

**COMMONWEALTH OF THE NORTHERN MARIANA
ISLANDS
SAIPAN, TINIAN, ROTA and NORTHERN ISLANDS**



**COMMONWEALTH REGISTER
VOLUME 33
NUMBER 12
December 29, 2011**

COMMONWEALTH REGISTER

VOLUME 33
NUMBER 12

DECEMBER 29, 2011

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Commonwealth of the Northern Mariana Islands Scholarship Advisory Board

Caller Box 10007, Saipan, MP 96950
Tel: (670) 664-4750; Fax: (670) 664-4759
kodep.uludong@gmail.com

PUBLIC NOTICE OF ADOPTION OF EMERGENCY REGULATIONS

EMERGENCY REGULATIONS GOVERNING THE EDUCATIONAL ASSISTANCE PROGRAM

EMERGENCY ADOPTION AND IMMEDIATE EFFECT: The Commonwealth of the Northern Mariana Islands, through the Scholarship Advisory Board (SAB), finds that the attached Rules and Regulations Governing the Educational Assistance Program shall be adopted immediately on an emergency basis because the public interest, as well as an imminent peril to the public health, safety, or welfare, so requires, for the reasons stated below (1 CMC § 9104(b), (c); 1 CMC § 9105(b)(2)). These emergency regulations shall become effective immediately upon filing with the Commonwealth Register and delivery to the Governor, (1 CMC § 9105(b)(2)), and shall remain in effect for 120 days. (1 CMC § 9104(b)).

AUTHORITY: Pursuant to Executive Order 94-3 § 211 (b), incorporated by reference in 1 CMC § 2051, the SAB is authorized to "recommend objective standards for the award of scholarships."

1 CMC § 9104(b) of the Administrative Procedure Act provides that:

If an agency finds that the public interest so requires, or that an imminent peril to the public health, safety, or welfare requires adoption of a regulation upon fewer than 30 days notice, and states in writing its reasons for that finding, it may, with the concurrence of the Governor, proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency regulation. The regulation may be effective for a period of not longer than 120 days, but the adoption of an identical regulation under subsections (a)(1) and (a)(2) of this section is not precluded.

REASON FOR EMERGENCY ADOPTION: Funds available to the SAB for discretionary Educational Assistance Program (EAP) scholarships have been drastically reduced for fiscal year 2012. In addition to budgetary restrictions caused by changing economic conditions, P.L. 17-55 diverts \$1.19 million from the operations of the Scholarship Office to the Northern Marianas College.

Because of these budgetary restrictions, the SAB seeks to implement changes to its scholarship eligibility requirements so as to best allocate its limited resources. By limiting EAP assistance to those who attend Northern Marianas College for their first two years of postsecondary education, the SAB seeks to provide students access to

core courses and certain degrees at lower tuition rates than many off-island schools. This will conserve the resources of the scholarship fund. Students who use scholarship funds at Northern Marianas College promote the quality of local education by investing taxpayer money back into our college facilities. Students remaining on the island will also contribute to the local economy and may be more likely to remain in the Commonwealth for employment. The SAB also aims to employ more stringent standards for continuing eligibility, which encourages academic responsibility and the productive use of scholarship funds. Without the ability to pass emergency regulations, these regulations will not be implemented before the Spring 2012 semester. These goals will be delayed for several months and the SAB will have less control over its finances for fiscal year 2012.

Additionally, the passage of P.L. 17-55 affects SAB's relationship with Northern Marianas College. These entities have entered into a Memorandum of Understanding and Agreement whereby SAB will determine the eligibility of students receiving funds from the Northern Marianas College, according to its own regulations. This is a prerequisite to the release of Fall 2011 scholarship funds for EAP recipients attending Northern Marianas College. Students depend on these funds for ongoing support of their education and delayed release of these funds may affect the local economy.

Based on the foregoing, the Scholarship Advisory Board Chair finds that the public interest as well as an imminent peril to the public health, safety, or welfare requires the immediate issuance and adoption of the attached Emergency Regulations in order to prevent harm to the public finances and curtail any threat to the public welfare.

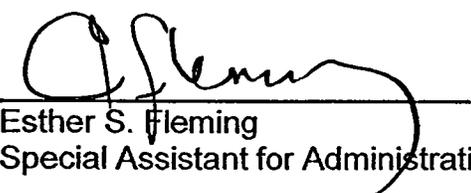
THE TERMS AND SUBSTANCE: The attached Emergency Regulations establish the rules and regulations governing the Educational Assistance Program (EAP). The EAP governs all funds allocated to the Scholarship Office for scholarships which are not dedicated to a scholarship program created by statute. This program and the rules that govern it were formed at the discretion of the SAB, in accordance with Executive Order 94-3 § 211 (b).

DIRECTIONS FOR FILING AND PUBLICATION: The Scholarship Advisory Board Chair will take appropriate measures to make these Regulations known to the persons who may be affected by them. (1 CMC § 9105(b)(2)).

The attached Emergency Regulations are approved by the Scholarship Advisory Board Chair on the date listed below.

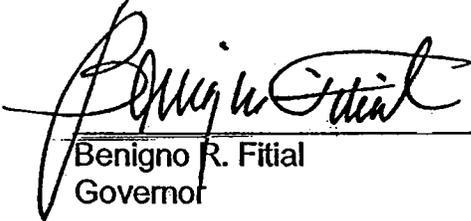
Submitted by: 
Kodep Ogumoro-Uludong
Scholarship Advisory Board Chair

12/13/11
Date

Received by: 
Esther S. Fleming
Special Assistant for Administration

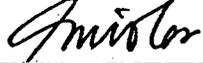
12/15/11
Date

Concurred by:


Benigno R. Fitial
Governor

12/14/11
Date

Filed and
Recorded by:


Esther M. San Nicolas
Commonwealth Register

12.14.2011
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 Emergency 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).


Edward T. Buckingham
Attorney General

12-14-11
Date

RULES AND REGULATIONS GOVERNING THE EDUCATIONAL ASSISTANCE PROGRAM

- I. PURPOSE:** The Scholarship Advisory Board hereby establishes an Educational Assistance program (EAP) for the purpose of assisting applicants who desire to pursue post-secondary study, first at the Northern Marianas College (NMC), and then from within or outside of the Commonwealth of the Northern Mariana Islands (CNMI) through use of various locally funded grants and scholarships.

II. DEFINITION

- a. "Permanent Resident": A United States citizen domiciled in the Commonwealth for two (2) consecutive years prior to enrollment in a college or university.
- b. EDUCATIONAL ASSISTANCE GRANTS: Financial assistance awarded for the purpose of post-secondary studies.
- c. MERIT INCENTIVE AWARD: An additional grant awarded to qualifying full-time and continuing undergraduate students on the basis on attainment starting with a 3.00 cumulative grade point average from a college or university (Such awards are contingent upon the availability of funds).
- d. DEVELOPMENTAL COURSES: Courses that are below college level courses (Recipients who are taking developmental courses towards fulfillment of a full-time status are not eligible for merit incentive awards).
- e. FULL-TIME STATUS: Full-time status for undergraduate enrollment is a semester/quarter term earning 12 or more credits, for graduates, enrollment in a semester/quarter term earning 9 or more credits or determined by the institution's definition of semester/term. Courses that are repeated, as defined on section II(i), are not counted towards fulfillment of a full-time status. Section II(i) may be waived for applicants who are Certified Disabled, according to Section II(j).
- f. PART-TIME STATUS: Part-time status for undergraduate enrollment is a semester/quarter earning 1-11 credits. Courses that are repeated, as defined on section II(i), are not counted towards fulfillment of a part-time status. Commencing with Fall 2003, funding for part-time applicants will be determined upon availability of funds.
- g. CORRESPONDENCE SCHOOL: An educational institution offering courses (instructions, lessons, exercises, grades) through the mail.
- h. ONLINE COURSES: Courses available electronically or through telecommunication systems.
- i. REPEAT COURSE: Course that a student repeats due to failing grades or retaking to earn a higher grade which was originally paid by the CNMI Scholarship Program.
- j. CERTIFIED DISABILITY: A person who is certified disabled by a licensed physician.

k. **SATISFACTORY ACADEMIC PROGRAM (SAP):** Coursework progress measured qualitatively (cumulative grade point average) and quantitatively (credits completed).

I. LEVEL OF EDUCATION:

- i. **Certificate/Diploma:** An undergraduate program less than two years.
- ii. **Associate Degree:** An undergraduate degree program less than a baccalaureate level.
- iii. **Baccalaureate Degree:** A four (4) or more year undergraduate degree program.
- iv. **Masters Degree:** A degree program beyond a baccalaureate level.
- v. **Professional Degree:** Juris Doctorate or Medical Doctor who will directly provide health care.

III. SCHOLARSHIP ADVISORY BOARD: The Scholarship Advisory Board (SAB) is created under Executive Order 94-3 Sec. 211. The Governor appoints members. The Board members serve on a voluntary basis without compensation. The duties and responsibilities of the Board are:

- a. To review and submit to the Governor recommendations pertaining to scholarship and incentive awards.
- b. To review appeals and submit decisions on appeals of Scholarship Administrator's decision by students to the Scholarship Office.
- c. To advise and provide guidance to the Scholarship Administrator on matters concerning Rules and Regulations, student financial assistance, and budgetary matters.

IV. FUNDING: Educational Assistance Program funding is derived from the scholarship funds appropriated by the legislature on a fiscal year basis. The level of funding is contingent on the balance of funds available after all statutory scholarship programs have been paid. Circumstances vary from year to year, so an EAP award for one year is no assurance of the same assistance in subsequent years. Thus, there may be variation in the amount of assistance offered to a student from one year to the next year because of changes in the availability of funds appropriated by the legislature or the number or amount of statutory scholarship awards.

EAP and Merit Incentive awards will not be granted to fund religious studies leading to ministry correspondence school or advance non-health care degree programs. On-line programs will be determined on a cases-by-case basis. However, on-line programs must be taken within the CNMI.

V. REQUIREMENT OF ATTENDANCE AT NMC

- a. All new applicants beginning Fall 2012 must either attend NMC or have completed one of the following at NMC:

1. An associate's degree; or
2. At least forty-eight (48) credits at the 100-level or above.

VI. ELIGIBILITY REQUIREMENTS FOR EAP:

- a. **NEW APPLICANTS – UNDERGRADUATE STUDENTS:** To qualify for funding under the EAP, an applicant must:
 - i. Submit a completed and signed Application Form; and,
 - ii. Ensure that the most recent sealed official transcript is mailed or hand-delivered to the Scholarship Office. (A transcript faxed directly from the Institutions Records may be accepted as an unofficial transcript until such time the original is received, as required); and,
 - iii. Provide a letter of acceptance from NMC or a transcript or proof of degree from NMC demonstrating the requirements from Section V have been met. Students who wish to attend an institution other than NMC who have met the conditions in Section V must provide a letter of acceptance from a recognized U.S. accredited college, university or institution as proof of admission for new students. Non-US Accredited college, university or institution must be approved by the SAB; and,
 - iv. Be a permanent resident of the Commonwealth with documentation of such, (an original passport or original birth certificate and CNMI Annual tax return, drivers license, CNMI affidavit card or other documents as appropriate); and,
 - v. Have graduated from high school, Advance Development Institute, General Education Development (GED) or higher; or be admitted into the Northern Marianas College Early Admissions Program (EAP) no earlier than high school junior year (There will be 10 slots for Saipan residents, 5 slots for Tinian residents and 5 slots for Rota residents. It will be on a first-come, first-served basis. Slots will be filled based on the highest cumulative grade point average and recommendation letters; extracurricular activities will be used in the event a tie-breaker is needed).
 - vi. Submit a Free Application for Federal Student Aid (FAFSA) Student Aid Report (SAR).

NOTE: A FIRST-TIME RECIPIENT OF EAP WILL BE CONSIDERED FOR FINANCIAL ASSISTANCE EVEN IF HIS OR HER GPA IS BELOW THE SAP REQUIREMENT. HOWEVER, IN ORDER TO CONTINUE IN THE EAP PROGRAM, THE RECIPIENT MUST ACHIEVE THE CUMULATIVE GPA REQUIREMENTS, AS DEFINED IN SECTION IX(b), AT THE END OF THE TERM AWARDED.

- b. **NEW APPLICANTS – GRADUATE STUDENTS:** To qualify for funding under EAP, an applicant must:
 - i. Meet all of the requirements listed in Section VI, excluding the requirement of attendance at NMC.

c. **CONTINUING STUDENTS:** to continue eligibility for funding students must:

- i. Submit a completed and signed Renewal Application Form; and
- ii. Ensure that the most recent sealed official transcript is mailed or hand-delivered to the Scholarship Office. (A transcript faxed directly from the Institutions Records may be accepted as an unofficial transcript until such time the original is received, as required); and,
- iii. Provide a letter of acceptance from an eligible institution as proof of admissions for transferring students or those pursuing a higher degree (and, if the student first applied for EAP in Fall 2012 or later, a transcript or proof of degree demonstrating that the conditions of Section V have been met); and,
- iv. Maintain SAP in a course of study according to the standards established by the Scholarship Office.

d. **FORMER EAP RECIPIENT:** A student who did not receive Financial Assistance from the Scholarship Office for a period of one year as a result of ineligibility and/or break in attendance is considered a returnee and must provide the following:

- i. Submit a completed and signed Renewal Application Form; and
- ii. Ensure that the most recent sealed official transcript is mailed or hand-delivered to the Scholarship Office (A transcript faxed directly from the Institutions Records department may be accepted as an unofficial transcript until such time the original is received, as required); and,
- iii. Provide a letter of re-acceptance from an eligible institution for those who have taken a break in enrollment, or a letter of acceptance into the institution for transferring students; and
- iv. Maintain SAP in a course of study according to the standards established by the Scholarship Office.
- v. If the student first applied for EAP in Fall 2012 or later, the requirements of Section V apply.

VII. ELIGIBILITY REQUIREMENTS FOR MERIT INCENTIVE AWARD: The merit incentive award is given in addition to the EAP grant. To be considered for a merit incentive award, a recipient of the EAP grant must satisfy the following requirements:

- a. Must be a full-time and continuing undergraduate student.
- b. On a 4.0 scale, a student must maintain a cumulative grade point average of 3.00 to 3.49 to receive a merit incentive award up to \$1,000.00 per academic year.
- c. On a 4.0 scale, a student must maintain a cumulative grade point average of 3.50 or higher to receive a merit incentive award up to \$2,000.00 per academic year.

NOTE: MERIT INCENTIVE AWARDS ARE CONTINGENT UPON AVAILABILITY OF FUNDS. LESSER AMOUNTS MAY BE GRANTED. ALL INDIVIDUALS IN THE SAME CATEGORY WILL RECEIVE THE SAME AMOUNT. STUDENTS TAKING DEVELOPMENTAL COURSES IN FULFILLMENT OF A FULL-TIME STATUS ARE NOT ELIGIBLE FOR A MERIT INCENTIVE AWARD.

VIII. ELIGIBILITY REQUIREMENTS FOR PART-TIME STUDENTS: Undergraduate students must meet the following criteria:

- a. EAP requirements for New Applicants, Continuing Students, or Returning Students; and,
- b. Be employed full-time in the Private or Public Sector within the CNMI throughout his/her educational pursuit. This may be waived for applicants with a Certified Disability. Employment Verification Form must be completed and submitted each enrollment period; and,
- c. Be accepted and enrolled for one (1) to eleven (11) credits in an accredited college or institution. Proof of enrollment must be provided.
- d. Awards for part-time recipients will be prorated.

Note: PART-TIME EAP, GRADUATE PROGRAM AND MERIT INCENTIVE AWARDS ARE CONTINGENT UPON AVAILABILITY OF FUNDS. ELIGIBILITY AWARDS WILL BE DETERMINED AFTER SEPTEMBER 15TH FOR FALL TERM AND FEBRUARY 15TH FOR WINTER AND SPRING TERM.

IX. APPLICATION DEADLINE: It is the student's responsibility to obtain and complete forms by the established deadline in order to be considered for EAP. Complete and signed applications must be received or post-marked by: July 1st for Fall Term and December 15th for Winter/Spring Term. Denial of EAP awards based on the receipt of a late application is not subject to appeal.

NOTE: IF THE DEADLINE FALLS ON A WEEKEND OR A HOLIDAY, THE DEADLINE WILL BE THE NEXT WORKING DAY.

X. SATISFACTORY ACADEMIC PROGRESS (SAP): A student is qualified to receive EAP only if both quantitative and qualitative SAP is being maintained. SAP for EAP is defined as:

- a. Quantitative measure is completing the following number of non-repeat credits:
 - i. EAP Undergraduate Full-time: Twelve (12) credits
 - ii. EAP Undergraduate Part-time: credits awarded
 - iii. Graduate & Professional Full-time: Nine (9) credits or as defined by the institution.
- b. Qualitative measure is maintaining the following grade point average (GPA):
 - i. EAP Undergraduate: 2.75 Cumulative GPA
 - ii. Merit Incentive Awards: As defined in section VII (a, b & c)

- iii. Graduate & Professional: As required by the institution to remain enrolled.

NOTE: FIRST-TIME RECIPIENT OF EAP WILL BE CONSIDERED FOR FINANCIAL ASSISTANCE EVEN IF HIS/HER GPA IS BELOW THE SAP REQUIREMENT. HOWEVER IN ORDER TO CONTINUE IN THE EAP PROGRAM THE RECIPIENT MUST ACHIEVE THE CUMULATIVE GPA REQUIREMENT, AS DEFINED IN SECTION IX (b), AT THE END OF THE TERM AWARDED.

XI. STUDENTS WHO EITHER DROP OR WITHDRAW FROM CLASSES

- a. An EAP recipient who either drops or withdraws from classes and fails to complete the minimum required number of credits will be suspended from the program and disqualified from further participation until he or she fulfills the requirement of the award given. A student on suspension may be reinstated upon completion of hours lacking from the last term awarded.
- b. An EAP recipient who falls below the required SAP will be suspended from the program and disqualified from further participation until he or she meets the required cumulative GPA.
- c. Letter Grades for Incomplete Courses must be submitted to the Scholarship Office prior to the first day of the following instructional term. Awards will not be released until the letter grade is submitted to the Scholarship Office.
- d. A recipient who received an award and is not enrolled will be required to return the funds immediately. Failure to repay/return the funds will result in immediate referral to a Collection Agency.
- e. EAP will not fund any courses taken during the summer term.

XII. REPAYMENT

- a. All recipients are required to return to the CNMI no later than three (3) months after completion of their degree program. The recipient further agrees to perform Commonwealth Work for a period equal to the period for which the recipient received scholarship assistance from the SAB. For each such six (6) month period of Commonwealth Work, SAB will consider the Recipient to have repaid the equivalent value of the scholarship assistance the recipient accepted for one academic term
- b. A recipient who fails to complete his or her educational degree program will be required to repay the amount of scholarship awarded. The amount may either be repaid in full or in installments, as determined by the CNMI Scholarship Office.
- c. Legal proceedings will be taken to recover the total amount of scholarships awarded. The recipient shall also pay all legal expenses and fees incurred by the government in the effort to recover scholarship awards.
- d. No penalty shall be imposed on a recipient who obtain their baccalaureate degree and decides to enter a post-graduate Degree Program. The repayment or cancellation of such scholarship will be deferred until the student obtains of their post-graduate degree whether or not the student is receiving scholarship funds. However, should the student cease his/her post-graduate program,

he/she must return to the CNMI within three (3) months to commence work. Failure to return will result in the student being required to repay all scholarship awards previously received.

XIII. DURATION OF AWARD: All programs that the Scholarship Office administers will be considered in determining the duration of the award. No EAP will be awarded once a recipient has completed a "Level of Education," as defined in Section II (k)(1). EAP grants will then only be awarded for the next level of education.

a. UNDERGRADUATE DEGREES

- i. Two and a half (2 ½) academic years for full-time undergraduate program leading toward an associate's degree.
- ii. Four (4) academic years for part-time undergraduate programs leading toward an associate's degree.
- iii. Four and a half (4 ½) academic years for full-time undergraduate programs leading toward a bachelor's degree. A maximum of five (5) years is allowed for completion of specialized majors, as required by the Institution.
- iv. Eight (8) academic years for part-time undergraduate programs leading toward a bachelor's degree. A maximum of ten (10) years is allowed for completion of specialized majors, as required by the Institution.
- v. EAP Assistance provided for Certificate and Associate's Degree will be included when determining the duration of award for a Bachelor's degree program.

NOTE: FULL-TIME FIRST YEAR STUDENTS ENROLLED IN DEVELOPMENTAL COURSES, AS REQUIRED BY THE INSTITUTION, MAY BE ELIGIBLE FOR FINANCIAL ASSISTANCE FOR A TOTAL OF 12 PAID CREDITS. HOWEVER, THIS DOES NOT EXEMPT THE RECIPIENT IN COMPLETING THE PROGRAM WITHIN THE ESTABLISHED DURATION PERIOD. DURATION OF AWARDS WILL NOT APPLY TO STUDENTS WITH CERTIFIED DISABILITIES.

b. GRADUATE DEGREES

- i. Two (2) academic years for graduate level students, leading to a master's degree or Registry and Licensure.
- ii. Four (4) academic years for a Juris Doctor Degree.
- iii. Six and a half (6 ½) academic years for an advanced degree directly providing health care (not administrative), e.g. MD, DDS, DO which generally require additional years of study, as specified in the catalog enforced at the time the student is enrolled.

NOTE: COMMENCING WITH ACADEMIC YEAR 2003-04, FINANCIAL ASSISTANCE FOR ALL LEVELS OF GRADUATE PROGRAMS WILL ONLY BE MADE UPON AVAILABILITY OF FUNDS.

XIV. MEMORANDUM OF AGREEMENT: When accepting an award, the recipient will receive and sign the Memorandum of Agreement outlining the applicable Terms and Conditions

established by law, rules and regulations promulgated by the Scholarship Program, and as follows:

- a. In recognition of the scarcity of trained manpower in the Commonwealth, each recipient of grants and/or incentives is required to return to the CNMI within three (3) months after completion of his/her degree plan or non-enrollment from school and work in the CNMI Public or Private Sector for a period of one year for each year of financial assistance received, unless otherwise specified by law.
- b. A recipient who, after a good-faith effort, is unsuccessful in finding employment in the Commonwealth within the three (3) months after completion of his/her degree plan or non-enrollment from school may request, in writing, an extension of time to secure employment in the Commonwealth. Documentation justifying non-employment must accompany the request for a deferment.
- c. Recipients who do not comply with the Memorandum of Agreement (MOA) shall repay the total amount of funds awarded. The amount may be paid in full or in installments. The Scholarship Program Administrator will arrange a payment schedule after reviewing the recipient's Financial Statement.
- d. Legal proceedings will be taken to recover the total amount of EAP and/or incentive awarded should a recipient fail to return to the CNMI within three (3) months or request an extension pursuant to Section XXII (b) after receipt of his/her degree or the conclusion of his/her educational pursuit. The recipient shall pay all fees and interest charged by the collection agency, including legal expenses incurred by the government in an effort to recover EAP and/or merit incentive awards.
- e. No penalty shall be imposed on a recipient who decides to return to the CNMI and find employment in the CNMI before the completion of study; the appropriate cancellation rates shall be applied. However, should the recipient return to school, the cancellation shall cease immediately and the amount owing shall be added toward the new EAP.

XV. FRAUDULENT INFORMATION: All documents received by the Scholarship Office are subject to verification. The applicant is personally responsible for the integrity of these documents. Recipients and/or their authorized representative who submit documents that are false or tampered with in any way will result in the recipients' immediate and permanent removal from any of the programs administered by the Scholarship Office. Documents include, but are not limited to, application, supporting documents, grade reports, transcripts, letters of reference or letters of recommendation, etc.

XVI. APPEALS

- a. A recipient who is denied EAP has the right to appeal a decision of the Scholarship Office.
- b. Appeals must be in writing, addressed to the Chairperson of the Scholarship Advisory Board.
- c. Appeals must be postmarked or hand-delivered no later than twenty-one (21) calendar days after notification of the decision by the Scholarship Administrator. Notification of denial if mailed shall be given via certified mail, return receipt requested.

- d.* Appeals to the Scholarship Advisory Board shall be heard and decided pursuant to applicable CNMI law, including, but not limited to, the CNMI Administrative Procedure Act, 1 CMC § 9101 et. seq.
- e.* All decisions by the Scholarship Advisory Board on appeals are final regarding the administrative review process.
- f.* Denials based on late submission of an application or due to a repeated course are not subject to the appeal process.

