



HOUSE OF REPRESENTATIVES
SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
SECOND REGULAR SESSION, 2008

Public Law 16-26
H. B. No. 16-159, HD2

AN ACT

To amend 3 CMC § 4532(a) and 3 CMC § 4972(b)(I) and (2); and for other purposes.

BE IT ENACTED BY THE SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 Section 1. Findings and Purpose. The Legislature finds certain licensed health care
2 professional employees who are foreign national workers serve critical and essential
3 functions within the government of the Commonwealth of the Northern Mariana Islands.
4 These professionals include, but are not necessarily limited to, medical doctors, dentists,
5 nurses and other healthcare professionals. The Legislature finds that the hiring and retention
6 of full-time licensed health care professional employees who are foreign national workers
7 committed to serving the needs of the Commonwealth are necessary to maintain adequate
8 staff of licensed health care professionals in the Department of Public Health. The
9 Legislature, therefore, also finds that in order to attract and retain sufficient numbers of
10 competent and dedicated health care professionals to serve the needs of the Commonwealth,
11 an exception to the moratorium on government hiring of foreign national workers for the
12 Department of Public Health is necessary.

13 The Legislature further finds that special education professionals, pre-pnmary
14 education and foreign language instructors who are foreign national workers serve critical
15 and essential functions for the Public School System of the Commonwealth of the Northern
16 Mariana Islands. Therefore, an exception to the moratorium on government hiring of foreign
17 national workers for the Public School System is likewise necessary.

1 Section 2. Amendment. 3 CMC § 4532(a) is amended as follows:

2 "(a) Department of Public Health. Physicians and dentists licensed to practice
3 in the Commonwealth who have attained at least United States or Canadian
4 board-eligible status. In addition, any physician or dentist not a citizen or permanent
5 resident who was first licensed to practice in the Commonwealth prior to January 1,
6 2008, may be employed by the Commonwealth government."

7 Section 3. Amendment. 3 CMC § 4972(b)(1) and (2) are amended as follows:

8 "(b) Transition exemptions for government employment.

9 (1) Public School System. Related service providers, including but
10 not limited to, speech pathologists, occupational therapists, physical therapists
11 and audiologists, and teachers in special education and pre-primary education
12 may be exempted. Related service providers shall have a US license, US
13 registration, or US certification, as appropriate to their respective field of
14 specialization. Persons exempted under this subsection shall have a bachelor's
15 or master's degree in the field of special education prior to being issued an
16 entry permit, and shall pass teacher certification tests as designated by the
17 Board of Education. Foreign language instructors may be exempted if they are
18 graduates of a college or university approved or accredited in accordance with
19 the Public School System Regulations on Employment of Certified Personnel.
20 This exemption shall expire on September 30, 2010, and no contract may
21 provide to the contrary.

22 (2) Department of Public Health.

23 (i) Nurses may be exempted if they are graduates of
24 recognized colleges or universities with a degree in nursing science
25 and satisfy the professional licensing requirements in their country of
26 origin as well as satisfying the licensing requirements established by
27 the Commonwealth Board of Nurse Examiners for Licensed Practical
28 Nurses (LPN) or Registered Nurses (RN). Nurses employed pursuant
29 to this subsection shall meet all minimum requirements for

1 employment as provided by law, except that any minimum experience
2 requirement shall not apply to a foreign national worker who
3 completed the nursing education program at the Northern Marianas
4 College or other approved vocational nursing school in the
5 Commonwealth, passed the NCLEX exam, and is employed on or
6 before December 31, 2010, in a nursing position at the Department of
7 Public Health.

8 (ii) Biomedical engineering technicians and all other health
9 care professionals who are required to be licensed, certified, registered,
10 or otherwise regulated by the Health Care Professions Licensing Board
11 as referenced in 3 CMC § 2212 may be exempted if they are graduates
12 of recognized colleges and universities with a degree in their area of
13 specialty in their country of origin and shall have satisfied all of their
14 country's professional licensing and certification requirements in
15 addition to satisfying, if applicable, the licensure requirements
16 established by the Health Care Professions Licensing Board.

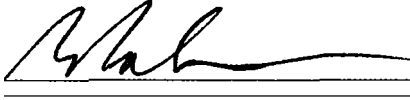
17 (iii) The exemptions provided in subsections (b)(2)(i) and
18 (ii) of this section shall expire on September 30, 2017, for all positions
19 covered thereunder, and no contract may provide to the contrary."

20 Section 4. Severability. If any provision of this Act or the application of any such
21 provision to any person or circumstance should be held invalid by a court of competent
22 jurisdiction, the remainder of this Act or the application of its provisions to persons or
23 circumstances other than those to which it is held invalid shall not be affected thereby.

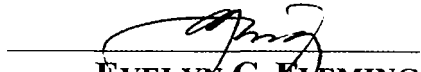
24 Section 5. Savings Clause. This Act and any repealer contained herein shall not be
25 construed as affecting any existing right acquired under contract or acquired under statutes
26 repealed or under any rule, regulation, or order adopted under the statutes. Repealers
27 contained in this Act shall affect any proceeding instituted under or pursuant to prior law.

1 Section 6. Effective Date. This Act shall take effect upon its approval by the
2 Governor, or becoming law without such approval.

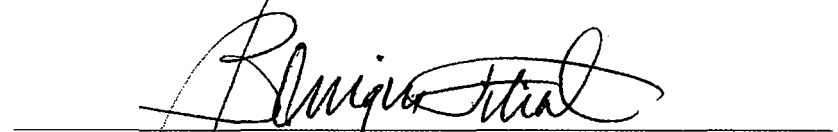
CERTIFIED BY:



ATTESTED TO BY:


EVELYN C. FLEMING
HOUSE CLERK

APPROVED on this 24th day of DECEMBER, 2008


BENIGNO R. FITIAL
GOVERNOR

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS