (b) Failure to admit, deny, or explain any material factual allegation contained in the complaint constitutes an admission of the allegations. An oral answer may also be given at the time of hearing should a hearing be requested.
- III. The respondent may also request an informal settlement conference. An informal settlement conference shall not affect the respondent's obligation to file a timely request for hearing. If a settlement is reached, the parties shall forward a proposed consent order for the approval of both the Chief and Director.
- IV. If a hearing is conducted, the Chief Director or his designee will preside over the hearing. The Chief Director shall control the taking of testimony and evidence and shall cause to be made an audio, audio-video, or stenographic record of the hearing. The type of record made shall be at the discretion of the Chief Director. Evidence presented at such a hearing need not conform with the prescribed rules of evidence, but may be limited by the Chief Director in any matter she/he reasonably determines to be just and efficient and promote the ends of justice. The Chief <u>Director</u> shall issue a written decision within thirty calendar working days of the close of the enforcement hearing. The decision shall include written findings of fact and conclusions of law. The standard of proof for such a hearing and decisions shall be the preponderance of the evidence.
- (e) Upon issuance of the written decision, the respondent may seek a discretionary review of the decision by the Director. The request for the discretionary review must be filed within ten working days of the date of issuance of the decision. The request must concisely state the specific objections to the decision. There is no right to a hearing before the Director. A copy of the request of review must be filed with the Chief on the same day it is filed with the Director. The Director may elect to review the case and issue a written decision or affirm the Chief's decision. She/he will issue a written decision within thirty calendar days.
- V. The Director's decision shall be final. An appeal from the final enforcement decision shall be to the Commonwealth Superior Court within thirty calendar days following service of the final agency decision.

VI. For filing deadline purposes, counting of the days shall start on the day after issuance or receipt (whichever is specified). If any filing date falls in a Saturday, Sunday, or Commonwealth holiday, the filing date shall be extended to the next working day.

5. Suspension, Revocation, or Modification

The Chief Director may suspend, revoke, or modify any permit or license issued by the Division for violation of the Act, any regulations adopted pursuant to the Act, any permit or license issued pursuant to the Act and such regulations, subject to the procedures of § 65-30 J.V. The Director's decision shall be subject to the procedures for the appeal of permit decisions.

6. **Additional Penalties**

A person shall be liable for an additional penalty for any amount expended by any agency of the Commonwealth in taking any action necessary to mitigate or reduce any significant adverse effect caused by the person's failure to comply with the Act, regulations, permit, license, or any order issued thereunder.

7. **Knowing and Willful Violations**

Any person who knowingly and willfully commits any act in violation of the Act, regulations, permit, or license, and who is found guilty by a court of competent jurisdiction may be punished by a fine of not more than \$50,000.00 or by imprisonment of not more than one year, or both. Any other penalties or remedies provided by the regulations in this chapter and ordered by the Chief Director shall also remain in effect.

Miscellaneous Provisions I

1. Severability

If any rule, section, sentence, clause, or phrase of the regulations in this chapter or its application to any person or circumstance or property is held to be unconstitutional or invalid, the remaining portions of this chapter or the application of this chapter to other persons or circumstances or property shall not be affected.



STATE BOARD OF EDUCATION

Commonwealth of the Northern Mariana Islands — Public School System

PO Box 501370 Saipan, MP 96950 • Tel. 670 237-3027 • Fax 670 664-3711



Lucia L. Blanco-Maratita, Esq. VICE-CHAIRWOMAN

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STUDENT REPRESENTATIVE Michaelle Marie Chong Muña

TEACHER REPRESENTATIVE

PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS WHICH ARE AMENDMENTS TO RULES AND REGULATIONS REGARDING CHAPTER 60-40 PUBLIC SCHOOL SYSTEM **RULES AND REGULATIONS**

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 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 ten (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 amendment set forth to provide procedural guidelines for the PSS Procurement Appeal Process.

THE SUBJECTS AND ISSUES INVOLVED: The Proposed Regulation sets forth the regulations and procedures required for guidelines in the Procurement Appeal Process within the Public School System in the CNMI.

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))

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, via mail at P.O. Box 501370 CK, Saipan, MP 96950, via phone at 670-237-3027 or via fax to 670-664-3711 within thirty (30) calendar days following the date of the publication in the Commonwealth Register of these amendments. (1 CMC § 9104(a) (2))

This regulation was approved at the State Board of Education Regular Meeting on January 17, 2014.

Submitted by:

Herman T. Guerrero

Chairman, State Board of Education

Received by:

Esther S. Fleming

Special Assistant for Administration

Filed and Recorded by:

Commonwealth Register

02.26.2014 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 21th day of February, 2014.

Gilbert Birnbrich, DAG

for JOEY P. SAN NICOLAS

Attorney General

STATE BOARD OF EDUCATION

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS- PUBLIC SCHOOL SYSTEM P.O. BOX 501370 SAIPAN, MP 96950 * Tel. 670 237 3027 Fax 670 664-3711

ARONGORONGOL TOULAP REL POMMOL ALLÉGH IGHA E BWE LIWEL ALLÉGH REL CHAPTER 60-40 ALLÉGHÚL ME MWÓGHUTUGHÚTÚL PUBLIC SCHOOL SYSTEM

POMMOL ALLÉGH: Sángi Commonwealth Ióll Marianas me Téé kka Efáng, Public School System (PSS) re schuungi bwe:

MÁNGEMÁNGIL MWÓGHUTUGHÚT BWE REBWE ADAPTÁÁLI ALLÉGH:

Commonwealth Ióll Marianas me Téé kka Efáng Public School System re mángemángil re bwe adaptááli bwe e bwe llégh Ió allégh kka e appaasch long bwe allégh, sángi mwóghutughútúl Administrative Procedure Act, 1CMC §9104(a). Allégh kka e bwe bwuung Ió Ióll seigh (10) ráll mwiril yaar adaptááli me akkatééwowul me rel Commonwealth Register. (1CMC §9105(b)).

BWÁNGIL: Sángi Article XI me rel CNMI Constitution Public Law 6-10 me CNMI Procedure Act bwe a bwuung ló arongowoowul rel igha eyoor bwángil Board rel e bwe ayoora pommol lliwel ngáli alléghúl PSS.

KKAPASAL ME AWEEWEL: Pommwol lliwel kka e fféér tiw nge e bwe ayoora mwóghutughútúl me kkapasal ngáli PSS Procurement Appeal Process.

KKAPASAL ME ÓUTOL: Pommol allégh kkal nge e bwe ayoora mwóghutughútúl me kkapasal ngáli Procurement Appeal Process rel Public School System lóll CNMI

AFALAFAL REEL AMWEELIL ME ARONGOWOOWUL: Pommol allégh kkaal nge rebwe akkatééwow merel Commonwealth Register me leyil tálil pommol me allégh mill ffé kka re adaptáálil bwe allégh. (1CMC § 9102 (a) (1) nge e bwe appaasch tá me civic center me bwulasiyol gobenameento lóll senatorial districts, nge rebwe seláti rel English, Remáraalis me Refaluwasch. (1CMC § 9104 (a) (1))

ATTOOTOLONGOL MÁNGEMÁNG: Re arongoowow reer toulap bwe re bwe amweeri pommol lliwel kkaal me re bwe akkafang long me ngáre bwughi ló rel Chairperson, State Board of Education, via mail P.O. Box 501370 CK, Saipan MP, 96950, via phone rel (670) 237-3027, ngáre via fax rel (670) 664-3711 yaar mángemáng, kkapas, me angiingi, ngáre re tepang me igha re se tepang rel pommol lliwel kkaal lóll eliigh (30) ráll mwirill yaal akkatééwow merel Commonwealth Register rel lliwel kkaal. (1 CMC § 9104(a)(2)).

Allégh yel nge a bwuung ló sángi State Board of Education Regular Meetings wól Eneero 17, 2014.

Isáliiyallong:

Chairman, State Board of Education

Aramas ye:

E bwughi Esther S. Fleming

Special Assistant for Administration

File me Rekoodliiyal:

ommonwealth Register

02.26.2014 Ráll

Sángi 1 CMC § 2153(e) (Allégh kkaal e bwe lléghló sángi AG bwe e fil rel ffééruúl) me 1 CMC § 9104 (a)(3) (mwiir sángi yaar llégh ló me AG) rel pommol allégh ye re aschuulong bwe ra takkal amweeri fiischiy, me llégh ló fféérúl me legal sufficiency sángi CNMI Attorney General me e bwe le attotoowow, 1 CMC § 2153(f) (Arongowowul allégh me mwóghutughút).

Rállil ye **26** Febreero 2014.

JOEY P. SAN NICOLAS

Sóubwungúl Allégh Lapalap

STATE BOARD OF EDUCATION

COMMONWEALTH GI SANGKATTAN NA ISLAS MARIANAS SIHA SISTEMAN ESKUELAN PUPBLIKU P. O. BOX 501370 SAIPAN, MP 96950 * Tel. 670 237-3027 * Fax: 670 664-3711

NUTISIAN PUPBLIKU PUT I MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA NI MANMA'AMENDA PARA I AREKLAMENTU YAN REGULASION SIGUN I KAPITULU 60-40 NA AREKLAMENTU YAN REGULASION SIHA GI SISTEMAN ESKUELAN PUPBLIKU

I MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA: I Commonwealth gi Sangkattan na Islas Marianas Sisteman Eskuelan Pupbliku ("PSS") ha sodda' na:

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, i Sisteman Eskuelan Pupbliku ("PSS") ha intensiona para u adåpta kumu petmanienti na regulasion siha ni mañechettun i Manmaproponi na Regulasion siha, sigun gi manera siha gi Åktun Administrative Procedures, 1 CMC § 9104(a). I Regulasion siha para u ifektibu gi halum dies(10) dihas dispues di adåptasion yan pupblikasion gi halum i Rehistran Commonwealth. (1 CMC § 9105(b))

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

I TEMA YAN SUSTANSIAN I PALABRA SIHA: I manmaproponi na amendasion ni mapega mo'na ni para u pribeninyi giniha siha para i PSS Procurement Appeal Process.

I SUHETU NI MASUMÅRIA YAN ASUNTU NI TINEKKA SIHA: I Manmaproponi na Regulasion mapega mo'na ni para u prinibeniyi regulasion yan manera siha ni dinimanda para i giniha siha gi halum i Procurement appeal Process gi halum Sisteman Iskuelan Pupbliku gi halum CNMI.

DIREKSION PARA U MAPO'LU YAN PUPBLIKASION: Esti i Manmaproponi na Regulasion siha debi na u mapupblika gi halum i Rehistran Commonwealth gi seksiona ni manmaproponi yan nuebu na ma'adapta na regulasion siha 1 CMC § 9102 (a) (1) yan mapega gi halum i kumbenienti na lugat siha gi halum ufisinan gubietnamentu gi kada distritun senadot, parehu English yan i dos na lingguahin natibu. (1 CMC § 9104(a) (1))

PARA U MAPRIBENIYI OPIÑON SIHA: Todu maninterisão na petsona siña ma'eksamina i manmaproponi na amendasion siha yan u mana'hålum i tinigi' imfotmasion, pusision, pat inaksepta para pat kinentran i manmaproponi na amendasion siha guatu gi Kabiseyu, State Board of Education, via mail gi P.O. Box 501370 CK, Saipan, MP 96950, pat tilifon gi 670- 237-3027 pat fax 670-664-3711 gi halum i trenta(30) dihas ni tinattitiyi ni fetchan kalendåriu yan gi fetchan pupblikasion gi halum Rehistran Commonwealth gi esti na amendasion siha. (1 CMC § 9104(a) (2))

Esti na regulasion ma'aprueba gi Huntan i State Board of Edcation gi Ineru 17, 2014. Nina'hålum as: Herman T. Guerrero Kabesiyu, State Board of Education Rinisibi as: Espisiåt Na Ayudånti Para I Atmip strasion Pine'lu yan Ninota as: Rehistran Commonwealth Sigun i 1 CMC § 2153(e) (Inaprueba i regulasion siha ni Abugadu Henerat ni para u macho'gui kumu fotma) yan 1 CMC § 9104(a) (3) (hentan inaprueban Abugådu Heneråt) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'apueba kumu fotma yan sufisienti ligåt ginin i CNMI Abugådu Heneråt yan debi na u mapupblika, 1 CMC § 2153(f) (pupblikasion i areklamentu yan regulasion siha).

Mafetcha guini gi diha _____ di Fibreru, 2014.

for JOEY P. SAN NICOLAS

Abugådu Heneråt

Part - Protests and Disputes

§ 60-40-401 Protests to the Commissioner of Education

(a) General

- (1) Any actual or prospective bidder, proposer, or contractor who asserts a claim or asserts that it has been aggrieved in connection with the solicitation or award of a contract may protest to the Commissioner of Education. The protest shall be received by the Commissioner of Education in writing within ten (10) days after such aggrieved person knows or should have known of the facts giving rise thereto. The Commissioner of Education shall consider all protests or objections to the award of a contract, whether submitted before or after award. The written protest shall state fully the factual and legal grounds for the protest;
- (2) Other persons, including bidders, involved in or affected by the protest shall be given notice of the protest and its basis in appropriate cases. The protesting party shall provide such notice and a copy of its protest to all other bidders involved in or affected by the protest and shall file a declaration or proof of service with the Commissioner of Education. Proof of Notice is required by the protesting party to other bidders or proposers within three (3) calendar days of filing its protest. These persons shall also be advised that they may submit their views and relevant information to the Commissioner of Education within ten (10) days after receiving notice by the protesting party
- (3) The Commissioner of Education shall decide the protest within thirty (30) calendar days after all interested parties have submitted their views unless the Commissioner certifies that the complexity of the matter requires a longer time, in which event the Commissioner shall specify the appropriate longer time. If the Commissioner of Education fails to render a decision or determination within such period, the protesting party may file its appeal to the Appeal Committee of the State Board of Education by filing such Notice of Appeal with the Chairman through the Board Secretary at the State Board of Education Office, Susupe, Saipan. The submission of views may include any factual statements; briefs; memoranda; declarations; and other information that the Commissioner of Education or any party may submit which is relevant and necessary for the determination of the protest;
- (4) When a protest, before or after award, has been appealed to the Appeal Committee, as provided in these procedures, the Commissioner of Education shall submit a report, and the Commissioner of Education should include with his/her report a copy of:
 - (i) The protest;
 - (ii) The bid submitted by the protesting bidder and a copy of the bid of the bidder who is being considered for award, or whose bid is being

protested;

- (iii) The solicitation, including the specifications on portions relevant to the protest;
- (iv) The abstract of offers or relevant portions;
- (v) Any other documents that are relevant to the protest; and
- (vi) The Commissioner of Education's signed statement setting forth findings, actions, and recommendations and any additional evidence or information deemed necessary in determining the validity of the protest. The statement shall be fully responsive to the allegation of the protest. If the award was made after receipt of the protest, the Commissioner of Education's report will include the determination prescribed in subsection (b)(3) below. The foregoing information submitted by the Commissioner of Education shall be considered the complete Administrative Record on appeal to the Appeal Committee unless the Appeal Committee supplements the record with additional testimony or evidence.
- (5) Since timely action on protests is essential, they should be handled on a priority basis. Upon receipt of notice that an appeal from the Commissioner's decision has been taken to the Appeal Committee, the Commissioner of Education shall immediately begin compiling the information necessary for a report as provided in subsection (a)(4) above.

(b) Protests Before Award

- (1) When a proper protest against the making of an award is received, the award shall be withheld pending disposition of the protest. The bidders whose bids might become eligible for award shall be informed of the protest. In addition, those bidders shall be requested, before expiration of the time for acceptance of their bids, to extend the time for acceptance to avoid the need for readvertisement. In the event of failure to obtain such extensions of bids, consideration shall be given to proceeding with an award under subsection (b)(2) below.
- (2) When a written protest is received, award shall not be made until the matter is resolved, unless it is determined that:
 - (i) The materials and services to be contracted for are urgently required;
 - (ii) Delivery or performance will be unduly delayed by failure to make award promptly; or
 - (iii) A prompt award will be advantageous to the Public School System. .
- (3) If award is made under subsection (b)(2) above, the Commissioner of Education shall document the file to explain the need for an immediate award. The Commissioner of Education also shall give written notice to the protester and others concerned of the decision to proceed with the award.
- (c) Protests After Award
 Although persons involved in or affected by the filing of a protest after award may be

limited, in addition to the Commissioner of Education, at least the contractor shall be furnished the notice of protest and its basis in accordance with subsection (a)(2) above. When it appears likely that an award may be invalidated and a delay in receiving the supplies or services is not prejudicial to the Public School System's interest, the Commissioner of Education should consider seeking a mutual agreement with the contractor to suspend performance on a no cost basis.