XVII. EFFECTIVE DATE

These rules and regulations shall take effect upon adoption by the SAB and emergency publication, as authorized by the Governor (November 2011).

Group Health Insurance Program
Commonwealth of the Northern Mariana Islands
Richard S. Villagomez, Administrator
1st Floor, Honorable Lorenzo I. Deleon Guerrero Retirement Fund Building, Isa Drive, Capital Hill
P.O. Box 501247 CK, Saipan, MP 96950-1247
Tel. No. (670) 322-3863~10; Fax No. (670) 664-8080; E-mail: administrator01@nmiretirement.com

PUBLIC NOTICE OF EMERGENCY REGULATIONS
WHICH ARE AMENDMENTS TO THE RULES AND REGULATIONS OF THE
GROUP HEALTH INSURANCE PROGRAM

EMERGENCY ADOPTION AND IMMEDIATE EFFECT: The Board of Trustees of the Northern Mariana Islands Retirement Fund ("NMIRF"), Commonwealth of the Northern Mariana Islands finds:

- (1) The attached repeal and re-enactment of Rules and Regulations Governing the Group Health Insurance Program are adopted and become effective immediately, on an emergency basis because the public interest so requires, for the reasons stated below (1 CMC § 9104(b) & (c); 1 CMC § 9105(b)(2)). These emergency regulations shall remain in effect for 120 days (1 CMC § 9104(b)); and
- (2) The same rules and regulations shall be adopted, after a proper notice and comment period, as permanent regulations pursuant to the attached Notice of Proposed Rules and Regulations and the Administrative Procedure Act, 1 CMC § 9104(a).

AUTHORITY: The Board of Trustees ("Board") of the Northern Mariana Islands Retirement Fund ("Fund") has statutory power to promulgate and effect the CNMI Group Health and Life Insurance Rules and Regulations pursuant to 1 CMC § 8424-27. *See also* NMIAC § 110-30.1-1401. Additionally, 1 CMC § 9104(b) of the Administrative Procedure Act provides that:

If an agency finds that the public interest so requires, or that an imminent peril to the public health, safety, or welfare requires adoption of a regulation upon fewer than 30 days notice, and states in writing its reasons for that finding, it may, with the concurrence of the Governor, proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency regulation. The regulation may be effective for a period of not longer than 120 days, but the adoption of an identical regulation under subsections (a)(1) and (a)(2) of this section is not precluded.

REASON FOR EMERGENCY ADOPTION: The Board recognizes that the regulations governing the Group Health Insurance Program are in need of repeal and re-enactment with extensive revision and amendment. The regulations were adopted in 1996, at the time that the administration of this government employee benefit program was transferred to the Fund. At that time, the program was one of government self-insurance. Since that time, the government has negotiated insurance with a private carrier and the scope and nature of the exact benefits provided by the Group Health Insurance Program are governed by terms of the policy of insurance in effect from year to year. Additionally, with the renewal that takes effect on January 1, 2012, certain eligibility requirements for enrolment have changed, consistent with the requirements of the U.S. Affordable Care Act.

THE TERMS AND SUBSTANCE: The Board further finds that the public interest and this imminent peril to the public welfare mandates adoption of these amendments to the Rules and Regulations Governing the Group Health Insurance Program upon fewer than thirty (30) days notice, and that these amendments shall become effective immediately after filing with the Commonwealth Register, subject to the approval of the Attorney General and the concurrence of the Governor and shall remain effective for a period of 120 days, unless sooner adopted as permanent regulations.

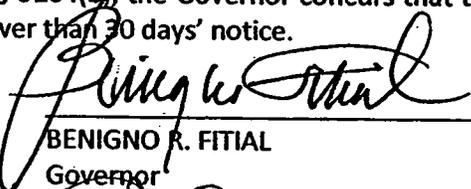
THE SUBJECTS AND ISSUES INVOLVED: These rules and regulations eliminate the following topics from the Government Health Insurance Program Regulations: Part 7 – Health Care Providers; Part 9 – Claims & Payment for Services; Part 10 – Managed Care; Part 13, Changing Benefits & Enrollment; Part 15 – Amendments; Part 16 – Communications; and Part 20 – Misc. Provisions as no longer necessary under a program of insurance provided by a private carrier. The eligible enrollees have been modified, consistent with the Affordable Care Act, to allow a subscriber (employee or retiree) to cover their dependents up to the age of 26, regardless of whether the dependent is a student, financially dependent upon the subscriber, employed or married.

TO PROVIDE COMMENTS: No comments are required for these emergency rules and regulations. However, the related Notice of Proposed Rules and Regulations will specify comment procedures. Please see the notice regarding these emergency regulations being presented as proposed regulations, in the December 2011, Commonwealth Register.

DIRECTIONS FOR FILING AND PUBLICATION: These Emergency Rules and Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)).

Submitted by:  12/21/11
RICHARD S. VILLAGOMEZ
Administrator, NMIRF/GHLITF
Date

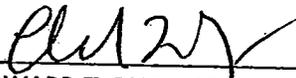
Pursuant to 1 CMC § 9104(b), the Governor concurs that the public interest requires adoption of these regulations upon fewer than 30 days' notice.

Concurrence by: 
BENIGNO R. FITIAL
Governor
Date 12/29/11

Received by: 
ESTHER S. FLEMING
Governor's Special Assistant for Administration
Date 12/29/11

Filed and Recorded by: 
ESTHER M. SAN NICOLAS
Commonwealth Register
Date 12.29.2011

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) the Emergency Rules and Regulations attached hereto have been reviewed and approved as to form by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).



EDWARD T. BUCKINGHAM
Attorney General

12.23.11
Date

The Group Health Insurance Program Rules and Regulations, Articles 1 through 23 [NMIAC §§110-30-001 thru 110-30.1-2005] are hereby repealed in their entirety and replaced with the following:

Article 1 - General Provisions

1.01 Introduction

The government of the Commonwealth of the Northern Mariana Islands provides its eligible employees, retirees and their eligible family members with an optional group health insurance program. The purpose of the program is to provide financial assistance to enrollees to help them pay for necessary health care. Public Law 10-19 [1 CMC 8421-8427] transferred the administrative functions of the program, existing inventory and staff to the NMI Retirement Fund effective June 21, 1996. The GHLIP group health insurance plan group policy of insurance, as negotiated from year to year and these rules and regulations set forth the terms and conditions of this benefit.

Article 2 - Definitions

2.01 Definitions

- (a) "Act" means Public Law 10-19 [1 CMC 8421-8427], an Act to Transfer the Administration of the Government Health Insurance Programs to the Northern Mariana Islands Retirement Fund, which was enacted into law effective June 21, 1996, and all subsequent amendments.
- (b) "Administrator" means the Administrator of the NMI Retirement Fund or his or her designee. Where the fund has contracted with a private insurance company to provide benefits under the plan, the term Administrator may, at times, refer to the private insurance company.
- (c) "Application/Change Form" means the form prescribed by the Administrator and required to be submitted to the Administrator by any person wishing to enroll himself or herself and/or his or her dependents in the program.
- (d) "Board" means the Board of Trustees of the NMI Retirement Fund.
- (e) "Child" means a subscriber's:
 - (1) Natural child;
 - (2) Legally adopted child or child placed for adoption;
 - (3) Stepchild living with the subscriber in a normal parent/child relationship; and
 - (4) Any individual that a court of competent jurisdiction has ordered that the subscriber provide health insurance coverage for, as their child.
- (g) "Contribution" means the share of the premium required to be paid by the government or the subscriber.
- (h) "Co-payment" means the specified portion or percentage of the cost of covered benefits that an enrollee must pay to the provider of services.
- (i) "Covered benefits" means the health care services covered under the program.
- (j) "Dependent" means a subscriber's:
 - (1) Spouse or Domestic Partner;
 - (2) Eligible child(ren); and
 - (3) Ward, over whom a subscriber has been made legal guardian by a court of competent jurisdiction.

(k) "Domestic partner" means a Subscriber's current partner where the Subscriber and the partner satisfy all of the following:

- (1) Both are at least eighteen (18) years of age and are mentally competent;
- (2) They have cohabitated for two (2) or more years;
- (3) They share the same regular and permanent residence, with the current intent to continue to do so indefinitely;
- (4) They share a close personal and intimate relationship and are not related by blood closer than would bar marriage in the place where they legally reside;
- (5) They assume responsibility for each other's welfare and financial well-being; and
- (6) Neither is legally married to another.

(l) "Effective date" means the date on which a person is accepted as a subscriber, as established and recorded by the Administrator, and is the date on which such subscriber is first eligible for benefits under this program.

(m) "Eligible child" means a subscriber's child who:

- (1) Is under 26 years of age; or
- (2) Is permanently disabled, as defined in these regulations.

(n) "Employee" means a person who is receiving salary or wages from the government and who is:

- (1) Employed by the government and regularly scheduled to work 20 or more hours per week; or
- (2) An elected or appointed government official.

However, as to any period, the term employee will not include any individual who, during such period, is classified or treated by the government as an independent contractor, a consultant, a leased employee, or an employee of an employment agency or any entity other than the government, even if such individual is subsequently determined to have been a common law employee of the government during such period. This definition also excludes any individual who serves on a government board or commission, but is not otherwise a government employee, and any individual employed by the government in violation of applicable law. Nothing in this definition will be construed to affect retirees who are authorized by law to draw their retirement benefits while working for the government in a non-employee classification.

(o) "Enrollee" means any eligible employee, retiree, survivor, or dependent whose enrollment in the program has been approved by the Administrator and for whom all premium payments are current, unless failure to make premium payments was no fault of the subscriber.

(p) "Enrollment change form" means the Application/Change Form prescribed by the Administrator and required to be submitted to the Administrator by any person wishing to change his or her benefit or enrollment option or to add or delete coverage of dependents.

(q) "Fiscal year" means any October 1 through the following September 30.

(r) "Fund" means the Northern Mariana Islands Retirement Fund.

(s) "GHLI trust fund" means the CNMI government group health and life insurance trust fund. The GHLI trust fund shall be segregated from other funds and held in trust and administered by the Administrator under the fiduciary supervision of the Board.

(t) "GHLIP" means the CNMI government group health and life insurance program.

(u) "Government" means the CNMI government, its departments, agencies, instrumentalities, public corporations, municipal governments, and other CNMI government entities and autonomous agencies.

(v) "Non-participating or non-preferred provider" means a provider of services who, when rendering a service covered by the plan to an enrollee, does not have an agreement with the plan to charge only a specified amount.

(w) "Open season or open enrollment" means that period of time, designated by the Administrator, during which employees may apply for enrollment in the program for themselves and their dependents and during which subscribers may apply to change their benefit and enrollment options in the program.

(x) "Participating or preferred provider" means a provider of services who, when rendering a service covered by this plan to an enrollee, agrees with the plan to collect not more than a specified amount.

(y) "Permanently disabled" with respect to a Subscriber's Dependent means the Dependent is:

- (1) Incapable of self support because of a mental or physical handicap; and
- (2) Reliant upon the Subscriber for financial support and maintenance.

(z) "Plan" means the CNMI Government's Group Health Insurance Program group health insurance policy. This term may be used interchangeably with the term program.

(aa) "Plan document" means the CNMI Group Health Insurance Program group health insurance policy and any supplements or riders providing any changes to coverage.

(bb) "Plan year" means the fiscal year (October 1 through September 30). For a new enrollee, the plan year begins when such enrollee's coverage begins and continues through the following September 30.

(cc) "Premium" means the total amount of contributions required to be paid into the GHLI trust fund for participation of an enrollee in the program.

(dd) "Program" means the CNMI Government's Group Health Insurance Program group health insurance policy. This term may be used interchangeably with the term plan.

(ee) "Retiree" means a former Employee who is receiving annuity payments through the Northern Mariana Islands Retirement Fund as a result of service, age or disability. The term "Retiree" does not include a Spouse or former Spouse or Domestic Partner of a Retiree receiving an annuity as a result of a domestic relations court order or any other individual receiving an annuity as a consequence of a relationship with a retiree.

(ff) "Spouse" means an employee's or retiree's current legal husband or wife from whom the Employee or Retiree is not legally separated.

(gg) "Subscriber" means any employee or retiree who is enrolled in the program and in whose name the enrollment is registered.

(hh) "Survivor" means the Spouse or Domestic Partner of a deceased Employee or Retiree who is receiving a survivor annuity benefit under the laws governing the NMI Retirement Fund (which requires that they have not remarried).

Article 3 - Eligibility

3.01 Employees and Their Dependents Generally

All Employees are eligible to apply to enroll themselves and their Dependents in the program during any Open Season.

3.02 Retiring Employees

Upon retiring from government service, Employees who are Subscribers shall be provided with an option, to be exercised within six months of the date of retirement, to continue their Commonwealth government health insurance coverage under the same group terms and conditions as that government coverage, if any, offered each fiscal year to Commonwealth government employees. Any Employee who is a Subscriber at the time of retirement who declines to exercise their option to continue health insurance within six months of the date of their retirement, or who exercises the option and subsequently cancels their health insurance coverage more than six months after the date of retirement, shall not be entitled to reapply for coverage thereafter.

Employees who are not Subscribers at the time of their retiring from government service shall not be allowed to apply for Commonwealth government health insurance coverage at that time or at any time subsequent to their retirement.

3.03 Dependents of a Subscriber Who Are Otherwise Eligible On Their Own Account

If a Subscriber should terminate coverage for a Dependent and that Dependent would otherwise have been eligible to have been enrolled on their own account (either as an active employee or upon their own retiree) had they not already been an Enrollee, the Dependent may enroll on their own account, provided they do so within thirty (30) days of their coverage being terminated. This section shall apply in the event of a divorce resulting in the loss of coverage as a Dependent, when the Dependent otherwise was eligible to enroll on their own account.

3.04 Enrollment of Newly Acquired Dependents

Within thirty (30) days of a Subscriber acquiring a new Dependent as a result of marriage, newly formed Domestic Partnership, birth, adoption or placement for adoption, newly acquired stepchild, or appointment by a court of the subscriber as legal guardian or order by the court that a subscriber provide health insurance for another as their child, the Subscriber may submit an Enrollment Change Form seeking to add the Dependent outside of an Open Season. If such form is submitted more than thirty (30) days after the new Dependent is acquired, the enrollment shall be denied and the Subscriber may then only add the Dependent during an Open Season.

3.05 Spouse and Domestic Partner's Right to Enroll Upon Death of Employee or Retiree

A Spouse or Domestic Partner who was an Enrollee on the date of the death of their spouse Employee or Retiree Subscriber, is eligible to enroll in the program for himself or herself and the deceased Subscriber's Dependents within 30 days of the death of spouse and to remain enrolled, if, and only for as long as, they continue to qualify for and receive a survivor's benefit from the NMI Retirement Fund. The Survivor may not enroll his or her own Dependents that are not also the Dependents of the deceased spouse.

3.06 Proof of Eligibility

The Administrator may require such documentation as he or she deems necessary to verify the eligibility of any person. If satisfactory documentation is received by the deadline specified by the Administrator, the person will be considered eligible as of the date determined by the Administrator. If satisfactory documentation is not received by the deadline specified by the Administrator, the person will not be considered eligible and will not be able to be enrolled until re-application at the next Open Season.

3.07 Documentation Required for Permanently Disabled Dependent Enrollment

When a Subscriber includes a permanently disabled Dependent on their Application/Change Form, the Subscriber shall also provide the following documentation:

- (1) A physician's certification that the Dependent has a mental or physical handicap that prevents them from being able to self-support; and
- (2) Proof that the Dependent is reliant upon the Subscriber for financial support and maintenance, including copies of tax returns in which the Subscriber claims the Dependent and an affidavit of the Subscriber attesting to such dependency.

In the case of a permanently disabled child, the above listed documents must be provided to the Administrator within 30 days after the permanently disabled child attains age 26 in order for coverage to continue.

The Administrator may request a Subscriber re-certify a Dependent's permanent disability, but not more frequently than annually. The Administrator may terminate the coverage of a permanently disabled Dependent for failure of the Subscriber to provide the required documents within a reasonable time.

The Subscriber shall have an affirmative duty to inform the Administrator of any change of status that would disqualify a permanently disabled Dependent from continued coverage including: the end of financial dependence on the Subscriber, or the end of mental or physical handicap that prevents the Dependent from being able to self-support.

3.08 Documentation Required for Spouse or Domestic Partner Enrollment

When a Subscriber includes a Spouse or Domestic Partner on their Application Form or on an Enrollment Change Form, the Subscriber shall also provide the following documentation:

- (1) For a Spouse – a marriage certificate; or
- (2) For a Domestic Partner – an Affidavit of Domestic Partnership executed by both Domestic Partners before a Fund employee or an official notary. Such Affidavit shall certify satisfaction of all the requirements contained in the definition of Domestic Partner.

Article 4 - Enrollment

4.01 Enrollment Categories

(a) The available enrollment categories are:

- (1) Single, refers to the Subscriber only. Only one enrollee may be covered under this category of the plan;
- (2) Couple, refers to a Subscriber and one Dependent. The Dependent may be a Spouse, Domestic Partner or Eligible Child, but a maximum of two total enrollees (including the Subscriber) may be covered under this category of the plan.

(3) Family, refers to a Subscriber with two or more Dependents. The Dependents may be a Spouse, or Domestic Partner and Eligible Children or the Dependents may all be Eligible children. There is no limit to the number of Enrollees that may be covered under this category of the plan, provided all Enrollees are eligible.

(b) Categories in chart form:

Single	Employee only	1 total Enrollee
Couple	Employee + Spouse or Employee + Domestic Partner or Employee + Eligible Child	2 total Enrollees
Family, Not Including a Domestic Partner	Employee + Spouse + 1 or more Eligible Children or Employee + 2 or more Eligible Children	No limit to the number of enrollees
Family, Including a Domestic Partner	Employee + Domestic Partner + 1 or more Eligible Children	No limit to the number of enrollees

4.02 Enrollment Process

A person eligible to enroll himself or herself and/or his or her Dependents in the program must file an Application Form with the Administrator, specifying the enrollment category they desire and listing the Dependents for which they seek coverage. A Subscriber wishing to change his or her enrollment or that of his or her Dependents must file an Enrollment Change Form with the Administrator. Both forms are available at the GHLIP Office and any other office designated by the Administrator.

4.03 New Employee Enrollment Period and Effective Date of Coverage

A new Employee may apply, for himself or herself and his or her Dependents, to enroll in the program within 30 days after his or her date of hire. Enrollment will be effective as of the first day of the pay period following approval of the application.

4.04 Other Employee Enrollment Period and Effective Date of Coverage

Employees, who are not new employees, may only apply to enroll themselves or their Dependents (other than newly acquired Dependents) during an Open Season. If an Employee applies to enroll during an Open Season, such enrollment will be effective as of the date specified by the Administrator.

By submitting an Enrollment Change Form, a Subscriber may enroll a newly acquired Dependent within thirty (30) days of acquiring the new Dependent as a result of marriage, newly formed Domestic Partnership, birth, adoption or placement for adoption, newly acquired stepchild, or appointment by a court of the subscriber as legal guardian or

order by the court that a subscriber provide health insurance for another as their child, If such form is submitted more than thirty (30) days after the new Dependent is acquired, the enrollment shall be denied and the Subscriber may then only add the Dependent during an Open Season.

4.05 Survivors Enrollment Period After Death of Employee or Retiree

A Spouse or Domestic Partner who was an Enrollee on the date of the death of their spouse Employee or Retiree Subscriber may enroll for himself or herself and the deceased Subscriber's Dependents, within 30 days of the death of spouse. The Survivor may remain enrolled, only for as long as they continue to qualify for and receive a survivor's benefit from the NMI Retirement Fund. The Survivor may not enroll his or her own Dependents that are not also the Dependents of the deceased spouse.

Survivor enrollment will be effective from the first date covered by the survivor's benefit, or from the date of application, whichever is later. A Survivor may apply to enroll any newly acquired Dependent only if such Dependent is a child of the deceased Spouse Subscriber.

4.06 Special Enrollment under Qualified Medical Child Support Orders

A child identified in a qualified medical child support order as an eligible dependent will be accepted upon submission of a certified copy of the court order, without regard to any enrollment season restrictions.

4.07 Medicare Part A/Mandatory Enrollment

It is a condition of enrollment in the program that if any Enrollee is eligible for Medicare Part A at no cost, such Enrollee must enroll in Medicare Part A.

4.08 Election to Terminate/Form for Retirees and Survivors

Any Retiree or Survivor wishing to terminate his or her enrollment may do so by signing a form prescribed by the Administrator acknowledging that he or she understands that termination of their Enrollment will preclude them from re-enrolling at a later date, unless they become eligible as the Dependent of another.

4.09 Identification Cards

The Administrator, or private insurance carrier holding the policy may provide each Enrollee with an identification card.

4.10 Retroactive Enrollments and Termination

Retroactive enrollments and terminations are not allowed unless specifically provided for in the policy.

4.11 Approval of Enrollment or Enrollment Change

Notwithstanding any other provision to the contrary, no enrollment or enrollment change will become effective without the approval of the Administrator. If the Administrator has not acted on an application form or enrollment change form within 30 days of its receipt, the application for enrollment or enrollment change shall be deemed denied.

4.12 No Guarantee of Enrollment

Employment by or retirement from the government does not guarantee enrollment or continued enrollment.

4.13 Enrollment Denied

The Administrator may deny an application for enrollment because the applicant is ineligible, has filed fraudulent documents or for any other reason the Administrator deems in the best interest of the program.

Article 5 - Benefits

5.01 Benefits Coverage

Benefits coverage shall be pursuant to the terms of the GHLIP group health insurance policy as it is negotiated from year to year.

5.02 Summary Chart (Table) on Changing Enrollment/Benefits

The following table summarizes some basic rules for changing enrollment options:

Events which prompt enrollment or change in enrollment	From not enrolled to enrolled	From single to couple	From single to family	From family to single	From family to couple	Time during which an application form must be filed with the Administrator
Open season	YES	YES	YES	YES	YES	Time of Open Season is specified by the Administrator each year.
Acquisition of spouse, domestic partner, child or other dependent	NO	YES	YES	NO	NO	Within 30 days of acquisition of new Dependent
Divorce, legal separation, annulment, end of domestic partnership, death of a spouse or child, a child's loss of dependent status	NO	NO	NO	YES	YES	Anytime
Change in status from spouse to survivor of retiree or employee	YES	YES	YES	YES	YES	Within 30 days of the date of death of employee or retiree

5.03 Additional Rules for Changing Enrollment Categories (adding or deleting Dependents)

In addition to the rules outlined elsewhere, the following rules also apply to changing enrollment categories:

- (1) A Subscriber may cancel his or her enrollment and/or that of any of his or her Dependents at any time;
- (2) A Subscriber may change between high and low coverage levels only during Open Season;
- (3) Changes to enrollment categories made pursuant to a change in family status must be consistent with such change in status, and the enrollee must provide any documentation required by the Administrator to substantiate such change in status;
- (4) If a Subscriber changes enrollment categories, the new benefits will apply only to services received after the change is effective;
- (5) The effective date of any change in enrollment will be the first day of the governments next pay period for an Employee Subscriber or, for Retiree and Survivor Subscribers, the first day of the next benefit pay period, unless the change is made during an open season, in which case the change will be effective as the date specified by the Administrator.

5.04 Enrollment Change Form

To change enrollment categories, the Subscriber must file an Enrollment Change Form with the Administrator.

5.05 Administrator Approval Required

No change in enrollment category will be effective without the approval of the Administrator. If the Administrator has not acted upon an application for change in enrollment category within thirty days of its receipt, the application shall be deemed denied.

Article 6 - Coinsurance and Co-payments

6.01 Required coinsurance and co-payments

The required coinsurance and co-payments shall be pursuant to the terms of the GHLIP group health insurance policy as it is negotiated from year to year.

Article 7 - Limitations and Exclusions

7.01 Limitations and Exclusions of Coverage

The limitations and exclusions of coverage shall be pursuant to the terms of the GHLIP group health insurance policy as it is negotiated from year to year.

7.02 Workers Compensation; Employer Liability Law

The plan will not pay benefits for any services when the Enrollee is entitled to receive payment of medical expenses, disability benefits or compensation for injury or illness (or forfeits his or her rights thereto) under any workers' compensation or employers liability law. The Enrollee has the affirmative duty to inform the Administrator if they are seeking workers' compensation benefits.

In the event the Enrollee formally appeals the denial of a claim for workers' compensation, the Enrollee shall notify the Administrator of such appeal. The plan will then provide benefits under this plan, but such benefits shall be considered an advance or loan to the Enrollee. If the claim is declared eligible for benefits under workers' compensation or employers liability law or if the Enrollee reaches a compromise settlement of the workers' compensation claim, the Enrollee agrees to repay the advance or loan the plan has the right of subrogation.

