

AN ACT

To amend 3 CMC, Sections 2212 through 2213 and Sections 2225, 2226, 2229, and 2230, the Medical Practice Act of 1991, and for other purposes.

BE IT ENACTED BY THE NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 Section 1. Amendment. 3 CMC, Section 2212, subsections
2 (b) , (c) and (f) are amended as follows:

3 "(b) 'Practice of Medicine' means the undertaking by
4 a trained, licensed professional to diagnose, cure or
5 treat in any manner, or by any means, methods, devices or
6 instrumentalities, any disease, illness, pain, wound,
7 fracture, infirmity, deformity, defect or abnormal
8 physical or mental condition of any person.

9 (c) 'Practice of Dentistry' means the undertaking by
10 a trained, licensed professional to diagnose, treat,
11 remove stains and concretions from teeth, operate or
12 prescribe treatment for any disease, pain, injury,
13 deficiency, deformity, or physical condition of the human
14 teeth, alveolar process, temporomandibular joint,
15 gingiva, or jaws, and who offers or undertakes by any
16 means or methods to diagnose, treat, remove stains or
17 concretions from teeth, operate or prescribe treatment
18 for any disease, pain, injury, deficiency, deformity or
19 physical condition of the same, or to take impressions of
20 the teeth or jaws.

1 (f) 'Physician's Assistant' means a skilled person
2 certified by the Board as being qualified by academic and
3 practical training to provide patient services under the
4 supervision and direction of a licensed physician
5 responsible for the performance of that assistant. The
6 term "physician's assistant" as used in this Chapter,
7 includes MEDEX, and nurse practitioners."

8 Section 2. Amendment. 3 CMC, Section 2213 is amended as
9 follows:

10 "Section 2213. Medical Practice Act: Exceptions.

11 Nothing in this Chapter shall:

- 12 (a) Prohibit the traditional art of healing;
- 13 (b) Prohibit the rendering of medical
14 assistance in cases of emergencies requiring
15 immediate attention;
- 16 (c) Prohibit the domestic administration of
17 family remedies;
- 18 (d) Apply to any commissioned medical officer
19 in the United States Military while engaged in the
20 discharge of official duty;
- 21 (e) Apply to any practitioner of medicine,
22 dentistry, or any other health care profession from
23 another state or territory when in actual
24 consultation with a licensed practitioner of this
25 Commonwealth if, at the time of the consultation,
26 the practitioner from the other state or territory
27 is licensed to practice in the state or territory
28 in which he or she resides; provided that the

1 practitioner from the other state or territory
2 shall not open an office, or appoint a place to
3 meet patients, or receive calls within the limits
4 of the Commonwealth; and provided further, that the
5 laws and regulations relating to contagious
6 diseases are not violated;

7 (f) Apply to registered nurses, practical
8 nurses, or midwives or dental hygienists;

9 (g) Prohibit the practice of religion of
10 persons who endeavor to prevent or cure disease or
11 suffering by prayer or other spiritual means in
12 accordance with the tenets of any church."

13 Section 3. Amendment. 3 CMC, Sections 2225, 2226, 2229
14 and 2230 shall be amended as follows:

15 "Section 2225. Qualification of Applicant for
16 License. Except as otherwise provided by law, no person
17 shall be licensed to practice any other health care
18 profession unless the person has passed an examination
19 established in Section 2229 and has been found to possess
20 the necessary qualifications. Before any applicant is
21 determined eligible for the examination, the applicant
22 shall furnish proof satisfactory to the Board that:

23 (a) (1) The applicant is a citizen or
24 national of the United States or a permanent
25 resident of the Commonwealth;

26 (2) When there is a physician shortage,
27 applicants who are not citizens or nationals
28 of the United States or permanent residents of

1 the Commonwealth may qualify pursuant to the
2 discretion of the Board, provided that the
3 applicant has satisfactorily met the
4 examination and education requirements;

5 (b) The applicant is of good moral character;
6 and

7 (c) The applicant has completed any education
8 and training required by the Board. provided,
9 however, that physicians shall have a minimum of
10 one full year of postgraduate training in a United
11 States or Canadian institution, which is equivalent
12 to at least a flexible internship rotation.
13 Specifically, the rotation must include internal
14 medicine and pediatrics. Applicants who graduated
15 from foreign medical schools must possess documents
16 showing successful completion of at least two (2)
17 years of postgraduate training in any recognized
18 United States or Canadian medical institution.
19 Graduates of Canadian medical schools shall be
20 treated as equivalent to graduates of United States
21 medical schools and must meet the same or
22 equivalent postgraduate training and examination
23 requirements as United States graduates.

24 "Section 2226. Eligibility of Diplomate of National
25 Board of Medical or Dental Examiners. Diplomates of the
26 National Board of Medical or Dental Examiners or those
27 who have passed the Federation Licensing Examination
28 (FLEX) and with documents to show that they have met all

1 continuing medical education requirements shall be
2 licensed without any further examination. With respect
3 to any applicant the Board may require letters of
4 evaluation and interviews with chiefs of service of
5 attending physicians and associates who have been
6 affiliated with an applicant. The Board may additionally
7 require letters and interviews in connection with the
8 applicant's training program to assess the applicant's
9 qualifications to practice medicine or dentistry in the
10 CNMI.

11 "Section 2229. Examinations and Continuing Medical
12 Education.

13 (a) The Board may hold examinations at least
14 twice each year at such time and place as the Board
15 may determine. All examinations shall be conducted
16 by such persons and such rules and regulations as
17 the Board may prescribe. If the Board does not
18 administer its own examination, it shall require
19 that an applicant pass either the National Board of
20 Medical or Dental Examination or the Federation
21 Licensing Examination before issuing a license.
22 Applicants from Canadian medical schools must pass
23 the Canadian equivalent to the United States
24 National Board of Medical or Dental Examination.