(d) Computation of Time

- (1) Except as otherwise specified, all "days" referred to in this part are deemed to be working days of the Public School System. The term "file" or "submit" except as otherwise provided refers to the date of transmission.
- (2) In computing any period of time prescribed or allowed by these procedures, the day of the act or event from which the designated period of time begins to run shall not be included.

§6	0-40-405	Appeals of Commissioner of Education's Decision to	the Board
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Jurisdiction; Exhaustion of Remedies. A written appeal to the Appeal Committee from a decision by the Commissioner of Education may be taken provided that the party taking the appeal has first submitted a written protest to the Commissioner of Education and otherwise fully complied with a§ _60-40-401_____, and the Commissioner of Education has denied the protest or has failed to act on the protest within the time provided.

(a) (b) Form of Appeal. No particular form of pleading is required for filing an appeal to the

Appeal Committee. The appeal shall, however:

- (1) Include the name and address of the appellant;
- (2) Identify the name and number of the solicitation or contract;
- (3) Contain a concise, logically arranged, and direct statement of the grounds for appeal; and
- (4) Specifically request a ruling by the Appeal Committee.
- (c) Time for Filing Appeal. An appeal from the Commissioner of Education's decision must be received by the Appeal Committee not later than ten calendar days after the appellant receives the decision of the Commissioner of Education, or, in the event that the Commissioner of Education has not decided the protest within ten days from the date that the Commissioner should have decided the protest pursuant to section§60-40-401.. Any appeal received after these time limits shall not be considered by the Appeal Committee unless good cause is shown or unless the Appeal Committee determines that the appeal presents issues significant to procurement practices that are not outweighed by the detriment to the Public School System should the appeal be considered.
- (d) Notice of Protest, Submission of Commissioner of Education's Report and Time for Filing of Comments on Report.

- (1) The Chairman of the Appeal Committee, immediately upon appointment by the Board Chairman, shall notify the Commissioner of Education in writing within one day of the receipt of an appeal, requesting the Commissioner of Education to give notice of the appeal to the contractor if award has been made or, if no award has been made, to all bidders or proposers who appear to have a substantial and reasonable prospect of receiving an award if the appeal is denied. The Commissioner of Education shall be requested to furnish in accordance with 6-60-40-401_____ copies of the protest and appeal documents to such parties with instructions to communicate further directly with the Appeal Committee.
- (2) The Appeal Committee shall request the Commissioner of Education to submit a complete report on the appeal to the Appeal Committee as expeditiously as possible (generally within thirty (30) calendar days) in accordance with 60-40-401(a)(3) and (4) and to furnish a copy of the report to the appellant and other interested parties as defined in § 60-40-401(a)(2)_____.
- (3) Comments on the Commissioner of Education's report shall be filed by the protesting party and any interested party with the Appeal Committee within ten (10) days after the Appeal Committee's receipt of the report, with a copy to other interested parties. Any rebuttal an appellant or interested party may care to make shall be filed with the Appeal Committee within five (5) days after receipt of the comments to which rebuttal is directed, with a copy to the appellant, and interested parties, as the case may be.
- (4) The failure of an appellant or any interested party to comply with the time limits stated in this section may result in resolution of the appeal without consideration of the comments untimely filed.
- (e) Withholding of Award. When an appeal has been filed before award, the Commissioner of Education will not make an award prior to resolution of the protest except as provided in this section. In the event the Commissioner of Education determines that award is to be made during the pendency of an appeal, the Commissioner of Education shall notify the Appeal Committee.
- (f) Furnishing of Information on Protests. The Appeal Committee shall, upon request, make available to any interested party information bearing on the substance of the appeal which has been submitted by interested parties, except to the extent that withholding of information is permitted or required by law or regulation. Any comments thereon shall be submitted within a maximum of ten (10) days.
- (g) Time for Submission of Additional Information. Any additional information requested by the Appeal Committee from the appellant or interested parties shall be submitted no later than five (5) days after the receipt of such request. If it is necessary to obtain additional information from the Commissioner of Education, the Appeal Committee will request that such information be furnished as expeditiously as possible.

- (h) Conference.
 - (1) A conference on the merits of the appeal with the Appeal Committee may be held at the request of the appellant, any other interested party, or the Commissioner of Education. A request for a conference should be made prior to the expiration of the time period allowed for filing comments on the agency report. Except in unusual circumstances, requests for a conference received after such time will not be honored. The Appeal Committee will determine whether a conference is necessary for resolution of the appeal and this determination is not subject to reconsideration.
 - (2) The conference will normally be held prior to expiration of the period allowed for filing comments. All interested parties shall be invited to attend the conference. Ordinarily, only one conference will be held on an appeal.
 - (3) Any written comments to be submitted and as deemed appropriate by the Appeal Committee as a result of the conference must be received by the Appeal Committee within five (5) calendar days of the date on which the conference was held.
 - (4) Time for Decision; Notice of Decision. The Appeal Committee shall, if possible, issue a decision on the appeal within thirty (30) calendar days after all information necessary for the resolution of the appeal has been received. A copy of the decision shall immediately be mailed or otherwise transmitted to the appellant, other participating parties, and the Commissioner of Education.
- (i) Request for Reconsideration.
 - (1) Reconsideration of a decision of the Appeal Committee may be requested by the appellant, any interested party who submitted comments during consideration of the protest, and the Commissioner of Education. The request for reconsideration shall contain a detailed statement of the factual and legal grounds upon which reversal or modification is deemed warranted, specifying any errors of law made or information not previously considered.
 - (2) Request for reconsideration of a decision of the Appeal Committee shall be filed not later than ten (10) days after the decision. The term "filed" as used in this section means receipt by the Appeal Committee. There shall be no further hearing nor conference on any request for reconsideration and the Appeal Committee shall decide on the request for reconsideration within five (5) days.
 - (3) A request for reconsideration shall be subject to these bid protest procedures consistent with the need for a prompt resolution of the matter.

§ __60-40-410___ Remedies

(a) Remedies Prior to Award. If prior to award the Commissioner of Education or the Appeal Committee determines that a solicitation or proposed award of a contract is in

violation of law or regulation, then the solicitation or proposed award shall be:

- Cancelled; or (1)
- Revised to comply with law or regulation. **(2)**
- (b) Remedies After an Award. If after an award the Commissioner of Education or the Appeal Committee determines that a solicitation or award of a contract is in violation of law or regulation, then:
 - If the person awarded the contract has not acted fraudulently or in bad faith: **(1)**
 - The contract may be ratified and affirmed, provided it is determined that doing so is in the best interests of the Public School System; or
 - The contract may be terminated and the person awarded the contract (ii) shall be compensated for the actual expenses reasonably incurred under the contract;
 - If the person awarded the contract has acted fraudulently or in bad faith: **(2)**
 - The contract may be declared null and void; or (î)
 - The contract may be ratified and affirmed if such action is in the best (ii) interests of the Public School System, without prejudice to the Public School System's rights to such damages as may be appropriate.
- Finality of Findings of Fact by the Appeal Committee. A determination of an issue (c) of fact by the Appeal Committee under this part shall be final and conclusive unless arbitrary, capricious, fraudulent, or clearly erroneous. Any aggrieved party shall thereafter file its petition to review the Appeal Committee's determination as an agency decision under the CNMI Administrative Procedure Act and applicable rules of administrative procedure with the CNMI Superior Court.

§ **60-40-415 Effective Date**

All protests as to the manner of bidding, the failure to properly award a bid, the failure of The Public School System to contract with a business after bidding, or the cancellation of bids which may or may not be the subject of lawsuit but have not reached final judgment as of the effective date of this chapter shall be heard in accordance with this part upon the request of the actual or prospective bidder, proposer, or contractor who is aggrieved.

§ 60-40-420 **Disputes**

- Any dispute between the Public School System and a contractor relating to the (a) performance, interpretation of, or compensation due under a contract, which is the subject of this chapter, must be filed in writing with the Commissioner of Education within ten (10) days after knowledge of the facts surrounding the dispute.
- When a claim by or against a contractor cannot be satisfied or settled by mutual (b) agreement and a decision on the dispute is necessary, the Commissioner of Education shall review the facts pertinent to the dispute, secure necessary legal assistance and prepare a written description that shall include:

- (1) Description of the dispute;
- (2) Reference to pertinent contract terms;
- (3) Statement of the factual areas of disagreement or agreement; and
- (4) Statement of the decision as to the factual areas of disagreement and conclusion of the dispute with any supporting rationale.
- (c) Appeals. The Appeal Committee shall review and render a decision on an appeal from an adverse decision timely taken by a contractor. The Appeal Committee may require a hearing or that information be submitted on the record, in its discretion. The Appeal Committee may affirm, reverse or modify the decision or remand it for further consideration.
- (d) Duty to Continue Performance. A contractor that has a dispute pending before the Commissioner of Education or an appeal before the Appeal Committee must continue to perform according to the terms of the contract and failure to so continue shall be deemed to be a material breach of the contract unless he/she obtains a waiver of this provision by the Commissioner of Education or Appeal Committee.

§ _60-40-421 _____ Appeal Committee

The Appeal Committee is comprised of three (3) members of the State Board of Education appointed by the Chairman to hear any appeal under these provisions. There shall be an Appeal Committee Chairman selected from the three board members by their agreement or selection by vote. .

Part - Ethics in Contracting

§ _60-40-501_____ Definitions of Terms

- (a) "Confidential information" means any information which is available to an employee only because of the employee's status as an employee of the Public School System and is not a matter of public knowledge or available to the public on request.
- (b) "Conspicuously" means written in such special or distinctive form, print or manner that a reasonable person against whom it is to operate ought to have noticed it.
- (c) "Direct or indirect participation" means involvement through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity.
- (d) "Financial interest" means:
 - (1) Ownership of any interest or involvement in any relationship from which or as a result of which, a person within the past year has received or is presently or in the future entitled to receive compensation; or
 - (2) Holding a position in a business such as an officer, director, trustee, partner, employee or the like or holding any position of management.

(e) "Gratuity" means a payment, loan, subscription, advance, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is received.

Commonwealth of the Northern Mariana Islands Department of Community and Cultural Affairs Low Income Energy Assistance Program

Laura T. Ogumoro, Secretary Department of Community and Cultural Affairs, P.O. Box 5553 CHRB Ascension Road, Capitol Hill Saipan, MP 96950

Tel no. 670-322-9982/83 Fax no. 670-664-2571

PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS WHICH ARE ADOPTION OF RULES AND REGULATIONS OF THE Department of Community and Cultural Affairs, Low Income Energy Assistance Program

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: The Commonwealth of the Northern Mariana Islands, Department of Community and Cultural Affairs, Low Income Energy Assistance Program 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 a new table "Exhibit A" which sets out the monthly benefits to be received by participating households.

THE SUBJECTS AND ISSUES INVOLVED: These proposed regulations to the Commonwealth Code of Administrative Procedure are as follows:

TO PROVIDE COMMENTS: Send or deliver your comments to Ms. Laurat T. Ogumoro DCCA Secretary, above address, fax or email address. Please use the subject line: "LIHEAP Benefits Table Exhibit A." 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 Secretary on February 12, 2014.

Submitted by:

LAURA T. OGUMOI

DCCA Secretary

Received by:

ESTHER S. FLEMING

Governor's Special Assistant for Administration

Filed and

Recorded by:

Commonwealth Register

02-20-2014 Date

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 the 2004 day of February, 2014.

Joey P. San Nicolas

Attorney General

Exhibit "A"

LOW INCOME FAMILIES

ELECTRICAL ENERGY ASSISTANCE

MONTHLY BENEFITS

MONTHLY BENEFITS SCHEDULE

Household Size	1	2	3	4	. 5	6	7	8	9	10	11+
Monthly Income											
0 -1053	\$ 32	\$41	\$ 48	\$ 54	\$ 60	\$ 65	\$ 69	\$ 74	\$ 78	\$ 83	\$ 87
1054 – 1422	0	\$ 32	\$ 41	\$ 48	\$ 54	\$ 60	\$ 65	\$ 69	\$ 74	\$ 78	\$ 83
1423 – 1790	0	0	\$ 32	\$41	\$ 48	\$ 54	\$ 60	\$ 65	\$ 69	\$ 74	\$ 78
1791 - 2159	0	0	0	\$ 32	\$41	\$ 48	\$ 54	\$ 60	\$ 65	\$ 69	\$ 74
2160 - 2527	0	0	0	. 0	\$ 32	\$41	\$ 48	\$ 54	\$ 60	\$ 65	\$ 69
2528 - 2896	0	0	0	0	. 0	\$ 32	\$41	\$ 48	\$ 54	\$ 60	\$ 65
2897 – 3264	0	0	0	0	0	0	\$ 32	\$41	\$ 48	\$ 54	\$ 60
3265 – 3633	0	0	0	0	0	0	0	\$ 32	\$41	\$ 48	\$ 54

At 110% OF HHS POVERTY GUIDELINES

Commonwealth llól Marianas me Téé kka Efáng **Bwulasiyol Community and Cultural Affairs** Low Income Energy Assistance Program

Laura T. Ogumoro, Secretary **Bwulasiyol Community and Cultural Affairs** P.O. Box 5553 CHRB Ascension Road, Capitol Hill Saipan, MP 96950

Tel. No: 670-664-2568/9 Fax: 670-664-2571

ARONGORONGOL TOULAP REL POMMWOL ALLÉGH ME **MWÓGHUTUGHÚT** IGHA REBWE ADAPTÁÁLI ALLÉGH REL **BWULASIYOL Community and Cultural Affairs, Low Income Energy Assistance Program**

POMMWOL MWÓGHUTUGHÚT BWE REBWE ADAPTÁÁLI ALLÉGH:

Commonwealth llól Marianas me Téé kka Efáng, Bwulasiyol Community me Cultural Affairs, Low Income Energy Program rel pommwol mwoghutughút bwe rebwe adaptááli bwe ebwe llégh ló mille e appaasch long bwe Pommwol allégh, arongowoowul *Administrative Procedure Act*, 1 CMC §§ 9104 (a). Ebwe bwung ló llól seigh (10) ráll mwiril yaal palúweli sángi 1 CMC §§ 9102 me 9104 (a). Amweeri 1 CMC §§ 9105 (b).

BWÁNGIL: Sángi Legislature re ayoora ngáli bwángil Bwulasiyol Community me Cultural Affairs bwe rebwe adaptááli allégh me mwóghutughút ngáli Administration and Enforcement statutes rel lemelemil me kkapasal bwe iyel lemelemil. Amweeri 1 CMC §2 354

KKAPASAL ME AWEEWEL: Allégh me mwóghutughút re ffééri ngáli mil ffé kkapasal "Exhibit A" iye e tálliy monthly benefits ikka rebwe ghal ngaleer aramasal llól iimw.

KKAPASAL ME ÓUTOL: Pommwol Mwóghutughút ngáli Commonwealth Code of Administrative Procedure ikka re talliy.

ATTOOTOLONGOL MÁNGEMÁNG: Afanga me ngáre igha bwughilong yóomw mángemáng rel Ms. Laura T. Ogumoro DCCA, Secretary, rel address, fax me email address iye e iisch weiláng. Ów bwe iischitiw wól Subject line: "LIHEAP Benefits Table Exhibit A". Attotoolongol mángemáng nge llól (30) ráll mwiril akkatééwoowul arongoroong yel. DCCA e atiwa yáámi data, views me ngiingi. Amweeri 1 CMC § 9104(a)(2)

Pomwol mwóghutughút rel allégh nge aa llégh ló sán Febereero 12, 2014.	gi DCCA Secretary wól
Isáliiyallong: Laura T. Ogumoro, DCCA Secretary	2/18/14 Ráli
Aramas ye: E bwughi Esther S. Fleming Special Assistant for Administration	2/20/14/ Ráll
File me Rekoodliiyal:	02.20.2014

Sángi 1 CMC § 2153(e) me 1 CMC § 9104 (a) (3) Allégh kkaal ebwe lléghló sángi AG bwe e fil rel fféérúl me legal sufficiency sángi CNMI Attorney General me ebwele attootowoow, amweeri 1 CMC § 2153(f).

Ráálil iye 2014. Febreero 2014.