7.03 Service Provided without Charge

The plan will not pay benefits for any services:

- (a) When services for an injury or illness are provided without charge to the Enrollee by any federal, state, territorial, municipal, or other government instrumentality or agency, or
- (b) When services for an injury or illness would have been provided without charge or collection but for the fact that the person is an Enrollee under this plan.

7.04 False Statements and Misrepresentations

The plan will not pay any benefits, to the extent that such benefits are payable, by reason of any false statement or other misrepresentation made in an application for membership or in any claims for benefits. If the plan pays such benefits before learning of any false statement, the Subscriber agrees to reimburse the plan for such payment.

7.05 Provider, Enrollee Negligence

The plan is not an insurer against nor liable for the negligence or other wrongful act or omission of any provider, providers employee, or other person or for any act or omission of any Enrollee.

7.06 Availability and Quality of Providers Not Guaranteed

The plan does not guarantee the availability or quality of any medical service provider, including preferred providers.

7.07 Acts of War

The plan will not pay benefits for services required in the treatment of an injury or illness that results from an act of war or armed aggression, whether or not a state of war legally exists, or that occurs during a period of active duty of any armed force of any state or nation.

Article 8 - Premiums

8.01 Premiums

The premiums charged for each enrollment category shall be pursuant to the terms of the GHLIP group health insurance policy as it is negotiated from year to year.

8.02 Subscriber Contributions

The Subscriber or Survivor shall be responsible for one half of the premium for the Subscriber's or Survivor's enrollment category. All Employee, Retiree, and Survivor contributions shall be made through deductions from the Employee's paycheck or Retiree's or Survivor's benefit check as the case may be. An Employee on leave without pay shall pay 100% of the premium to the GHLI trust fund in advance of the due date of such premiums. If a Retiree's or Survivor's benefit is insufficient to cover one half of the premium, the Retiree or Survivor shall pay the amount by which their benefit is short from covering the premium, to the GHLI trust fund in advance of the due date of such premiums.

8.03 Government/Fund Contributions

The government shall be responsible for one half of the premium for their Employees' enrollment categories. The government shall not pay a contribution toward health insurance of its Employees other than towards the GHLIP coverage. The NMI Retirement Fund shall be responsible for one half of the premium for the Retirees' and Survivors' enrollment categories.

8.04 Payment; When Made

Within five working days following the close of each pay period, each autonomous agency, public corporation and other government entity that processes its own payroll, shall remit to the GHLI trust fund the total premiums due for its Employees, including contributions deducted from Employees' paychecks. Also within five working days following the close of each pay period, the Department of Finance shall remit to the GHLI trust fund the total premiums due for its Employees, including contributions deducted from Employees' paychecks.

Within five working days following the close of benefits pay period, the NMI Retirement Fund shall remit to GHLI trust fund the total premiums due for Retirees and Survivors, including contributions deducted from benefit paychecks.

If such premiums are not received by the GHLI trust fund by the 10th working day following each pay period or benefit pay date, interest will be charged on the amount due at a rate determined by the Administrator.

8.05 List of Enrolled Employees

With each remittance of premiums, each autonomous agency, each public corporation, any other government entity that processes its own payroll, the Department of Finance, and the NMI Retirement Fund shall submit to the Administrator a list of all enrolled Employees, Retirees and Survivors for whom premium is being paid. This list will be the definitive identification of all Enrollees in the program.

8.06 List of Enrolled Dependents

The private insurance carrier shall maintain a current list of all enrolled Dependents and shall seek to verify continued eligibilities of these Dependents on an annual basis. The Subscriber shall have an affirmative duty to inform the private insurance carrier, through the Administrator, of any change to circumstances that causes any of the Subscriber's Dependents to lose eligibility.

8.07 Full and Timely Payment

It is the responsibility of each Subscriber or Survivor and each paying entity to make certain that premiums are fully and timely paid.

8.08 Payment Receipt

The Administrator will issue a receipt of payment to each Subscriber or Survivor submitting premiums directly to the GHLI trust fund.

8.09 Deposit of Premiums into GHLI Trust Fund

The Administrator shall cause all premiums received to be deposited into the GHLI trust fund and shall maintain such premiums there until transmission to the private insurance carrier when due.

8.10 Review of Program

The CNMI Government may engage an experienced health insurance actuary or underwriter to review the financial status of the program, to review the plan document and these regulations, and to make recommendations for changes to improve the program.

Article 9 - Coordination of Benefits and Double Coverage

9.01 Primary or Secondary Payor Determination

When an Enrollee is covered by another health insurance plan, including Medicare, the Coordination of Benefits Guidelines established by the National Association of Insurance Commissioners (NAIC) will be used to determine whether the program will be the primary or secondary payor. These guidelines have included the following provisions:

- (a) The plan covering the Enrollee as an active Employee will be the primary payor;
- (b) If a Child is covered under two plans, the plan of the parent whose birthday occurs first in the calendar year will be the primary payor;
- (c) If other guidelines fail to establish which plan is the primary payor, the plan covering the enrollee for the longer time will be the primary payor.

9.02 Double Coverage Payment Provision

If the program is the primary payor, it will pay for covered benefits in accordance with the plan document. If the program is the secondary payor, it will pay a reduced amount, so that, when added to the amount payable by the other plan, the total amount paid by both plans will not exceed the provider's charges for covered benefits. In no event will the amount paid by the program exceed the allowable expenses it would have paid had it been the primary payor. Also, in no event will the program pay for non-covered benefits.

9.03 Information on Other Plans of Subscriber

(a) The double coverage provision applies whether or not a claim is filed under the other plan. As a condition of enrollment, a Subscriber agrees to provide information as to other health insurance that he or she and his or her Dependents may have, and authorizes the Administrator to obtain information as to benefits available from the other plan, and to recover overpayment, should they occur, from the other plan, on behalf of the Subscriber and any of his or her enrolled dependents.

(b) For purposes of enforcing or determining the applicability of this part, the Subscriber, on his or her own behalf or on behalf of his or her Dependents:

(1) Will disclose all coverage under any other plan;

(2) Consents to the plan releasing to any party or obtaining from any party any information which the plan deems necessary for purposes of coordination of benefits;

(3) Authorizes direct reimbursement to or from any other plan when such direct payment is appropriate and necessary to facilitate the coordination and adjustments of the plans and other plans payments under this section; and

(4) Will, upon request, execute and deliver such instruments or documents as may be required to satisfy the intent of this section.

9.04 Special Provisions Regarding Medicare and No-fault Motor Vehicle Insurance Coverage

(a) The federal Medicare Program will be considered the primary plan unless the Enrollee is an active Employee covered under the plan. Where an Employee or Dependent is covered by both Medicare and this plan, applicable federal statutes will determine which plan is primary. If the Enrollee reaches the eligible age or has a condition which makes him or her eligible for coverage under the Medicare Act, as amended (title XVII of the Social Security Act of 1965), or is receiving social security income benefits, the Enrollee must enroll in all portions of the Medicare Program open to the Enrollee at no cost and sign and maintain in effect the necessary releases.

(b) Any no-fault motor vehicle insurance coverage will be considered the primary plan and its benefits will be applied first. Before the plan pays benefits under this plan for any injury covered by no-fault insurance, the plan will list the medical expenses that no-fault covers according to the date on which the expenses were incurred. The plan will add up the no-fault expenses for each successive day until the day when the no-fault benefit maximum is exhausted. From that day on, covered services received by the Enrollee will be eligible for payment under this plan.

The plan will follow this procedure even when the no-fault insurer pays all of its benefits for non-medical expenses or when the actual order of payment differs.

(c) If another person caused the motor vehicle accident and the Enrollee may recover damages from that person, any benefits for which the Enrollee may be eligible shall be subject to the provisions of this part. The plan is not liable to pay any benefits for injuries caused by another person, but may assist the Enrollee by providing coverage he or she would have received as a benefit after the no-fault benefits have been exhausted as described in subsection (b) above, subject to the right of subrogation.

9.05 Double Coverage under this Plan

An Enrollee may not seek double coverage by being a Subscriber, and also being the Dependent of another Subscriber under this plan. Only one category of enrollment and coverage will be permitted for an individual.

Article 10 - Subrogation

10.01 Recovery of Damages for Injury or Illness Caused by Another

If an injury or illness of an Enrollee is or may have been caused by another person or party and the Enrollee has or may have a right to recover damages therefore against that person or party, the plan shall not be liable to pay any benefits provided under the policy. However, upon the execution and delivery to the plan of all papers it requires to secure its rights of reimbursement, the plan may pay benefits in connection with such injury or illness. If an Enrollee is injured or infected through the act or omission of another person or entity and recovers damages from the other person or entity, the Enrollee shall reimburse the plan for the cost of the benefits provided by the program in treating such condition. The amount of such reimbursement must equal the amount of the recovery or the programs cost for such benefits, whichever is less. If the plan pays any benefits because of such injury or illness, the plan shall have a lien against any recovery to the extent of such payments. Such lien may be filed with such other person or party, his or her agent or insurance company, or the court; and such lien shall be satisfied from any recovery received by the Enrollee.

10-02 Damages Not Recovered; Right of Subrogation

If there is no recovery of damages, the plan shall be subrogated to the Enrollees rights against the wrongdoer to the extent of the cost of the benefits provided by the plan, including the right to sue in the Enrollee's name and to compromise the claim in order to indemnify the plan for amounts paid.

10-03 Assignment of Claim Payment

It is a condition of enrollment in the plan that each Enrollee agrees that he or she, his or her guardian, his or her Survivor, and his or her estate will execute and deliver an assignment of claim payment form, and any other necessary forms prescribed by the Administrator, to the Administrator upon request, and shall render all necessary assistance, other than pecuniary, to enable the plan to secure the rights provided by this part.

Article 11 - Administration

11.01 Responsibilities of the Board

The Board has fiduciary responsibility with respect to the collection and remittance of employer and Employee/Retiree/Survivor premiums. The Board serves as a fiscal and administrative agent of the CNMI government with respect to the GHLIP. The Board will administer and manage the program in accordance with the plan document and these regulations.

11.02 Administrators Authority

The Administrator has the authority to make decisions, as necessary for the optimal functioning of the program, within the authority granted him by the Board in these regulations. The Administrator is responsible for the daily functions of the program including, but not limited to, receiving and depositing premiums, remitting premiums as required, and facilitating the enrollment of Subscribers and changes to enrollment categories requested by Subscribers.

- (a) Subject to the review and oversight of the Board, the Administrator shall have all discretionary powers necessary to administer the program and control its operation in accordance with the terms of the plan document, these regulations and applicable law, including but not limited to the power to
 - (1) Obtain insurance through the RFP process;
 - (2) Negotiate the insurance policy for the program;
 - (3) Set the administrative fee which shall be added to the premium charged, to cover administrative expenses of the GHLIP;
 - (3) Interpret the provisions of this plan document;
 - (4) To determine any question relating to the administration or operation of the program;
 - (3) Make and enforce decisions regarding who is eligible for benefits and when they may enroll or change their enrollment;
- (b) All decisions of the Administrator, any actions taken or omitted by the Administrator in respect of the program and within the powers granted by the Act or under this plan document, and any interpretation of this plan document by the Administrator shall be conclusive and binding on all persons other than the Board, and shall be given the maximum possible consideration allowed by law.

11-03 Maintenance of Program Records

The Administrator will create and maintain, or facilitate the creation and maintenance by another party, the program records necessary to implementation of the program.

11-04 Contracts for Insurance and Administration Authorized

The Board, acting through the Administrator, has the authority to contract with private insurance carriers and/or administrators to insure and/or administer the program.

11-05 GHLI Trust Fund

- (a) The GHLI trust fund was established for holding premiums, administrative service charges and any investment earnings thereon.
- (b) Moneys in the GHLI trust fund are to be expended for the payment of insurance premiums, reasonable costs of administration, and other allowable expenses related to the program.
- (c) The Administrator shall maintain the GHLI trust fund at any recognized financial institution whose deposits are insured by an agency of the U.S. federal government. However, the full amount of money held in the GHLI trust fund need not be so insured.
- (d) The Administrator, under the direction of the Board, shall have sole and exclusive expenditure authority over the GHLI trust fund.
- (e) The Administrator shall establish an accounting system for the GHLI trust fund in accordance with generally accepted governmental accounting standards and issue accounting reports to the Board as required but at least semiannually.
- (f) The Administrator shall report to the CNMI Legislature and Governor on the financial status of the GHLI trust fund within sixty days after the end of each fiscal year.

Article 12 - Termination

12.01 When Termination Occurs

Enrollment in the program will terminate upon the Plan's notification that:

- (a) For an Enrollee if he/she no longer meets the definition of Enrollee;
- (b) For an Enrollee if such individual files false documents to establish eligibility;
- (c) For an Enrollee if the Enrollee dies;
- (d) For all Enrollees if the government terminates the program;
- (e) For a Subscriber if the Subscriber terminates his or her enrollment;
- (f) For a Dependent if the Subscriber's enrollment terminates;
- (g) For a Dependent if the Subscriber terminates the enrollment of the Dependent;
- (h) For a Survivor and all Dependents of the former Subscriber if the Survivor remarries;
- (i) For an Employee, 30 days after the Employee ceases to be Employed by the government, provided the entire premium for coverage after the end of employment is paid, otherwise upon termination of employment, unless the former Employee qualifies as a Retiree or Dependent of another.
- (j) For a Spouse on the first day of the month following termination of the marriage, other than through death of the Subscriber;
- (k) For a Domestic Partner on the first day of the month following termination of the Domestic Partnership, other than through death of the Subscriber;
- (l) For a Child if he/she no longer meets the definition of Child;
- (m) For a Child if he/she no longer meets the definition of Eligible Child;
- (n) For a Dependent if he/she no longer meets the definition of Dependent.

12.02 Effective Date of Termination

Except as specified provided elsewhere, all terminations of enrollment will be effective as of the first day of the pay period or semi-monthly annuity payment period following the event causing the termination.

12.03 Termination of Subscriber Terminates Dependents; Re-enrollment

If a Subscriber's enrollment terminates, coverage for all of such Subscriber's enrolled Dependents also terminates as of the Subscriber's date of termination, except as specifically provided for Survivors elsewhere in these regulations.

A Subscriber whose enrollment has terminated will not be eligible to re-enroll until an Open Season is declared or unless the Subscriber otherwise becomes eligible. Notwithstanding the previous sentence, if the Subscriber's enrollment terminates because of non-payment or untimely payment of Subscriber contributions while the Subscriber is on leave without pay pursuant to the Family and Medical Leave Act of 1993, or if the Subscriber qualifies under the Uniformed Services Employment and Reemployment Rights Act of 1993, the provisions of those acts will govern.

12.04 Notification to Administrator of Loss of Dependent Status

If an enrolled Dependent no longer meets the definition of Dependent, the Subscriber must ensure that the Administrator is notified within 30 days of the date the change occurred. If the Administrator is not so notified, payment of benefits for such Dependent will be denied retroactively to the date the change occurred, even though premiums were paid, and premiums will not be refunded. Also, any claim filed on behalf of such Dependent after the date the Dependent no longer met the definition of Dependent, may be considered a false claim.

12.05 CNMI Legislature; Power to Abolish or Amend Program Law

The CNMI Legislature has the power to abolish the program or to amend the law creating and governing the program at any time.

Article 13 - Reconsideration and Appeals

13.01 Request for Reconsideration of Denial

If an application for enrollment, enrollment change or continued enrollment is denied in whole or in part for reasons other than for failing to meet a stated time deadline, or if adverse action is otherwise taken against a Subscriber, the Subscriber or the Subscriber's representative may submit a written request for reconsideration to the Administrator within thirty days after the notice of denial is issued or other adverse action is taken. The Subscriber or Subscriber's representative must state the reason he or she believes the denial was inappropriate and may submit any supporting data. A Subscriber has the right to be represented by an attorney of his or her choosing, but shall bear the cost of the representation, or they may choose to represent themselves.

13.02 Informal Conference

The Administrator will discuss the request for reconsideration with the Subscriber or Subscriber's representative at an informal conference either by telephone or in person. Such informal conference will be held within thirty days following the Administrator's receipt of the written request for reconsideration if at all possible. The Administrator shall require the written consent of the Subscriber or the Subscriber's adult Dependents before discussing privileged or confidential medical information with the Subscriber's representative or any other non-privileged third party.

13.03 Administrators Decision on Reconsideration

The Administrators decision on reconsideration shall be in writing and sent to the Subscriber or Subscriber's representative, within thirty days of the informal conference. The Administrator shall state the specific reasons for his or her decision and refer to the provisions in the Act, the plan document or other rules or regulations on which the decision is based.

13.04 Appeal of Administrators Decision to Board

A Subscriber may appeal the Administrator's decision on reconsideration to the Board within thirty days of the Administrator's decision on reconsideration, pursuant to the Administrative Procedure Act [1 CMC §§ 9101, et seq.]

and other applicable law, rules and regulations. Such appeal must be in writing and sent to the Chairman, Board of Trustees, NMI Retirement Fund, P.O. Box 501247, Saipan, MP 96950-1247. The Subscriber shall also serve a copy of the appeal on the Administrator within the same time period.

13.05 Appeal Hearing

Upon receipt of a notice of appeal, the Board may appoint a hearing officer to hold a hearing on the record or, in an appropriate case, the Board may itself conduct a hearing on the record. The hearing shall be conducted according to the procedures set forth in the Administrative Procedure Act [1 CMC §§§ 9101, et seq.].

13.06 Appeal to Commonwealth Superior Court

Any further appeal or review of the Board's decision shall be made to the Commonwealth Superior Court in accordance with 1 CMC §§ 9112(b) and 9113. If the court finds in favor of the plan, the Subscriber shall be liable for attorney's fees and other costs incurred by the plan in its defense. If the court finds in favor of the Subscriber, the plan shall pay its own attorney's fees and other costs and those of the Subscriber.

Article 14 - Governing Laws

14.01 Program Administered in Accordance with CNMI and Certain Federal Laws

Notwithstanding any other provision of the plan document in this subchapter, the program will be administered in accordance with applicable CNMI and U.S. federal government laws, except in cases in which the CNMI has the authority to, and has chosen to, opt-out of such federal laws. Federal laws for which the CNMI may have opted-out include the Public Health Service Act, the Health Insurance Portability and Accountability Act of 1996, the Mental Health Parity Act of 1996, the Family and Medical Leave Act of 1993, the Uniformed Services Employment and Re-employment Rights Act of 1993, the Americans with Disabilities Act of 1990, and the Pregnancy Discrimination Act of 1979.

14.02 Conflict Between Plan and Law

In case of conflict between the plan document or regulations and any CNMI or applicable U.S. federal law, the law will govern.

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
HEALTH CARE PROFESSIONS LICENSING BOARD**

In the Matter of Tinian Health Center
(Amendment of Practice Agreement for
Remote Supervision

Case No. 2010-04

**EIGHTH AMENDMENT TO THE BOARD EMERGENCY ORDER #01
APPROVING PRACTICE AGREEMENT AMENDMENT
FOR REMOTE SUPERVISION**

Summary of Amendments

This amendment to this Order is entered today, December 1, 2011 pursuant to the Board's decision on November 16, 2011, to extend this Order and the Practice Agreement required by this Order, another 90 days effective November 21, 2011. It also immediately authorizes physician assistant Juan B. Pangelinan and any other CNMI licensed physician assistant ("PA"), during the period this Order is in effect, to work at the Tinian Health Center ("THC"), under the supervision of THC's physician, Dr. Stephan Lebamoff and any other CNMI licensed physician approved by the Board to supervise the physician assistant(s), located at a site other than the same Tinian Health Center when Dr. Lebamoff is off duty or off-island. This Order is valid through the end of the day of February 19, 2012.

Discussion

The "Health Care Professions Licensing Act of 2007" ("the Health Care Act" or "the Act"), 3 CMC §§ 2201 - 36, P.L. 15-105, requires that a physician assistant ("PA") be licensed by the Health Care Professions Licensing Board ("the Board") and that his/her conduct conform to certain statutory and regulatory standards and specific dictates.

The pre-existing regulations of the predecessor Medical Professions Licensing Board continue in effect, except as amended by the Board:

(e) Except as otherwise provided herein, the regulations, guidelines, standards, and procedures related to the regulation of the functions and operation of a regulated health care professional and/or profession that are in force when this Act becomes effective, shall continue to apply until amended or repealed by the Board.

3 CMC §§ 2235(e). The Board has amended its regulations in part. 140 NMIAC 50-3 Commonwealth Health Care Professions Licensing Board Regulations. 30 Com Reg. 03, p28388 - 28426. It has not yet amended its PA regulations so the pre-existing regulations apply.

The Board's authority proceeds from the Act and the Administrative Procedure Act. The Act established the Board with complete jurisdiction, power and authority to regulate the health care professions. 3 CMC § 2204(a). The Board's powers include:

- To adopt rules and regulations to enforce the Act. 3 CMC § 2206(b);
- To issue, deny and condition licenses. 3 CMC § 2206 (c);
- To conduct disciplinary hearings to suspend or revoke licenses, 3 CMC § 2206 (h);
- To suspend or revoke a license. 3 CMC § 2206(k);
- To act summarily in the face of the likelihood of harm to:
 - i. the public health, safety or welfare;
 - ii. to the patients of a health care professional who is regulated by this Chapter. 3 CMC § 2206(n).

A PA practicing with a license issued prior to the new Act and its new regulations continues as a licensee until the Board suspends or revokes that license:

For the transition period between the application of the old Medical Practice Act and the new Health Care Professions Licensing Act, specifically until new applicable Regulations are promulgated, each practicing member of each profession over which the Board has jurisdiction shall be deemed practicing with a license until regulations are promulgated for the respective profession and an indicated re-licensing application period has ended, or until the Board acts to suspend, modify, revoke or otherwise affect a license, whichever comes first.

140 NMIAC § 50.3-101-002.

At all times a PA shall have in place a "practice agreement" with a supervising physician. 140 NMIAC § 50.1-1220, 1230(d). Such agreement ordinarily provides the scope of a PA's activities and ensures that the physician will be available for consultation, and will review and co-sign patient records. It also provides that the physician co-signs for prescription of medication and other treatments, except that the PA may not prescribe DEA-controlled substances. 140 NMIAC § 50.1-1235.

The Administrative Procedure Act provides for license hearings, when a notice of a hearing is required, and defers to an agency's specific organic act. 1 CMC §§ 9108 – 10. This Order addresses an emergency situation coming under the specific "immediate and grave danger to the public" provision of the HCPLA, 3 CMC § 2206(n).

Facts

Dr. Priyantha Wijayagunaratne, the only physician at THC, has submitted his resignation effective December 1, 2010. However, beginning on Friday, November 12, 2010, Dr. Wijayagunaratne will be on sick leave until December 1, 2010. Accordingly, as of Monday, November 15, 2010, THC is without a physician.

THC requested the Board consider an Emergency Order to exempt THC's Mid-Level Provider, PA Juan B. Pangelinan, PA William R. Weiss and any other CNMI licensed physician assistant ("PA"), during the period this Order is in effect, to provide health care at THC through remote supervision. CHC, through Mr. John Tagabuel and Secretary Joseph K. Villagomez, has agreed to provide physician supervision to the physician assistants at THC. Supervision will be provided by the CHC's Emergency Room physician, Dr. Greg Kotheimer and any other CNMI licensed physician approved by the Board to supervise the physician assistant(s), located at a site other than the same Tinian Health Center when Dr. Lebamoff is off duty or off-island.

Board Findings and Conclusions

The Board finds that it would be unfair to the people of Tinian to restrict physician assistants from practicing at THC merely because the Center's physician is off duty or off-island. This Order provides authority for remote supervision from Saipan. We will not continue the authority provided in this Order indefinitely but we will continue it for a time.

Ruling and Ordering Paragraphs

The Board having been fully advised in the premises of this matter, for the above-stated reasons, hereby Orders that:

1. Physician assistant Juan B. Pangelinan and any other CNMI licensed physician assistant during the period this Order is in effect, may work at the Tinian Health Center ("THC"), under the supervision of a CNMI licensed physician located at a site other than the same Tinian Health Center when Dr. Stephen Lebamoff is off duty or off-island.

