

TITLE 4: ECONOMIC RESOURCES
DIVISION 5: BUSINESS REGULATION

§ 51562. Signing and Filing Petition; Notice; Hearing; Duty of Secretary of Department of Public Health to File Notice of Pendency of Action and to Serve Notice of Lien; Contents of Notice of Lien; Amendment of Notice of Lien.

(a) A petition for the imposition of a lien must be signed by or on behalf of the Secretary or the Attorney General and filed with the clerk of the CNMI Superior Court, who shall set the petition for hearing.

(b) Notice of a petition for the imposition of a lien must be given by registered or certified mail, postage prepaid, at least 10 days before the date set for hearing or other action by the court. Each such notice must be addressed to the intended recipient at his last address known to the Secretary, receipt for delivery requested. The Secretary shall cause the notice to be published, at least once a week for 3 successive weeks, in one newspaper published in the county, and if there is no newspaper published in the county, then in such mode as the court may determine, notifying all persons claiming any interest in the property of the filing of the petition, the object and the location, date and time of the hearing.

(c) Notice of a petition for the imposition of a lien must be given to:

- (1) Each person who has requested notice;
- (2) The person who is receiving or has received benefits for Medicaid;
- (3) The legal guardian or representative of a person who is receiving or has received benefits for Medicaid, if any;
- (4) Each executor, administrator or trustee of the estate of a decedent who received benefits for Medicaid, if any;
- (5) The heirs of such a decedent known to the Secretary; and
- (6) Each person who is claiming any interest in the property or who is listed as having any interest in the subject property,

And must state the filing of the petition, the object, and the time set for hearing.

(d) At the time appointed, or at any other time to which the hearing may be continued, upon proof being made by affidavit or otherwise to the satisfaction of the court that notice has been given as required by this article, the court shall proceed to hear the testimony in support of the petition. Each witness who appears and is sworn shall testify orally.

(e) The court shall make findings as to the appropriateness of the lien and the amount of the lien.

(f) At the time of the filing of the petition for imposition of a lien, the Secretary shall file a notice of pendency of the action.

(g) Upon imposition of the lien by the court, the Secretary shall serve the notice of lien upon the owner by certified or registered mail and file it with the Commonwealth Recorder's Office where real property subject to the lien is located.

(h) The notice of lien must contain:

- (1) The amount due;

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(2) The name of the owner of record of the property; and

(3) A description of the property sufficient for identification.

(i) If the amount due as stated in the notice of lien is reduced by a payment, the Director shall amend the notice of lien, stating the amount then due, within 20 days after receiving the payment.

Source: PL 15-117, § 2(51462).