/ Esther SN. Nesbitt

Commonwealth Register

JOEY P. SAN NICOLAS

Sóubwúngúl Allégh Lapalap

Ráll

Exhibit "A"

LOW INCOME FAMILIES

ELECTRICAL ENERGY ASSISTANCE

MONTHLY BENEFITS

MONTHLY BENEFITS SCHEDULE

Household Size	- 1	2	3	4	5	6	7	8	9	10	11+
Monthly Income											
0 -1053	\$ 32	\$ 41	\$ 48	\$ 54	\$ 60	\$ 65	\$ 69	\$ 74	\$ 78	\$ 83	\$ 87
1054 – 1422	0	\$ 32	\$ 41	\$ 48	\$ 54	\$ 60	\$ 65	\$ 69	\$ 74	\$ 78	\$ 83
1423 – 1790	0	0	\$ 32	\$ 41	\$ 48	\$ 54	\$ 60	\$ 65	\$ 69	\$ 74	\$ 78
1791 - 2159	0	0	0	\$ 32	\$ 41	\$ 48	\$ 54	\$ 60	\$ 65	\$ 69	\$ 74
2160 - 2527	0	0	- 0	0	\$ 32	\$ 41	\$ 48	\$ 54	\$ 60	\$ 65	\$ 69
2528 - 2896	0	0	0	0	0	\$ 32	\$41	\$ 48	\$ 54	\$ 60	\$ 65
2897 – 3264	0	0	0	0	0	0	\$ 32	\$41	\$ 48	\$ 54	\$ 60
3265 – 3633	0	0	0	0	0	0	0	\$ 32	\$41	\$ 48	\$ 54

At 110% OF HHS POVERTY GUIDELINES

Commonwealth gi Sangkattan na Islas Marianas Siha Dipattamentun Asuntun Kumunidat yan Kuttura

Prugraman Asistensian Takpapa' Suetdu

Laura T. Ogumoro, Sekritåria
Dipattamentun Asuntun Kumunidåt yan Kuttura
P.O. Box 5553 CHRB
Ascenscion Rd. Capitol Hill
Saipan, MP 96950

Numirun Tilifon: 670-664-2568/9 Fax: 670-664-2571

NUTISIAN PUPBLIKU GI AREKLAMENTU YAN REGULASION SIHA GI I

Dipattamentun Asuntun Kumunidåt yan Kuttura, Prugråman Asistensian Takpapa' Suetdu

I AKSION NI MA'INTENSIONA PARA U MA'ADÂPTA ESTI I MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA: I Commonwealth gi Sangkattan na Islas Marianas siha, Dipattamentun Asuntun Kumunidåt yan Kuttura yan i Prugråman Asistensian Takpapa' Suetdu 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 compliance i 1 CMC §§ 9102 yan 9104 (a). Atan i (1 CMC § 9105 (b))

Åuturidåt: I Dipattamentun Asuntu 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 gi anai månu na dipattamentu gai jurisdiction. Atan i 1 CMC § 2354.

I TEMA YAN I SUSTĂNSIAN I PALĂBRA SIHA: I Areklamentu yan i Regulasion siha ha pribeniyi nuebu na table "Exhibit A" ni ha pega huyung i monthly benefits ni para u marisibi ni mampattisipåpanti na households.

I SUHETU NI MASUMÀRIA YAN ASUNTU NI TINEKKA: Esti i manmaproponi na regulasion siha para i Kodigun Commonwealth gi Administrative Procedure kumu i sigienti siha:

PARA U MAPRIBENIYI UPIÑON: Na'hånao pat intrega i imfetmasion-mu guatu gi as Siñora Laura T. Ogumoro, Sekritårian DCCA, gi sanhilu' na address, fax pat email address, yan i råyan suhetu: "LIHEAP Benefits Table Exhibit A". Todu imfotmasion siha debi na u fanhålum trenta(30) dihas ginin i fetchan pupblikasion esti na nutisia. I DCCA ha aksesepta i imfotmasion, upiñon, pat testamoñon kinentra siha. Atan i 1 CMC § 9104(a)(2)).

Esti i maproponi na regulasion siha manma'aprueba ni Sekritarian DCCA gi Fibreru 12, 2014.

Nina'hålum as:

LAURA T. OGUMORO

DCCA Sekritåria

Rinisibi as: Ispisiåt na Ayudånti para Atministradot Gubietnu

Pine'lu yan Ninota as:

Rehistran Commonwealth

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

Mafitma gi diha 20th di Fibreru, 2014.

Abugådu Heneråt

Exhibit "A"

LOW INCOME FAMILIES

ELECTRICAL ENERGY ASSISTANCE

MONTHLY BENEFITS

MONTHLY BENEFITS SCHEDULE

Household Size	· 1	2	3	4	5	6	7	8	9	10	11+
Monthly Income											
0 -1053	\$ 32	\$41	\$ 48	\$ 54	\$ 60	\$ 65	\$ 69	\$ 74	\$ 78	\$ 83	\$ 87
1054 – 1422	0	\$ 32	\$ 41	\$ 48	\$ 54	\$ 60	\$ 65	\$ 69	\$ 74	\$ 78	\$ 83
1423 – 1790	0	0	\$ 32	\$ 41	\$ 48	\$ 54	\$ 60	\$ 65	\$ 69	\$ 74	\$ 78
1791 - 2159	0	0	0	\$ 32	\$ 41	\$ 48	\$ 54	\$ 60	\$ 65	\$ 69	\$ 74
2160 - 2527	0	0	0	0	\$ 32	\$41	\$ 48	\$ 54	\$ 60	\$ 65	\$ 69
2528 - 2896	0	0	0	0	0	\$ 32	\$41	\$ 48	\$ 54	\$ 60	\$ 65
2897 – 3264	0	0	0	0	0	0	\$ 32	\$ 41	\$ 48	\$ 54	\$ 60
3265 – 3633	0	0	0	0	0	0	0	\$ 32	\$41	\$ 48	\$ 54

At 110% OF HHS POVERTY GUIDELINES

Commonwealth of the Northern Mariana Islands Department of Community and Cultural Affairs – Child Care and Development Fund

Laura T. Ogumoro, Secretary Department of Community and Cultural Affairs, Child Care and Development Fund 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 and Development Fund

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: The Commonwealth of the Northern Mariana Islands, Department of Community and Cultural Affairs, Child Care Development Fund ("CCDF") intend to adopt as permanent regulations the attached Proposed Amendments to the Regulations, pursuant to the procedures of the Administrative Procedure Act,1 CMC § 9104(a). The Amended Regulations would become effective 10 days after compliance with 1 CMC §§ 9102 and 9104 (a) or (b). (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 statute governing activities over which the department has jurisdiction 1 CMC §§ 2354.

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

THE SUBJECTS AND ISSUES INVOLVED: These rules and regulations shall be:

§ 55-60-201

Change to

(7) Are enrolled in a job training and educational program (for at least 20 hours per week) or attending an education program on a full time basis (12 hours per semester for the college and five classes per day for the PSS); or

Page 1

Change to

(10) Eligibility may be re-established for periods not to exceed 12 months.

§ 55-50-405

Change to

(a)(4) Not less frequently than every 12 months from the month eligibility was determined.

Add

1.8 Part 600 - Adverse Actions against Providers

§ 55-60-601 Denial, Suspension, Revocation of CCDF Provider's Certificate, and Hearings

- (a) The conditions for denial, suspension, or revocation of a child care provider's eligibility to participate in the Child Care Development Fund (CCDF) program and the action to be taken by the CCDF are as follows:
 - (1) CCDF may deny, suspend, or revoke the provider's eligibility to participate in the program if the provider does not comply with the rules of the CCDF for the providers and their facilities;
 - (2) CCDF may revoke the provider's CCDF Certificate if the provider has a violation and has been suspended at least once previously;
 - (3) A provider whose CCDF Certificate is about to be denied, suspended, or revoked shall be given written notice by certified or registered mail addressed to the location shown on the CCDF application or CCDF Certificate.
 - (4) The notice shall contain a statement of the reasons for the proposed action and shall inform the provider of the right to appeal the decision to the Office of

- the Secretary of the Department of Community ad Cultural Affairs, no later than 20 days after receipt of the notice of proposed action.
- (5) The provider has twenty days from receipt of the notice of proposed action to make a written request for a hearing. Upon receipt of appeal the Secretary of DCCA shall give written notice to the provider of a time and place for a hearing before a hearing officer. On the basis of the evidence adduced at the hearing, the hearing officer shall make the final decision as to whether the provider's certificate shall be denied, suspended, or revoked; and
- (6) If no timely written request for a hearing is made, processing of the application shall end or the certificate shall be suspended or revoked as of the termination of the twenty day period.
- (7) The CCDF program will notify the parents or legal guardians of each child who is provided care in the provider's home or facility of the suspension or revocation.
- (8) At any hearing provided for by this section, the provider may be represented by counsel and has the right to call, examine, and cross examine witnesses. Evidence may be received even though inadmissible under rules of evidence applicable under court procedures. Hearing officer decisions shall be in writing, shall contain findings of fact and conclusions of law, and shall be mailed to the parties by certified or registered mail to the last known address as is shown on the application or CCDF Certificate. The Administrative

Procedure Act (1 CMC §§ 9101 et seq.) shall also be applicable at any hearing.

TO PROVIDE COMMENTS: Send or deliver your comments to Laura T. Ogumoro, DCCA Secretary, *Attn: Updated Child Care Development Fund Rules and Regulations*, at the above address, fax or email address, with the subject line "Updated Child Care Development Rules and Regulations". 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 in 2014.	regulations were approved by the DCCA	Secretary on January 15,
Submitted by:	Laura T. Ogumoro DCCA Secretary	1/16/14 Date
Received by:	ESTHER \$. FLEMING Governor's Special Assistant for Adm	Date Dinistration
Filed and Recorded by:	Grushit ESTHER SN. NESBITT	<u> </u>

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).

Dated the 1814 day of January, 2014

Joey P. San Nicolas Attorney General

Commonwealth gi Sangkattan na Islas Marianas Siha

Dipattamentun Asuntun Kumunidåt yan Kuttura – Child Care yan Development Fund Laura T. Ogumoro, Sekritária Dipattamentun Kumunidåt yan Kuttura, Child Care yan Development Fund Caller Box 10007, Building 1341 Ascension Road, Capitol Hill Saipan, MP 96950

Numirun Tilifon: 670-664-2577 Fax #: 670-664-2547

NUTISIAN PUPBLIKU PUT I MANMAPROPONIN AREKLAMENTU YAN REGULASION SIHA NI AMENDASION SIHA PARA I AREKLAMENTU YAN REGULASION SIHA GI Dipattamentun Kumunidåt yan Kuttura, Child Care yan Development Fund

I AKSION NI MA'INTENSIONA NA PARA U MA'ADAPTA ESTI SIHA I MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA: I Commonwealth gi Sangkattan na Islas Marianas siha, i Dipattamentun Kumunidåt yan Kuttura, Child Care Development Fund ("CCDF") ha intensiona para u adapta kumu petmanienti na regulasion siha ni mañechettun i Manmaproponi na Amendasion siha para i Regulasion siha, sigun gi manera siha gi Äktun Administrative Procedure, 1 CMC § 9104(a). I Ma'amenda na Regulasion siha para u ifektibu gi halum dies (10) dihas dispues di compliance i 1 CMC §§ 9102 yan i 9104 (a) pat (b). (1 CMC § 9105(b))

ÅTURIDÅT: I Dipattamentun Kumunidåt yan Kuttura nina'i fuetsa ni Leyislatura para u adåpta i areklamentu yan i regulasion siha para i atministrasion yan enforcement gi estutua ni ginibebietna i aktibidåt siha kontra i dipattamentu ni gai åturidåt 1 CMC §§ 2354.

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

SUHETU NI MASUMARIA YAN ASUNTU NI TINEKKA: Esti i areklamentu yan regulasion siha debi na:

§ 55-60-201

U matulaika para

(7) Manhålum gi job training yan prugråman edukasion (putlu menus benti(20) oras kada simåna) pat un atetendi i prugråman edukasion gi full time basis (dossi (12) oras gi kada semester gi kulehu yan singku na classes gi ha'ani kada diha para i PSS); pat

Påhina 1

U matulaika para

(10) Kuålifikåo siña mata'lun ma'istapblesi para i tiempu ni ti ha upus dossi (12) mesis.

§ 55-50-405

U matulaika para

(a)(4) Ti menus sessu ki kada dossi (12) mesis ginin i mes ni kumaolifikao gi anai madetitmina.

Åomenta

- 1.8 Påtti 600 Adverse Actions kontra i Providers
- § 55-60-601 Denial, Suspendision, Dinirogasion gi CCDF Provider's Certificate, yan Hinekkunguk siha
 - (a) I kundision i denial siha, sinuspendision, pat diniroga gi child care provider's eligibility ni para u pattisipåo in Child Care Development Fund (CCDF) na prugråma yan i aksion ni para u machuli' ni i CCDF kumu i sigienti siha:
 - (1) I CCDF siña ha puni, suspendi, pat u diroga i provider's eligibility ni para u pattisipåo gi prugråma yanggin i provider ti ha comply yan i areklamentu siha gi CCDF para i providers yan fasilidåt-ñiha.
 - (2) I CCDF siña ha diroga i provider's CCDF Cerificate yanggin i provider ha kontra yan masuspendi put lumenus un biåhi gi manma'pus na tiempu;
 - (3) I provider ni CCDF Certificate ni esta para u mapuni, suspendi, pat madiroga debi na u mana'i nutisian tinigi' ni masettifiku pat marehistra pat registered mail addressed para i lugat ni a'annuk gi aplikasion CCDF pat CCDF Cerificate.
 - (4) I nutisia debi u sasahguan i diklarasion i rason siha para i maproponi na aksion yan debi na u imfotma i provider ni diretchon-ña ni para u apela i disision guatu gi Ufisinan Sekritåria gi Dipattamentun Kumunidåt yan Kuttura, ti u mås ki benti(20) dihas dispues di rinisibin i nutisia gi maproponi na aksion.
 - (5) Ginin i rinisibin i nutisia gi manmaproponi na aksion guaha benti (20) dihas para i provider para u fa'tinas written request para hinekkunguk. Gigun marisibi i inapela i Sekritårian DCCA debi na u tugi'i i provider nutisia ni ora yan lugåt ni para i hinekkunguk,

Påhina 2

- i hearing officer debi na u fa'tinas uttimu na disision kumu maseha i provider's certificate na u debi mapuni, masuspendi, pat madiroga; yan
- (6) Yanggin tåya' tiempu gi ginagåo tinigi' para u mafa'tinas hinekkunguk, i processing i aplikasion debi na u fåkpu' pat debi na u masuspendi pat u madiroga kumu i tenitminan i benti(20) dihas na tiempu.
- (7) I prugråman CCDF para u nutisia i mañaina siha pat i pipulan gi kada påtgun ni mapribeniyi care gi gima' i provider pat i fasilidåt ni masuspendi pat madiroga.
- (8) Gi maseha håfa na hinekkunguk guini na seksiona, i provider siña mariprisenta ni counsel yan gai diretchu para u ågang, eksamina, yan u cross examine i witnesses. I ebidensia siña marisibi maskiseha inadmissible gi papa' areklamentu siha gi ebidensia ni aplikåpbli gi papa' i maneran i kotti. I disision i hearing officer debi na u matugi', debi na u sasahguan i sinedda' fåktu yan i conclusions i lai, yan debi na u ma-mailed guatu gi pattida siha ni masettifiku pat marihistra na mail para i ottimu na address ni matungu' kumu a'annuk gi aplikasion pat i CCDF Certificate. I Åktun Administrative Procedure (1CMC §§ 9101 et seq.) debi na u aplikåpbli lokkui' gi maseha håfa na hinekkunguk.

PARA U MAPRIBENIYI UPIÑON SIHA: Na'hånåo pat intrega i upiñon-mu siha guatu gi as Laura T. Ogumoro, Sekritårian DCCA, Attn: Updated Child Care Development Fund na Areklamentu yan Regulasion siha, gi sanhilu' na address, fax pat email address, yan i råyan suhetu "Updated Child Care Development na Areklamentu yan Regulasion Siha". Todu upiñon siha debi na u fanhålum trenta(30) dihas ginin i fetchan esti na nutisian pupblikasion. Put fabot na'hålum i imfotmasion, upiñon, pat testimoñun kinentra siha. (1 CMC § 9104(a)(2))

Est i manmaproponi na regulasion siha manma'aprueba ginin i Sekritårian DCCA gi Ineru 15, 2014.

