

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

SUBCHAPTER 140-50.3 COMMONWEALTH HEALTH CARE PROFESSIONS LICENSING BOARD REGULATIONS

[MOVED to Chapter 185-10]

Subchapter Authority: 3 CMC § 2214(a).

Subchapter History: Amdts Adopted 42 Com. Reg. 44390 (Oct. 28, 2020); Amdts Proposed 42 Com. Reg. 43976 (Aug. 28, 2020); Amdts Adopted 40 Com. Reg. 40978 (Oct. 28, 2018); Amdts Proposed 40 Com. Reg. 40915 (Aug. 28, 2018); Amdts Adopted 39 Com. Reg. 39587 (Apr. 28, 2017); Amdts Proposed 38 Com. Reg. 39115 (Dec. 28, 2016); Amdts Adopted 37 Com. Reg. 36787 (July 30, 2015); Amdts Proposed 37 Com. Reg. 36546 (May 28, 2015); Amdts Adopted 37 Com. Reg. 36016 (Feb. 28, 2015); Amdts Proposed 36 Com. Reg. 35956 (Dec. 28, 2014); Amdts Adopted 37 Com. Reg. 36014 (Feb. 28, 2015); Amdts Proposed 36 Com. Reg. 35963 (Dec. 28, 2014); Amdts Adopted 37 Com. Reg. 36018 (Feb. 28, 2015); Amdts Proposed 36 Com. Reg. 35947 (Dec. 28, 2014); Amdts Adopted 36 Com. Reg. 34905 (Apr. 28, 2014); Amdts Proposed 36 Com. Reg. 34806 (Feb. 28, 2014); Amdts Adopted 36 Com. Reg. 34718 (Feb. 28, 2014); Amdts Proposed 35 Com. Reg. 34371 (Oct. 28, 2013); Amdts Adopted 36 Com. Reg. 34714 (Feb. 28, 2014); Amdts Proposed 35 Com. Reg. 34585 (Nov. 28, 2013); Amdts Adopted 36 Com. Reg. 34712 (Feb. 28, 2014); Amdts Proposed 35 Com. Reg. 34591 (Nov. 28, 2013); Amdts Adopted 36 Com. Reg. 34708 (Feb. 28, 2014); Amdts Proposed 35 Com. Reg. 34388 (Oct. 10, 2013); Amdts Adopted 35 Com. Reg. 34580 (Nov. 28, 2013); Amdts Proposed 35 Com. Reg. 34277 (Sept. 28, 2013); Amdts Adopted 35 Com. Reg. 34560 (Nov. 28, 2013); Amdts Proposed 35 Com. Reg. 34270 (Sept. 28, 2013); Amdts Adopted 35 Com. Reg. 34368 (Oct. 28, 2013); Amdts Proposed 35 Com. Reg. 34159 (Aug. 28, 2013); Amdts Adopted 35 Com. Reg. 34364 (Oct. 28, 2013); Amdts Proposed 35 Com. Reg. 34147 (Aug. 28, 2013); Amdts Adopted 35 Com. Reg. 34130 (Aug. 28, 2013); Amdts Proposed 35 Com. Reg. 33613 (June 28, 2013); Amdts Adopted 35 Com. Reg. 34132 (Aug. 28, 2013); Amdts Proposed 35 Com. Reg. 33602 (June 28, 2013); Amdts Adopted 35 Com. Reg. 33296 (Feb. 28, 2013); Amdts Proposed 34 Com. Reg. 33120 (Dec. 28, 2012); Amdts Adopted 34 Com. Reg. 32802 (Sept. 29, 2012); Amdts Proposed 34 Com. Reg. 32495 (July 29, 2012); Amdts Adopted 34 Com. Reg. 32493 (July 29, 2012); Amdts Proposed 34 Com. Reg. 32440 (May 29, 2012); Adopted 30 Com. Reg. 28388 (Mar. 25, 2008); Proposed 30 Com. Reg. 27975 (Jan. 22, 2008); Emergency 30 Com. Reg. 27987 (Jan. 22, 2008).

Commission Comment: PL 1-8, tit. 1, ch. 12, codified as amended at 1 CMC §§ 2601-2633, created the Department of Public Health and Environmental Services (DPHES) within the Commonwealth government. See 1 CMC § 2601. 1 CMC § 2603(c) grants the Department the power and duty to establish standards of medical and dental care and practice and to license medical and dental practitioners. 1 CMC § 2605(f) directs the Department to adopt rules and regulations regarding those matters over which it has jurisdiction.

PL 3-30 (effective Nov. 30, 1982), the “Medical Practice Act of 1982,” codified as amended at 1 CMC §§ 2641-2642 and 3 CMC §§ 2201-2272, creates a Medical Profession Licensing Board within DPHES charged with regulating the practice of medicine in the Commonwealth and licensing health care professionals. 3 CMC § 2214 authorizes the Board to adopt rules and regulations consistent with the act.

Executive Order 94-3 (effective August 23, 1994) reorganized the Commonwealth government executive branch, changed agency names and official titles, and effected numerous other revisions. According to Executive Order 94-3 § 105:

Section 105. Department of Public Health.

The Department of Public Health and Environmental Services is re-designated the Department of Public Health.

The full text of Executive Order 94-3 is set forth in the commission comment to 1 CMC § 2001.

In January of 2008, the Board promulgated a new subchapter entitled “Commonwealth Health Care Professions

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Licensing Board Regulations” on an emergency basis. 30 Com. Reg. 27975 (Jan. 22, 2008). This subchapter was adopted on a permanent basis in March of 2008. 30 Com. Reg. 28388 (Mar. 25, 2008). The Public Notice of Emergency Regulations and the Public Notice of Certification and Adoption of Rules and Regulations both indicate the Board’s intent to codify this as a new subchapter, 140-50.3. As stated in the Public Notice of Proposed Rules and Regulations:

These Rules and Regulations are the first of the Board’s new Rules and Regulations. These create Rules and Regulations 140 NMIAC 50.3, Part 001 through Part 9000. Many of the sections are reserved, with no content presently.

These Regulations shall also be deemed amendments to the Board’s Regulations. These amendments add to the Regulations of the Medical Profession-Licensing Board, 140 NMIAC 50.1-001 - 9000. The regulations are the attached new Subchapter 140-50.3, Health Care Professions Licensing Board Rules and Regulations.

However, some of the contents of these regulations appear to duplicate or conflict with regulations contained in subchapter 140-50.1. As it is unclear which, if any, of the provisions of subchapter 140-50.1 the Board intended to replace, the Commission codified subchapter 140-50.3 as written.

Public Law 16-51 (effective Jan. 15, 2010), the “Commonwealth Healthcare Corporation Act of 2008,” codified at 3 CMC § 2801 et seq., established the Commonwealth Healthcare Corporation, which assumed the duties of the Department of Public Health as of January 15, 2011.

Public Law 16-25, § 2 (Nov. 25, 2008), codified at 3 CMC § 2204(a), established the Health Care Professions Licensing Board as an independent regulatory agency. Accordingly, the Commission moved Subchapter 140-50.3 to Title 185 pursuant to 1 CMC § 3806(b).

[See NMIAC Chapter 185-10.]