2. Supervision: Dr. Greg Kotheimer, other ER physicians at CHC and any other CNMI licensed physician included in the valid Practice Agreement, which shall be approved by the Board, as supervising physicians.
3. The last Practice Agreement signed by Dr. Stephan Lebamoff, Dr. Kotheimer and PA Pangelinan is extended for 90 days effective November 21, 2011 until the end of the day of February 19, 2012.
4. The agreement shall include:
 - a. The supervising physician(s) will provide adequate means for direct communication between themselves and the PA. The direct communication may occur through the use of technology, which may include but is not limited to, two-way radio, telephone, fax machine, modem, or other telecommunication device.
 - b. Daily emails shall be exchanged between the PA and the supervising physician for permitted prescriptions.
 - c. The database of patients on chronic or long-term scheduled medications shall be maintained and updated by the PA. The supervising physician to ensure adherence to the standard of care shall review it monthly.
 - d. Chart notes and prescriptions will be sent to the supervising physician for review and signature, as provided below.
 - e. The supervising physician shall closely monitor chronic pain contracts for adherence.
5. The physician assistants are authorized to prescribe:
 - a. Schedule III-V medications as follows:
 1. The PA is authorized to prescribe Schedule III through V medications as needed but shall be limited to prescribing, administering, and/or dispensing no more than 21-day supply. For refills, the supervising physician must co-sign the prescription and clearly write his DEA number on the prescription form. The supervising physician(s) shall review and sign chart notes within 21 days.
 2. All prescriptions for Schedule III-V medications written by the PA must be documented in the patient's chart and must include the name of the drug, dose, and route of administration, frequency, duration, quantity prescribed and name of supervising physician he consulted.
 - b. Schedule II medications as follows:
 1. In extreme emergency cases (myocardial infarction, motor vehicle trauma, certain fractures, pancreatitis, urethral and ureteral stones) Schedule II medications may be administered immediately, followed by a phone call to the supervising physician as soon as the patient is stable. In all other emergencies, Schedule II medications may not be prescribed, administered, or ordered without a verbal order from the ER physician on duty at CHC. The PA must first discuss the case with the ER physician. If the physician makes a verbal order for a Schedule II medication it must be appropriately documented in the patient's chart (as described in "B" above).

2. All such prescriptions and chart notes must be presented to the supervising physician(s) within seven (7) days for co-signature. The PA shall be limited to prescribing no more than a 7-day supply and there will be no refills.

c. All prescriptions will indicate the quantity of the medication being prescribed both numerically and alphabetically (e.g., "10" and "ten").

5. THC is to provide the Board a monthly report of the following:
- a. The dates when Dr. Lebamoff is off-duty and/or off-island;
 - b. Name(s) of the supervising physician(s) at the CHC ER when Dr. Lebamoff is off-duty and/or off-island;
 - c. Name(s) and date(s) of physician, other than Dr. Lebamoff, practicing at THC when Dr. Lebamoff is off-duty and/or off-island;
 - d. Name(s) and date(s) of supervising physician reviewing chart notes and prescriptions for signature;

7. This Order is valid through the end of the day of February 19, 2012.

8. The Board shall review this matter at its next board meeting. THC management is invited to appear at that meeting or via conference call and update the Board on its efforts at recruiting a supervising physician.

9. A copy of this Order shall be placed in a public area of the Tinian Health Center. The Executive Director, or her designee, is directed to do the following in person or by electronic means:

- a. Serve this Order on the physician assistants;
- b. Serve this Order to Dr. Stephen Lebamoff;
- b. Serve this Order on the director of the Tinian Health Center;
- c. Serve this Order on the CEO of the HealthCare Corporation;
- d. Serve this Order on the supervising physicians at CHC's ER;
- e. Have this Order published in the next Commonwealth Register; and
- f. Place this matter on the Board's agenda for ratification at its next board meeting.

A party seeking to appeal this Order is directed to 1 CMC § 9112 (b), which provides for judicial review of final orders within 30 days in the Commonwealth Superior Court. The Board believes that this is a final Order.



Janet McCullough, Ph.D.
Chairperson

Dated: December 1, 2011

/s/ Ken Pierson, DDS, Vice-Chairman
/s/ Leticia Borja, MD, Board Member
/s/ Ahmad Al-Alou, MD, Board Member
/s/ Pam Carhill, MPT Board Member

Health Care Professions Licensing Board
Bldg #1242, Pohnpei Ct.
Capitol Hill, Saipan, MP 96950
Tel: (670) 664-4809
Fax: (670) 664-4814
Email: bpl@pticom.com



COMMONWEALTH PORTS AUTHORITY

Main Office: FRANCISCO C. ADA/SAIPAN INTERNATIONAL AIRPORT

P.O. BOX 501055, SAIPAN, MP 96950-1055

Phone: (670) 237-6500/1 • Fax: (670) 234-5962

E-mail Address: cpa.admin@pticom.com

Website: www.cpa.gov.mp

PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF THE PROCUREMENT RULES AND REGULATIONS of The Commonwealth Ports Authority

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS PROPOSED REGULATIONS

Volume 33, Number 09, pp 31931 to 31970, of September 26, 2011

Procurement Rules and Regulations of the Commonwealth Ports Authority

ACTION TO ADOPT PROPOSED REGULATIONS: The Commonwealth Ports Authority HEREBY ADOPTS AS PERMANENT regulations of the proposed Regulations which were published in the Commonwealth Register at the above referenced pages, pursuant to the procedures of the Administrative Procedure Act (APA), 1 CMC § 9104(a). The Board announced that it intended to adopt them as permanent, and now does so.

The Interim Assignment as published, such adopted regulations are a true, complete and correct copy of the referenced Proposed Regulations and that they are being adopted without modification or amendment.

PRIOR PUBLICATION: The prior publication was as stated above. The Board adopted the regulations as final at its Regular Board meeting of August 12, 2011.

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY: "None."

AUTHORITY: The authority for the promulgation of regulations for the Commonwealth Ports Authority is set forth in 2 CMC § 2122(j) as an autonomous agency for the Commonwealth of the Northern Mariana Islands. 2 CMC § 2111(b)

EFFECTIVE DATE: Pursuant to the APA, 1 CMC § 9105(b), these adopted regulations are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which, in this instance, is 10 days after publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA, 1 CMC § 9104 (a)(2), the Board states that it received no written or oral submissions with respect to the proposed regulations, and therefore adopts the regulations as permanent without change.

ATTORNEY GENERAL APPROVAL for modification regulations: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC § 2153(e) (reviewed and approved, as to form and legal sufficiency) and are hereby being adopted without change or modification.

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on ____ day of _____, 2011, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:



JOSE R. LIFOIFOI
Chairman, Board of Directors
Commonwealth Ports Authority

Filed and Recorded by:



ESTHER M. SAN NICOLAS
Commonwealth Register

12-27-2011
Date



Commonwealth of the Northern Mariana Islands
Department of Community and Cultural Affairs

Melvin L.O. Faisao Secretary
Caller Box 10007 Bldg. No. 1347 Ascension Ct.
Capitol Hill, Saipan, MP 96950
Tel: 664.2575

**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION
OF REGULATIONS OF
The Department of Community and Cultural Affairs**

**PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED REGULATIONS
Volume 33, Number 10, pp 031993 to 032074, of October 26, 2011**

Regulations of the Department of Community and Cultural Affairs: Child Care and Development Fund Rules and Regulations

ACTION TO ADOPT PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, Department of Community and Cultural Affairs ("DCCA"), HEREBY ADOPTS AS PERMANENT regulations the Proposed Regulations which were published in the Commonwealth Register at the above referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The DCCA announced that it intended to adopt them as permanent, and now does so. (Id.) A true copy is attached. I also certify by signature below that

as published, such adopted regulations are a true, complete and correct copy of the referenced Proposed Regulations,

and that they are being adopted without modification or amendment

PRIOR PUBLICATION: The prior publication was as stated above

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY: NONE

I further request and direct that this Notice be published in the Commonwealth Register.

AUTHORITY: The DCCA is required by the Legislature to adopt rules and regulations regarding those matters over which DCCA has jurisdiction, including its regulation of the Child Care and Development Fund

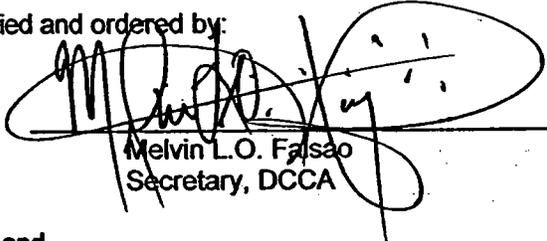
EFFECTIVE DATE: Pursuant to the APA, 1 CMC sec. 9105(b), these adopted regulations are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which, in this instance, is 10 days after this publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA, 1 CMC sec. 9104(a)(2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency's concise statement, if there are any, in response to filed comments.

The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC sec. 2153(e)

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 13th of December, 2011, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:


Melvin L.O. Fajardo
Secretary, DCCA

12/13/2011
Date

Filed and
Recorded by:


ESTHER M. SAN NICOLAS
Commonwealth Register

12-27-2011
Date

0 Form Notice of Final Adoption of Regs.wpd



Commonwealth Healthcare Corporation
Commonwealth of the Northern Mariana Islands
1 Lower Navy Hill Road Navy Hill, Saipan, MP 96950



**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION
OF REGULATIONS OF
The Commonwealth Healthcare Corporation**

**PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED REGULATIONS
Volume 33, Number 10, October 26, 2011, Page 031985**

**Regulations of the Commonwealth Healthcare Corporation: Proposed
Procedures to the Schedule of Fees of the Community Guidance Center:**

ACTION TO ADOPT PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, Commonwealth Healthcare Corporation ("CHC"), HEREBY ADOPTS AS PERMANENT regulations the Proposed Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The CHC announced that it intended to adopt them as permanent, and now does so. (Id.)

PRIOR PUBLICATION: The prior publication was as stated above

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY: None

AUTHORITY: The CHC, under 1 CMC subsection 2603 and 2605, is empowered to maintain and improve the health conditions and is authorized to adopt rules and regulations regarding those matters over which it has jurisdiction.

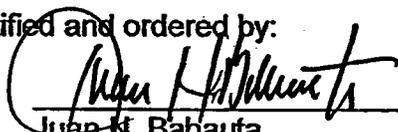
EFFECTIVE DATE: Pursuant to the APA, 1 CMC sec. 9105(b), these adopted regulations are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which, in this instance, is 10 days after this publication in the Commonwealth Register.

P.O. Box 500409 CK, Saipan, MP 96950
Telephone: (670) 236-8201/2 FAX: (670) 236-8756

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA, 1 CMC sec. 9104(a)(2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency's concise statement, if there are any, in response to filed comments.

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 28th day of November, 2011 at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:



Juan M. Babauta
Chief Executive Officer
Commonwealth Healthcare Corporation

11/28/11
Date

Filed and
Recorded by:



ESTHER M. SAN NICOLAS
Commonwealth Register

12.14.2011
Date



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

STATE BOARD OF EDUCATION
PUBLIC SCHOOL SYSTEM
P.O. BOX 501370
SAIPAN, MP 96950



MaryLou S. Ada
Chairperson

D. Tanya King
Vice-Chairperson

Galvin S. Delcon Guerrero
Secretary/Treasurer

Members
Herman T. Guerrero
Lucia L. Blanco-Maratita

Non Public School Rep.

Student Representative
Mary M. Hocog

Teacher Representative

Commissioner of Education
Rita A. Sablan, Ed.D.
coe.ras@cnmipss.org

PUBLIC NOTICE OF PROPOSED REPEAL OF A REGULATION REGARDING CHAPTER 60-30.3-690 PUBLIC SCHOOL SYSTEM RULES AND REGULATIONS

PROPOSED RULES AND REGULATIONS: The Commonwealth of the Northern Mariana Islands Public School System ("PSS") finds that:

INTENDED ACTION TO REPEAL A REGULATION: The Commonwealth of the Northern Mariana Islands Public School System intends to Repeal the attached Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Repeal of the Regulation would become effective 10 days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b))

AUTHORITY: The proposed amendments to PSS regulations are promulgated pursuant to the Board's authority as provided by Article XV of the CNMI Constitution, Public Law 6-10 and the CNMI Administrative Procedures Act.

THE TERMS AND SUBSTANCE: The proposed action is set forth to repeal the regulation and procedural guidelines for Extended Day Credit (EDC).

THE SUBJECTS AND ISSUES INVOLVED: Regulation 60-30.3-690 Extended Day Credit (EDC) is hereby proposed to be repealed.

DIRECTIONS FOR FILING AND PUBLICATION: The Proposed Repeal of this Regulation 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: All interest persons may examine the proposed action to repeal and submit written comments, positions, or statements for or against the proposed action to Repeal to the Chairperson, State Board of Education, P.O. Box 501370 CK, Saipan, MP 96950, call 670-237-3027 or fax 670-664-3711 within thirty

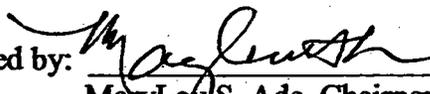
State Board of Education
Telephone: (670) 237-3027
Fax: (670) 664-3711

"Students First"
www.cnmipss.org

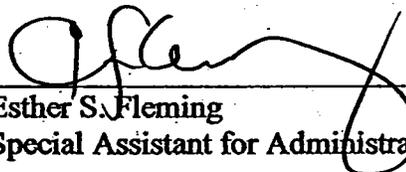
Commissioner of Education
Telephone: (670) 237-3001/3061/3075
Fax: (670) 664-3798

(30) calendar days following the date of the publication in the Commonwealth Register of these amendments. (1 CMC § 9104(a) (2))

This regulation was approved for repeal at the State Board of Education Special Meeting on Saipan on August 25, 2011.

Submitted by: 
MaryLou S. Ada, Chairperson
State Board of Education

Oct 27 2011
Date

Received by: 
Esther S. Fleming
Special Assistant for Administration

12/27/11
Date

Filed and
Recorded by: 
Esther M. San Nicolas
Commonwealth Register

12-27-2011
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 regulation for repeal has been attached hereto has 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 this _____ day of October, 2011.

 12-23-11
EDWARD BUCKINGHAM
Attorney General

60-30.3-690 Extended Day Credit

If a non-certified, FLSA exempt employee works over forty hours in a week, records of those excess hours are to be maintained and added to the employees extended day credits. The employee accrues extended day credits on a one to one basis. For instance, if an employee works fifty hours in a week, ten hours will be recorded for their extended day credits. The maximum number of extended day credits that may be accrued by any employee is 120 hours.

Any amounts accrued over 120 hours are lost. Extended day credits may be taken by the employee in lieu of their taking annual leave or sick leave. The employees direct supervisor must approve the use of any such credits and may deny the use of such credits with our without cause. Extended day credits have no cash value at any time, including upon an employees separation from employment with the PSS. Employees have not right to use these credits and the Commissioner may discontinue this program at any time without reason, warning or compensation to the employee. The PSS has no legal responsibility to create the extended day credit program, but instead believes that it is an appropriate way to allow our extremely hardworking FLSA exempt, non-certified employees to take an occasional, much needed rest.

Modified, 1 CMC 3806(f), (g).

History: Amdts Adopted 20 Com. Reg. 15965 (June 15, 1998); Amdts Proposed 19 Com. Reg. 15423 (Aug. 15, 1997).

Commission Comment: The Commission corrected the spelling of exempt.

COMMONWEALTH GI SANGKATTAN NA ISLAS MARIANAS SIHA

**STATE BOARD OF EDUCATION
SISTEMAN ESKUELAN PUPBLIKU
P. O. BOX 501370
SAIPAN, MP 96950**

**NUTISIAN PUPBLIKU PUT I MAPROPONI NI MATA'LUN UMAPELA NA REGULASION SIGUN I
KAPITULU 60-30.3-690 NA AREKLAMENTU YAN REGULASION SIHA GI SISTEMAN ESKUELAN
PUPBLIKU**

MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA: I Commonwealth gi Sangkattan na Islas Marianas Sistemán Eskuelan Pupblíku ("PSS") ha sodda' na:

I AKSION NI MA'INTENSIONA PARA U MA'ADAPTA ESTI I MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA: I Commonwealth gi Sangkattan na Islas Marianas Siha Sistemán Eskuelan Pupblíku ("PSS") ha intensiona para u Ta'un Umapela ni mañechettun na regulasion siha sigun gi manera siha gi Áktun Administrative Procedure, 1 CMC § 9104(a). I Ta'lun Ma'apela gi Regulasion para u ifektibu gi dies(10) dihas dispues di adaptación yan publikasion gi halum i Rehistran Commonwealth. (1 CMC § 9105(b))

ATURIDÁT: I manmaproponi na amendasion siha para i PSS regulasion manmacho'gui sigun gi áturidát i Kuetpu kumu mapribeniya ginin i Attikulu XV gi Konstitusion CNMI, Lai Pupblíku 6-10 yan i Áktun i CNMI Administrative Procedures.

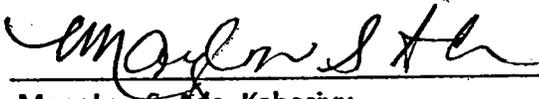
I TEMA YAN SUSTANSIAN I PALÁBRA SIHA: I maproponi na aksion mapega mo'na para u mata'lun ma'apela i regulasion yan i procedural guidelines para i Extended Day Credit (EDC).

SUHETU NI MASUMÁRIA YAN ASUNTU NI TINEKKA: I Regulasion 60-30.3-690 Extended Day Credit (EDC) gaigi guini i maproponi ni para u ta'lun ma'apela.

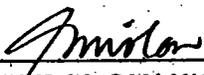
DIREKSION PARA U MAPO'LU YAN PUPBLIKASION: Esti i Maproponi na Mata'lun Ma'apela na Regulasion debi na u mapupblika gi halum i Rehistran Commonwealth gi halum i seksiona ni maproponi yan nuebu na ma'adapta na regulasion siha (1 CMC § 9102 (a) (1) yan mapega gi halum i kumbenienti na lugát siha gi halum civic center yan ufisinan gubietnamentu gi kada distritun senadot, parehu English yan i dos na linguáhin natibu. (1 CMC § 9104 (a) (1))

PARA U MAPRIBENIYA UPIÑON SIHA: Todu maninterisáo na petsona siha siña ma'eksamina i maproponi i aksion para u mata'lun ma'apela yan u mana'hálum i tinigi' infotmasion, pusision, pat sinangan siha para pat kinentran i manmaproponi na aksion para i Inapela guatu gi Kabiseyu, State Board of Education, P.O. Box 501370 CK, Saipan, MP 96950, ágang i 670-237-3027 pat fax guatu gi 670-664-3711 gi halum i trenta(30) dihas ni tinattitiya ni fetchan publikasion gi halum i Rehistran Commonwealth gi esti na amendasion siha. (1 CMC § 9104(a) (2))

Esti na regulasion ma'apueba para u mata'lun ma'apela gi State Board of Education gi Ispisiât na Hunta giya Saipan gi Agostu 25, 2011.

Nina'hålum as:  11/29/11
Mary Lou S. Ada, Kabesiyu
State Board of Education
Fetcha

Rinisibi as:  12/27/11
ESTHER S. FLEMING
Ispisiât Na Ayudânti Para I Administrasion
Fetcha

Pine'lu yan
Ninota as:  12-27-2011
ESTHER M. SAN NICOLAS
Rehistran Commonwealth
Fetcha

Sigun i 1 CMC § 2153(e) (Inapueban Abugâdu Henerât i regulasion siha ni para u macho'gui kumu fotma) yan 1 CMC § 9104(a) (3) (hentan inapueban Abugâdu Henerât) i regulasion para i mata'lun ma'apela ni chechettun guini ni maribisa yan ma'apueba kumu para fotma yan sufisienti ligât ginin i CNMI Abugâdu Henerât yan debi na u mapupblika, 1 CMC § 2153(f) (pupublikasion i areklamentu yan regulasion siha).

Mafetcha guini gi diha _____, di Oktubri, 2011

 12-23-11
EDWARD T. BUCKINGHAM
Abugâdu Henerât

60-30.3-690 Extended Day Credit

Yanggin i non-certified, FLSA exempt employee yanggin macho'chu' mäs ki kuarenta(40) oras gi simaña, i rekot atyu siha i inipus na ora para u ma-maintained yan u mana'dañña' guatu gi employees extended day credits. I emple'áo ha accrues extended day credits gi unu asta unu na manera. Put ihemplu, yanggin i emple'áo macho'chu' singkuenta(50) oras gi simaña, i dies oras marikot debi na u marikot gi iyon-ñiha extended day credits. I maximum number gi extended day credits siña ma-accrued ni maseha háyi na emple'áo i sientu benti (120) ora siha.

Maseha háfa na kantidã ma-accrued mäs ki sientu benti(120) oras manmalingu. I Extended day credits siña machuli' ni emple'áo kuantan machuchuli' i iyun-ñiha annual leave pat sick leave. I employees direct supervisor debi na u ma'aprueba i ma'usan háfa na credits yan siña mapuni i ma'usan i credits ni pat sin háfa na kãosa. I Extended day credits tai cash value gi maseha ngai'an na tiempu, sãsãonão sigun i emple'áo siha ni manseparão ginin i iyun-ñiha employment yan i PSS. Todu emple'áo mantai dretchu para u ma'usa esti siha na credits yan i Kumisina siña ha diskuntinuha esti na prugrãma gi maseha ngai'an na tiempu sin rason, abisu pat compensation para i emple'áo. I PSS tai responsãplidãt ligãt para u fa'tinas i extended day credit na prugrãma, lão inlugãt ha honggi na propriu na manera na para u sedi i iyun-ñiha extremely hardworking FLSA exempt, non-certified employees na u guaha na machuli', palu diskãnsu.

Modified, 1 CMC 3806(f), (g).

Historia: Amdts ni Ma'adãpta 20 Com. Reg. 15965 gi (Huniu 15, 1998); Amdts Maproponi 19 Com. Reg. 15423 gi (Agostu 15, 1997).

Commissioner Comment: I Kumisina ha kurihi i madilitrihãña gi exempt.

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

STATE BOARD OF EDUCATION
PUBLIC SCHOOL SYSTEM
P.O. BOX 501370
SAIPAN, MP 96950

ARONGORONGOL TOULAP REL POMWOL REBWE AMWÓI EEW ATIWLIGH MEREL CHAPTER 60-30.3-690 REL ALLEGHUL ME ATIWLIGHIL PUBLIC SCHOOL SYSTEM.

POMWOL ALLEGH ME ATIWLIGH: Commonwealth of the Northern Mariana Islands Public School System ("PSS") e schungi bwe:

MÁNGEMÁNGIL MWÓGHUT YEEL EBWE AMWÓI EEW ATIWLIGH: Commonwealth of the Northern Mariana Islands Public School System ebwe amwói atiwlich iye a appasch , sáangi mwóghutughutul Administrative Procedure Act, 1 CMC§ 9104(a). Atiwlich iye rebwe amwói ebwe bwunguló 10 ráll mwiril yaar adaptáali me appascha llong lól Commonwealth Register. (1 CMC § 9105(b)).

BWÁÁNGIL: Pomwol lliwel ngáli atilighil PSS ebwe akkatowow sáangi lemelemil Board merel Article XV rel CMNI Constitution, Public Law 6-10 me CNMI Adminstrative Procedure Act.

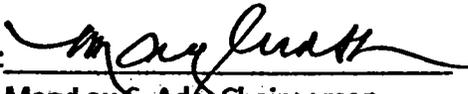
KKAPASAL ME AWEWEEL: Pomwol mwóghutughut yeel ebwe amwói atiwlichil me procedural guidelines rel Extended Day Credit (EDC)

KKAPASAL ME ÓUTOL: Atiwlich 60-30.3-690 Extended Day Credit (EDC) rebwe amwói.

AFAL REEL AMWELIL ME ARONGOWOWUL: Pomwol atiwlich kkaal ebwe appasch llong lól Commonwealth Register llól section we e ira proposed me newly adopted regulations. (1 CMC § 9102(a)(1) me ebwe bwal appasch fetal llól bwuley kka elo civic center me bwal llól bwulasyoo kka llól senatorial district reel kkasal English, Remeraalis me Refaluwasch. (1 CMC § 9104(a)(1)).

ATOTOOLONGOL MWALIILI: Schóó kka remuschel rebwe areghi li proposed action to repeal yeel me isisilongol mángemáng, position ngare mwaliyer rel ngare re tipiyeeew, me rese tipiyeeew ngáli proposed action to Repeal ngáli Chairperson, State Board of Education, P.O. Box 501370 CK, Saipan, MP 96950, faingi 670-237-3027 ngare fax 670-664-3711 lól (30) calendar days mwiril yaal appaschlong lól Commonwealth Register rel amendments. (1CMC§9104(a)(2))

Atiwlich kkal ra bwunguló bwe rebwe amwói rel State Board of Education Special Meeting wóól Saipan, Agosto 25, 2011

Isáliiyallong: 
MaryLou S. Ada, Chairperson
State Board of Education

11/29/11
Ráil

Aramas ye
E bwughi: 
Esther S. Fleming
Special Assistant for Administration

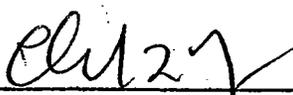
12/27/11
Ráil

File me
Rekoodliiyal: 
Esther M. San Nicolas
Commonwealth Register

12-27-2011
Ráil

Sengi 1 CMC § 2153 (e) Allégh kkaal lleghló sángi AG bwe e fil reel fféerul me
1 CMC § 9104(a)(3)(A mwir sángi AG) Atiwligh iye rebwe amwói a appasch a takkal amwuri
fiischiy, me angúungú ló fféerul me legal sufficiency sángi CNMI Attorney General me ebwele
akkatewoow, (1CMC § 2153(f)(Arongowowul allegh me atiwligh kkaal).

Rááilil iye _____ October , 2011

 12-23-11
EDWARD BUCKINGHAM
Attorney General

60-30.3-690: Extended Day Credit

Ngare non-certified, FLSA exempt employee e angang páár sangi faaigh oras lól eew sumóla, rekkodil ora kka e paar ló rebwe amwuchu me appasch ngeli yaal schóól angaang we extended day credits. Schóól angaange ebwe accrue extended day credits on a one to one basis. Ngere eschay schóól angaang e angaanga limeigh oras lól eew sumóla, seigh oras nge ebwe recorded bwe yaal extended day credits. Laapal ora iye eschaay schóól angaang ebwe angaanga nge 120 hours. Paar lól 120 hours nge ebwe malingu ló. Extended day credits nge emmwal eschaay schóól angaang ebwe yaaya bwe ebwe siweli ngali yaal annual ngere sick leave. Supervisor nge i mille emwel ebwe apperebay me esabw appereba li yaayal credits kkal. Extended day credits nge esóór yaal cash value me ngare igha schóól angaang we a amwel ló me PSS. Esóór yaar bwuung schóól angaang rebwe yaaya credit yeel me Commissioner emwel ebwe ayúúwló progróma yel inamo ilet me inamo igha esóór yal rason, ngare arongorong me óbwós ngáli schóól angaang. Esóór yaal PSS bwung bwe ebwe ayoora mille extended day credit program, nge e lúghuw bwe eew yaalil iye a fisch ngaliir schóól kka reghi angaang tchow FLSA exempt, non-certified bwe rebwe bwughi yaar aséésé

Modified, 1CMC 3806(f), (g)

History: Amdts Adopted 20 Com. Reg. 15965 (June 15, 1998); Amdts Proposed 19 Com. Reg. 15423 (Aug 15, 1997).

Commission Comment: The Commission corrected the spelling of exempt.



DEPARTMENT OF PUBLIC SAFETY

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Jose M. Sablan Building Susupe

Caller Box 10007

Saipan, MP 96950

Telephone: (670) 664-9000 (24 Hours)

Facsimile: (670) 664-9019



PUBLIC NOTICE

PROPOSED AMENDMENT UPDATE EXISTING FIRE CODES, STANDARDS, AND GUIDELINES WITH CURRENT EDITIONS AS PER THE RULES AND REGULATIONS GOVERNING THE ADMINISTRATIVE PROCEDURE OF THE COMMONWEALTH FIRE SAFETY CODE

Citation of Statutory Authority:	Public Law 11-56, Commonwealth Fire Safety Code Act of 1998, Section 7304.
Short Statement of Goals and Objectives:	To update existing fire codes, standards, and guidelines as mandated by Public Law 11-56, Commonwealth Fire Safety Code.
Brief Summary of the Proposed Regulations:	To update existing fire codes, standards, and guidelines with the most current published NFPA and ICC editions; make revisions to Sections 1000-1011 and add Sections 1014-1020 as per the rules and regulations governing the administration, implementation, and enforcement of Public Law 11-56, Commonwealth Fire Safety Code.
Citation of Related and/or Affected Statutes, Rules, and Regulations:	Public Law 11-56, Commonwealth Fire Safety Code; NFPA 1-2012; ICC-IFC (2012) and ICC-IBC (2012).
For Further Information Contact:	Fire Chief Thomas Manglona through his designated representatives: Capt. Julian Tagabuel 664-9003/9004 (Saipan), Lt. Augustine Dosalua at 433-0476 (Tinian), or Lt. Ron Ogo at 532-3736 (Rota).

Dated this 28th day of November 2011.

Submitted By:

Ramon C. Mafnas

Commissioner, Department of Public Safety



DEPARTMENT OF PUBLIC SAFETY

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Jose M. Sablan Building Susupe

Caller Box 10007

Saipan, MP 96950

Telephone: (670) 664-9000 (24 Hours)

Facsimile: (670) 664-9019

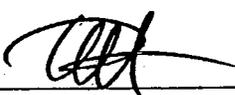


PUBLIC NOTICE

PROPOSED AMENDMENT TO UPDATE EXISTING FIRE CODES, STANDARDS, AND GUIDELINES AS PER RULES AND REGULATIONS GOVERNING THE ADMINISTRATIVE PROCEDURE OF THE COMMONWEALTH FIRE SAFETY CODE

The Department of Public Safety, Fire Division, Fire Prevention and Arson Investigation Unit, hereby proposes to update existing fire codes, standards, and guidelines by adopting current published editions as per the rules and regulations that govern the administration, implementation, and enforcement of the Commonwealth of the Northern Mariana Islands Fire Safety Code, Public Law 11-56, and adopt all sections of the National Fire Protection Association fire codes and standards; and codes, standards, and guidelines published by the International Code Council; make revisions to Sections 1000-1011 and add Sections 1014-1020. The updates to be promulgated are authorized pursuant to Section 7304 of Public Law 11-56, "Commonwealth Fire Safety Code Act of 1998."

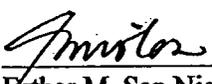
All written comments and/or recommendations regarding the adoption of fire codes, standards, and guidelines with the most current editions published are to be submitted within thirty (30) days after the date of this publication in the Commonwealth Register to the Department of Public Safety, Fire Division, Fire Prevention and Arson Investigation Unit, P.O. Box 500791, Saipan, MP 96950.

Reviewed By: 
Thomas M. Manglona
Fire Chief, DPS-Fire Division

11/28/11
Date

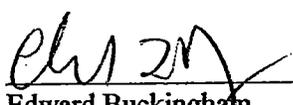
Approved By: 
Ramon C. Mafnas
Commissioner, Department of Public Safety

28 NOV. '11
Date

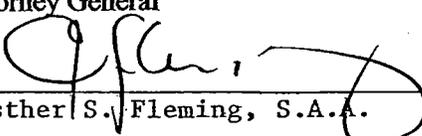
Filed By: 
Esther M. San Nicolas
Commonwealth Registrar

12-27-2011
Date

Pursuant to 1 CMC§2153 as amended by PL 10-50, the updated codes, standards, guidelines, revisions, and additions attached hereto have been reviewed and approved by the CNMI Attorney General's Office.


Edward Buckingham
Attorney General

12-23-11
Date

Received by: 
Esther S. Fleming, S.A.A.

12/27/11
Date

DIPATTAMENTUN SINĀFU' PUPBLIKU
COMMONWEALTH GI SANGKATTAN NA ISLAS MARIANA SIHA

Jose M. Sablan Building Susupe
 Caller Box 10007
 Saipan, MP 96950
 Telifon: (670) 664-9000 (24 Oras)
 Facsimile: (670) 664-9019

NUTISIAN PUPBLIKU

MAPROPONI NA AMENDASION PARA U MA'-UPDATE EXISTING FIRE CODES, STANDARDS, YAN GUIDELINES YAN I PRESENTI NA EDITIONS KUMU KADA AREKLAMENTU YAN REGULASION SIHA NI GINIBEBIETNA I ADIMINSTRATIVE PROCEDURE GI COMMONWEALTH FIRE SAFETY CODE

Sitasion Āturidāt Estatua:	Lain Pupbliku 11-56 Āktun Kodigu gi 1998 Commonwealth Sināfu' Kimason, Seksiona 7304.
Kadada' na Sinangan gi Goals yan Objectives:	Para u ma'-update i presenti na kodigun kimason siha yan guidelines kumu mamānda ginin i Lain Pupbliku 11-56, Commonwealth Kodigun Sināfu' Kimason.
Kadada' na Sumāria gi Manmaproponi na Regulasion Siha:	Para u ma'-update i presenti na kodigun kimason siha, standards, yan guidelines yan itmās presenti ni mapupblika i NFPA yan i ICC editions para i Seksiona 1000-1011 yan mana'danña' i Seksiona siha 1014-1020 kumu kada areklamentu yan regulasion siha ni ginibebietna i atministrasion, implimentasion, yan enforcement gi Lain Pupbliku 11-56, gi Kodigun Commonwealth Sināfu' Kimason.
Sitasion gi Mana'achuli' yan/pat Inafekta i Estatua, Areklamentu, yan Regulasion Siha:	Lain Pupbliku 11-56, Kodigun Commonwealth Sināfu' Kimason; NFPA 1-2112; ICC-IFC (2012) yan ICC-IBC (2012).
Para mās na Imfotmasion Āgang:	Fire Chief as Thomas Manglona maskiseha i madisikna na representānti siha as: Capt. Julian Tagabuel gi 664-9003/9004 (Saipan), Lt. Augustine Dosalua gi 433-0476 (Tinian), pat si Lt. Ron Ogo gi 532-3736 (Luta).

Mafetcha esti gi diha 28 gi Nubembri 2011.

Nina'hālum As: Ramon C. Mafnas
 Ramon C. Mafnas
 Kumisina, Dipattamentun Sināfu' Pupbliku

DIPATTAMENTUN SINĀFU' PUPBLIKU
COMMONWEALTH GI SANGKATTAN NA ISLAS MARIANA SIHA

Jose M. Sablan Building Susupe
Caller Box 10007
Saipan, MP 96950
Tilifon: (670) 664-9000 (24 Oras)
Facsimile: (670) 664-9019

NUTISIAN PUPBLIKU

MAPROPONI NA AMENDASION PARA U MA'-UPDATE EXISTING FIRE CODES, STANDARDS, YAN GUIDELINES KUMU AREKLAMENTU YAN REGULASION SIHA NI GINIBEBIETNA I ADIMINSTRATIVE PROCEDURE GI COMMONWEALTH FIRE SAFETY CODE

I Dipattamentun Sināfu' Pupbliku, Dibision Kimason, Inadahin Kimason yan Arson Investigation Unit, ha proponi guini siha na para u-update existing fire codes, standards, yan guidelines sigun i ma'adāptan i presenti na editions ni mapupblika kumu kada areklamentu yan regulasion siha ni ginibietna i atministrasion, implementasion, yan enforcement Kodigun i Sināfu' Kimason gi Commonwealth gi Sangkattan na Islas Marianas siha, Lain Pupbliku 11-56, yan ha adāpta todū seksiona siha gi National Fire Protection Association fire codes yan standards; yan codes, standards, yan guidelines ni mapupblika ginin i International Code Council; fa'tinas revisions para i Seksiona 1000-1011 yan mana'danña' i Seksiona 1014- 1020. I updates ni para u macho'gui ma'aturisa sigun para i Seksiona 7304 gi Lain Pupbliku 11-56, "Commonwealth Aktun Kodigun Sināfu' Kimason gi 1998."

Todu tinigi' upiñon yan/pat rekomendasion siha i adāptasion i kodigun kumason siha, standards, yan guidelines yan itmās i presenti na editions ni mapupblika mana'fanhállum gi halum i trenta(30) dihas dispues di esti na publikasion gi halum i Rehistran Commonwealth para i Dipattamentun Sināfu' Kimason, Dibision Kimason, Fire Prevention yan Arson Investigation Unit, P.O. Box 500791, Saipan, MP 96950.

Rinibisa As:



Thomas M. Manglona
Fire Chief, DPS-Dibision Kimason

11/28/11

Fetcha

Pine'lu As: 
Esther M. San Nicolas
Rehistran Commonwealth

12-27-2011
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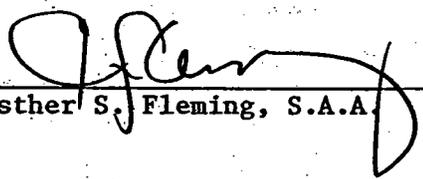
Inapueba As: 
Ramon C. Mafnas
Kumisina, Dipattamentun Sinâfu' Pupbliku

28 NOV. 2011
Fetcha

Sigun i 1 CMC §2153 kumu ma'amenda ni Lain Pupbliku 10-50, i updated codes, standards, guidelines, revisions yan más ni mañechettun guini ni manmaribisa yan ma'apueba ginin i Ufisinan Abugâdu Henerât.


Edward Buckingham
Abugâdu Henerât

12-23-11
Fetcha

Received by: 
Esther S. Fleming, S.A.A.

12/27/11
Fetcha

**DEPARTMENT OF PUBLIC SAFETY
COMMONWEALTH OF THE NORTHERN MARIANAS ISLANDS**

Jose M. Sablan Building Susupe
Caller Box 10007
Saipan, MP 96950
Telephone: (670)664-9000(24 Hours)
Facsimile(670)664-9019

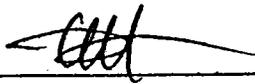
ARONGORONGOL TOULAP

POMWOL AMENDA KKA EBWE UPDATE LI META KKA E LO REL FIRE CODES, STANDARDS, ME GUIDELINES SÁNGI ALLÉGH ME ATIWLIGH KKA A LEMELI ADMINISTRATIVE PROCEDURE REL COMMONWEALTH FIRE SAFETY CODE.

Bwulasiyool Public Safety, Fire Division, Fire Prevention me Arson Investigation Unit, e pomwoli be ebwe update li yaar fire codes, standards, me guidelines kka efasúl rel ebwe adaptáali current published editions sángi allégh me atiwlich kka e lemelem rel administration, implementation, me enforcement rel Commonwealth of the Northern Marianas Islands Fire Safety Code, Public Law 11-56, me adaptáali alongal section lól National Fire Protection Association fire codes me standards; me codes, standards me guidelines ikka e akkatowow merel International Code Council; ffér liwel ngáli sections 1000-1011 me appaschalong Sections 1014-1020. Updates kka ebwe akkatowow nge e bwughi bwáángil sángi Section 7304 rel Public Law 11-56, "Commonwealth Fire Safety Code Act of 1998.

Alongal iisch me/ ngare mángemáng rel igha rebwe adaptáali fire codes, standards, me guidelines me mille eghi current edition published _ ebwe isisilong lól ótol eligh(30)ráll mwiril ráll la e toolong publication mellól Commonwealth Register ngáli Bwulasiyool Public Safety, Fire Division, Fire Division, Fire Prevention me Arson Investigation Unit, P.O. Box 500791, Saipan, MP 96950.

Alúghúlugh merel


Thomas M. Manglona
Fire Chief, DPS Fire Division

11/28/11

Ráll

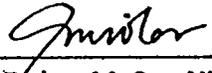
Bwunguló merel:


Ramon C. Mafnas
Commissioner, Department of Public Safety

28 NOV. 2011

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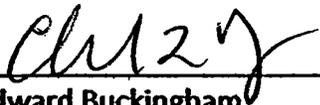
Amwel Sángi:


Esther M. San Nicolas
Commonwealth Registrar

12.27.2011

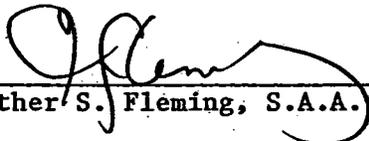
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Sáangi 1 CMC §2153 iye a liiwel merel PL 10-50, updated codes, standards, guidelines, liwel me akkatotolong ikka e appasch nge atakkal amweri me alúghúlúgh mereel Bwulasiyol CNMI Attorney General.



Edward Buckingham
Attorney General

12-23-11
Rall

Received by: 

Esther S. Fleming, S.A.A.

12/27/11
Rall

DEPARTMENT OF PUBLIC SAFETY
COMMONWEALTH OF THE NORTHERN MARIANAS ISLANDS
 Jose M. Sablan Building Susupe
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ARONGORONGOL TOULAP

POMWOL AMENDA KKA EBWE UPDATE LI META KKA E LO REL FIRE CODES, STANDARDS, ME GUIDELINES NGÁLI CURRENT EDITIONS SÁNGI ALLÉGH ME ATIWLIIGH KKA A LEMELI ADMINISTRATIVE PROCEDURE REL COMMONWEALTH FIRE SAFETY CODE.

Kkapsal me bwángil	Public Law 11-56, Commonwealth Fire Safety Code Act of 1998, Section 7304
Eghus Arong reel yaal Goals me Objectives	Ebwe update lilil fire codes, standards me guidelines sángi Public Law 11-56, Commonwealth Fire Safety Code
Weimwoschol rel pomwol atiwliigh	Update li fire codes, standards me guidelines ngáli ikka e féé merel NFPA me ICC edition; ebwe féér liwel ngáli section 1000-1011 me apascha llong section 1014-1020 sángi allégh me atiwliigh kka e lemeli administration, implementation me bwáángil Public Law 11-56, Commonwealth Fire Safety Code.
Citations rel meta kka e affecta rel statutes, Allégh me Atiwliigh	Public Law 11-56, Commonwealth Fire Safety Code; NFPA 1-2012; ICC-IFC (2012) me ICC-IBC (2012).
Reel Ammataf Faingi	Fire Chief Thomas Manglona me ngare layúl aramas: Capt. Julian Tagabuel 664-9003/9004(Seipel), Lt. Augustine Dosalua rel 433-0476(Tchuliyól) me ngare Lt. Ron Ogo rel 532-3736(Luta)

Rálil ye 28th ráll lól Nobembre 2011

Isáliiyallong:


Ramon C. Mafnas

Commissioner, Department of Public Safety

Section 1000. Authority:

The Department of Public Safety, Commonwealth Fire Division, Fire Prevention and Arson Investigation Unit shall have the legal authority to enforce laws and regulations promulgated pursuant to Public Law 11-56, "Commonwealth Fire Safety Code Act of 1998," and all other adopted codes, standards, and guidelines.

Section 1001. Purpose:

1. The purpose of these rules and regulations is to adopt current editions of nationally published codes, standards, and guidelines; to make certain revisions to Sections 1000-1011; and add Sections 1014-1020 that govern the administration, implementation, and enforcement Public Law 11-56, "Commonwealth Fire Safety Code."

2. The Department of Public Safety, Commonwealth Fire Division, Fire Prevention and Arson Investigation Unit hereby adopt all sections of the following codes, standards, and guidelines:

- A. National Fire Protection Association (NFPA): NFPA 1-8506
- B. International Code Council (ICC): International Fire Code (2012), International Building Code (2012)

3. The Department of Public Safety, Commonwealth Fire Division, Fire Prevention and Arson Investigation Unit shall use fees and/or fines collected from fire code permits for training and certification, equipment and supplies, repairs and maintenance, fuel, vehicles, hiring or promotion of its firefighters, pay for or backfill any overtime needs to support and enhance its fire prevention, fire protection, and fire suppression efforts.

Section 1002. Cooperation with Other Agencies:

1. The appropriate agencies involved in reviewing plans for a new building and/or renovation of an existing building, or construction of an underground and/or aboveground storage tanks for flammable and combustible liquids shall inform the individual, business owner or corporation, non-government organization, or government agency to obtain a fire code permit from the Fire Prevention and Arson Investigation Unit prior to obtaining a permit and/or license.

2. Officials of other government agencies involved in permitting and/or licensing of the following activities mentioned in Section 1010, shall ensure clearance from the Fire Prevention and Arson Investigation Unit is obtained prior to issuing any permits and/or licenses.

3. The Fire Prevention and Arson Investigation Unit shall work closely and collaboratively with the following agencies: Department of Finance, Department of Public Works, Department of Commerce, Department of Labor, Department of Public Health, Commonwealth Utilities Corporation, Commonwealth Ports Authority, Attorney Generals Office, Office of Homeland Security, Emergency Management Office, Division of Environmental Quality, Coastal Resources Management, Mayor's Office, Zoning Board, and any other local or federal agency as deemed appropriate.

Section 1003. Existing Buildings:

The Fire Chief, Fire Inspector, and/or Arson Investigator shall have the authority to inspect any existing building, dwelling, or structure at any time if it is believed that an imminent

danger exist or has reason to believe that it is an unsafe building or presents any hazardous conditions.

Section 1004. Unsafe Structures:

Any building, dwelling, or structure found unsafe will be given a "NOTICE OF ABATEMENT" by the Fire Chief. This notice will serve as a temporary closure of the building, dwelling, or structure and all operations or activities shall cease immediately until such time deficiencies rendering it unsafe is rectified and "NOTICE OF ABATEMENT" is rescinded by the Fire Chief.

Section 1005. Certificate of Fire:

1. Any person, business owner or corporation, non-government organization, or government agency whose house, property, or business establishment is damaged by fire will be given at least 10 regular working business days prior to obtaining a Certificate of Fire that is approved by the Fire Chief and issued by the Fire Prevention and Arson Investigation Unit. This document will be sufficient for justification in requesting assistance from any agency or organization.

2. The Fire Prevention and Arson Investigation Unit will not issue any investigation report to any person, business owner or corporation, non-government organization, or government agency without written permission from the Commissioner of Public Safety and/or the Fire Chief. It shall be the responsibility of the individual, business owner or corporation, non-government organization, or government agency to obtain approval from the Commissioner of Public Safety and/or the Fire Chief before any report, other than a Certificate of Fire, is to be released.

Section 1006. Fireworks:

1. It shall be unlawful for any person, business owner or corporation, non-government organization, or government agency to distribute, store, use, or sell Class "C" Fireworks without a valid fire code permit from the Fire Prevention and Arson Investigation Unit.

2. It shall be unlawful for any person, business owner or corporation, non-government organization, or government agency to distribute, store, use, or sell Class "B" fireworks without approval from the Office of the Governor. Upon approval, the individual, business owner or corporation, non-government organization, or government agency shall inform the Fire Prevention and Arson Investigation Unit within 5 regular working business days and must obtain the appropriate fire code permit.

Section 1007. Fire Hydrant:

1. It shall be unlawful for any person, business or corporation, or non-government organization to use or draw water from any fire hydrant for any purpose. Any person, business or corporation, or non-government organization found to have violated this provision will be cited and fined for tampering with fire appurtenances.

2. Any government agency that wishes to use or draw water from fire hydrants must obtain a fire code permit from the Fire Prevention and Arson Investigation Unit. They will also be required to obtain clearance from the Commonwealth Utilities Corporation and the Department of Public Works prior to obtaining a fire code permit from the Fire Division.

3. It shall be the responsibility of Commonwealth Fire Division in conjunction with the Commonwealth Utilities Corporation and the Department of Public Works to perform periodic maintenance of fire hydrants to determine serviceability, water pressure during peak and regular hours, landmark fire hydrants so that locating it would not be a problem during night or inclement weather, or for use during emergency operations. Any fire hydrant found with major damage shall be reported to the Commonwealth Utilities Corporation for repair and/or removal.

4. Any person, business owner or corporation, non-government organization, or government agency responsible for damaging any fire hydrant will be held liable for the cost of repairing and/or replacing the fire hydrant.

Section 1003. Inspection for New Permits

1. First Inspection

- A. The Fire Inspector and/or Arson Investigator shall conduct the fire safety inspection. If fire code compliance is met, the Fire Inspector and/or Arson Investigator shall issue a non-refundable and non-transferable fire code permit valid for not more than one year to the person, business owner or corporation, non-government organization, or government agency by the Fire Prevention and Arson Investigation Unit as approved by the Fire chief within 5 regular working business days. There is no charge for this First Inspection it is included in the Application for Permit which payment must be received by the CNMI Treasury before a fire code permit(s) is issued.
- B. If fire code compliance has not been met, the Fire Inspector and/or Arson Investigator shall inform the person, business owner or corporation, non-government organization, or government agency responsible for the building, dwelling, or structure of the specific violation of the applicable code, standard, or guideline and issue a Warning. Adequate time between inspection will be given, dependent on the hazard and/or danger created by the violation and the complexity of the work to be done, but generally, within 15-30 days to schedule a date and time for the First Reinspection to verify fire code compliance. Note: A First Reinspection fee shall be paid first to the CNMI Treasury before a fire safety inspection is to be conducted.
- C. In all cases, fire safety inspection reports shall be filled out by the Fire Inspector and/or Arson Investigator and signed by all parties indicated on the report and a copy given to the person, business owner or corporation, non-government organization, or government agency responsible for the building, dwelling, or structure.