Nina'hålum as:

Laura T. Ogurnor

Sekritårian DCCA

Fetcha Fetcha

Rinisibi as:

ESTHER STEEMING

Ispisiåt Na Ayudånti Para I Afministrasion

Gubietnu

Pine'lu yan

Ninota as:

ESTHER SN. NESBITT

Rehistran Commonwealth

02.18-2014

Fetcha

Sigun i 1 CMC § 2153(e) (I Abugådu Heneråt ha aprueba i regulasion siha na para u machoʻgui kumu fotma) yan 1 CMC § 9104(a)(3) (hentan inaprueban Abugådu Heneråt) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manmaʻaprueba kumu fotma yan sufisienti ligåt ginin i CNMI Abugådu Heneråt yan debi na u mapupblika, 1 CMC § 2153(f) (pupblikasion areklamentouyan regulasion siha).

Mafetcha gi diha 18th

| fdtva^Y | di <u>l</u>neru, 2014

Caillyen Bir

Abugådu Heneråt

Påhina 4

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS Department of Community and Cultural Affairs – Child Care and Development Fund Laura T. Ogumoro, Secretary Department of Community of Cultural Affairs Child Care and Development Fund Caller Box 10007, Building No. 1341

Ascension Road, Capitol Hill Saipan MP 96950 Tel No. (670) 664-2577 Fax No. (670) 664-2547

ARONGORONGOL TOULAP REL POMMWOL ALLÉGH ME MWÓGHUTUGHÚT REL LIWIL NGÁLI ALLÉGH ME MWÓGHUTUGHÚT SÁNGI Bwulasiyol Community me Cultural affairs, Child Care me Development Fund

MÁNGEMÁNGIL MWÓGHUT YEEL BWE EBWE ADAPTÁÁLI POMMWOL ALLÉGH ME MWÓGHUTUGHÚT KKA: Commonwealth IIól Marianas me téé kka efáng, Bwulasiyol Community me Cultural Affairs, Child Care Development Fund ("CCDF") re mángemángil bwe rebwe adaptááli bwe ebwe Ilégh IIó bwe mwóghutughút kka e appaaschlong bwe pommwol liwilil ngáli mwóghutughút, arongowoowul mwóghutughutúl Administrative Procedure Act, 1 CMC § 9104(a). Liwil kkaal ebwe bwunguló IIól seigh (10) ráll mwiril yal Iléghló rel 1 CMC §§ 9102 me 9104 (a) me ngare (b). (1 CMC § 9105 (b)).

BWÁNGIL: Sángi Legislature re ayoora ngáli bwángil Bwulasiyol Community me Cultural Affairs bwe ebwe adaptááli allégh me mwóghutughút ngáli *Administration* me *Enforcement* rel kkapasal allégh me mwóghutughút rel yal lemelem bwulasiyo. 1CMC §§2354

KKAPASAL ME AWEWEEL: Re ayoora Allégh me mwóghutughút ngáliir participants me providers kka re lo faal Child Care Development Fund.

KKAPASAL ME OUTOL: Allégh me mwóghutughút nge ebwe:

§ 55-60-201

Ebwe liwil ngáli

(7) re túútá llól job training me educational program (for at least 20 hours per week) me ngáre re toolong llól education program llól full time basis (12 hours per semester rel college me (5) limoow classes eráll rel PSS); me ngáre

Ebwe liwil ngáli

(10) Rebwe féérú sefáli Eligibility bwe essóbw toori ló (12) seigh me ruuwow maram.

§55-50-405

Ebwe liwil ngáli

(a)(4) essóbw aluuw ló (12) seigh me ruuwow maram sángi maram igha a bwuung ló Eligibility.

Aschuulong.

- 1.8 Peigh 600 Adverse Action against Providers
- § 55-60-601 Denial, Suspension, Revocation of CCDF Provider's Certificate, and Hearings
 - (a) Palewelil mille denial, suspension, or revocation reer Child Care Provider's Eligibility bwe rebwe tuutá lóll progróómal Child Care Development Fund (CCDF) nge mwóghutughút ie CCDF ebwe féér ngáli ie re tálitiw;
 - (1) CCDF rebwe deny, suspend me revoke yaar provider's eligibility bwe rebwe tuutá lóll progróóma ngáre provider ese attabweey allégh kka rel CCDF ngáli provider's me leliveer.
 - (2) CCDF rebwe revoke li yaar provider's CCDF Certificate ngáre rese attabweey nge rebwal ghommwal suspended liir.
 - (3) Rel provider's kka CCDF Certificate re denied, suspended, me ngáre revoke liir rebwe afangafang ngaliir arongoroong leyil schagh Certified me ngáre registered mail rel bwuleey ie e bwááló wól CCDF application me ngáre CCDF Certificate.
 - (4) Arongoroong rebwe iisislong aweewel kkapas rel pommwol mwóghutughút me rebwe aghuleey ngáli provider rel alúghúghúlúgh bwe rebwe attootolong mángemáng rel ofisiinal Secretary lól Bwulasiyol Community me Cultural Affairs, lól! (20) ruweigh rál igha re akkatééwow arongorong rel pommwol mwóghutughút.
 - (5) Re ngaleey Provider (20) ruuweigh rál igha e akktééwow arongorong rel pommwol mwóghutughút bwe ebwe iischilong ayégh bwe ebwe yoor Hearing. Ngáre a toolong kkapasal mwóghutughút, Secretary rel DCCA ebwe iisch ngáli provider óttool me ileeta rebwe ayoora hearing welimwal Hearing officer. Óttool iissiswowul Evidence Ióll Hearing, Hearing officer mille ebwe féér mángemáng ngáre yaar provider certificate ebwe denied, suspended me ngáre ebwe revoked; Me
 - (6) Ngáre ese toolong ayégh bwe rebwe féér ngáli Hearing, féérúl application ebwe ayúghúló lóll (20) ruuweigh rál igha rebwe suspend me revoke li certificate
 - (7) Progróómai CCDF ebwe akkatééwow rel Parents me Guardians rel olighát kka re ghal legheleghiir lóll iimwal Provider me ngáre Facility rel Suspension me ngáre Revokation.
 - (8) Sángi hearing kka re ayoora rel tálil kka, emwel rebwe úú ngáli rel Counsel bwe eyoor bwangil bwe ebwe faffaay, examine, me rebwe cross examine liir witness. Rebwe bwughiil evidence inamwo igha ese bwal fil ngáli alléghúl evidence nge e fil rel mwóghutughutúl lóll limwal Aweewe. Hearing Officer ebwe iischitiw yaal mángemáng, ebwe ffat meeta kka e schuungi me yal mángemáng rel allégh, nge ebwe afanga ló rel aramas nge ebwe certified ngáre registered mail ngáli address ie e iischitiw wól application ngáre CCDF Cerificate. Sángi Administrative Procedure Act (1 CMC §§9101 et seq.) ebwe fil ngáli ólongal hearing

ISIISILONGOL MWÁLILI: Afanga ngáre bwughiló yóómw mwáliili rel Laura T. Ogumoro, DCCA Secretary, Attn: Update Child Care Development Fund Rules and Regulations, rel Address ie elo weiláng ngáre fax li lló rel numiiro ie e lo weiláng ne ebwe iischitiw wól róóza "Update Child Care Development Rules and Regulations". Mwáliili kkaal nge ebwe attotoolong llól eliigh (30) ráll mwirilól akkatééwowul arongorong yeel. Ów isiisliong yáámi aghiyágh, mángemáng me ngare angiingi. (1CMC §9104 (a)(2)).

Pomwol allégh	kkaal aa llégh lló merel Administrator wól	January2014.
Isáliiyallong:	Laura T. ogumon DCCA Secretary	1 6 4 Ráli
Mwiir Sángi:	Esther S. Fleming Governor's Special Assistant For Administration	2/18/14 Ráil
File me Rekoodliiyal:	Esther SN. Nesbitt Commonwealth Register	02 · 18 · 2014 Ráll

Sángi 1 CMC § 2153(e) (Allégh kkaal ebwe lléghló sángi AG bwe ebwe akkatééwow reel féérúl) me 1 CMC § 9104 (a)(3) (aa bweibwogh sángi AG) rel pomwol allégh ie e appaschllong, bwe a ttakkal amweeri fiischiy, me angúúngú ló fféérúl me legal sufficiency sángi CNMI Sówbwungúl Allégh Lapalap me ebwele akkatééwow 1 CMC § 2153(f) (akkatéél allégh me mwóghutughút).

JOEY PATRICK SAN NICOLAS Sóubwungúl Allégh Lapalap



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 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, 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 policies, practices and procedures of the Appraisal SubCommittee that are consistent with the requirements of Title XI.

THE SUBJECTS AND ISSUES INVOLVED: The proposed amendments to the regulations are:

- 1. To amend section 1.2 of the regulations or Section 125-40-005(b) of 125-40, NMIAC Title 125.
- 2. To amend section 2.16 of the regulations or Section 125-40-115(q) of 125-40, NMIAC Title 125.
- 3. To amend section 4.3 (B) (4) of the regulations or Section 125-40-110 (b) (4) of 125-40, NMIAC Title 125.
- 4. To amend section 4.3 (C)(7) of the regulations or Section 125-40-110(c)(7) of 125-40, NMIAC Title 125.
- 5. To amend section 4.4 (A) (4) (c) of the regulations or Section 125-40-115(a) (4) (iii) of 125-40, NMIAC Title 125.
- 6. To amend section 4.4 (A) (4) (e) of the regulations or Section 125-40-115(a) (4) (v) of 125-40, NMIAC Title 125.
- 7. To amend section 5.1, 5.1 (A) and (B) of the regulations or Section 125-40-201 and 201 (a) and (b) of 125-40, NMIAC Title 125.
- 8. To amend section 6.10 (A) (1) (c) of the regulations or Section 125-40-345(a) (1) (iii) of 125-40, NMIAC Title 125.

- To amend sections 9.1 and 9.1 (A) of the regulations or Sections 125-40-601 and 125-40-601 (a) of 125-40, NMIAC Title 125.
- To amend sections 9.2 (A) and (C) of the regulations or Sections 125-40-605(a) and (c) of 125-40, NMIAC Title 125.
- To amend sections 11.1 of the regulations or Sections 125-40-801 of 125-40, NMIAC Title 125.
- To amend sections 12.1(a) (20) of the regulations or Sections 125-40-805(a) (20) of 125-40, 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 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.

Received By:

Esther S. Fleming

Special Assistant for Administration

Filed and Recorded By:

sther SN Nesbitt dommonwealth 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).

Gilbert Birnbrich, DAG

for JOEY P. SAN NICOLAS Attorney General

To amend section 1.2 of the regulations or Section 125-40-005 (b) of 125-40, NMIAC Title 125.

Due to scarcity of qualified persons in the CNMI, it is the intent of these regulations to establish two classes of approved real property appraisers:

Non-Federally Related Transactions
Licensed Real Property Appraiser,
Non-Federally Related Transactions
Licensed General Real Property
Appraiser, Non-Federally Related
Transactions

Federally Related Transactions
Licensed Real Property Appraiser
Certified Residential Real
Property Appraiser
Certified General Real Property
Appraiser

To amend section 2.16 of the regulations or Section 125-40-115(q) of 125-40, NMIAC Title 125.

- 2.16 Distance Education. Distance education is any education process based on geographical separation of student and instructor. A distance education course acceptable to meet class hour requirement if:

 (1) The course provides interaction. Interaction is a reciprocal environment where the student has verbal or written communications with the instructor; and
 - (2) Content approval is obtained from AQB, a state licensing jurisdiction, or an accredited college, community college, or University that offers distance education programs and is approved or accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education. Non-academic credit college courses provided by a college shall be approved by the AQB or the state licensing jurisdiction; and
 - (3) Course delivery mechanism approval is obtained from one of the following sources:
 - (i) AQB approved organizations providing approval of course design and delivery; or
 - (ii) a college that qualifies for content approval in (ii) above that awards academic credit for the distance education course; or (iii) a qualifying college for content approval with a distance education delivery program that approves the course design and delivery that incorporate interactivity.

To amend section 4.3 (B) (4) of the regulations or Section 125-40-110 (b) (4) of 125-40, NMIAC Title 125.

4. A new applicant not currently licensed or certified and in good standing in another U.S. state or territory, shall have up to <u>December 31, 2014</u>, after approval by the Board, to take and pass an AQB approved qualifying examination for the classification. Successful completion of the examination <u>may be</u> valid for another 24 months after 12/31/14.

To amend section 4.3 (C)(7) of the regulations or Section 125-40-110(c)(7) of 125-40, NMIAC Title 125.

> All applicants must affirm in the application provided by the Board that the hours presented were completed under the supervision of a Licensed Residential or Licensed General Real Property Appraiser for non-federally related transactions or a Licensed, Certified Residential or Certified General Real Property Appraiser for federally related transactions, depending on the appraiser classification the applicant is applying for.

To amend section 4.4 (A) (4) (c) of the regulations or Section 125-40-115(a) (4) (iii) of 125-40, NMIAC Title 125.

> The appraiser trainee is permitted to have more than one Supervising Appraiser; however, Supervisory Appraisers may not supervise more than three (3) Trainee Appraisers at one time, unless a state program in the credentialing jurisdiction provides for progress monitoring, supervisory certified appraiser qualifications, and supervision and oversight requirements for Supervisory Appraisers.

To amend section 4.4 (A) (4) (e) of the regulations or Section 125-40-115(a) (4) (v) of 125-40, NMIAC Title 125.

> The supervising appraiser shall be in good standing within jurisdiction, not subject to any disciplinary action within the last two years.

To amend section 5.1, 5.1 (A) and (B) of the regulations or Section 125-40-201 and 201 (a) and (b) of 125-40, NMIAC Title 125.

- Education/Experience Requirements for Non-Federally Transactions. Applicants must meet the following requirements for licensing as a CNMI Licensed Real Property Appraiser, Non-Federally Related Transactions or CNMI Licensed General Real Property Appraiser, Non-Federally Related Transactions or for renewal:
 - Real Property Appraiser, Non-Federally Related Transactions - includes the appraisal of vacant or unimproved land of one to four residential units. This classification does not include the appraisal of subdivisions wherein a development appraisal is necessary and utilized. This appraiser is not qualified under the law and these regulations to perform federally related real property transactions. At least 50% of the experience claimed must have been in major residential appraisal work.
 - Licensed General Real Property Appraiser, Non-Federally Related Transactions - This classification requires that at least 50% of the experience claimed must have been in non-residential appraisal work and can do appraisals of all real estate transactions without regard to transaction value or complexity. This appraiser is not qualified under the law and these regulations to perform federally related real property transactions.

To amend section 6.10 (A) (1) (c) of the regulations or Section 125-40-345 (a) (1) (iii) of 125-40, NMIAC Title 125.

(c) proof that the applicant has performed at least 2,500 hour of major residential appraisal work obtained within no less than 24 months.

To amend sections 9.1 and 9.1 (A) of the regulations or Sections 125-40-601 and 125-40-601 (a) of 125-40, NMIAC Title 125.

- 9.1 Supervision of Appraiser Trainees. <u>Certified</u> appraisers may directly supervise appraiser trainees provided:
 - A. The appraiser trainee is a bona fide employee of the <u>Certified</u> appraiser, or an employee of the same entity who employs the <u>Certified</u> appraiser; and

To amend sections 9.2 (A) and (C) of the regulations or Sections 125-40-605 (a) and (c) of 125-40, NMIAC Title 125.

- 9.2 Use of Terms "Licensed Appraiser", and "Certified Appraiser".
 - A. The terms "licensed real property appraiser," "certified residential real property appraiser", and "certified general real property appraiser" for federally related transactions and "licensed residential real property appraiser", and "licensed general real property appraiser" for non-federally related transactions, may only be used to refer to an individual who is licensed, federally or non-federally related transactions, as the case may be, under these regulations and may not be used following, or immediately in connection with, the name or signature of a corporation, partnership, association, or any group practice, or in any manner that might be interpreted as referring to anyone other than the individual who is licensed.
 - C. No person may assume or use the title "licensed real property appraiser", "certified residential real property appraiser", and "certified general real property appraiser" for federally related transactions, or "licensed residential real property appraiser", and licensed general real property appraiser" for non-federally related transactions, as the case may be, or any title designation or abbreviation likely to create the impression of licensure unless that person holds a current license hereunder.

