

Commonwealth of the Northern Mariana Islands
Office of the Governor - Medical Referral Services
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PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS
WHICH ARE AMENDMENTS TO THE RULES AND REGULATIONS OF THE
OFFICE OF THE GOVERNOR, MEDICAL REFERRAL SERVICES

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: The Commonwealth of the Northern Mariana Islands, Office of the Governor, Medical Referral Services intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Regulations would become effective 10 days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b)).

AUTHORITY: The Director is empowered by the Legislature to adopt rules and regulations for the administration and enforcement of the statute governing his activities. 3 CMC § 2824(v) (adoption of regulations for off-island care); Executive Order 2013-9 (effective May 2, 2013, transferring the Medical Referral Services to the Office of the Governor).

THE TERMS AND SUBSTANCE: The Rules and Regulations provide an edited and expanded version of the previous Rules and Regulations of the Medical Referral Services. Notably, new sections on Exclusions from the Medical Referral Services and Humanitarian and Emergency Provisions have been added. These Rules and Regulations completely supersede all prior Rules and Regulations, including Emergency Rules and Regulations.

THE SUBJECTS AND ISSUES INVOLVED: These rules and regulations do the following:

1. Provide an edited and updated version of the prior Rules and Regulations.
2. Add new sections on Exclusions from the Medical Referral Program and Humanitarian and Emergency Provisions.
3. Empower the MRS Director to maintain medical clearances, promissory notes, and other necessary documentation for family/friend escorts;
4. To increase the number of committee members under §75-50-101 from six (6) to eight (8) to avoid cancellation due to quorum requirement due medical emergency.
5. Provide that patient escorts traveling abroad while serving as an escort are entitled to emergency treatment, and establishing eligibility guidelines.
6. Provide for a certification of physical and mental fitness of all family and friend escorts to prevent situation in which escorts experience a foreseeable medical emergency occurs during the referral process or in which the family or friend escorts use their service as escorts to secure treatment without going through the medical referral process. This amendment is necessary in light of widespread use of the escort program to secure

treatment for escorts at Medical Referral Services' expense.

7. Provide that MRS will not pay for benefits beyond Guam when treatment is available on Guam.

8. Limit the numbers of days that MRS will cover certain costs unless a treating physician provides that a longer period of time is necessary.

9. Provide procedures for the emergency treatment of family/friend escorts.

10. To update the Indigent Eligibility Criteria based on 2017-2018 Federal Poverty Levels.



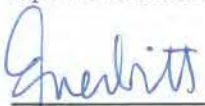
11. To update list of medical providers, facilities and destinations.

12. To increase Lifetime Limit due to increase medical costs.

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: Send or deliver your comments to Ronald D. Sablan, *Attn: New Medical Referral Services Rules and Regulations*, at the above address, fax or email address, with the subject line "New Medical Referral Program 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 regulations were approved by the Director on February 13, 2018.

Submitted by:	 _____ RONALD D. SABLAN Director, Medical Referral Services	<u>2/27/18</u> Date
Received by:	 _____ SHIRLEY P. CAMACHO-OGUMORO Special Assistant for Administration	<u>3/28/18</u> Date
Filed and Recorded by:	 _____ ESTHER SN. NESBITT Commonwealth Registrar	<u>3.28.18</u> 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 the 26 day of March, 2018.



EDWARD MANIBUSAN
Attorney General

Attachment

The following is an explanation to the amendments/revisions to the rules and regulations:

1. Provide an edited and updated version of the prior Rules and Regulations.
 - **Part 001 §75-50-125;** *whenever, a circumstance dictates for MRC to make changes to the MRS rules and regulations, MRC submits the recommendations to the governor.*
2. Add new sections on Exclusions from the Medical Referral Program and Humanitarian and Emergency Provisions.
 - **Part 600 §75-50-610;** *for CNMI residents who are traveling abroad, except for emergency treatment of patient escorts.*
3. Empower the MRS Director to maintain medical clearances, promissory notes, and other necessary documentation for family/friend escorts;
4. To increase committee membership requirement under §75-50-101 from six (6) to eight (8) to avoid cancellation due to quorum requirement due medical emergency.
 - **Part 100 §75-50-101;** *There are times, when physicians are not able to attend the meeting due to clinic schedule, surgical procedures or on leave, making it necessary to reschedule the MRC meeting. Hence, delaying immediate patient care.*
5. Provide that patient escorts traveling abroad while serving as an escort are entitled to emergency treatments.
 - **Part 300 §75-20-215;** *unfortunately, patient escorts at times become sicker than their patients for unforeseen illness, requiring this amendment to allow emergency care.*
6. Provide for a certification of physical and mental fitness of all family and friend escorts to prevent situation in which escorts experience a foreseeable medical emergency occurs during the referral process or in which the family or friend escorts use their service as escorts to secure treatment without going through the medical referral process.
 - **Part MRS** *created an Affidavit for Non-Medical Escort form, attesting that he/she is medically, physically and mentally fit to assist and represent the patient. The affidavit releases MRS of all Liabilities.*
7. Provide that MRS will not pay for benefits beyond Guam when treatment is available on Guam.
 - **Part 300 §75-30-330;** *MRS shall not pay any benefits when treatment for a condition is available on Guam and a patient's insurer requires treatment in a location beyond Guam.*

8. Limit the numbers of days that MRS will cover certain costs unless a treating physician provides that a longer period of time is necessary.
 - **Part 300 §75-50-335**; *any maintenance costs (hotel, ground transportation and subsistence allowance) beyond 45 days will not be paid by MRS, unless medically justifiable in advance.*
9. Provide procedures for the emergency treatment of family/friend escorts.
 - **Part 400 §75-50-406**; *MRS shall provide services to a family or friend escort that requires emergency medical treatment and has executed an agreement certifying that they will reimburse MRS.*
10. To update Indigent Eligibility Criteria based on 2017-2018 Federal Poverty Level.
 - **Part 700 §75-50-701**; *MRS follows the Federal Poverty Level based on 130% and 150% respectively for the State of Hawaii as measured by the Consumer Price Index.*
11. To update list of medical providers, facilities and destination.
 - **Part 100 §75-50-005**; *To add or delete the list of MRS Official Medical and Facility providers on Guam, Hawaii, U.S. Mainland, Korea and Taiwan.*
12. To increase Lifetime Limit due to increase medical cost.
 - **Part 700 §75-50-715**; *currently, the Lifetime Limit is \$80,000.00 (financial assistance for medical costs). Due to increasing Medical costs and to the extent of medical treatment, the need to increase the Lifetime Limit is necessary to reduce the stress level of patients undergoing extensive treatment.*