

**§ 2204. Health Care Professions Licensing Board.**

(a) There is in the Commonwealth Government a Health Care Professions Licensing Board, formerly called the Medical Profession Licensing Board, an independent regulatory agency, given the complete jurisdiction, power, authority and duty to license and regulate all health care professions, except the practice of nursing.

(b) The Board is and shall be composed of five members appointed by the Governor with the advice and consent of the Senate. One member shall be a dentist, two members shall be physicians, and two members shall be health care professionals other than a physician or dentist. Each member shall be practicing in the Commonwealth. The provisions of 1 CMC § 2901(g) shall not apply to the composition of the Board. Each member shall have been a resident of the Commonwealth for at least two years. Each member shall have been engaged in the practice of the member's profession for at least five years preceding the date of the member's appointment to the Board.

(c) *Oath.* A member shall take and subscribe to an oath or affirmation of office to support the Constitution and laws of the Commonwealth, the applicable portions of the Constitution and laws of the United States, and to faithfully and honestly discharge the duties of the office.

(d) *Seal.* The Board shall adopt an official seal, of which the courts and agencies of government shall take judicial notice. Proceedings, orders, decrees and other legal writings may be authenticated thereby.

(e) *Terms.*

(1) The term of office for members of the Board shall be four years, and members shall serve staggered terms to ensure continuity.

(2) Upon the expiration of said terms successors shall be appointed with like qualifications and in like manner for terms of four years each, and until their successors are appointed and qualified.

(3) Vacancies shall be filled in the same manner as is provided for appointment in the first instance. Any person selected to fill a vacancy shall be appointed only for the remainder of the unexpired term.

(4) Notwithstanding any other provision of this section, any member whose term has expired may serve without further confirmation until such member's successor has taken office.

(f) The officers of the Board shall be elected every two years. The Board shall elect, by the majority vote of a quorum of its members, a chairperson, a vice-chairperson, and a secretary. In the event of a vacancy on the Board resulting in an unexpired term and the Governor has failed to appoint a successor within three months after the vacancy occurs, the Board may appoint a provisional member to serve in the interim until the Governor makes an appointment. Such

provisional member shall have the complete power of a member appointed by the Governor.

(g) Members of the Board shall serve without pay; provided, they shall be paid reasonable and necessary expenses at established Commonwealth government rates for travel and other expenses incurred in the discharge of their duties.

(h) *Conflicts.*

(1) No Board member or member of his/her family, and no management level employee of the Board or member of that person's family, shall be directly or indirectly pecuniarily interested in a person subject to a direct decision of the Board;

(2) During his/her term no Board member shall serve as an officer or committee member of any political party organization or hold any Commonwealth office.

(3) *Disqualification and/or removal.* Proof of the existence of a conflict prohibited by this section shall disqualify the Board member from deliberation and decision-making on the conflicted matter. A knowing violation of this section shall constitute grounds for the Governor's pre-hearing removal of the member from office. Except that if the member did not know of the facts giving rise to the conflict, and if the member immediately eliminates the conflict upon learning of it, and immediately notifies the Governor, the matter shall be disclosed to the Board and said actions, if in good faith, shall be a complete defense to disqualification and/or removal.

(i) *Removal.* The Governor shall remove a member of the Board, after notice and an opportunity for a hearing, for gross neglect or dereliction of duty, violation of the conflicts prohibitions of this section, breach of fiduciary duty, misfeasance, malfeasance or nonfeasance in office, conviction of a felony, mental or physical incapacity, or failure to attend at least 50% of all duly convened regular meetings of the Board in a calendar year. Voting on a matter shall not, per se, constitute a ground for removal.

**Source:** PL 15-105, § 3(2204); (b) amended by PL 16-25, § 2; amended by PL 22-14, § 2 (Feb. 28, 2022).

**Commission Comment:** The Commission deleted numbers that repeated words in this section pursuant to the authority granted in 1 CMC § 3806(e). Public Law 16-25 took effect on November 25, 2008. PL 16-25 contained severability and savings clause provisions and the following:

Section 1. Findings and Purpose. The Legislature finds that the Health Care Professions Licensing Board, formerly called the Medical Profession Licensing Board, regulates one of the most critical professions in the Commonwealth. The Legislature further finds the powers, duties, and functions of the Board carry great responsibility and importance to the health and welfare of the people of the CNMI. To ensure the integrity and dignity of the Health Care Professions Licensing Board, the Legislature

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finds that credentials of appointees to the Board should be thoroughly scrutinized. Therefore, it is the purpose of this Act to require the advice and consent of the Senate for new appointees to the Health Care Professions Licensing Board.

*Legislative Findings of 2022 Amendment.*— In addition to severability and savings clause provisions, PL 22-14 included the following Findings and Purpose section:

Section 1. Findings and Purpose.

The Legislature finds that Public Law 15-105, entitled as the “Health Care Professions Licensing Act of 2007”, was enacted to repeal and reenact Public Law 3-30, as amended, also known as the “Medical Practice Act of 1982”. Despite the changes in statutory language, it has always been the intent of Public Law 15-105 to continue protecting the health, safety, and welfare of the people of the Commonwealth. As a highly integral independent regulatory agency established by Public Law 15-105, the Health Care Professions Licensing Board (HCPLB) remains committed in carrying out such mission by regulating all health care professions, with the exception of nursing. In doing so, it is the obligation of the (HCPLB) to ensure that the quality of life and health within our Commonwealth remains as the paramount objective for all who call our islands home.

The Legislature also finds that pursuant to 3 CMC § 2204(e), no member within the HCPLB shall serve more than two consecutive four-year terms. This limitation has proven to be problematic considering the composition of health care professions that make up the Board. Such professions include a dentist, physician, other health care professions (excluding dentists and physicians), and so forth. In the event that a member fulfills his/her second term as a board member, such vacancy must be filled by a new health care professional. This requirement hinders the progress of the HCPLB because of the relatively small pool of healthcare professionals available and willing to serve and the time it takes to identify, appoint, confirm, and train new appointees. In removing the term limitation, board members who are willing to serve can be allowed to continue their work, and the HCPLB can save valuable resources that would otherwise be spent on recruiting and train new appointees.

Therefore, the purpose of this Act is to amend 3 CMC § 2204(e) to remove the limitation of terms for members to serve on the Health Care Professions Licensing Board and for other purposes.