To amend sections 11.1 of the regulations or Sections 125-40-801 of 125-40, NMIAC Title 125.

11.1 Advertising Practices. A licensee advertising through any media shall be identified as a Licensed Real Property Appraiser - Federally Related Transactions, Certified Residential Real Property Appraiser - Federally Related Transactions, Certified General Real property Appraiser - Federally Related Transactions, Licensed Residential Real Property Appraiser - Non-Federally Related Transactions, or Licensed General Real Property Appraiser - Non-Federally Related Transactions by listing the appropriate designated licensed or certified status and the appraiser's license number. For purposes of this section, "media" includes, but is not limited to, newspapers, magazines, calling cards, and directories, including all listing in telephone directories.

To amend sections 12.1(a) (20) of the regulations or Sections 125-40-805(a) (20) of 125-40, NMIAC Title 125.

20. Using the title "Licensed Residential Real Property Appraiser", "Licensed General Real Property Appraiser" for non-federally related transactions; or "Licensed Real property Appraiser", "Certified Residential Real Property Appraiser" or "Certified General Real Property Appraiser" for federally related transactions, or any title, sign, card or device to indicate that such person is practicing the profession without having first being licensed in accordance with the law or the rules and regulations; or

Commonwealth gi Sangkattan na Islan Marianas Siha BOARD OF PROFESSIONAL LICENSING

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NUTISIA PUT I MANMAPROPONI NA AMENDASION PARA I BOARD OF PROFESSIONAL LICENSING NA REGULASION SIHA PARA I MANGATKULAN PRESION PRUPIEDÅT TÅNU' SIHA

I AKSION NI MA'INTENSIONA PARA U MA'ADAPTA ESTI I MANMAPROPONI NA REGULASION SIHA: I Kuetpun Professional Licensing (BPL) ha intensiona na para u adapta kumu petmanienti 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 compliance i 1 CMC §§ 9102 yan i 9104 (a) pat i (b) (1 CMC § 9105 (b)).

ÅTURIDÅT: I Kuetpun Professional Licensing gai åturidåt para u cho'gui yan u ifektibu i regulasion siha sigun gi Lai Pupbliku 14-95, kumu ma'amenda. Atan lokkui' i Etdin Eksekatibu 94-3 (ifektibu gi Agostu 23, 1994, ya u mata'lun otganisa i råmas Eksakatibu).

I TEMA YAN SUSTÅNSIAN I PALÅBRA SIHA: I BPL debi na u amenda i regulasion siha ni para u afakcha' i policies, prinaktika yan manera siha gi Appraisal SubCommittee ni mankunsisti yan i dinimanda siha gi Titulu XI.

SUHETU NI MASUMARIA YAN ASUNTU NI TINEKKA: I manmaproponi na amendasion siha para i regulasion siha:

- 1. Para ma'amenda i seksiona gi 1. 2 gi regulasion siha pat i Seksiona 125-40-005 (b) gi 125-40, NMIAC Titulu 125.
- 2. Para ma'amenda i seksiona gi 2. 16 gi regulasion siha pat i Seksiona 125-40-115 (q) gi 125-40, NMIAC Titulu 125.
- 3. Para ma'amenda i seksiona 4. 3 (B) (4) gi regulasion siha pat i Seksiona 125-40-110 (b) (4) gi 125-40, NMIAC Titulu 125.
- 4. Para ma'amenda i seksiona gi 4. 3 (C) (7) gi regulasion siha pat i Seksiona 125-40-110 (c) (7) gi 125-40, NMIAC Titulu 125.
- 5. Para ma'amenda i seksiona gi 4. 4 (A) (4) (c) gi regulasion siha pat i Seksiona 125-40-115 (a) (4) (i i i) gi 125-40, NMIAC Titulu 125.

- 6. Para ma'amenda i seksiona gi 4. 4 (A) (4) (e) gi regulasion siha pat i Seksiona 125-40-115 (a) (4) (v) gi 125-40, NMIAC Titulu 125.
- 7. Para ma'amenda i seksiona gi 5. 1, 5. 1 (A) yan (B) gi regulasion siha pat i Seksiona 125-40-201 yan i 201 (a) yan i (b) gi 125-40, NMIAC Titulu 125.
- 8. Para ma'amenda i seksiona 6. 10 (A) (1) (c) gi regulasion siha pat i Seksiona 125-40-345 (a) (1) (i i i) gi 125-40, NMIAC Titulu 125.
- 9. Para ma'amenda i seksiona siha gi 9.1 yan i 9.1 (A) gi regulasion siha pat i Seksiona siha gi 125-40-601 yan i 125-40-601 (a) gi 125-40, NMIAC Titulu 125.
- 10. Para ma'amenda i seksiona siha gi 9.2 (A) yan i (C) gi regulasions siha pat i Seksiona siha gi 125-40-605 yan i (c) gi 125-40, gi NMIAC 125.
- 11. Para ma'amenda i seksiona siha gi 11.1 gi regulasion siha pat gi Seksiona siha gi 125-40-801 gi 125-40, NMIAC Titulu 125.
- 12. Para ma'amenda i seksiona siha gi 12.1 (a) (20) gi regulasion siha pat gi Seksiona siha gi 125-40-805 (a) (20) gi 125-40, NMIAC 125.

DIREKSION PARA U MAPO'LU YAN MAPUPBLIKA: I Kuetpu mamamaisin upiñon siha sigun gi esti i manmaproponi na amendasion siha ni debi na u marisibi ginin i Kuetpu gi halum i trenta(30) dihas gi gi primet na pupblikasion esti na nutisia gi halum i Rehistran Commonwealth. Maseha håyi na petsona manintirisåo manmamaisin kopia siha gi i manmaproponi na amendasion å'agang ham gi 664-4809 pat i email gi bpl@pticom.com pat fåfattu gi ufisinan-måmi ni gaigi gi Bldg. 1242, Pohnpei Ct., Capito Hill, Saipan. Tinigi' upiñon put esti na amendasion siha debi na u machuli' guatu gi ufisinan-måmi pat na'hånåo para i BPL, P. O. Box 502078, Saipan, MP 96950.

Nina'hålum ac

Roman S. Demapa)

Kabesiku, BPL

Rinisibi as: Esther S. Fleming Ispisiåt Na Ayudånti Para I Atministrasion

Pine'lu yan Ninota as:

Esther SN. Nesbitt

Rehistran Commonwealth

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

Gilbert Birnbrich, DAG

Allen B

for JOEY P. SAN NICOLAS **Attorney General**

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: <u>bpl@pticom.com</u>

ARONGORONG REEL POMWOL LLIWEL REL ALLÉGHÚL BOARD OF PROFESSIONAL LICENSING NGÁLI REAL PROPERTY APPRAISERS

MÁNGEMÁNGIL MWÓGHUT YEEL BWE EBWE ADAPTÁÁLI POMMWOL ALLÉGH KKAL: Sángi Board of Professional Licensing (BPL) re muschel re bwe adaptááli me llégh ló bwe allégh kka e appaasch bwe pomwol allégh, sángi mwóghutughutúl Administrative Procedure Act, 1 CMC § 9104(a). Allégh kka ebwe bwunguló 10 ráll mwiril yaar palaweli 1 CMC §§ 9102 me 9104(a) ngáre (b) (1 CMC §9105(b)).

BWÁNGIL: Eyoor bwángil Board of Professional Licensing bwe re bwe akkatééwow me re bwe bwunguló mwóghutughutúl allégh sángi P.L. 14-95, igha e lliwel. Amweeri Executive Order 94-3 (E bwunguló wól Ógosto 23, 1994, igha e lliwel ngáli Executive Branch).

KKAPASAL ME AWEWEEL: BPL re bwe ameedndá li allégh bwe e bwe schuufengál allégh, kkapasal me mwóghutughútúl ngáli Appraisal Subcommittee ikka re palúweli mille e tittingóór sángi Title XI.

KKAPASAL ME ÓUTOL: Pommol lliwel ngáli allégh ikka re lo tálil:

- 1.) Rebwe lliwel li tálil 1.2 rel allégh ngáre tálil 125-40-005(b) rel 125-40, NMIAC Title 125.
- 2.) Re bwe lliwel li tálil 2.16 rel allégh ngáre tálil 125-40-115(q) rel 125-40, NMIAC Title 125.
- 3.) Re bwe lliwel li tálil 4.3 (B) (4) rel allégh ngáre tálil 125-40-110 (b) (4) rel 125-40, NMIAC Title 125.
- 4.) Re bwe lliwel li tálil 4.3 (C) (7) rel allégh ngáre tálil 125-40-110 (c) (7) rel 125-40, NMIAC Title 125.
- 5.) Re bwe ameendá li tálil 4.4 (A) (4) (c) rel allégh ngáre tálil 125-40-115(a) (4) (iii) rel 125-40. NMIAC Title 125.
- 6.) Re bwe lliwel li tálil 4.4 (A) (4) (e) rel allégh ngáre tálil 125-40-115(a) (4) (v) rel 125-40, NMIAC Title 125.
- 7.) Re bwe lliwel li tálil 5.1, 5.1 (A) and (B) rel allégh ngáre tálil 125-40-201 me 201 (a) and (b) rel 125-40, NMIAC Title 125.

- 8.) Re bwe lliwel li tálil 6.10 (A) (1) (c) rel allégh ngáre tálil 125-40-345 (a) (1) (iii) rel 125-40, NMIAC Title 125.
- 9.) Re bwe lliwel li tálil 9.1 me 9.1 (A) rel allégh ngáre tálil 125-40-601(a) me (c) rel 125-40, NMIAC Title 125.
- 10.) Re bwe lliwel li tálil 9.2 (A) me (C) rel allégh ngáre tálil 125-40-605 (a) me (c) rel 125-40. NMIAC Title 125.
- 11.) Re bwe lliwel li tálil 11.1 rel allégh ngáre tálil 125-40-801 rel 125-40, NMIAC Title 125.
- 12.) Re bwe lliwel li tálil 12.1 (a) (20) rel allégh ngáre tálil 125-40-805 (a) (20) rel 125-40, NMIAC Title 125.

AFALA REEL AMWELIL ME ARONGOWOWUL: Board ekke tittingór mángemángiir toulap reel pommol lliwel kkal iye rebwe bwughil rel Board lóll eliigh ráll ngáre schagh aa akkatééwow me rel Commonwealth Register. Schóó kka re remuschel Copy rel pommol allégh kkal e mmwel re bwe faingi numeero ye 664-4809 me ngare email bpl@pticom.com me ngáre mweteló rel bwulasiyo, Bldg 1242, Pohnpei Ct., Capitol Hill, Seipél. Iischil mángemáng e bwe isiisilong lóll bwulasiyo me ngáre afanga ngáli BPL, P.O. Box 502078, Saipan, MP 96950.

Isáliivalong

Mwir Sángi:

Esther **S**. Fleming

Special Assistant for Administration

Amweel Sángi:

Esther SN. Nesbitt

Commonwealth Register

Sángi 1 CMC § 2153(e) Allégh kkaal a lléghló sángi AG bwe e fil reel fféérúl me 1 CMC § 9104 (a) (3) (mwiir sángi AG) Pomwol atiwligh kkal a appaaschlong a takkal amweeri fiischiv, me anguungu ló fféérul me legal sufficiency sángi CNMI Attorney General me ebwele akkatééwoow, 1 CMC §2153(f) (Arongowowul allégh me atiwligh kkaal).

for

Joey P. San Nicolas

Sóubwungúl Allégh Lapalap

Gilbert Birnbrich, DAG

2/27/19

PAGE 034805 NUMBER 02 FEBRUARY 28, 2014



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 AMENDMENTS TO THE
HEALTH CARE PROFESSIONS LICENSING BOARD'S REGULATIONS
FOR PHYSICAL THERAPIST, PHYSICAL THERAPY ASSISTANT,
OCCUPATIONAL THERAPIST, AND OCCUPATIONAL THERAPY ASSISTANT

INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS: The Health Care Professions Licensing Board (HCPLB) intends to adopt as permanent regulations the attached Proposed Amendments to the 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)).

These regulations shall supersede the prior regulations for physical therapy published at Volume 22, No. 3 (3/20/2000) and adopted at Vol. 22, No. 9 (9/20/2000) of the Commonwealth Register.

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 physical therapist, physical therapy assistant, occupational therapist, and occupational therapy assistant 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: The proposed amendments to the regulations for physical therapist and physical therapy assistant shall supersede the prior regulations for physical therapy adopted at Vol. 22, No. 9 (9/20/2000) of the Commonwealth Register. The proposed amendments also include proposed regulations for occupational therapist and occupational therapy assistant.

DIRECTIONS FOR FILING AND PUBLICATION: The Board is soliciting comments regarding the proposed amendment 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.

Submitted By:

Ahmad Al-Alou, MD
Chairman, HCPLB

Received By:

Esther S. Fleming
Special Assistant for Administration

2/27/14

Date

Filed and Recorded By:

Esther SN. Nesbitt

Commonwealth Register

02-27. 2014

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).

Gilbert Birnbrich, DAG

for JOEY P. SAN NICOLAS
 Attorney General

2

§ 140-50.3- 003800 Part 3800. Physical Therapist, Physical Therapy Assistant, Occupational Therapist and Occupational Therapy Assistant.

§ 140-50.3- 003801 Definitions

A. Physical Therapy Definitions.

- (1) "APTA" is the American Physical Therapy Association, which is the primary, voluntary, national professional organization of physical therapists and physical therapy assistants.
- (2) "Accredited physical therapist or physical therapy assistant program," means a post-secondary physical therapist program that is accredited by the Commission on Accreditation in Physical Therapy Education, its predecessor organization, or its successor organization.
- (3) "CAPTE" means the Commission on Accreditation in Physical Therapy Education, an independent accrediting body that is recognized by the U.S. Department of Education and by the Commission on Recognition of Postsecondary Accreditation or their successor organizations as the entity in the U.S. that is responsible for accrediting education programs for the preparation of physical therapists and physical therapy assistants.
- (4) "CPA" is the Canadian Physiotherapy Association.
- (5) "FSBPT" is the Federation of State Boards of Physical Therapy, which is the organization that develops and administers the National Physical Therapy Examination and also works towards reasonable uniformity in regulation and standards through ongoing communications between it and the state boards who are authorized by law to license and regulate physical therapists and physical therapy assistants.
- (6) "PCE" is the Physiotherapy Competency Examination administered in Canada.
- (7) "Physical therapy" means the examination, evaluation diagnosis, prognosis and intervention provided by physical therapists. Physical therapy includes without limitation the diagnosis and management of movement dysfunction and enhancement of physical and functional abilities; restoration, maintenance and promotion of optimal physical function, optimal fitness and wellness, and optimal quality of life as it relates to movement and health; and prevention of the onset, symptoms and progression of impairments, functional limitations, and disabilities that may result from diseases, disorders, conditions or injuries. The term "physiotherapy" shall be synonymous with "physical therapy" pursuant to these regulations.
- (8) "Physical therapist (PT)" means a person who is a graduate of an accredited physical therapist education program and is licensed to practice physical therapy as defined in these regulations and whose license is in good standing. The term "physiotherapist" shall be synonymous with "physical therapist" pursuant to these regulations.

- (9) "Physical therapist aide" means an unlicensed person who may be utilized by a physical therapist in his or her practice by performing non-patient related tasks, or by performing patient related tasks under the direct personal supervision of a licensed physical therapist.
- (10) "Physical therapy assistant (PTA)" means a technically educated health care provider who assists the physical therapist in the provision of selected physical therapy interventions. The physical therapist assistant is the only individual who provides selected physical therapy interventions under the direction and supervision of the physical therapist. The physical therapist assistant is a graduate of an accredited physical therapist associate degree program and is licensed pursuant to these regulations to assist in the practice of physical therapy or portions of it as initiated and supervised by a licensed physical therapist.
- (11) "Practice of physical therapy" means:
 - (a) Examining, evaluating, testing and treatment of individuals with mechanical, physiological or developmental impairments, functional limitations, disabilities, or other health and movement-related conditions in order to determine a diagnosis, prognosis and plan of treatment intervention, and to assess the ongoing effects of intervention;
 - (b) Alleviating impairments, functional limitations and disabilities by designing, implementing and modifying treatment interventions that may include, but are not limited to: therapeutic exercise, functional training in self-care and in home, community or work integration or reintegration, manual therapy including soft tissue and joint mobilization/manipulation, therapeutic massage, prescription, application and, as appropriate, fabrication of assistive, adaptive, orthotic, prosthetic, protective and supportive devices and equipment, airway clearance techniques, integumentary protection and repair techniques, debridement and wound care, physical agents, modalities, and medications, mechanical and electrotherapeutic modalities, and patient-related instruction;
 - (c) Reducing the risk of injury, impairment, functional limitation and disability, including the promotion and maintenance of fitness, health and wellness in population of all ages;
 - (d) Engaging in administration, consultation, education and research;
 - (e) Promoting health and wellness; and
 - (f) Such other related activities that are within the Scope of Physical Therapy Practice defined elsewhere in these regulations, or otherwise customarily practiced by physical therapists and not proscribed hereby.