2. Second Inspection or First Reinspection

- A. The Fire Inspector and/or Arson Investigator shall conduct the fire safety inspection. If fire code compliance is met, the Fire Inspector and/or Arson Investigator shall issue a non-refundable and non-transferable fire code permit valid for not more than one year to the person, business owner or corporation, non-government organization, or government agency by the Fire Prevention and Arson Investigation Unit as approved by the Fire chief within 5 regular working business days.
- B. If fire code compliance has not been met, the Fire Inspector and/or Arson Investigator shall inform the person, business owner or corporation, non-government organization, or government agency responsible for the building,

dwelling, or structure of the specific violation of the applicable code, standard, or guideline and issue a Fail. Adequate time between inspection will be given, dependent on the hazard and/or danger created by the violation and the complexity of the work to be done, but generally, within 15-30 days to schedule a date and time for the Second Reinspection to verify fire code compliance. Note: All fines for violations must be paid and a Second Reinspection fee shall be paid to the CNMI Treasury before a fire safety inspection is to be conducted.

- C. In all cases, fire safety inspection reports shall be filled out by the Fire Inspector and/or Arson Investigator and signed by all parties indicated on the report and a copy given to the person, business owner or corporation, non-government organization, or government agency responsible for the building, dwelling, or structure.

3. Third Inspection or Second Reinspection

- A. The Fire Inspector and/or Arson Investigator shall conduct the fire safety inspection. If fire code compliance is met, the Fire Inspector and/or Arson Investigator shall issue a non-refundable and non-transferable fire code permit valid for not more than one year to the person, business owner or corporation, non-government organization, or government agency by the Fire Prevention and Arson Investigation Unit as approved by the Fire chief within 5 regular working business days.
- B. If fire code compliance has not been met, the Fire Inspector and/or Arson Investigator shall inform the person, business owner or corporation, non-government organization, or government agency responsible for the building, dwelling, or structure of the specific violation of the applicable code, standard, or guideline and issue a Fail. Adequate time between inspection will be given, dependent on the hazard and/or danger created by the violation and the complexity of the work to be done, but generally, within 15-30 days to schedule a date and time for the Third Reinspection to verify fire code compliance. Note: All fines for violations must be paid and a Third Reinspection fee shall be paid to the CNMI Treasury before a fire safety inspection is to be conducted.
- C. In all cases, fire safety inspection reports shall be filled out by the Fire Inspector and/or Arson Investigator and signed by all parties indicated on the report and a copy given to the person, business owner or corporation, non-government organization, or government agency responsible for the building, dwelling, or structure.

4. Fourth Inspection or Third Reinspection

- A. The Fire Inspector and/or Arson Investigator shall conduct the fire safety inspection. If fire code compliance is met, the Fire Inspector and/or Arson Investigator shall issue a non-refundable and non-transferable fire code permit valid for not more than one year to the person, business owner or corporation, non-government organization, or government agency by the Fire Prevention and Arson Investigation Unit as approved by the Fire chief within 5 regular working business days.
- B. If fire code compliance has not been met, the Fire Inspector and/or Arson Investigator shall inform the person, business owner or corporation, non-government organization, or government agency responsible for the building, dwelling, or structure of the specific violation of the applicable code, standard, or guideline and issue a Fail. Adequate time between inspection will be given,

dependent on the hazard and/or danger created by the violation and the complexity of the work to be done, but generally, within 30-60 days to schedule a date and time for an Administrative Hearing to verify fire code compliance. **Note:** All fines for violations must be paid to the CNMI Treasury before an Administrative Hearing is to be conducted.

- C. In all cases, fire safety inspection reports shall be filled out by the Fire Inspector and/or Arson Investigator and signed by all parties indicated on the report and a copy given to the person, business owner or corporation, non-government organization, or government agency responsible for the building, dwelling, or structure.

5. Administrative Hearing

- A. If fire code compliance has not been obtained by the Fourth Inspection or the Third Reinspection, the Fire Inspector and/or Arson Investigator shall issue a **"NOTICE OF CLOSURE OR STOPPAGE"** to the individual, business owner or corporation, non-government organization, or government agency and order the responsible individual or authority to cease operations or activity immediately.
- B. The Fire Inspector and/or Arson Investigator shall place a sign at the entry points of the building, dwelling, or structure stating **"Closure or Stoppage by Order of the Fire Chief of the Department of Public Safety, Commonwealth Fire Division"** and state the reason(s) for the closure.
- C. The individual, business owner or corporation, non-government organization, or government agency may request an administrative hearing after the Fourth Inspection or Third Reinspection within 30-60 days to be administered by the Fire Chief or a designated representative. The individual, business owner or corporation, non-government organization, or government agency shall not resume any operations or activities until all hazards or unsafe conditions have been abated, all fees and fines paid, and a fire code permit is issued by the Fire Prevention and Arson Investigation Unit.
- D. The result of the Administrative Hearing is considered final and cannot be appealed through the Fire Prevention and Arson Investigation Unit. Depending on the result of the Administrative Hearing further action may be pursued through the Attorney Generals Office and filed at the CNMI Superior Court for civil and/or criminal penalties. If the person, business owner or corporation, non-government organization, or government agency is not satisfied with the result of the Administrative Hearing, then they may pursue other remedies as they see fit.

Section 1009. Unannounced Inspections for Existing Fire Code Permit Holders

Note: Unannounced inspections for existing fire code permit holders may be conducted at any time by the Fire Prevention and Arson Investigation Unit on any building, dwelling, structure, public event or function. This is to ensure that fire code compliance is continually maintained by individuals, business owners or corporations, non-government organizations, or government agencies and not just occasionally on or before fire code permit renewal date or on notice of fire safety inspection; and to address any citizen concerns or complaints.

1. First Inspection

- A. The Fire Inspector and/or Arson Investigator shall conduct the fire safety inspection. If fire code compliance is met, the Fire Inspector and/or Arson Investigator shall issue a non-refundable and non-transferable fire code permit

valid for not more than one year to the person, business owner or corporation, non-government organization, or government agency by the Fire Prevention and Arson Investigation Unit as approved by the Fire chief within 5 regular working business days. There is no charge for this First Inspection it is included in the Application for Permit which payment must be received by the CNMI Treasury before a fire code permit(s) is issued.

- B. If fire code compliance has not been met, the Fire Inspector and/or Arson Investigator shall inform the person, business owner or corporation, non-government organization, or government agency responsible for the building, dwelling, or structure of the specific violation of the applicable code, standard, or guideline and issue a Warning. Adequate time between inspection will be given, dependent on the hazard and/or danger created by the violation and the complexity of the work to be done, but generally, within 15-30 days to schedule a date and time for the First Reinspection to verify fire code compliance. Note: A First Reinspection fee shall be paid first to the CNMI Treasury before a fire safety inspection is to be conducted.
- C. In all cases, fire safety inspection reports shall be filled out by the Fire Inspector and/or Arson Investigator and signed by all parties indicated on the report and a copy given to the person, business owner or corporation, non-government organization, or government agency responsible for the building, dwelling, or structure.

2. Second Inspection or First Reinspection

- A. The Fire Inspector and/or Arson Investigator shall conduct the fire safety inspection. If fire code compliance is met, the Fire Inspector and/or Arson Investigator shall issue a non-refundable and non-transferable fire code permit valid for not more than one year to the person, business owner or corporation, non-government organization, or government agency by the Fire Prevention and Arson Investigation Unit as approved by the Fire chief within 5 regular working business days.
- B. If fire code compliance has not been met, the Fire Inspector and/or Arson Investigator shall inform the person, business owner or corporation, non-government organization, or government agency responsible for the building, dwelling, or structure of the specific violation of the applicable code, standard, or guideline and issue a Fail. Adequate time between inspection will be given, dependent on the hazard and/or danger created by the violation and the complexity of the work to be done, but generally, within 15-30 days to schedule a date and time for the Second Reinspection to verify fire code compliance. Note: All fines for violations must be paid and a Second Reinspection fee shall be paid to the CNMI Treasury before a fire safety inspection is to be conducted.
- C. In all cases, fire safety inspection reports shall be filled out by the Fire Inspector and/or Arson Investigator and signed by all parties indicated on the report and a copy given to the person, business owner or corporation, non-government organization, or government agency responsible for the building, dwelling, or structure.

3. Third Inspection or Second Reinspection

- A. The Fire Inspector and/or Arson Investigator shall conduct the fire safety inspection. If fire code compliance is met, the Fire Inspector and/or Arson Investigator shall issue a non-refundable and non-transferable fire code permit

valid for not more than one year to the person, business owner or corporation, non-government organization, or government agency by the Fire Prevention and Arson Investigation Unit as approved by the Fire chief within 5 regular working business days.

- B. If fire code compliance has not been met, the Fire Inspector and/or Arson Investigator shall inform the person, business owner or corporation, non-government organization, or government agency responsible for the building, dwelling, or structure of the specific violation of the applicable code, standard, or guideline and issue a Fail. Adequate time between inspection will be given, dependent on the hazard and/or danger created by the violation and the complexity of the work to be done, but generally, within 15-30 days to schedule a date and time for the Third Reinspection to verify fire code compliance. Note: All fines for violations must be paid and a Third Reinspection fee shall be paid to the CNMI Treasury before a fire safety inspection is to be conducted.
- C. In all cases, fire safety inspection reports shall be filled out by the Fire Inspector and/or Arson Investigator and signed by all parties indicated on the report and a copy given to the person, business owner or corporation, non-government organization, or government agency responsible for the building, dwelling, or structure.

4. Fourth Inspection or Third Reinspection

- A. The Fire Inspector and/or Arson Investigator shall conduct the fire safety inspection. If fire code compliance is met, the Fire Inspector and/or Arson Investigator shall issue a non-refundable and non-transferable fire code permit valid for not more than one year to the person, business owner or corporation, non-government organization, or government agency by the Fire Prevention and Arson Investigation Unit as approved by the Fire chief within 5 regular working business days.
- B. If fire code compliance has not been met, the Fire Inspector and/or Arson Investigator shall inform the person, business owner or corporation, non-government organization, or government agency responsible for the building, dwelling, or structure of the specific violation of the applicable code, standard, or guideline and issue a Fail. Adequate time between inspection will be given, dependent on the hazard and/or danger created by the violation and the complexity of the work to be done, but generally, within 30-60 days to schedule a date and time for an Administrative Hearing to verify fire code compliance. Note: All fines for violations must be paid to the CNMI Treasury before an Administrative Hearing is to be conducted.
- C. In all cases, fire safety inspection reports shall be filled out by the Fire Inspector and/or Arson Investigator and signed by all parties indicated on the report and a copy given to the person, business owner or corporation, non-government organization, or government agency responsible for the building, dwelling, or structure.

5. Administrative Hearing

- A. If fire code compliance has not been obtained by the Fourth Inspection or the Third Reinspection, the Fire Inspector and/or Arson Investigator shall issue a "NOTICE OF CLOSURE OR STOPPAGE" to the individual, business owner or corporation, non-government organization, or government agency and order the responsible individual or authority to cease operations or activity immediately.

- B. The Fire Inspector and/or Arson Investigator shall place a sign at the entry points of the building, dwelling, or structure stating “Closure or Stoppage by Order of the Fire Chief of the Department of Public Safety, Commonwealth Fire Division” and state the reason(s) for the closure.
- C. The individual, business owner or corporation, non-government organization, or government agency may request an administrative hearing after the Fourth Inspection or Third Reinspection within 30-60 days to be administered by the Fire Chief or a designated representative. The individual, business owner or corporation, non-government organization, or government agency shall not resume any operations until all hazards or unsafe conditions have been abated, all fees and fines paid, and a fire code permit is issued by the Fire Prevention and Arson Investigation Unit.
- D. The result of the Administrative Hearing is considered final and cannot be appealed through the Fire Prevention and Arson Investigation Unit. Depending on the result of the Administrative Hearing further action may be pursued through the Attorney Generals Office and filed at the CNMI Superior Court for civil and/or criminal penalties. If the person, business owner or corporation, non-government organization, or government agency is not satisfied with the result of the Administrative Hearing, then they may pursue other remedies as they see fit.

Section 1010. Unannounced Inspection for Others Regulated by the NFPA and ICC.

Note: Unannounced inspections for others regulated by the NFPA and ICC may be conducted at any time by the Fire Prevention and Arson Investigation Unit on any building, dwelling, structure, public event or function. This is to ensure that fire code compliance is continually maintained by individuals, business owners or corporations, non-government organizations, or government agencies and not just occasionally on or before fire code permit renewal date or on notice of fire safety inspection; and to address any citizen concerns or complaints.

1. First Inspection

- A. The Fire Inspector and/or Arson Investigator shall conduct the fire safety inspection. If fire code compliance is met, the Fire Inspector and/or Arson Investigator shall issue a non-refundable and non-transferable fire code permit valid for not more than one year to the person, business owner or corporation, non-government organization, or government agency by the Fire chief within 5 regular working business days. There is no charge for this First Inspection it is included in the Application for Permit which payment must be received by the CNMI Treasury before a fire code permit(s) is issued.
- B. If fire code compliance has not been met, the Fire Inspector and/or Arson Investigator shall inform the person, business owner or corporation, non-government organization, or government agency responsible for the building, dwelling, or structure of the specific violation of the applicable code, standard, or guideline and issue a Warning. Adequate time between inspection will be given, dependent on the hazard and/or danger created by the violation and the complexity of the work to be done, but generally, within 15-30 days to schedule a date and time for the First Reinspection to verify fire code compliance. **Note:** A First Reinspection fee shall be paid first to the CNMI Treasury before a fire safety inspection is to be conducted.

- C. In all cases, fire safety inspection reports shall be filled out by the Fire Inspector and/or Arson Investigator and signed by all parties indicated on the report and a copy given to the person, business owner or corporation, non-government organization, or government agency responsible for the building, dwelling, or structure.

2. Second Inspection or First Reinspection

- A. The Fire Inspector and/or Arson Investigator shall conduct the fire safety inspection. If fire code compliance is met, the Fire Inspector and/or Arson Investigator shall issue a non-refundable and non-transferable fire code permit valid for not more than one year to the person, business owner or corporation, non-government organization, or government agency by the Fire Prevention and Arson Investigation Unit as approved by the Fire chief within 5 regular working business days.
- B. If fire code compliance has not been met, the Fire Inspector and/or Arson Investigator shall inform the person, business owner or corporation, non-government organization, or government agency responsible for the building, dwelling, or structure of the specific violation of the applicable code, standard, or guideline and issue a Fail. Adequate time between inspection will be given, dependent on the hazard and/or danger created by the violation and the complexity of the work to be done, but generally, within 15-30 days to schedule a date and time for the Second Reinspection to verify fire code compliance. Note: All fines for violations must be paid and a Second Reinspection fee shall be paid to the CNMI Treasury before a fire safety inspection is to be conducted.
- C. In all cases, fire safety inspection reports shall be filled out by the Fire Inspector and/or Arson Investigator and signed by all parties indicated on the report and a copy given to the person, business owner or corporation, non-government organization, or government agency responsible for the building, dwelling, or structure.

3. Third Inspection or Second Reinspection

- A. The Fire Inspector and/or Arson Investigator shall conduct the fire safety inspection. If fire code compliance is met, the Fire Inspector and/or Arson Investigator shall issue a non-refundable and non-transferable fire code permit valid for not more than one year to the person, business owner or corporation, non-government organization, or government agency by the Fire Prevention and Arson Investigation Unit as approved by the Fire chief within 5 regular working business days.
- B. If fire code compliance has not been met, the Fire Inspector and/or Arson Investigator shall inform the person, business owner or corporation, non-government organization, or government agency responsible for the building, dwelling, or structure of the specific violation of the applicable code, standard, or guideline and issue a Fail. Adequate time between inspection will be given, dependent on the hazard and/or danger created by the violation and the complexity of the work to be done, but generally, within 15-30 days to schedule a date and time for the Third Reinspection to verify fire code compliance. Note: All fines for violations must be paid and a Third Reinspection fee shall be paid to the CNMI Treasury before a fire safety inspection is to be conducted.
- C. In all cases, fire safety inspection reports shall be filled out by the Fire Inspector and/or Arson Investigator and signed by all parties indicated on the report and a

copy given to the person, business owner or corporation, non-government organization, or government agency responsible for the building, dwelling, or structure.

4. Fourth Inspection or Third Reinspection

- A. The Fire Inspector and/or Arson Investigator shall conduct the fire safety inspection. If fire code compliance is met, the Fire Inspector and/or Arson Investigator shall issue a non-refundable and non-transferable fire code permit valid for not more than one year to the person, business owner or corporation, non-government organization, or government agency by the Fire Prevention and Arson Investigation Unit as approved by the Fire chief within 5 regular working business days.
- B. If fire code compliance has not been met, the Fire Inspector and/or Arson Investigator shall inform the person, business owner or corporation, non-government organization, or government agency responsible for the building, dwelling, or structure of the specific violation of the applicable code, standard, or guideline and issue a Fail. Adequate time between inspection will be given, dependent on the hazard and/or danger created by the violation and the complexity of the work to be done, but generally, within 30-60 days to schedule a date and time for an Administrative Hearing to verify fire code compliance. Note: All fines for violations must be paid to the CNMI Treasury before an Administrative Hearing is to be conducted.
- C. In all cases, fire safety inspection reports shall be filled out by the Fire Inspector and/or Arson Investigator and signed by all parties indicated on the report and a copy given to the person, business owner or corporation, non-government organization, or government agency responsible for the building, dwelling, or structure.

5. Administrative Hearing

- A. If fire code compliance has not been obtained by the Fourth Inspection or the Third Reinspection, the Fire Inspector and/or Arson Investigator shall issue a "NOTICE OF CLOSURE OR STOPPAGE" to the individual, business owner or corporation, non-government organization, or government agency and order the responsible individual or authority to cease operations or activity immediately.
- B. The Fire Inspector and/or Arson Investigator shall place a sign at the entry points of the building, dwelling, structure, public or private event or function stating "Closure or Stoppage by Order of the Fire Chief of the Department of Public Safety, Commonwealth Fire Division" and state the reason(s) for the closure.
- C. The individual, business owner or corporation, non-government organization, or government agency may request an administrative hearing after the Fourth Inspection or Third Reinspection within 30-60 days to be administered by the Fire Chief or a designated representative. The individual, business owner or corporation, non-government organization, or government agency shall not resume any operations or activities until all hazards or unsafe conditions have been abated, all fees and fines paid, and a fire code permit is issued by the Fire Prevention and Arson Investigation Unit.
- D. The result of the Administrative Hearing is considered final and cannot be appealed through the Fire Prevention and Arson Investigation Unit. Depending on the result of the Administrative Hearing further action may be pursued through the Attorney Generals Office and filed at the CNMI Superior Court for civil and/or

criminal penalties. If the person, business owner or corporation, non-government organization, or government agency is not satisfied with the result of the Administrative Hearing, then they may pursue other remedies as they see fit.

Section 1011. Inspections For Permit Renewal

1. First Inspection

- A. The Fire Inspector and/or Arson Investigator shall conduct the fire safety inspection. If fire code compliance is met, the Fire Inspector and/or Arson Investigator shall issue a non-refundable and non-transferable fire code permit valid for not more than one year to the person, business owner or corporation, non-government organization, or government agency by the Fire Prevention and Arson Investigation Unit as approved by the Fire chief within 5 regular working business days. There is no charge for this First Inspection it is included in the Application for Permit which payment must be received by the CNMI Treasury before a fire code permit(s) is issued.**
- B. If fire code compliance has not been met, the Fire Inspector and/or Arson Investigator shall inform the person, business owner or corporation, non-government organization, or government agency responsible for the building, dwelling, or structure of the specific violation of the applicable code, standard, or guideline and issue a Warning. Adequate time between inspection will be given, dependent on the hazard and/or danger created by the violation and the complexity of the work to be done, but generally, within 15-30 days to schedule a date and time for the First Reinspection to verify fire code compliance. Note: A First Reinspection fee shall be paid first to the CNMI Treasury before a fire safety inspection is to be conducted.**
- C. In all cases, fire safety inspection reports shall be filled out by the Fire Inspector and/or Arson Investigator and signed by all parties indicated on the report and a copy given to the person, business owner or corporation, non-government organization, or government agency responsible for the building, dwelling, or structure.**

2. Second Inspection or First Reinspection

- A. The Fire Inspector and/or Arson Investigator shall conduct the fire safety inspection. If fire code compliance is met, the Fire Inspector and/or Arson Investigator shall issue a non-refundable and non-transferable fire code permit valid for not more than one year to the person, business owner or corporation, non-government organization, or government agency by the Fire Prevention and Arson Investigation Unit as approved by the Fire chief within 5 regular working business days.**
- B. If fire code compliance has not been met, the Fire Inspector and/or Arson Investigator shall inform the person, business owner or corporation, non-government organization, or government agency responsible for the building, dwelling, or structure of the specific violation of the applicable code, standard, or guideline and issue a Fail. Adequate time between inspection will be given, dependent on the hazard and/or danger created by the violation and the complexity of the work to be done, but generally, within 15-30 days to schedule a date and time for the Second Reinspection to verify fire code compliance. Note: All fines for violations must be paid and a Second Reinspection fee shall be paid to the CNMI Treasury before a fire safety inspection is to be conducted.**

- C. In all cases, fire safety inspection reports shall be filled out by the Fire Inspector and/or Arson Investigator and signed by all parties indicated on the report and a copy given to the person, business owner or corporation, non-government organization, or government agency responsible for the building, dwelling, or structure.

3. Third Inspection or Second Reinspection

- A. The Fire Inspector and/or Arson Investigator shall conduct the fire safety inspection. If fire code compliance is met, the Fire Inspector and/or Arson Investigator shall issue a non-refundable and non-transferable fire code permit valid for not more than one year to the person, business owner or corporation, non-government organization, or government agency by the Fire Prevention and Arson Investigation Unit as approved by the Fire chief within 5 regular working business days.
- B. If fire code compliance has not been met, the Fire Inspector and/or Arson Investigator shall inform the person, business owner or corporation, non-government organization, or government agency responsible for the building, dwelling, or structure of the specific violation of the applicable code, standard, or guideline and issue a Fail. Adequate time between inspection will be given, dependent on the hazard and/or danger created by the violation and the complexity of the work to be done, but generally, within 15-30 days to schedule a date and time for the Third Reinspection to verify fire code compliance. **Note:** All fines for violations must be paid and a Third Reinspection fee shall be paid to the CNMI Treasury before a fire safety inspection is to be conducted.
- C. In all cases, fire safety inspection reports shall be filled out by the Fire Inspector and/or Arson Investigator and signed by all parties indicated on the report and a copy given to the person, business owner or corporation, non-government organization, or government agency responsible for the building, dwelling, or structure.

4. Fourth Inspection or Third Reinspection

- A. The Fire Inspector and/or Arson Investigator shall conduct the fire safety inspection. If fire code compliance is met, the Fire Inspector and/or Arson Investigator shall issue a non-refundable and non-transferable fire code permit valid for not more than one year to the person, business owner or corporation, non-government organization, or government agency by the Fire Prevention and Arson Investigation Unit as approved by the Fire chief within 5 regular working business days.
- B. If fire code compliance has not been met, the Fire Inspector and/or Arson Investigator shall inform the person, business owner or corporation, non-government organization, or government agency responsible for the building, dwelling, or structure of the specific violation of the applicable code, standard, or guideline and issue a Fail. Adequate time between inspection will be given, dependent on the hazard and/or danger created by the violation and the complexity of the work to be done, but generally, within 30-60 days to schedule a date and time for Administrative Hearing to verify fire code compliance. **Note:** All fines for violations must be paid to the CNMI Treasury before an Administrative Hearing is to be conducted.
- C. In all cases, fire safety inspection reports shall be filled out by the Fire Inspector and/or Arson Investigator and signed by all parties indicated on the report and a

copy given to the person, business owner or corporation, non-government organization, or government agency responsible for the building, dwelling, or structure.