25 (b) The Board shall require that every
26 physician applicant provide proof of completion of
27 sufficient continuing medical education (CME)
28 credits prior to the issuance of any license.

1 Applicants who have kept current with CME credits
2 since the completion of postgraduate training are
3 required a minimum of 25 Category I CME credits per
4 year or higher, as the Board may determine.
5 Applicants who cannot show proof of up-to-date
6 Category I CME credits shall be required to provide
7 proof of completion of sufficient, current CME
8 credits prior to licensure. The total number of
9 credits required shall be determined by the Board
10 through regulation but shall not be less than 25
11 hours of Category I CME credits per year and must
12 satisfy every year of delinquency. The Board shall
13 by regulation set forth the rules for CME credit
14 requirements for other health care professionals.

15 "Section 2230. Fees. No applicant shall be examined
16 under this Chapter until the applicant has paid to the
17 Board a fee as determined by the Board. Any license
18 issued under this section, other than a limited and
19 temporary license, shall expire two years after the date
20 of issuance and upon expiration of the license, the
21 licensee shall re-register with the Board and pay a
22 fee as determined by the Board. At the time of re-
23 registration, the physician, dentist, or other health
24 care professional shall present to the Board evidence of
25 compliance with a program of continuing medical education
26 as outlined in Section 2229. Failure to re-register and
27 present such evidence shall constitute a forfeiture of
28 license, which may be restored only upon written

1 application therefor and payment to the Board of a fee as
2 determined by the Board, which is not refundable. All
3 such fees shall be deposited by the Board with the
4 Director of Finance to the credit of the general fund."

5 Section 4. Amendment. 3 CMC, Section 4, Section 4438,
6 subsections (b) and (c) are amended as follows:

7 "(b) Within 10 working days of initial entry into
8 the Commonwealth of a nonresident worker for employment
9 under this chapter, or if the worker is already present
10 in the Commonwealth for some other purpose, within ten
11 working days after the Chief issues a nonresident worker
12 identification certificate for the worker, the worker
13 together with any accompanying family member, shall
14 undergo a physical examination in the Commonwealth
15 performed by any medical physician licensed to practice
16 general medicine in the Commonwealth by the Commonwealth
17 Medical Professional Licensing Board. Any family member
18 preceding or following the nonresident worker to the
19 Commonwealth shall also undergo a medical examination by
20 a medical physician licensed to practice general medicine
21 in the Commonwealth by the Commonwealth Medical
22 Professional Licensing Board within 10 working days after
23 entry into the Commonwealth. The cost of any examination
24 of a nonresident worker shall be borne by the employer.
25 The cost of any examination of a member of the family of
26 any nonresident worker shall be borne by either the
27 worker or the employer, as the employment contract shall
28 provide. The Chief shall by regulation provide for

1 annual physical examination of nonresident workers and
2 family members in the Commonwealth by any medical
3 physician licensed to practice general medicine in the
4 Commonwealth by the Commonwealth Medical Professional
5 Licensing Board when employment under this chapter will
6 continue for more than one year. The cost of all
7 examinations under this Section shall reflect the total
8 cost, including physician fees, of providing the
9 examinations. Any nonresident worker or immediate family
10 member who fails to comply with this Section shall be
11 subject to immediate deportation to the point of origin.
12 All costs of repatriation of the nonresident worker shall
13 be the responsibility of the employer.

14 (c) Any person subject to a physical examination
15 pursuant to subdivision (b) shall surrender his or her
16 certificate of freedom from communicable disease to the
17 examining physician or other designated person at the
18 time of the examination. Within 10 working days after
19 the examination, the examining physician shall transmit
20 the certificate to the Director of Public Health and
21 Environmental Services for transmission to the Chief,
22 together with findings as to whether there is any medical
23 reason that the person should not be permitted to remain
24 in the Commonwealth under this Chapter. This finding
25 shall be based on the medical probability that any
26 disease, whether or not communicable, any disability or
27 any other medical matter, would result in significant
28 danger to the health of the inhabitants of the

1 Commonwealth or in the need for prolonged medical care or
2 treatment in the Commonwealth."

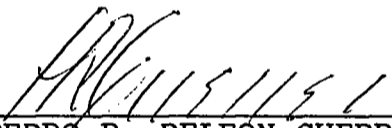
3 Section 5. Repealer. 3 CMC, Division 2, Sections 2421
4 through 2429, "Health Care Certificate of Need", are hereby
5 repealed in their entirety.

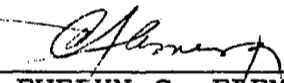
6 Section 6. Severability. If any section of this Act
7 should be declared invalid or unenforceable by a court of
8 competent jurisdiction, the judicial determination shall not
9 affect the validity of the Act as a whole, other than the
10 particular part declared invalid or unenforceable.

11 Section 5. Effective Date. This Act shall take effect
12 upon its approval by the Governor or upon its becoming law
13 without such approval.

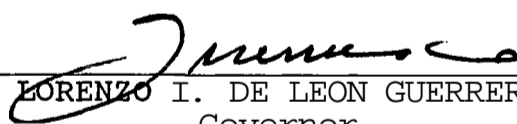
CERTIFIED BY:

ATTESTED BY:


PEDRO R. DELEON GUERRERO
Speaker of the House


EVELYN C. FLEMING
House Clerk

Approved this 18th day of Dec., 1991


LORENZO I. DE LEON GUERRERO
Governor
Commonwealth of the Northern Mariana Islands