(12) Supervision

- (a) General Supervision: The physical therapist is not required to be on site for direction and supervision, but must be available at least by telecommunications.
- (b) Direct Supervision: The physical therapist is physically present and immediately available for direction and supervision. The physical therapist will have direct contact with the patient/client during each visit that is defined in the APTA Guide to Physical Therapist Practice as all encounters with a patient/client in a 24-hour period. Telecommunications does not meet the requirement of direct supervision.
- (c) Direct Personal Supervision: The physical therapist is physically present and immediately available to direct and supervise tasks that are related to patient/client management. The direction and supervision is continuous throughout the time these tasks are performed. Telecommunications does not meet the requirement of direct personal supervision

B. Occupational Therapy Definitions

- (1) "AOTA" means the national professional association representing the interests and concerns of occupational therapy practitioners and students and improve the quality of occupational therapy services.
- (2) "CAOT" means the Canadian Association of Occupational Therapists who accredits University Occupational Therapy Programs in Canada and also administers the National Occupational Therapy Certification Examination (NOTCE).
- (3) "NBCOT" means the National Board for Certification in Occupational Therapy, Inc., is a not-for-profit credentialing agency that provides certification for the occupational therapy profession. NBCOT serves the public interest by developing, administering, and continually reviewing a certification process that reflects current standards of competent practice in occupational therapy.
- (4) "NOTCE" means the National Occupational Therapy Certification Examination administered by the Canadian Association of Occupational Therapists.
- (5) "Occupational Therapist (OT)" means a person who is licensed to practice occupational therapy as defined in these regulations and whose license is in good standing.
- (6) "Occupational therapy" means, the therapeutic use of everyday life activities (occupations) with individuals or groups for the purpose of participation in roles and situations in home, school, workplace, community, and other settings. Occupational therapy services are provided for the purpose of promoting health and wellness and to those who have or are at risk for developing an illness, injury, disease, disorder, condition, impairment, disability, activity limitation, or participation restriction. Occupational therapy addresses the physical, cognitive, psychosocial, sensory, and other aspects of performance in a

variety of contexts to support engagement in everyday life activities that affect health, well-being, and quality of life".

- (7) "Occupational therapy assistant (OTA)" means a person who is licensed pursuant to these regulations who assists in the practice of occupational therapy under the supervision of a licensed occupational therapist.
- (8) "Practice of occupational therapy" means the therapeutic use of purposeful and meaningful goal-directed activities (occupations) which engage the individual's body and mind in meaningful, organized, and self-directed actions that maximize independence, prevent or minimize disability, and maintain health. Occupational therapy encompass occupational therapy assessment, treatment, education of, and consultation with, individuals who have been referred for occupational therapy services subsequent to diagnosis of disease or disorder (or who receiving occupational therapy services of as part Individualized Education Plan (IEP) pursuant to the federal Individuals Disabilities Education Act (IDEA)). Occupational assessment identifies performance abilities and limitations that are necessary for self-maintenance, learning, work, and other similar meaningful activities. Occupational therapy treatment is focused on developing, improving, or restoring functional daily living skills, compensating for and preventing dysfunction, or minimizing disability. Occupational therapy techniques that are used for treatment involve teaching activities of daily living (excluding speech-language skills); designing or fabricating selective temporary orthotic devices, and applying or training in the use of assistive technology or orthotic and prosthetic devices (excluding gait training). Occupational therapy consultation provides expert advice to enhance function and quality of life. Consultation or treatment may involve modification of tasks or environments to allow an individual to achieve maximum independence. Services are provided individually, in groups, or through social groups.

C. General Definitions

- (1) "Professional development activity" means an activity (except normal and routine employment responsibilities) engaged in subsequent to professional education, primarily concerned with maintaining and increasing the therapy practitioner's knowledge, skill and ability.
- (2) "Professional development unit (PDU)" is an assigned unit of measure for each professional development activity.

§ 140-50.3-003802 Exemptions from License Requirements.

These regulations shall apply to all persons practicing physical or occupational therapy and those who assist them, in the CNMI except:

(A) Any person pursuing a course of study leading to a degree as a physical or occupational therapist or physical or occupational therapy assistant while under the direct personal supervision of a licensed physical or occupational therapist who shall be legally and professionally responsible for the person's performance;

- (B) Physical and occupational therapists or physical or occupational therapy assistants practicing in the U.S. Armed Services, U.S. Department of Health and Human Services, or the U.S. Department of Veterans Affairs pursuant to federal regulations for state licensure of health care providers; and
- (C) A physical therapist traveling with and providing physical therapy to persons who are affiliated with or employed by established athletic teams or athletic organizations from other jurisdictions that are temporarily practicing, competing or performing in the CNMI for not more than thirty (30) days in a calendar year. Such physical therapist(s) shall be actively licensed and in good standing with the regulatory body having jurisdiction over them in the jurisdiction in which such athletic team or organization is based.

§ 140-50.3- 003803 Requirements for Licensure.

An applicant to practice as a physical therapist, occupational therapist, physical therapy or occupational therapy assistant must be at least twentyone (21) years of age, and be a U.S. citizen or a foreign national lawfully entitled to remain and work in the Commonwealth, and must meet the following requirements:

- (A) US or Canadian Trained Physical Therapist (PT). All US or Canadian applicants for licensure as physical therapists in the Commonwealth shall have:
 - (1) received an earned degree in physical therapy from a physical therapy education program that is accredited by the CAPTE of the American Physical Therapy Association, or an accredited physiotherapy college in Canada; and
 - (2) successfully passed the National Physical Therapy Examination administered by FSBPT in the U.S. or the Physiotherapy Competency Examination (PCE) in Canada.
- (B) US or Canadian Trained Physical Therapy Assistant (PTA). All US or Canadian trained applicants for licensure as a Physical Therapy Assistant in the Commonwealth shall have:
 - (1) received an earned associates (or higher) degree from a physical therapy assistant education program that is accredited by the CAPTE of the American Physical Therapy Association, or an accredited physiotherapy college in Canada, or a school or program; and
 - (2) successfully passed the National Physical Therapy Assistant Examination administered by FSBPT for physical therapy assistants or the Physiotherapy Competency Examination (PCE) in Canada; or
- (C) Non US or Canadian Trained Physical Therapists and Physical Therapy Assistants. All foreign educated physical therapists or physical therapy assistants shall conform to the following:
 - (1) An applicant who is a graduate of a foreign school or who completed a physical therapy or physical therapist assistant

program outside of the U.S. or Canada must provide a certified credentials evaluation indicating successful completion of a program, including education and training, equivalent to accredited programs in the U.S. or Canada. The evaluation shall be prepared within one (1) year from the date of the applicant's submission and shall be certified by the Foreign Credentialing Commission on Physical Therapy in the form of a Type 1 Verification Certificate;

- (2) Applicant shall have successfully passed the National Physical Therapy Examination administered by FSBPT in the U.S., or the Physiotherapy Competency Examination (PCE) in Canada; and
- (3) The applicant must be able to speak, read, write and understand the English language as a requirement for licensing. Competency in the English language shall be demonstrated by a passing TOEFL score. The minimum passing score for the TOEFL is defined as 89 for the Internet-Based Test, and 26 for the Speaking portion of the test.
- (D) US or Canadian Trained Occupational Therapist or Occupational Therapy Assistant. All US or Canadian trained applicants for licensure as Occupational Therapist or Occupational Therapy Assistant in the Commonwealth shall have:
 - (1) received an earned degree in Occupational Therapy from a school of occupational therapy as an occupational therapist or an occupational therapy assistant, from a school accredited by the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education (ACOTE), or accredited or approved by the American Occupational Therapy Association's (AOTA) predecessor organization, or approved by AOTA's Career Mobility Program, or an accredited school of occupational therapy in Canada; and
 - (2) successfully passed the examination for occupational therapist or occupational therapy assistant administered by the National Board for Certification in Occupational Therapy, Inc., of the American Occupational Therapy Certification Board, or the National Occupational Therapy Certification Examination (NOTCE) administered by the Canadian Association of Occupational Therapists (CAOT). The certification examination for the occupational therapy assistant may be waived for any person who was certified as an occupational therapy assistant by the American Occupational Therapy Association prior to June 1977.
- (E) Foreign-educated or Trained OT or OTA Applicants.
 - (1) An applicant who is a graduate of a foreign school or completed an occupational therapy program outside of the U.S. or Canada must provide certified credentials evaluation indicating successful completion of a program, including education and training, equivalent to accredited programs in the U.S. or Canada. The evaluation shall be prepared within one (1) year from the date of the application's submission and shall be in the

form of a NBCOT's Occupational Therapist Eligibility
Determination (OTED);

- (2) Applicant must have successfully passed the National examination for occupational therapist or occupational therapy assistant administered by the National Board for Certification in Occupational Therapy, Inc., of the American Occupational Therapy Certification Board, or the National Occupational Therapy Certification Examination (NOTCE) administered by the Canadian Association of Occupational Therapists (CAOT); and
- 3) The applicant must be able to speak, read, write and understand the English language as a requirement for licensing. Competency in the English language shall be demonstrated by a passing TOEFL score. The minimum passing score for the TOEFL is defined as 89 for the Internet-Based Test, and 26 for the Speaking portion of the test.
- (F) No person who does not hold a current license shall practice or offer to practice occupational or physical therapy, 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 an occupational or physical therapist or an occupational or physical therapy assistant. No partnership, association, or corporation shall advertise or otherwise offer to provide or convey the impression that it is providing occupational or physical therapy unless an individual holding a current license is or will at the appropriate time be rendering the occupational or physical therapy services to which reference is made.

§ 140-50.3 - 003804 Licensure by Endorsement.

- (A) The Board may grant a license to a person to practice physical therapy or occupational therapy without additional examination if:
 - (1) The person holds a valid, active license to practice as a physical or occupational therapist or a physical or occupational therapy assistant in another jurisdiction;
 - (2) The person fully complies with the requirements for licensure in \$140-50.3-.003803; 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 physical therapy or occupational therapy, 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 - 003805 Applications.

An application for a license to practice as a physical or occupational therapist or physical or occupational therapy assistant shall be made under oath 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:

- (A) 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
- (B) Applicant's 2x2 photograph taken within six (6) months; and
- (C) The appropriate fees, including the application fee which shall not be refunded; and
- (D) 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:
 - (1) Diploma, certificate, or official transcript showing successful completion of a physical or occupational therapy educational school or program together with any required credentials evaluation;
 - (2) Documents showing satisfactory proof that applicant has taken and passed the required examination; and
 - (3) Documents showing proof that applicant is licensed to practice as a physical or occupational therapist or physical or occupational therapy assistant in another jurisdiction (if applicable); and
- (E) A list of all jurisdictions, U.S. or foreign, in which the applicant is licensed or has applied for a license to practice as a physical or occupational therapist or physical or occupational therapy assistant; and
- (F) A detailed educational history, including places, institutions, dates and program descriptions of all his or her education beginning with secondary schooling and including all college and/or training programs; and
- (G) A list of all jurisdictions, U.S. or foreign, in which the applicant has been denied licensure or voluntarily surrendered a license to practice as a physical or occupational therapist or physical or occupational therapy assistant; and
- (H) A list of all jurisdictions, U.S. or foreign, of all sanctions, judgments, awards, settlements or against the applicant that would constitute grounds for disciplinary action under the Act or these regulations.

§ 140-50.3-003806 Continuing Education (CE).

- (A) All physical therapists and physical therapy assistants licensed to practice in the CNMI are required to complete at least twenty (20) hours of continuing education or ten (10) PDUs and ten (10) hours of continuing education relevant to the practice of physical therapy as a prerequisite to the biennial renewal of their license.
- (B) All occupational therapists and occupational therapy assistants licensed to practice in the CNMI are required to complete at least

- twenty (20) hours of continuing education or ten (10) PDUs and ten (10) hours of continuing education relevant to the practice of occupational therapy as a prerequisite to the biennial renewal of their license.
- (C) One CE unit or credit equals to one contact hour. One (1) hour of participation in a professional development activity qualifies for one PDU.
- (D) Approved continuing education activities for physical or occupational therapy includes but is not limited to the following:
 - (1) Courses or workshops approved by the American Physical Therapy Association, the Canadian Physiotherapy Association, the Federation of State Boards of Physical Therapy, the American Medical Association, any other state board of professional licensing or other regulatory body having jurisdiction over the practice of physical and/or occupational therapy in that state or territory, as well as all other programs approved by the Board.
 - (2) Programs or activities sponsored by the American Occupational Therapy Association (AOTA) or the Occupational Therapy Association; post-professional coursework completed through any approved or accredited educational institution, or other programs approved by the Board.
- (E) If a licensee fails to meet the CE or PDU 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, reasonably 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 or PDU requirements, or who falsely certifies attendance at and/or completion of the CE or PDU as required herein.

§ 140-50.3-003807 Referrals.

- (A) Except as set forth in subsection (e) below, treatment of a person by a licensed physical therapist is prohibited unless the person has been referred to the therapist by a U.S. or CNMI licensed physician, nurse practitioner, dentist or physician assistant.
- (B) Notwithstanding the restrictions set forth in subsection (A) above, a licensed physical therapist may perform an initial evaluation of any person without a referral. A physical therapist may then treat the patient at that initial evaluation unless the physical therapist has reasonable cause to believe that the patient has a symptom or condition that is either beyond the physical therapist's scope of practice, or for which physical therapy is contraindicated, in which

case the physical therapist shall refer that patient to an appropriate healthcare provider.

- (C) A licensed occupational therapist or licensed occupational therapy assistant may consult with, educate, evaluate, and monitor services for clients concerning non-medical occupational therapy Implementation of direct occupational therapy to individuals for their specific health care conditions shall be based upon a referral from a U.S. or CNMI licensed physician, dentist, nurse practitioner or physician assistant who has a written collaborative agreement with a collaborating physician to provide or accept referrals from licensed occupational therapists, or a physician assistant who has been delegated authority to provide or accept referrals from licensed occupational therapists.
- (D) An occupational therapist shall refer to a licensed physician, dentist, optometrist, advanced practice nurse, or physician assistant, any patient whose medical condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of the occupational therapist.
- (E) Requirements for direct access certification: A physical therapist holding an active license to practice physical therapy in the Commonwealth, meeting one or more of the requirements set forth below, may apply to be certified as a "Highly Qualified Physical Therapist" and upon submission of documentary evidence thereof, shall be so certified. Upon receipt of such certification a Highly Qualified Physical Therapist shall be entitled to provide physical therapy services to patients without a referral or prescription as would otherwise be required pursuant to NMIAC \S 140-50.3-003807 (A)-(B). To be certified as a Highly Qualified Physical Therapist, a licensed physical therapist shall provide documentary evidence of the following:
 - (1) Completion of a doctor of physical therapy or postprofessional transitional doctor of physical therapy program; or
 - (2) Completion of a master's degree in physical therapy and at least 5 years of post-licensure active practice, with evidence of successfully achieving at least 60 contact hours of study at the graduate or post-graduate level (4 Carnegie Units) in medical screening, clinical decision making, or differential diagnosis.

§ 140-50.3-003808 Scope of Practice - Physical Therapist.