5. Administrative Hearing

- A. If fire code compliance has not been obtained by the Fourth Inspection or the Third Reinspection, the Fire Inspector and/or Arson Investigator shall issue a "NOTICE OF CLOSURE OR STOPPAGE" to the individual, business owner or corporation, non-government organization, or government agency and order the responsible individual or authority to cease operations or activity immediately.**
- B. The Fire Inspector and/or Arson Investigator shall place a sign at the entry points of the building, dwelling, or structure stating "Closure or Stoppage by Order of the Fire Chief of the Department of Public Safety, Commonwealth Fire Division" and state the reason(s) for the closure.**
- C. The individual, business owner or corporation, non-government organization, or government agency may request an administrative hearing after the Fourth Inspection or Third Reinspection within sixty 30-60 days to be administered by the Fire Chief or a designated representative. The individual, business owner or corporation, non-government organization, or government agency shall not resume any operations or activities until all hazards or unsafe conditions have been abated, all fees and fines paid, and a fire code permit is issued by the Fire Prevention and Arson Investigation Unit.**
- D. The result of the Administrative Hearing is considered final and cannot be appealed through the Fire Prevention and Arson Investigation Unit. Depending on the result of the Administrative Hearing further action may be pursued through the Attorney Generals Office and filed at the CNMI Superior Court for civil and/or criminal penalties. If the person, business owner or corporation, non-government organization, or government agency is not satisfied with the result of the Administrative Hearing, then they may pursue other remedies as they see fit.**

Section 1012. Fees

(see current Fee Schedule)

Section 1013. Fines

(see current Fine Schedule)

Section 1014. Transportation of Hazardous Materials on Public Roadways or Highways and Waters

1. Any person, business owner or corporation, non-government organization, or government agency involved in the transportation of hazardous materials on public roadways or highways must ensure that they are in compliance with the U.S. Department of Transportation placard system. The placard must be clearly visible on the vehicle, day or night, which identifies the classification of the material and the hazard it possesses. The driver or operator of the vehicle must possess at all times a Material Safety Data Sheet (MSDS) of the product they are carrying and it must be readily found at or near the driver's side door of the vehicle. Any person, business owner or corporation, non-government organization, or government agency involved in the transportation of hazardous materials must show current proof of a passed safety inspection of their vehicle by the Department of Public Safety, Commonwealth State Police Division, and Motor Carrier Safety Assistance Program.

2. Any person, business owner or corporation, non-government organization, or government agency involved in the transportation of hazardous materials on any vessel within CNMI waters must ensure that they are in compliance with all U.S. Coast Guard and the Commonwealth Port Authority regulations. The Captain of the vessel must possess at all times a Bill of Lading of the product they are carrying and it must be readily in bridge of the vessel or easily obtained from the Captain of the vessel.

3. Any violation to this Section will result in a fine issued by the Fire Prevention and Arson Investigation Unit as indicated in the current Fine Schedule.

Section 1015. Reporting Requirements

1. The Emergency Planning Community Right-to-Know Act (EPCRA) Section 512 regulated and enforced by the U.S Environmental Protection Agency applies to any owner or operator of any facility that is required to prepare or have available a Material Safety Data Sheet (MSDS) for a hazardous chemical under the OSHA Hazard Communication Standard is required to submit a TIER II report to the local fire department on or before March 1st of each calendar year. The chemical inventory report must be submitted to the Department of Public Safety, Commonwealth Fire Division, Fire Prevention and Arson Investigation Unit and to the Division of Environmental Quality. The Fire Prevention and Arson Investigation Unit may request at any time to any owner or operator of any facility to apply EPCRA Section 312(f) or impose EPCRA Section 312(e)(1).

2. The owner or operator of any industrial, commercial, or institutional facilities that manufacture, process, use, or store hazardous materials must comply with NFPA 704: Standard System for the Identification of the Hazards of Materials for Emergency Response.

3. Any person, business owner or corporation, non-government organization, or government agency that manufactures, stores, distributes, sells, or uses hazardous chemicals, flammable or combustible liquids, explosives, or any dangerous product must possess a fire escape and a site safety plan easily accessible at their place of business and must be exercised at least twice a year by all of their employees and updated on an annual basis as needed. This activity is to be reported to the Fire Prevention and Arson Investigation Unit on the actual date to be exercised and records must be kept at their place of business to be verified upon inquiry by the Fire Prevention and Arson Investigation Unit.

4. Any violation to this Section will result in a fine issued by the Fire Prevention and Arson Investigation Unit as indicated in the current fine schedule.

Section 1016. Responsible Party

Any person, business owner or corporation, non-government organization, or government agency that is at fault and found to be the primary cause of the fire because of negligent acts or failure to act will be held fully responsible to reimburse the Department of Public Safety, Commonwealth Fire Division, for all emergency response costs associated with that fire.

Section 1017. Fire Protection Systems

1. Any person, business owner or corporation, non-government organization, or government agency that is installing or has installed fire protection systems for their building, dwelling, or structure must comply with NFPA 4: Standard for Integrated Testing of Fire Protection Systems, NFPA 10: Standard for Portable Fire Extinguishers, NFPA 13: Standard for the Installation of Sprinkler Systems, NFPA 14: Standard for the Installation of Standpipes and Hose Systems, NFPA 72: National Fire Alarm and Signaling Code, and NFPA 170: Standard for Fire Safety and Emergency Symbols.

2. Any person, business owner or corporation, non-government organization, or government agency that has installed fire protection systems for their building, dwelling, or structure must show proof of certification by a National Fire Protection Association trained and Certified Fire Protection Specialist (CFPS), Certified Fire Inspector I or II (CFI or CFI-II), or Certified Fire Plan Examiner (CFPE) or by a National Board on Fire Service Professional Qualifications trained and certified Fire Inspector I-III, Plan Examiner I-II, or Fire Investigator.

Section 1018. Open-Burning Permit

1. Open-burning is allowed in designated farming or rural areas and only natural debris may be burned. An individual must first obtain an open-burning permit before any burning is started.

2. There is no open-burning allowed in residential villages or homesteads, commercial or industrial facilities. If a complaint is made, then the Fire Prevention and Arson Investigation Unit will be dispatched to assess the situation and issue a citation if warranted. If a violation is made, then that individual will be given a warning for a first offense but a second offense and repeated offenses thereafter will result in citations.

3. Any violation to this Section will result in a fine issued by the Fire Prevention and Arson Investigation Unit as indicated in the current Fine Schedule.

Section 1019. Fire Code Permits for Multiple Building, Dwelling, or Structure Locations

1. Any person, business owner or corporation, non-government organization, or government agency that conducts business or operations at multiple buildings, dwellings, or structures in different locations must apply for a Certificate of Compliance for non-permitting businesses in the Application for Permit fee for up to three (3) buildings, dwellings, or structures.

2. Any person, business owner or corporation, non-government organization, or government agency that conducts business or operations in more than three (3) buildings, dwellings, or structures in different locations then they must apply for another Certificate of Compliance for non-permitting businesses in the Application for Permit fee for up to two (2) more buildings, dwelling, or structures. This rule applies in increments thereof.

3. Any person, business owner or corporation, non-government organization, or government agency that conducts business or operations at multiple buildings, dwellings, or structures in different locations that requires a fire code permit other than a Certificate of Compliance must apply in the Application for Permit fee for up to two (2) buildings, dwellings, or structures for the same type of fire code permit.

4. Any person, business owner or corporation, non-government organization, or government agency that conducts business or operations in more than two (2) buildings, dwellings, or structures in different locations that requires a fire code permit other than a Certificate of Compliance then they must apply for another fire code permit in the Application for Permit fee for up to two (2) more buildings, dwelling, or structures for the same type of fire code permit. This rule applies in increments thereof.

5. Any person, business owner or corporation, non-government organization, or government agency that conducts business or operations that requires multiple fire code permits at the same building, dwelling, or structure or at different locations then they must apply for a fire code permit in the Application for Permit fee for each specific fire code permit for up to two (2) buildings, dwellings, or structures. This rule applies in increments thereof.

6. The Fire Inspector and/or Arson Investigator shall conduct the fire safety inspection for all buildings, dwellings, or structures. If fire code compliance is met, the Fire Inspector and/or Arson Investigator shall issue a non-refundable and non-transferable fire code permit valid for not more than one year to the person, business owner or corporation, non-government organization, or government agency by the Fire Prevention and Arson Investigation Unit as approved by the Fire chief within 5 regular working business days. There is no charge for the First Inspection for all buildings, dwellings, or structures it is included in the Application for Permit which payment must be received by the CNMI Treasury before a fire code permit(s) is issued.

Section 1020. Fire Code Permits for Apartment or Room Rentals, Commercial or Office Space Rentals

1. Any person, business owner or corporation, non-government organization, or government agency that owns and conducts business or operations as an apartment or room rental must apply for a Certificate of Compliance for non-permitting businesses in the Application for Permit fee for up to ten (10) units.

2. Any person, business owner or corporation, non-government organization, or government agency that owns and conducts business or operations as an apartment or room rental in more than ten (10) units they must apply for another Certificate of Compliance for non-permitting businesses in the Application for Permit fee for up to ten (10) more units. This rule applies in increments thereof.

3. Any person, business owner or corporation, non-government organization, or government agency that owns and conducts business or operations as commercial or office space rentals must jointly apply with its tenant for a Certificate of Compliance for non-permitting businesses in the Application for Permit fee for up to five (5) units.

4. Any person, business owner or corporation, non-government organization, or government agency that owns and conducts business or operations as a commercial or office space in more than five (5) units they must jointly apply with its tenant for another Certificate of Compliance for non-permitting businesses in the Application for Permit fee for up to five (5) more units. This rule applies in increments thereof.

5. The Fire Inspector and/or Arson Investigator shall conduct the fire safety inspection for all apartment or room rentals and commercial or office spaces. If fire code compliance is met, the Fire Inspector and/or Arson Investigator shall issue a non-refundable and non-transferable fire code permit valid for not more than one year to the person, business owner or corporation, non-government organization, or government agency by the Fire Prevention and Arson Investigation Unit as approved by the Fire chief within 5 regular working business days. There is no charge for the First Inspection for all buildings, dwellings, or structures it is included in the Application for Permit which payment must be received by the CNMI Treasury before a fire code permit(s) is issued.

Section 1012. Permits; Fees for Application of

General: Any person, business owner or corporation, non-government organization, or government agency who plans to engage in any of the following operations or activities listed below shall first obtain a permit from the Department of Public Safety, Commonwealth Fire Division. Prior to issuance of any permit, an Application for Permit must first be obtained from the Commonwealth Fire Division, Fire Prevention and Arson Investigation Unit, and then submitted to the Department of Finance, Treasury Section for payment of the required fee(s). A fire safety inspection will be scheduled, if deemed necessary. All fees for the required operations or activities shall be payable to the CNMI Treasury within 30 days or additional penalties will be applied and assessed every 30 days thereafter.

Type of Permit	Fee	Duration	Code Section
Aerosol Products To store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 lbs. net wt.	\$ 500.00	Annually	UFC Article 88
Aircraft Refueling Vehicles To operate aircraft refueling vehicles.	\$ 1,000.00	Annually	UFC Article 24
Aircraft Repair Hanger To use any structure as an aircraft hanger for servicing or repair aircraft.	\$ 1,000.00	Annually	UFC Article 24
Asbestos Removal To conduct asbestos-removal operations.	\$ 1,000.00	Each Occurance	UFC Article 87
Automobile Wrecking Yard To operate an automobile wrecking yard.	\$ 500.00	Annually	UFC Article 34
Bowling Pin or Alley Refinishing To conduct a bowling pin refinishing or bowling alley resurfacing operations involving use and application of flammable liquids or materials.	\$ 100.00	Each Occurance	UFC Article 26
Candles and Open Flame Device in Assembly areas To use open flame or candles in connection with assembly areas, dining areas of restuarants or drinking establishments.	\$ 100.00	Annually	UFC Article 25
Carnivals and Fairs To conduct carnivals or fairs. (Plans of Ground Required)	\$ 100.00	Each Occurance	UFC Article 25
To conduct a concession booth.	\$ 100.00	Each Occurance	
Cellulose Nitrate Film To store, handle, use or display.	\$ 500.00	Annually	UFC Article 33
Cellulose Nitrate Storage or Handling To store or handle more than 25 lbs.	\$ 500.00	Annually	UFC Article 27
Christmas Tree To use natural or resin-bearing cut trees in public areas.	\$ 100.00	Each Occurance	UFC Appendix IV-B
Combustible Fiber To store or handle more than 100 cu. ft. Exceptions: 1 exterior storage of hay, straw, and similar agricultural materials.	\$ 500.00	Annually	UFC Article 28
Combustible Materials To store more than 2500 cu. ft. gross volume of combustible empty packing cases, boxes, barrels, or similar containers, rubber or cork, or other similar combustible material.	\$ 500.00	Annually	UFC Article 11
Commercial Rubbish-Handling Operations To operate a commercial handling operation.	\$ 500.00	Annually	UFC Article 11

Type of Permit	Fee	Duration	Code Section
Compressed Gass If compressed gases is in excess of amounts listed in UFC Table 105-A, additional requirements and exceptions are listed in UFC Articles 74, 80, 82. To store, tansport on site, dispense, use or handle, install, repair, abandon, remove, place temporarily out of service, close or substantially modify a compress gas system: Corrosive - Any amount Flammable - More than 200 cu. ft. (except cryogenic fluids and liquified petroleum gas) Toxic - Any amount Inert - More than 6,000 cu. ft. Oxidizer (including oxygen) - More than 500 cu. ft. Pyrophoric - Any amount Radioactive - Any amount Highly Toxic - Any amount Unstable (reactive) - Any amount	\$ 500.00 \$ 1,000.00 \$ 1,000.00 \$ 500.00 \$ 500.00 \$ 500.00 \$ 500.00 \$ 5,000.00 \$ 5,000.00	Annually Annually Annually Annually Annually Annually Annually Annually Annually	UFC Article 74, 80, and 82
Cryogens To produce, store, or handle cryogens in excess of the amounts listed in Table 105-B. Exceptions: 1 where federal or local regulations apply, and for fuel systems for vehicle. Corrosive Over 1 gallon inside building Over 1 gallon outside building Flammable Over 1 gallon inside building Over 60 gallons outside building Highly Toxic Over 1 gallon inside building Over 1 gallon outside building Non-Flammable Over 60 gallons inside building Over 5000 gallons outside building Oxidizer (including oxygen) Over 50 gallons inside building Over 50 gallons outside building	\$ 500.00 \$ 1,000.00 \$ 500.00 \$ 1,000.00 \$ 5,000.00 \$ 10,000.00 \$ 250.00 \$ 500.00 \$ 250.00 \$ 500.00	Annually Annually Annually Annually Annually Annually Annually Annually	UFC Article 75
Dry Cleaning Plants To engage in business or to change to a more hazardous cleaning substance.	\$ 500.00	Annually or Each Occurance	UFC Article 26

Type of Permit	Fee	Duration	Code Section
Dust Producing Operations To operate a grain elevator, flour starch mill, mill, or plant pulverizing aluminum, coal, cocoa, magnesium, spices, sugar, or other material producing combustible dust as defined in UFC Article 2.	\$ 1,000.00	Annually	UFC Article 30 and 76
Explosives or Blasting Agents Note: Additional requirements and exceptions are listed in UFC Article 80. Permit shall be obtained: To manufacture, posses, store, sell, display or otherwise dispose of explosive materials at any location. To transport explosive materials. To use or handle explosive materials. To operate a terminal for handling explosive materials.	\$100,000.00 or more \$ 1,000.00 \$ 1,000.00 \$ 1,000.00 \$ 5,000.00	Surety Bond Each Occurance Each Occurance Each Occurance Annually	UFC Article 77 and 80
Fire Hydrant and Water-Control Valves To use a fire hydrant or operate a water control valve intended for fire-suppression purposes. (need joint approval with Authority Having Jurisdiction)	\$ 500.00	Each Occurance	Public Law 11-56 UFC Section 7311 UFC Article 9
Fireworks To conduct Fireworks display (Fireworks 1.3G) Note: for Fireworks 1.3G Class B, an approval must be obtained from the Governor prior to issuance of permit. To use, store, handle fireworks 1.4G. Permit shall be required by wholesalers and/or distributors of fireworks 1.4G, commonly known as Class C Fireworks. To sell Class C 1.4G fireworks in aggregate quantity of not more than 1 cubic yard. To sell Class C Fireworks 1.4G in aggregate quantity of more than 1 cubic yard.	\$ 5,000.00 \$ 2,500.00 \$ 500.00 \$ 1,000.00	Each Occurance Annually Annually Annually	Public Law 11-98 UFC Section 7312 UFC Article 78
Flammable and Combustible Liquids Exceptions: 1 As otherwise provided in other laws or regulations. 2 Alcoholic beverages in retail sales or storage uses. Provided the liquids are packaged in individual containers not exceeding 4 liters. 3 Medicines, foodstuffs, and cosmetics containing not more than 50 percent by volume of water-miscible liquids and with the remainder of the solution not being flammable in retail sales or storage uses when packaged in individual containers not exceeding 4 liters. 4 Storage and use of fuel-oil tanks and containers connected to oil-burning equipment. Such storage and use shall be in accordance with UFC Article 61 and the mechanical code. For abandoned tanks, UFC Article 79 shall apply.			UFC Article 79

Type of Permit	Fee	Duration	Code Section
<p>5 Refrigerant liquids and refrigerant oils within an approved closed-cycle refrigeration system complying with the mechanical code. See UFC Article 63.</p> <p>6 Storage and display of aerosol products. See UFC Article 88.</p> <p>7 Materials which are solid at 100 degrees Fahrenheit or above.</p> <p>8 Storage of liquids that have no fire point, when tested in accordance with nationally recognized standards. See Section 9003, Standard a.4.5.</p> <p>9 Liquids without flash points that can be flammable under some conditions such as certain halogenated hydrocarbons.</p>			
<p>Permits shall be obtained:</p>			
<p>To use or operate, install, repair or modify a pipeline for the transportation of flammable or combustible liquids.</p>	<p>\$ 1,000.00</p>	<p>Annually</p>	
<p>To store, handle, or use Class I liquids:</p>			
<p>More than 5 gallons in a building</p>	<p>\$ 250.00</p>	<p>Annually</p>	
<p>More than 10 gallons outside of building</p>	<p>\$ 500.00</p>	<p>Annually</p>	
<p>Exceptions:</p>			
<p>1 storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant unless such storage, in opinion of the Fire Chief, would cause an unsafe condition.</p>			
<p>2 the storage or use of paints, oils, varnishes, or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.</p>			
<p>To store, handle, or use Class II or Class III-A liquids more than 25 gallons in a building.</p>	<p>\$ 500.00</p>	<p>Annually</p>	
<p>Exceptions:</p>			
<p>1 fuel oil used in connection with oil-burning equipment.</p>			
<p>More than 60 gallons outside a building.</p>	<p>\$ 1,000.00</p>	<p>Each Occurance</p>	
<p>Exceptions:</p>			
<p>1 fuel oil used in connection with oil-burning equipment.</p>			
<p>To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved stationary on-site pumps normally used for dispensing purpose.</p>	<p>\$ 500.00</p>	<p>Each Occurance</p>	

Type of Permit	Fee	Duration	Code Section
<p>To install, construct, alter, or operate tank vehicles equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed, or used.</p> <p>To install, alter, remove, abandon, place temporarily out-of-service or otherwise dispose of a flammable or combustible liquid tank.</p> <p>0-5,000 gallons 5,001-10,000 gallons over 10, 000 gallons</p> <p>To change the type of contents stored in a flammable or combustible liquid tank to a material other than that for which the tank was designed and constructed.</p> <p>0-5,000 gallons 5,001-10,000 gallons over 10, 000 gallons</p>	<p>\$ 5,000.00</p> <p>\$ 250.00 \$ 500.00 \$ 1,000.00</p> <p>\$ 500.00 \$ 1,000.00 \$ 5,000.00</p>	<p>Annually</p> <p>Each Occurance Each Occurance Each Occurance</p> <p>Each Occurance Each Occurance Each Occurance</p>	
<p>Fruit Ripening Process</p> <p>Note: in heated rooms and ripening processes where ethylene gas is introduced into the room to assist the ripening process.</p> <p>To operate a fruit ripening process.</p>	<p>\$ 1,000.00</p>	<p>Annually</p>	<p>UFC Article 46</p>
<p>Fumigation or Thermal Insecticidal Fogging</p> <p>Note: see UFC Article 80 for additional requirements and exceptions.</p> <p>To operate a business of fumigation or thermal insecticidal fogging or to maintain a fumigation room, vault, or chamber in which a toxic or flammable fumigant is used.</p>	<p>\$ 1,000.00</p>	<p>Annually</p>	<p>UFC Article 47</p>
<p>Hazardous Materials</p> <p>To store, transport on site, dispense, use or handle hazardous materials, or to install, repair, abandon, remove, place temporarily out-of-service, close or substantially modify a storage facility or other areas regulated by UFC Article 80 when the hazardous materials in use or stored exceed amounts listed in UFC Table 105-C.</p> <p>Note: The hazardous materials that exceeds the permit amount shall be used in determining the hazard classification. If more than one hazardous materials is involved, the material that fit within the hazard classification described herein shall be used. The measurement method used in the UFC for the respective hazardous materials shall be applicable.</p>	<p>\$ 5,000.00</p>	<p>Each Occurance</p>	<p>UFC Article 80</p>

Type of Permit	Fee	Duration	Code Section
<i>Minor Hazard</i>			
Solids: not to exceed 500# of permit amount	\$ 250.00	Annually	
Liquids: not to exceed 55 gals. of permit amount	\$ 250.00	Annually	
Gases: not to exceed 200 cu. ft. of permit amount	\$ 250.00	Annually	
<i>Moderate Hazard</i>			
Solids: 501-5000 lbs. (excess of permit amount)	\$ 500.00	Annually	
Liquid: 56-550 gals. (excess of permit amount)	\$ 500.00	Annually	
Gases: 201-2000 cu. ft. (excess of permit amount)	\$ 500.00	Annually	
<i>Major Hazard</i>			
Solid: 5001-25000 lbs. and over (excess of permit amount)	\$ 1,000.00	Annually	
Liquid: 551-2750 gals. (excess of permit amount)	\$ 1,000.00	Annually	
Gases: 2001-10000 cu. ft. (excess of permit amount)	\$ 1,000.00	Annually	
<i>Extreme Hazard</i>			
Solid: 25001 lbs. and over (excess of permit amount)	\$ 5,000.00	Annually	
Liquid: 2751 gals. and over (excess of permit amount)	\$ 5,000.00	Annually	
Gases: 10001 cu. ft. and over (excess of permit amount)	\$ 5,000.00	Annually	
<i>Special Hazard</i>			
Based on type of occupancy, size, location, quantity and degree on hazard.	\$ 10,000.00	Annually	
Hazardous Production Materials			UFC Article 51
To store, handle or use in Group H, Div. 6 occupancy.	\$ 5,000.00	Annually	
High-Piled Combustible Storage			UFC Article 81
To use any building or portion thereof exceeding 2,500 sq. ft. for high-piled combustible storage (Floor Plan Required)	\$ 1,000.00	Annually	
Hot-work Operation			UFC Article 49
Permits are required for hot-work including, but not limited to:			
Public exhibitions and demonstrations where hot-work is conducted.	\$ 250.00	Annually	
Use of portable hot-work equipment inside a structure.	\$ 500.00	Annually	
Exceptions:			
1 work that is conducted under a construction permit issued by the building official.			
Fixed-site hot-work equipment such as welding booths.	\$ 250.00	Annually	
Hot-work conducted within a hazardous fire area.	\$ 500.00	Annually	

Type of Permit	Fee	Duration	Code Section
Liquefied Petroleum Gas To store, use, handle, or dispense LP-gas: Portable containers equal to or more than 125 gallons where a single container is over 2,000 gallons water capacity or the aggregate capacity of containers is over 4,000 gallons water capacity.	\$ 1,000.00	Annually	UFC Article 82
To install or maintain LP-gas: Portable containers equal to or more than 125 gallons aggregate water capacity but not more than 4,000 gallons. Aggregate water capacity or a container more than 2,000 gallons water capacity.	\$ 1,000.00	Annually	
Containers over 4,000 gallons. Aggregate water capacity or a container more than 2,000 gallons water capacity. (Plans Required) Note: Distributors shall not fill an LP-gas container for which a permit is required unless a permit for installation has been issued for that location by the Fire Chief or his authorized representative. Note: Installers shall maintain a record of installation for which a permit is not required by UFC Section 105 and have such record available for inspection by the Fire Inspector. Exceptions: 1 installation of a gas-burning appliance and replacement of portable cylinders.	\$ 1,000.00	Annually	
Liquid or Gas-Fueled Vehicles or Equipment in Assembly Buildings To display, complete, or demonstrate liquid or gas-fueled vehicles or equipment in assembly buildings.	\$ 500.00	Each Occurrence	UFC Article 25
Lumber Yards To store lumber in excess of 100,000 board feet.	\$ 500.00	Annually	UFC Article 30
Magnesium Working To melt, cast, heat treat, or grind more than 10 lbs. of magnesium per working day.	\$ 500.00	Annually	UFC Article 48
Mall, Covered Permits shall be obtained to use a covered mall in the following manner:			UFC Article 35
To place or construct temporary kiosks, display booths, equipment or the like in a mall.	\$ 100.00	Each Occurrence	
To use a mall as a place or assembly.	\$ 500.00	Each Occurrence	
To use open-flame or flame-producing devices.	\$ 250.00	Each Occurrence	
To display any liquid or gas-fueled powered equipment.	\$ 250.00	Each Occurrence	

Type of Permit	Fee	Duration	Code Section
Marinas To use open-flame devices for maintenance or repair of vessels, floats, piers or wharves. To use portable barbecues, braziers or cooking devices on vessels, floats, piers or wharves.	\$ 500.00	Annually	UFC Article Appendix II-C
Motor Vehicle Fuel-Dispensing Stations To dispense flammable or combustible liquids, liquefied petroleum gases or compressed natural gas at motor vehicle fuel-dispensing stations. (Plans and Specifications Required) Note: such operations shall include both public and private accessible operations, automotive, marine fuel-dispensing stations.	\$ 5,000.00	Annually	UFC Article 52
Open Burning (not including barbecue) To conduct open burning. Note: Open burning is the burning of a bonfire, rubbish fire or other fire in an outdoor location where fuel being burned is not contained in an incinerator, outdoor fireplace, barbecue grill or or barbecue pit.	\$ 50.00	Annually or Each Occurrence	UFC Article 11
Organic Coating To manufacture more than one gallon of organic coating in a working day. Exceptions: 1 process manufacturing non-flammable or water-thinned coating and operations applying coating materials.	\$ 500.00	Annually	UFC Article 50
Ovens, Industrial Baking or Drying To operate an industrial baking or drying oven. Note: industrial baking and drying which are heated with oil or gas fuel or which during operations contain flammable vapors from the products being baked or dried. (Plans of Details and Calculations Required)	\$ 2,000.00	Annually	UFC Article 62
Parade Floats To use a parade float for public performance, presentation, spectacle, entertainment, or parade.	\$ 150.00	Each Float	UFC Article 11
Repair Garages To use a structure as a place of business for servicing or repairing motor vehicles.	\$ 1,000.00	Annually	UFC Article 29
Rifle Ranges To establish, maintain, or operate a rifle range. Note: Application must be referred to Police Division for approval.	\$ 1,000.00	Annually	UFC Appendix 11-D

Section 1013. Fines; for Violation of the Code

UFC SECTION	OFFENSE	Fine
103.4.3.1	Noncompliance to Permits, Orders, or Notices	\$ 500.00
103.4.3.2	Noncompliance with Tags	\$ 500.00
103.4.3.3	Removal and Destruction of Tags and Signs	\$ 500.00

Where work for which a fire code permit is required and is started or proceeded prior to first obtaining a fire code permit from the Department of Public Safety, Commonwealth Fire Division, Fire Prevention and Arson Investigation Unit, then the following fines shall apply. **Note:** this fines may be in addition to other fines imposed by local, state, or federal regulatory agencies for failure to obtain other required permits. All fines for violations shall be payable to the CNMI Treasury within 30 days or additional penalties will be applied and assessed every 30 days thereafter.