- (A) Responsibilities of the licensed physical therapist:
 - (1)A physical therapist shall be responsible for managing all aspects of the physical therapy care of each patient. A physical therapist shall provide:
 - (a) An interpretation of referrals when available;
 - (b) An initial physical therapy examination, evaluation, diagnosis and prognosis of the patient;
 - (c) The development or implementation of a plan or care based on the initial physical therapy examination and

which includes the physical therapy goals and anticipated outcomes;

- (d) A determination of the components and the intervention that shall be provided by a physical therapist and the components that may be delegated to the physical therapy assistant or aide;
- (e) Direct one-on-one re-examination of the patient and revision of the plan of care when indicated;
- (f) The establishment of the discharge plan and documentation of the patient's discharge status; and
- (g) Oversight of all services rendered to each patient, including the applicable documentation in accordance with APTA guidelines.
- (2) Regardless of the setting in which physical therapy services are provided, the following responsibilities must be performed solely by a licensed physical therapist:
 - (a) Only a licensed physical therapist shall interpret a patient referral from a medical provider.
 - (b) The physical therapist shall initiate, perform and complete the initial physical therapy examination, provide problem identification and physical therapy related diagnosis; develop treatment and discharge, planning, implementation and supervision of the therapeutic program; reevaluate and change the program based upon individual patient needs and as the needs relate to insurance, the required guidelines; and maintain adequate records of the case, including written evaluations, daily notes, progress reports, and discharge summary in accordance with generally accepted practices.
 - (c) When the physical therapist assesses that a patient will no longer benefit from physical therapy services, he/she shall so inform the patient and the referring medical provider. A physical therapist shall avoid over-utilization of physical therapy services.
 - (d) The physical therapist shall not initiate or continue services that will not result in beneficial outcomes or that are contraindicated.
 - (e) Regardless of practice setting, the physical therapist shall maintain the ability to make independent professional judgments.
 - (f) The physical therapist shall be responsible for the establishment of discharge plans and documentation of discharge summary or status.

- (g) The physical therapist shall adhere to the recognized standards of ethics of the physical therapy profession.
- (h) Only a licensed physical therapist may supervise a physical therapy assistant or physical therapy aide. A physical therapist shall not supervise an occupational therapy assistant; a speech therapy assistant; or any other personnel of another therapy based or allied health profession. Notwithstanding the foregoing this provision shall not preclude the general oversight over such personnel by a director of rehabilitation services or similar department or division head provided that a licensed physical therapist is directly responsible for supervision and oversight of patient related activities.
- (B) Supervision of assistive personnel:
 - (1) The physical therapist shall assure the competence of all assistive personnel to perform assigned tasks.
 - (2) The physical therapist shall not delegate to a less qualified person any activity that requires the unique skill, knowledge, and judgment of a physical therapist.
 - (3) In establishing a treatment protocol for the physical therapist assistant, the physical therapist shall identify and document precautions, special problems, contraindications, goals, anticipated progress, plans for reassessment; plans for reevaluation; and home programs including but not limited to: home exercise programs, patient education and family / caregiver education.
 - (4) If the treatment of a patient is delegated to a physical therapist assistant, the physical therapist shall provide direct supervision and shall reevaluate and provide treatment to the patient at least every 5th visit, or, if the treatment is performed more than once a day, reevaluation must be performed at least once per week.
 - (5) The physical therapist shall designate or establish channels of written and oral communication with the physical therapist assistant.
 - (6) The physical therapist shall determine and differentiate which tasks in the plan of care for a patient requires the expertise and decision making capacity of the physical therapist and which can be delegated to assistive personnel.
 - (7) The physical therapist shall be responsible for the delegation and instruction of the services to be rendered by the physical therapist assistant, including, but not limited to: specific treatment programs, precautions, special problems, and contraindicated procedures.

- (8) The physical therapist is responsible for ensuring that all assistive personnel under supervision are knowledgeable of the CNMI physical therapy regulations and follow them.
- (C) Requirements for Use of Aides.
 - (1) A physical therapy aide is an unlicensed person who may be utilized by a physical therapist in his or her practice by performing non-patient related tasks, or by performing patient related tasks.
 - (2) Prior to the aide providing patient related care, a physical therapist shall evaluate and document, the aide's competency level for performing the patient related task that the aide will provide in that setting. The record of competencies shall be made available to the board or any physical therapist utilizing that aide upon request.
 - (3) As used in these regulations:
 - (a) A "patient related task" means a physical therapy service rendered directly to the patient by an aide, excluding non-patient related tasks as defined below.
 - (b) A "non-patient related task" means a task related to observation of the patient, transport of patients, physical support only during gait or transfer, housekeeping duties, clerical duties and similar functions.
 - (c) "Under the orders, direction and immediate supervision" means:
 - (i) Prior to the initiation of care, the physical therapist shall evaluate every patient prior to the performance of any patient related tasks by the aide.
 - (ii) The physical therapist shall formulate and record in the patient's record a treatment program based upon the evaluation and any other information available to the physical therapist, and shall determine those patient related tasks which may be assigned to an aide.

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- (4) The physical therapist shall assign only those patient tasks that can be safely and effectively performed by the aide. The physical therapist shall be responsible at all times for the conduct of the aide while the aide is performing "patient related tasks" and "non-patient related tasks" as defined in this section.
- (5) The physical therapist shall provide direct personal supervision of the aide. The physical therapist shall be in the same facility as the aide and in immediate proximity to the location where the aide is performing patient related tasks. The physical therapist shall be readily available at all times to provide immediate advice, instruction or intervention in the care of the patient. When patient related tasks are provided to a

patient by an aide the physical therapist shall at some point during the treatment day provide direct service to the patient as treatment for the patient's condition or to further evaluate and monitor the patient's progress.

(6) The physical therapist shall perform periodic reevaluation of the patient as necessary and make adjustments in the patient's treatment program. The re-evaluation shall be documented in the patient's record.

§ 140-50.3-003809 Scope of Practice - Physical Therapy Assistant.

A physical therapy assistant shall only work under the direct supervision of a licensed physical therapist. The physical therapist shall at all times be professionally and legally responsible for patient care by the physical therapy assistant. The physical therapy assistant may provide physical therapy services pursuant to the following guidelines:

- (A) The physical therapy assistant shall have in possession written treatment plans formulated by the supervising physical therapist for each patient under the care of the physical therapy assistant. Treatment plans must be revised following periodic evaluations by the supervising physical therapist.
- (B) The physical therapy assistant may not initiate or alter a treatment program without prior evaluation by and approval from the supervising physical therapist.
- (C) The physical therapy assistant may, with prior approval by the supervising physical therapist, adjust a specific treatment procedure in accordance with changes in patient status.
- (D) The physical therapy assistant may not interpret data beyond the scope of his/her education as a physical therapy assistant.
- (E) The physical therapy assistant shall refer inquiries regarding patient prognosis to a supervising physical therapist.
- (F) The physical therapy assistant shall report all adverse patient responses to any part of the physical therapy program to the supervising physical therapist.
- (G) The physical therapy assistant shall not hold himself or herself out as a physical therapist.

Only a physical therapist may supervise a physical therapy assistant. No physical therapist may supervise more than two (2) physical therapy assistants.

§ 140-50.3-003810 Scope of Practice - Occupational Therapist.

(A) The scope of practice of a licensed occupational therapist is defined to include the provision of direct, indirect or consultative services to a client, the administration of standardized and non-standardized assessments, the interpretation of such assessments to determine the need for an appropriate intervention plan for the client, the development and utilization of activities for the client, the

design and fabrication of adaptive equipment, prosthetics and/or orthotic devices, consultation concerning adaptation of physical environments, as well as the utilization of physical modalities. It also includes, but is not limited to, intervention directed toward:

- (1) Assessment and evaluation, including the use of skilled observation or the administration and interpretation of standardized or non-standardized tests and measurements, to identify areas for occupational therapy services;
- (2) Providing for the development of sensory integrative, neuromuscular, or motor components of performance;
- (3) Providing for the development of emotional, motivational, cognitive, or psychosocial components of performance;
- (4) Developing daily living skills;
- (5) Developing feeding and swallowing skills;
- (6) Developing play skills and leisure capacities;
- (7) Enhancing educational performance skills;
- (8) Enhancing functional performance and work readiness through exercise, range of motion and use of ergonomic principles;
- (9) Designing, fabricating, or applying rehabilitative technology, such as selected orthotic and prosthetic devices, and providing training in the functional use of these devices;
- (10) Designing, fabricating, or adapting assistive technology and providing training in the functional use of assistive devices;
- (11) Adapting environments using assistive technology such as environmental controls, wheelchair modifications, and positioning;
- (12) Employing physical agent modalities, in preparation for or as an adjunct to purposeful activity, within the same treatment session or to meet established functional occupational therapy goals, consistent with the requirements; and
- (13) Promoting health and wellness.

§ 140-50.3-003811 Scope of Practice - Occupational Therapy Assistant.

(A) An occupational therapy assistant shall work under the supervision of a licensed occupational therapist. The occupational therapist shall at all times be professionally and legally responsible for patient care by the occupational therapy assistant and performs client related activities assigned by the supervising occupational therapist As used in this section, client related activities shall mean:

- (1) Contributing to the evaluation of a client by gathering data, reporting observations and implementing assessments delegated by the supervising occupational therapist or licensed physician;
- (2) Consulting with the supervising occupational therapist or licensed physician in order to assist him or her in making determinations related to the treatment plan, modification of client programs or termination of a client's treatment;
- (3) The utilization of a program of purposeful activities, a treatment program, and/or consultation with the client, family, caregiver, or other health care or education providers, in keeping with the treatment plan and under the direction of the supervising occupational therapist or licensed physician;
- (4) The use of treatment modalities and techniques that are based on approaches taught in an occupational therapy assistant educational program and that the occupational therapy assistant has demonstrated to the occupational therapist or licensed physician that he or she is competent to use; or
- (5) The immediate suspension of any treatment intervention that appears harmful to the client and immediate notification of the supervising occupational therapist.
- (B) The supervising occupational therapist shall determine the occupational therapy treatments the occupational therapy assistant may perform. In making this determination, the supervising occupational therapist shall consider the following:
 - (1) The clinical complexity of the patient/client;
 - (2) The skill level of the occupational therapy assistant in the treatment technique; and
 - (3) Whether continual reassessment of the patient/client status is needed during treatment.
- (C) The supervising occupational therapist shall assume responsibility for the following activities regardless of the setting in which the services are provided:
 - (1) Interpretation of referrals or prescriptions for occupational therapy services;
 - (2) Interpretation and analysis for evaluation purposes.
- (D) The occupational therapy assistant may contribute to the evaluation process by gathering data, administering standardized tests and reporting observations. The occupational therapy assistant may not evaluate independently or initiate treatment before the supervising occupational therapist performs an assessment/evaluation.
- (E) Development, interpretation, implementation, and modifications of the treatment plan and the discharge Plan:

- (1) The supervising occupational therapist shall be responsible for delegating the appropriate interventions to the occupational therapy assistant;
- (2) The occupational therapy assistant may contribute to the preparation, implementation and documentation of the treatment and discharge summary.
- (F) The responsible occupational therapist shall at all times be responsible for all occupational therapy services provided to the client. The occupational therapist that is responsible for appropriate supervision shall formulate and document in each client's record, with his or her signature, the goals and plan for that client, and shall make sure that the occupational therapy assistant assigned to that client functions under appropriate supervision. As part of the responsible occupational therapists appropriate supervision, he or she shall conduct at least weekly review and inspection of all aspects of occupational therapy services by the occupational therapy assistant.
- (G) The supervising occupational therapist has the continuing responsibility to follow the progress of each patient, provide direct care to the patient, and to assure that the occupational therapy assistant does not function autonomously.
- (H) It is the responsibility of the occupational therapy assistant to maintain on file at the job site signed documentation reflecting supervision activities. This supervision documentation shall contain the following: date of supervision, means of communication, information discussed and the outcomes of the interaction. Both the supervising occupational therapist and the occupational therapy assistant must sign each entry.

§ 140-50.3-003812 Delivery of Occupational Therapy Services.

- (A) The following are general statements regarding roles and responsibilities during the delivery of occupational therapy services:
 - (1) The occupational therapist is responsible for the overall delivery of occupational therapy services and is accountable for the safety and effectiveness of the occupational therapy service delivery process.
 - (2) The occupational therapy assistant delivers occupational therapy services under the supervision of the occupational therapist.
 - (3) It is the responsibility of the occupational therapist to be directly involved in the delivery of services during the initial evaluation and regularly throughout the course of intervention.
 - (4) Services delivered by the occupational therapy assistant are specifically selected and delegated by the occupational therapist. When delegating to the occupational therapy assistant, the occupational therapist considers the following factors:

- (a) the complexity of the client's condition and needs;
- (b) the knowledge, skill, and competence of the occupational therapy assistant;
- (c) the nature and complexity of the intervention.
- (5) Prior to delegation of any aspect of the service delivery process to the occupational therapy assistant, service competency must be demonstrated and documented between the occupational therapist and occupational therapy assistant. Service competency is demonstrated and documented for clinical reasoning and judgment required during the service delivery process as well as for the performance of specific techniques, assessments, and intervention methods used. Service competency must be monitored and reassessed regularly.
- (6) The role delineation and responsibilities of the occupational therapist and the occupational therapy assistant remain unchanged regardless of the setting in which occupational therapy services are delivered (i.e., traditional, non-traditional, or newly emerging practice settings).
- (7) An occupational therapist shall document his or her evaluation, goals, treatment plan, and summary of treatment in the patient record. An occupational therapy assistant shall document the services provided in the patient record. Occupational therapists and occupational therapy assistants shall document and sign the patient record legibly.
- (8) Patient records shall be maintained for a period of no less than seven years following the discharge of the patient, except that the records of un-emancipated minors shall be maintained at least one year after the minor has reached the age of 18 years and not in any case less than seven years.

§ 140-50.3-003813 Use of Topical Medications.

- (A) As used in this section, "topical medications" means medications applied locally to the skin or underlying tissue where such medications require a prescription or order under federal or state law. The following medications are applicable to the practice of physical and occupational therapy and may be used by a physical therapist or occupational therapist:
 - (1) Bactericidal agents;
 - (2) Debriding agents
 - (3) Topical anesthetic agents;
 - (4) Anti-inflammatory agents;
 - (5) Antispasmodic agents; and
 - (6) Adrenocortico-steroids.

§ 140-50.3-003816 Swallowing Assessment, Evaluation, or Intervention.

(A) The role of an occupational therapist in instrumental evaluations is to observe structure and function of the swallowing mechanism in order to assess swallowing capability and determine swallowing

The occupational therapist may not perform the interventions. physically invasive components of the instrumental evaluation.

- (B) Swallowing assessment, evaluation or intervention may be performed only when an occupational therapist has demonstrated to the Board that he or she has met the post professional education and training requirements established in this section as follows:
 - (1) Education: Completion of 45 contact hours in the following subjects:
 - (a) Anatomy, physiology and neurophysiology of the head and neck with focus on the structure and function of the aero digestive tract;
 - (b) The effect of pathology on the structures and functions of the aero digestive tract; including medical interventions and nutritional intake methods used with patients with swallowing problems;
 - (c) Interventions used to improve pharyngeal swallowing function.
 - (2) Training: Completion of 240 hours of supervised on-the-job training, clinical internship or affiliation, which may be paid or voluntary, pertaining to swallowing assessment, evaluation or intervention. An occupational therapist in the process of completing the training requirements of this section may practice swallowing assessment, evaluation or intervention under the supervision of an occupational therapist that has been approved under this article, a speech language pathologist with expertise in this area, or a physician and surgeon.
- (C) An occupational therapist may provide only those swallowing assessment, evaluation or intervention services he or she is competent to perform.

§ 140-50.3-003817 Use of Titles; Restrictions.

- (A) It shall be unlawful for any person or business entity, its employees, agents or representatives to use in connection with his/her name or business activity the words "physical therapy," "physical therapist,""physiotherapy," assistant," "PT," "LPT," "physiotherapist," "physical assistant," "PT," "LPT," "PTA,"; or "occupational therapy," "occupational therapist," "OCCUpational therapy assistant," "OT," "OTA," or any other words, abbreviations, or insignia indicating or implying directly or indirectly that physical or occupational therapy is provided or supplied, including billing of services labeled as physical or occupational therapy, unless such services are provided by or under the direction of a CNMI licensed physical or occupational therapist.
- (B) A physical or occupational therapy assistant may not advertise or hold him/herself out in any manner, which implies that he/she is either a licensed physical or occupational therapist or an independent practitioner.

(C) No person shall use the title "physical or occupational therapy assistant," or any combination of words to imply directly or indirectly that he/she is a physical or occupational therapy assistant unless he/she is licensed in the CNMI.

§ 140-50.3-0038218 Professional Standards.

The Board recognizes the Code of Ethics, the Guide for Professional Conduct, and the Standards of Ethical Conduct for the Physical Therapy Assistant, as amended, by the American Physical Therapy Association, as its professional standards model, and the American Occupational Therapy Association (AOTA) Occupational Therapy Code of Ethics and Ethics Standards, as amended.

§ 140-50.3-003819 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 the violations pursuant to P.L. 15-105 \$ 2224 and \$\$ 140-50.3-3800 of the regulations, including, but not limited to the following:

- (A) Administering treatments or evaluation in a negligent manner;
- (B) Falsifying or otherwise altering patient records;
- (C) Accepting fees for services not provided;
- (D) Improper delegation or supervision of assistive personnel;
- (E) Practicing physical or occupational therapy outside the scope of practice;
- (F) Failing to immediately refer any patient to an appropriate healthcare provider if there is reasonable cause to believe that the patient's condition is beyond the physical or occupational therapists scope of practice or is a condition for which physical or occupational therapy is contraindicated.

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

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ARONGORONG REL POMMOL LLIWEL REL ALLÉGH SÁNGI HEALTH CARE PROFESSION LICENSING BOARD NGÁLI PHYSICAL THERAPIST, PHYSICAL THREPIST ASSITANT, OCCUPATIONAL THERAPIST, OCCUPATIONAL THERAPIST ASSISTANT.

MÁNGEMÁNGIL MWÓGHUTUGHÚT BWE RE BWE ADAPTÁÁLI POMMOL ALLÉGH: Sángi Health Care Professions Licensing Board (HCPLB) re mweschel re bwe adaptááli me e bwe llégh ló allégh kka e appaasch bwe pommol lliwel rel mwóghutughút, ngáli mwóghutughutúl Administrative Procedure Act, 1 CMC § 9104(a). Mwóghutughút kkaal nge e bwe bwunguló 10 ráll mwiril yaal palúweli sángi 1 CMC §§ 9102 me 9104(a) ngare (b) (1 CMC §9105(b)).

Mwóghutughút kkaal nge e bwe lliweli allégh kkewe akkááw ngáli physical therapist ighiwe re arongoowow rel Volume 22, No.3 (3/20/2000, me re adaptááli rel Vol. 22 no.9 (9/20/2000 rel Commonwealth Register.

BWÁNGIL: Health Care Professions Licensing Board nge e yoor bwángil e bwe arongoowow me ghittipwotchuw allégh kkaal bwe le rel P.L. 15-105, Tálil 3, §2206(b), igha e lliwel.

KKAPASAL ME AWEWEEL: Uruwowul atiweligh 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. Mwoghút yel e féérú tá Health Care Professional Licensing Board, ngáre eew Independent Regulatory Agency, nge essóbw bwal lo faal lemelemil eew Department. Board e atoriisay e bwe license liir health care professionals lóll Commonwealth, ayoora Standards rel progróómal Education, isiisiwow exams, me discipline liir Licensees ngáre re atabweey alleghúl mwoghútughút yel. Amweri PL 15-105. 3 CMC § 2206 (b), igha e ngaleey bwángil Board ebwe adaptááli allégh kkaa e attabweey ngáli Act me meeta kka e nesesóóriyo e bwe féérú Provisions- il Act, e bwal toolong rel e bwe aweweey Regulated Professions kkaal me yaar angaang. Physical Therapist, Physical Therapist Assistant, Occupational Therapist me Occupational Assistant nge re bwal schuulong rel Health Care Professions, faal lemelemil me bwángil HCPLB. §2212 reel PL 15-105.

KKAPASAL ME OUTOL: Pommol lliwel kkaal reer Physical Therapist me Physical Therapist Assistant e bwe lliweliy fassil allégh ngáli Physical Therapy we re adaptááli ngáli Vol. 22, No. 9 (9/20/2000) me rel Commonwealth Register. Pommol lliwel e bwe bwal attotoolong pommol allégh rel Occupational Therapist me Occupational Therapist Assistant.

AFALA REEL AMWELIL ME ARONGOWOWUL: Board e kke tittiingór mángemángiir toulap rel pommol lliwel kkaal iye re bwe bwuughil lóll (30) eliigh ráll ngáre schagh aa akkatééwow me rel Commonwealth Register. Schóó kka re mweeschel copy rel pommol lliwel kkaal e mmwel re bwe faiyingi nuumero ye 664-4809 me ngáre email bpl@pticom.com me ngáre mweteló rel bwulasiyo Bldg 1242, Pohnpei Ct., Capitol Hill, Saipan. Iischil mángemáng ebwe isiisilong lóll bwulasiyo me ngáre afanga ngáli BPL, P.O. Box 502078, Saipan, MP 96950.

Isáliiyalong:_	ahmed al-drin-	2/25/4
	Ahmad Al-Alou, MD HCPLB Acting Chairman	Ráll
Mwir Sángi:_	Esther S. Aleming Special Assistant for Administration	1/27/14 Ráll
Ammwel Sán	ngi: Gresbut Esther SN. Nesbitt	02-27.2014 Ráll

Commonwealth Register

Sángi 1 CMC § 2153(e) (Mwóghutughút kkaal nge a llégh ló sángi AG bwe e fill rel fféérúl me 1 CMC §9104(a)(3)(mwiir sángi AG) pommol allégh kkal re appaaschlong bwe ra ttakkal amweeri fischiiy, me a llégh ló fféérúl me legal sufficiency sángi CNMI Attorney General me e bwele akkatééwoow, 1 CMC §2153(f) (Arongowoowul allégh me Mwóghutughút kkaal).

Gilbert Birnbrich, DAG

Joey P. San Nicolas

Sóubwungúl Allégh Lapalap

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 un machuli' guatu gi ufisinan- måmi pat na'hånåo para i BPL, P.O. Box 502078, Saipan, MP 96950.

Nina'hålum as:	Ahnud Q-als, mo	2/25/14
	Ahmad Al-Alou, MD Kabesiyu, HCPLB	Fetcha
	her S. Fleming isiåt Na Ayudånti Para I Atministrasion	
Pine'lu Yan Nino	ota as: Esther SN. Nesbitt Rehistran Commonwealth	<u> 72・27・201千</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).

Allen Bru Gilbert Birnbrich, DAG for JOEY P. SAN NICOLAS

Abugådu Heneråt

Commonwealth gi Sangkattan na Islas Marianas Siha **HEALTH CARE PROFESSIONS LICENSING BOARD**

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

NUTISIAN I MANMAPROPONI NA AMENDASION GI REGULASION SIHA PARA I HEALTH CARE PROFESSIONS LICENSING BOARD PARA I PHYSICAL THERAPIST, PHYSICAL THERAPY ASSISTANT, OCCUPATIONAL THERAPIST, YAN OCCUPATIONAL THERAPY ASSISTANT

I AKSION NI MA'INTENSIONA NA PARA U MA'ADAPTA 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 Amendasion para i 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 compliancei 1 CMC §§ 9102 yan 9104 (a) pat (b) (1 CMC § 9105 (b)).

Esti na regulasion siha debi na u tinilaika i finene'na na regulasion siha ni para physical therapy ni mapupblika gi Baluma 22, Numiru 3 gi (3/20/2000) yan ma'adapta gi Baluma 22, Numiru 9 gi (9/20/2000), gi Rehistran Commonwealth.

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: PL 15-105 (ifektibu yanggin ma'aprueba ni Gubietnu as Benigno R. Fitial, Nubembri 7, 2007), i "Åktun Health Care Professions gi 2007," 3 CMC §§ 2201-36. I åktu ha cho'gui i Health Care Professions Licensing Board, kumu independent regulatory agency, sin u pega gi halum i Dipattamentu. I Kuetpu ma'aturisa para u lisensia i health care professionals gi halum Commonwealth, ha istapblesi i standard para i educational programs, u administer i exams, yan para u discipline i manmalisensia siha para i kinentran i åktu. Atan i PL 15-105. 3 CMC § 2206(b), ni nina'i fuetsa i Kuetpu para u adapta i areklamentu yan regulasion siha ni kinonsisti ni Åktu yan nisisåriu para u ma-carry out i prubension i Åktu siha, ingklulusu i madifina yan diniskribin i regulated professions yan i prinaktikan-ñiha. I physical therapist, physical therapy assistant, occupational therapist, yan occupational therapy assistant ni maningklusu gi halum i health care professions, gi papa' i fuetsa, gi otdin yan åturidåt i HCPLB. § 2212 gi PL 15-105.

SUHETU NI MASUMARIA YAN ASUNTU NI TINEKKA: I manmaproponi na amendasion para i regulasion siha para i physical therapist yan physical therapy assistant debi na u tinahgui ni finene'na na regulasion siha para i physical therapy ni ma'adapta gi Baluma 22, Numiru 9 gi (9/20/2000) gi Rehistran Commonwealth. I manmaproponi na amendasion siha lokkui' maningklusu gi maproponi na regulasion siha para i occupational therapist yan occupational therapy assistant.



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Eloy S. Inos Governor

Jude U. Hofschneider Lieutenant Governor

EXECUTIVE ORDER No. 2014-02

DECLARATION OF STATE OF SIGNIFICANT EMERGENCY ON ROTA

WHEREAS, the weather conditions have made it dangerous for barges to enter the Rota's West Harbor to deliver essential goods and commodities; and

WHEREAS, the last shipment of goods arrived on Rota on November 18, 2013; and

WHEREAS, scheduled shipments have been repeatedly postponed because of the dangerous water conditions in West Harbor; and

WHEREAS, the stores on Rota are nearly out of stock of essential goods and commodities; and

WHEREAS, although some goods have been brought into Rota via air transportation, not all essential goods and commodities, such as gas, can be transported via air; and

WHEREAS, the shortage of goods and commodities has led to a sharp increase in prices (for example, \$58 for a sack of rice), leaving the people of Rota to choose between purchasing food or paying their utility bills; and

WHEREAS, the next shipment of goods is scheduled for February 17, 2014; and

WHEREAS, the CNMI Homeland Security issued a high-surf advisory warning that is effective through February 19, 2014;

WHEREAS, the predicted water conditions will again impede the shipping company's scheduled delivery, and the people of Rota will be left to wait another month for a shipment that may again be disrupted; and

WHEREAS, the shortage of food and other essential goods on Rota has created a calamity in the Commonwealth that must be addressed; and

WHEREAS, section 10 of Article III of the Commonwealth Constitution and Public Law § 18-04 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 shortage of food and other goods on Rota and the danger that such a condition poses to public health and safety.

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.

Further, under the authority of this Declaration, I hereby invoke my authority to take all necessary measures and use all available resources to address the emergency on Rota.

Done this Utility day of February 2014.

ELOY S. INOS

Governor



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Eloy S. Inos Governor

Jude U. Hofschneider Lieutenant Governor

EXECUTIVE ORDER NO. 2014-03

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:

- (1) 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 fuel 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 fuel supplies for emergency generators were exhausted; and

(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 \$20 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) Although the commonwealth economy has recently improved, the improvement is only marginal and the economy and the government's finances are still fragile. This government strains to meet its obligations.
- (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:

WHEREAS, THERE EXISTS A TECHNICAL WORKER CRISIS:

- (1) 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;
- (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;

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- (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. The legislature is urged to address this matter by way of amending local law to allow CUC to continue employing the services of foreign workers for such technical positions difficult to fill and to provide for a reasonable transition period.

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. As a result of efforts by the Governor's Office to diligently seek out persons who meet the complex statutory qualifications, nominations have been submitted to the legislature and are now pending legislative consent. Once the legislature grants its consent and a quorum is established, this will no longer be an area of concern. In the meantime, CUC must continue to function.

(2) Without a Board in place, I still must provide for the continued operations of CUC.

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: I hereby assume all powers and duties of the Board of Directors of CUC.

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.

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 14 day of February 2014.

Eloy S. Inos

Governor

Commonwealth of the Northern Mariana Islands



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Eloy S. Inos Governor

Jude U. Hofschneider Lieutenant Governor

DIRECTIVE No. 2014-01

DATE:

February 6, 2014

TO:

All Department/Activity Heads

FROM:

GOVERNOR

SUBJECT: Commonwealth Climate Change Working Group

WHEREAS, the Commonwealth acknowledges that climate change is a growing concern to human communities and the environment worldwide; and

WHEREAS, the Commonwealth and the other Pacific Islands have done little to contribute to the cause of climate change—accounting for less than 0.03% of current global greenhouse gas emissions—and yet, due to their small island size and relative isolation, island communities such as those in the Commonwealth are among the most vulnerable to and most seriously harmed by the adverse effects of climate change; and

WHEREAS, preventing massive damage to ecosystems on a global scale cannot be done without reducing global greenhouse gas emissions and taking steps to curtail global climate change; and

WHEREAS, the Commonwealth relies on a clean and healthy environment for our livelihood, survival, and way of life; and

WHEREAS, many of the communities, infrastructure, and environment of the Commonwealth may be adversely affected by even a small rise in sea level or changes in rainfall; and

WHEREAS, the Commonwealth must continue to be proactive in adapting to the changes brought about by climate change to protect our communities and ecosystems, while solutions to the global problem of climate change are developed; and

WHEREAS, scientific intervention, strong local leadership, adaptive management practices, traditional knowledge, stewardship, and community education and involvement will help protect and maintain our communities and the ecosystems upon which we depend; and

WHEREAS, it is vital for the Commonwealth to organize a climate change working group to develop and implement a long-term climate change adaptation plan; and

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WHEREAS, the process of developing a long-term climate change adaptation plan for the Commonwealth should involve participants from relevant sectors, including the Commonwealth Government, the private sector, the community, and appropriate federal agency partners that may be able to provide technical and financial assistance;

NOW THEREFORE, in order to give the Climate Change Working Group the full support of the Executive Branch, I, ELOY S. INOS, GOVERNOR, DO HEREBY DIRECT AS FOLLOWS:

All Departments, Divisions, Offices, Government Corporations, Boards, and Commissions of the Commonwealth Government shall appoint a representative from their respective offices to participate in the meetings, trainings, and associated activities of the Climate Change Working Group. The appointed representative shall be of a position and authority within their respective office as to make management-level decisions on behalf of their office, as necessary to carry out the working group's objectives and to develop and implement adaptation measures to protect our community and our environment against the impacts of climate change.

ELOY S. INOS

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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Eloy S. Inos Governor Jude U. Hofschneider Lieutenant Governor

DIRECTIVE

Date: February 22, 2014

No. 2014-02

TO:

ALL DEPARTMENTS AND AGENCIES

FROM:

ACTING GOVERNOR

SUBJECT:

Response to Executive Order No. 2014-02

Executive Order No. 2014-02, taken into effect on February 14, 2014, declared a state of significant emergency on Rota. Due to weather conditions that have made it dangerous for barges to enter Rota's West Harbor since November 18, 2013, Rota faces a severe lack of essential goods and commodities. Although some goods have been brought into Rota via air transportation, not all essential goods and commodities can be transported via air and have currently been depleted. Such a shortage of essential goods on Rota has created a calamity in the Commonwealth that must be addressed immediately.

A temporary solution to this state of significant emergency is to permit the use of Rota's East Harbor as an alternate port of entry for the delivery essential goods and commodities to Rota during this emergency period. The weather conditions that have prevented barges from entering West Harbor do not affect East Harbor. Although the Commonwealth Ports Authority has not established or regulated East Harbor as a port of entry for Rota, the ongoing emergency situation on Rota justifies its use as a temporary port of entry to alleviate Rota's severe lack of essential goods and commodities.

Further, although weather conditions have prevented barges from entering West Harbor, smaller cargo vessels may be able to enter the port. Waiving the port fees and charges for vessels entering Rota may encourage smaller cargo vessels to deliver goods to Rota and thereby help to alleviate the emergency situation that Rota is facing.

- 1. The Special Assistant for CNMI Homeland Security and Emergency Management shall coordinate with the United States Coast Guard, the Rota Mayor's Office, and the Commonwealth Ports Authority to provide for the safe use of Rota's East Harbor as an alternate port of entry for the delivery of essential goods and commodities to Rota during this emergency period. The use of East Harbor as a port of entry shall discontinue upon the termination of the state of emergency. Any cargo vessels entering East Harbor shall be approved by the United States Coast Guard and shall carry the necessary permits from the United States Coast Guard to deliver goods via East Harbor.
- 2. The payment of port fees and charges required under NMIAC §40-20.1-165 is waived for all cargo vessels entering Rota during this emergency period. Port fees and charges shall be reinstated upon the termination of the state of emergency.
- 3. This information shall be disseminated to all shipping companies that have the capabilities and authorization to deliver goods and commodities to Rota.

Additional measures may be taken to address the emergency on Rota. Your cooperation during this emergency period is very much appreciated.

Jupe U. Horschneider

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