Facility or Property Value	Fine
\$1-\$500	\$50.00
\$501-\$2,000	\$75.00
\$2,001-\$25,000	\$100.00
\$25,001-\$50,000	\$500.00
\$50,001-\$100,000	\$1,000.00
\$100,001-\$500,000	\$2,500.00
\$500,001-1,000,000	\$5,000.00
\$1,000,001-UP	\$10,000.00

All violations range from \$50.00 or more and any other applicable fees or costs may apply. A warning will be issued for the first offense and all violations must be resolved before the first reinspection, otherwise, additional fines will be imposed. All Application For Permit fees or reinspection fees must be paid before any fire safety inspection is to be conducted and any permit is to be issued.

UFC SECTION	OFFENSE	Fine
Section 101	Failure to comply with nationally recognized standards.	\$ 500.00
Section 101.2	Violation of provisions for the administration of any and all laws relating to fire safety.	\$ 1,000.00
Section 103.2.1.1	Violation of provisions for the prevention of fires.	\$ 500.00
Section 103.2.1.1	Violation of provisions for the suppression or extinguishments of dangerous hazardous fire.	\$ 1,000.00
Section 103.2.1.1	Violation of provision for the storage, use and handling of hazardous materials.	\$ 1,000.00
Section 103.2.1.1	Violation of the provisions for the installation and maintenance and regulation of fire escapes.	\$ 500.00
Section 103.2.1.1	Violations of the provisions for the maintenance of fire protection and the elimination of fire hazards on land and in buildings, structures and other property, including those under construction.	\$ 1,000.00
Section 103.2.1.1	Violation of the provisions for the maintenance of exits.	\$ 250.00
Section 103.2.1.1	Violation of the provisions for the investigation of the cause, orgin, and circumstances of fire and unauthorized release of hazardous materials.	\$ 1,000.00
Section 105	Violation of provisions of permits.	\$ 500.00
Section 105.8	Failure to have a required permit.	\$ 250.00

Section 901.1	Violation of provisions for fire department access and water supply.	\$ 1,000.00
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Section 1001.1	Violation of provisions for fire protection systems and equipment.	\$ 1,000.00
Section 1101	Violation of provisions for general safety precaution.	\$ 500.00
Section 1201.1	Violation of provisions for the maintenance of exits and emergency escapes.	\$ 500.00
Section 1301.1	Violation of provisions for reporting of emergencies, emergency plans, and emergency procedures.	\$ 1,000.00
Section 2401.1	Violation of provisions for airports, heliports, helistops, and aircraft hangers. (Authority Having Jurisdiction)	\$ 5,000.00
Section 2501.1	Violation of provisions for places of assembly.	\$ 1,000.00
Section 2601	Violation of provisions for the storage, uses and handling of flammable and combustible liquids and woodworking operations within bowling alleys and pin-refinishing rooms.	\$ 5,000.00
Section 2701	Violations of provisions for cellulose nitrate plastics (pyroxylin) storage and handling.	\$ 1,000.00
Section 2801	Violation of provisions for the storage and handling of combustible fibers.	\$ 1,000.00
Section 2901	Violation of provisions for garages used for service or repair of motor vehicles.	\$ 1,000.00
Section 3001	Violation of provisions for woodworking plants and exterior lumber storage.	\$ 1,000.00
Section 3201	Violation of provisions for the temporary membrane structures having an area in excess of 200 sq. ft. and canopies in excess of 400 sq. ft.	\$ 1,000.00
Section 3301	Violation of provisions for the storage and handling of cellulose nitrate motion picture film (nitrate film).	\$ 1,000.00
Section 3401	Violation of provisions for automobile wrecking yards.	\$ 1,000.00
Section 3501	Violation of provisions for the temporary use of the common pedestrian area within a covered mall building for promotional, educational, assembly, sales or similar activities.	\$ 1,000.00
Section 3601.1	Violation of provisions for dry-cleaning plants and systems.	\$ 1,000.00
Section 4501.1	Violation of provisions for: <ul style="list-style-type: none"> 1 The application of flammable or combustible paint, varnish, lacquer, stain or other flammable or combustible liquid applied as spray by compressed air, airless, or hydraulic atomization, steam electrostatic or other methods or means in continuous or or intermittent process; 2 Dip tank operations in which articles or materials are passed through contents of tanks, vats or containers of flammable or combustible liquids, including coating, finishing, treatment and similar processes; and 3 The application of combustible powders by powder spray guns, electrostatic powder spray guns, fluidized beds or electrostatic fluidized beds. 	\$ 1,000.00 \$ 1,000.00 \$ 1,000.00
Section 4601	Violation of provisions for fruit-ripening processes in heated rooms and ripening processes where ethylene gas is introduced into a room to assist the ripening process.	\$ 1,000.00
Section 4701	Violation of provisions for fumigation and thermal insecticidal fogging operations.	\$ 1,000.00

Section 4801	Violation of provisions for the storage, handling and processing of magnesium including the pure metal and alloys of which the major part is magnesium.	\$ 1,000.00
Section 4901	Violation of provisions for welding and cutting operations.	\$ 1,000.00
Section 5001	Violation of provisions for processing of manufacturing protective and decorative finishes or coating for industrial, automotive, marine, transportation, institutional, household or other purposes, including the handling of flammable or combustible liquids, combustible solids and dust. Exception: Process of manufacturing non-flammable or water-thinned coating and operations applying coating materials.	\$ 1,000.00
Section 5101	Violation of provisions for semiconductor fabrication facilities and comparable research and development areas classified as Group H, Division 6 occupancies.	\$ 1,000.00
Section 5201	Violation of provisions for automotive, marine, and aircraft motor vehicle fuel-dispensing, including both public accessible and private operations. (UFC Standard 52-1)	\$ 5,000.00
Section 6101	Violation of provisions for oil-burning equipment other than internal combustion engines, oil lamps and portable devices such as blow torches, melting pots, and weed burners.	\$ 1,000.00
Section 6201	Violation of provisions for the location , construction, and operation of industrial baking and drying ovens which are heated with oil or gas fuel or which during operations contain flammable vapors from the products being baked or dried. (UFC Standard 62-1)	\$ 1,000.00
Section 6301	Violation of provisions for refrigeration unit and system installation having a refrigerant circuit containing more than 220 pounds of Group A1 or 30 pounds or any other group refrigerant. Exception: The Fire Chief is authorized to exempt tempoary or portable installation.	\$ 1,000.00
Section 6401	Violation of provisions for stationary lead-acid battery systems having a liquid capacity of more than 100 gallons used for facility standby power, emergency power or uninterrupted power supplies.	\$ 1,000.00
Section 7401.1	Violation of provision for storage, use and handling of compressed gases containers, cylinder, tanks and system. Including those gases regulated in the UFC. Partially full compressed gas containers, cylinders, and tanks containing residual gases shall be considered as full for the purposes of the controls quired.	\$ 5,000.00
Section 7501	Violation of provisions storage, use and handling of cryogenic fluids. Partially full containers, having residual cryogenic fluids shall be considered as full for the purposes of the controls required. Exception: Fluids within a closed-cycle refrigeration system complying with the mechanical code are not regulated by UFC Article 75.	\$ 1,000.00
Section 7601.1	Violation of provisions for prevention of dust explosions.	\$ 5,000.00

Section 7701.1	<p>Violation of provisions for manufacture, possession, storage, sale, transportation and use of explosives materials.</p> <p>Exception:</p> <ol style="list-style-type: none"> 1 The U.S. Armed Forces, Coast Guard, or National Guard; 2 Explosive in forms prescribed by the official United States Pharmacopoeia; 3 The sale, possession or use of fireworks 1.4G (Class C common fireworks); 4 The possession, transportation, storage, and use of small arms ammunition when packaged in accordance with U.S. DOT packaging requirements; 5 The possession, storage, transportation, and use of not more than 5 pounds of commercially manufactured sporting black powder, 20 pounds of smokeless powder and 10,000 small arms primers for hand loading or small arms ammunition for personal consumption; 6 The transportation and use of explosive materials by the United States Bureau of Mines and federal, state and local law enforcement and fire agencies acting in their official capabilities; 7 Special industrial explosive devices which in the aggregate contain less than 50 pounds of explosive materials; 8 The possession, transportation, storage and use of blank industrial power load cartridges when packaged in accordance with U.S. DOT packaging requirements; 9 When preempted by federal regulations; 10 The use and handling of fireworks 1.3G (Class B Fireworks) as set forth in UFC Article 78. 	\$ 10,000.00
Section 7801	<p>Violation of provisions for fireworks and temporary storage, use and handling of pyrotechnic special effects materials used in motion pictures, television, and theatrical and group entertainment productions.</p>	\$ 5,000.00
Section 7901.1	<p>Violation of provisions for storage, use, dispensing, mixing and handling of flammable and combustible liquids.</p> <p>Exemption:</p> <ol style="list-style-type: none"> 1 As otherwise provided in other laws or regulation; 2 Alcoholic Beverages in retail sales or storage uses, provided the liquids are packaged in individual containers not exceeding 4 liters; 3 Medicines, foodstuffs, and cosmetics containing not more than 50 percent by volume of water-miscible liquids and with the remainder of the solution not being flammable, in retail sales or storage uses when packaged in individual containers not exceeding 4 liters; 4 Storage and use of fuel tanks and containers connected to oil-burning equipment. Such storage and use shall be in accordance with UFC Article 61 and the mechanical code. For abandonment of tanks, UFC Article 79 shall apply; 5 Refrigerant liquids and refrigerant oils within an approved closed- 	\$ 5,000.00

continued.. Section 7901.1	<p>cycle refrigeration system complying with the mechanical code. See UFC Article 63;</p> <p>6 Storage and display of aerosol products, see UFC Article 88;</p> <p>7 Materials which are solid at 100 degrees fahrenheit or above;</p> <p>8 Storage of liquids that have no fire point when tested in accordance with nationally recognized standards. See section 9003, standard a. 4.5;</p> <p>9 Liquids without flash points that can be flammable under some conditions, such as certain halogenated hydrocarbons and mixtures containing halogenated hydrocarbons.</p>	
Section 8001	<p>Violation of provisions for the prevention, control of mitigation of dangerous conditions related to storage, dispensing, use and handling of hazardous materials and information needed by emergency response personnel.</p> <p>Exception:</p> <p>1 The quantities of alcoholic beverages, medicines, food stuffs, and cosmetics, containing not more than 50 percent by volume of water-miscible liquids and with the remainder of the solution not being flammable, in retail sales occupancies are unlimited when packaged in individual containers not exceeding 4 liters;</p> <p>2 Application and release of pesticide products and materials intended for use in weed abatement, erosion control, soil or similar applications when applied in accordance with the the manufacture's instructions and label directions.</p>	\$ 10,000.00
Section 8101	<p>Violation of provisions for building containing high-piled combustible storage. In addition to the requirements of UFC Article 81, aerosol shall be in accordance with UFC Article 88, flammable and combustible liquids shall be in accordance with UFC Article 79, and hazardous materials shall be in accordance with UFC Article 80.</p>	\$ 5,000.00
Section 8201	<p>Violation of provisions for storage, handling transportation of LP-gas and the installation of equipment pertinent to system for such uses.</p>	\$ 5,000.00
Section 8401	<p>Violation of provisions for the use of ribbon-type cellulose acetate and other safety film in conjunction with electric arc, xenon or other light source projection equipment which develops hazardous gases, dust or radiation and the projection of ribbon-type cellulose nitrate film, regardless of the light source used in projection.</p>	\$ 1,000.00
Section 8501	<p>Violation of provisions for permanent and temporary use of electrical appliances, fixtures, motors, and wiring.</p> <p>Exception: Low-voltage wiring, such as communications and signal wiring.</p>	\$ 1,000.00
Section 8701	<p>Violation of provisions for building undergoing construction, alteration or demolition.</p>	\$ 1,000.00
Section 8801.1	<p>Violation of provisions for storage, and retail display of aerosol products.</p> <p>Exception: Level 1 aerosols in cartons which are clearly marked to identify their classification level are not regulated by UFC Article 88.</p>	\$ 1,000.00
Section 9001.1	<p>Violation of provisions for the UFC standards referred to in various parts of this code, which are also listed in Section 9002 and published in Volume 2 of this code, are hereby declared to be part of this code and are referred to this code as UFC standards.</p>	\$ 1,000.00

Section 9001.2	Violation of provisions of Standard of Duty established for the recognized standards listed in Section 9003 is that the design, construction, and quality of materials of building, structures, equipment, processes, and methodologies be reasonably safe for life, limb, health, property, and public welfare.	\$ 1,000.00
Section 9001.3	Violation of provisions of the recognized standards listed in Section 9003 are recognized standards. Compliance with these recognized standards shall be prima facie evidence of compliance with the standard of duty set forth in Section 9001.2.	\$ 1,000.00
U.F.C Appendix I-A	Violation of provisions for life-safety requirements for existing buildings, other than high-rise, which do not conform with the minimum requirements of the Uniform Building Code. Exception: Group U occupancies and occupancies regulated by Appendix I-B, and Group R Division 3 occupancies, except that Group R Division 3 occupancies shall comply with section 6.	\$ 1,000.00
U.F.C Appendix I-B	Violation of provisions for life-safety requirements for existing high-rise buildings constructed prior to the adoption of appendix I-B and which house Group B office or Group R, Division I occupancies, each having floors used for human occupancy located more than 75 feet above the lowest level of fire department vehicle access.	\$ 5,000.00
U.F.C Appendix I-C	Violation of provisions for signs to provide information to the occupants and fire department personnel to minimize confusion during emergencies. Standardized signs shall be provided in new and existing buildings that are four or more stories in height. Such signs shall be installed in stairways to identify each stair landing and indicate the upper and lower termination of the stairway.	\$ 1,000.00
U.F.C Appendix II-A	Violation of provisions for safeguards to prevent the occurrence of fire and to provide adequate fire-protection facilities to control the spread of fire which might be caused by recreations, residential, commercial, industrial, or other activities conducted in hazardous fire areas.	\$ 5,000.00
U.F.C Appendix II-B	Violation of provisions for protection of flammable and combustible liquid tanks in location subject to flooding.	\$ 5,000.00
U.F.C Appendix II-D	Violations of provisions for rifle ranges.	\$ 1,000.00
U.F.C Appendix II-E	Violation of provisions for Hazardous Materials Inventory Statement (HMIS) and Hazardous Materials Management Plans (HMMP) which are required by the Fire Chief pursuant to UFC Article 80 shall be provided for hazardous materials. Exception: 1 Materials which have been satisfactorily demonstrated not to present a potential danger to public health, safety or welfare, based upon the quantity or condition of storage, when approved. 2 Chromium, copper, lead, nickel, and silver need not be considered hazardous materials for the purposes of Appendix II-E unless they are stored in friable, powder or finely divided state.	\$ 10,000.00
U.F.C Appendix II-F	Violation of provisions for the storage and dispensing of motor fuels into the fuel tanks of motor vehicles from protected above ground tanks located outside buildings.	\$ 1,000.00

U.F.C Appendix II-G	Violation of provisions for secondary containment for underground tank system containing flammable or combustible liquids. Also see CFR, Title 40, part 280, and UFC Section 8001.4.5.1 for additional requirements related to secondary containment tanks containing hazardous materials other than flammable and combustible liquids.	\$ 5,000.00
U.F.C Appendix II-H	Violation of provisions for site assessment for determining the potential fire or explosion risk from a leak, spill, or discharge from an underground flammable or combustible liquid storage tank. Also, see UFC Section 7901.7.4.	\$ 5,000.00
U.F.C Appendix II-I	Violation of provisions for equipment having maximum ozone-generating capacity of 1/2 pound or more over a 24 hour period. Exception: Ozone-generating equipment used in Group R, Division 3 occupancies.	\$ 1,000.00
U.F.C Appendix II-J	Violations of provisions for storage of flammable or combustible liquids in tanks located within below-grade vaults.	\$ 5,000.00
U.F.C Appendix III-A	Violation of provisions for the procedure determining fire-flow requirements for building or portions of building hereafter constructed.	\$ 1,000.00
U.F.C Appendix III-B	Violation of provisions for fire hydrant location and distribution.	\$ 1,000.00
U.F.C Appendix III-C	Violation of provisions for inspection, testing, and maintenance of waterbased fire-protection systems.	\$ 1,000.00
U.F.C Appendix III-D	Violation of provisions for basement pipe inlets. Also see UFC Section 1005.	\$ 1,000.00
U.F.C Appendix IV-A	Violation of provisions for exposed floor surfaces of buildings, including coverings which are applied over a previously finished floor. Exception: Interior floor finish materials of a traditional type, such as wood, vinyl, linoleum, terrazzo, and other resilient floor covering materials.	\$ 1,000.00
U.F.C Appendix IV-B	Violation of provisions for the use of natural or resin-bearing cut trees in public buildings.	\$ 1,000.00
U.F.C Appendix V-A	Violation of provisions of nationally recognized standards of good practice.	\$ 1,000.00
U.F.C Appendix VI-A	Violation of provisions for hazardous materials classification. To provide information, explanation and examples to illustrate and clarify the hazard categories contained in UFC Article 80. The hazard categories are based upon CFR, Title 29, where the numerical classifications are included.	\$ 5,000.00



DEPARTMENT OF PUBLIC SAFETY

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Jose M. Sablan Building Susupe

Caller Box 10007

Saipan, MP 96950

Telephone: (670) 664-9000 (24 Hours)

Facsimile: (670) 664-9019



PUBLIC NOTICE

ESTABLISH RULES AND REGULATIONS TO INCLUDE FEES AND FINES FOR THE LICENSURE, CERTIFICATION, CREDENTIALING, AUTHORIZATION, AND ENFORCEMENT OF NON-GOVERNMENT COMMERCIAL AMBULANCE AND MEDICAL TRANSPORT SERVICE PROVIDERS GOVERNING THE ADMINISTRATIVE PROCEDURE OF THE COMMONWEALTH FIRE SAFETY CODE

Citation of Statutory Authority:	Public Law 11-56, Commonwealth Fire Safety Code Act of 1998, Article 2, Section 7306(d).
Short Statement of Goals and Objectives:	To establish rules and regulations to include fees and fines as mandated by Public Law 11-56, Commonwealth Fire Safety Code.
Brief Summary of the Proposed Regulations:	To establish rules and regulations to include fees and fines for the licensure, certification, credentialing, authorization, and enforcement of non-government commercial ambulance and medical transport service providers to only perform non-emergency services to govern the administration, implementation, and enforcement of Public Law 11-56, Commonwealth Fire Safety Code.
Citation of Related and/or Affected Statutes, Rules, and Regulations:	Public Law 11-56, Commonwealth Fire Safety Code; and national standards published by the U.S. DOT/NHTSA, U.S DHHS/HRSA, ACS COT, ACEP, and NAEMSP; accreditation standards by the CoAEMSP, CECBEMS, and CAAS; certification requirements by the NREMT, AHA, AAP, ACS COT, and NAEMSE.
For Further Information Contact:	Fire Chief Thomas Manglona through his designated representatives: Capt. Juan Pua at 664-9136 (Saipan), Lt. Augustine Dosalua at 433-0476 (Tinian), or Lt. Ron Ogo at 532-3736 (Rota).

Dated this 28TH day of November 2011.

Submitted By:

Ramon S. Mafnas

Commissioner, Department of Public Safety



DEPARTMENT OF PUBLIC SAFETY

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Jose M. Sablan Building Susupe

Caller Box 10007

Saipan, MP 96950

Telephone: (670) 664-9000 (24 Hours)

Facsimile: (670) 664-9019



PUBLIC NOTICE

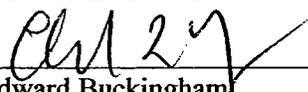
TO ESTABLISH RULES AND REGULATIONS TO INCLUDE FEES AND FINES FOR THE LICENSURE, CERTIFICATION, CREDENTIALING, AUTHORIZATION, AND ENFORCEMENT OF NON-GOVERNMENT COMMERCIAL AMBULANCE AND MEDICAL TRANSPORT SERVICE PROVIDERS AS PER THE RULES AND REGULATIONS GOVERNING THE ADMINISTRATIVE PROCEDURE OF THE COMMONWEALTH FIRE SAFETY CODE

The Department of Public Safety, Fire Division, Office of EMS, hereby proposes rules and regulations to include fees and fines for the licensure, certification, credentialing, and authorization of non-government commercial ambulance and medical transport service providers that govern the administration, implementation, and enforcement of the Commonwealth of the Northern Mariana Islands Fire Safety Code, Public Law 11-56, and adopt national standards published by the U.S. Department of Transportation/National Highway Traffic Safety Administration, U.S. Department of Health and Human Services/Health Resources and Services Administration, American College of Surgeons, American College of Emergency Physicians, and the National Association of EMS Physicians; accreditation standards by the Commission on Accreditation of Educational Programs for the Emergency Medical Services Professions, Continuing Education Coordinating Board for Emergency Medical Services, and Commission on Accreditation of Ambulance Services; and certification requirements by the National Registry of Emergency Medical Technicians, American Heart Association, American Academy of Pediatrics, American College of Surgeons, and the National Association of EMS Educators. The established rules and regulations to include fees and fines to be promulgated are authorized pursuant to Public Law 11-56, "Commonwealth Fire Safety Code Act of 1998," Article 2, Section 7306(d).

All written comments and/or recommendations regarding the established rules and regulations to include fees and fines are to be submitted within thirty (30) days after the date of this publication in the Commonwealth Register to the Department of Public Safety, Fire Division, Office of EMS, P.O. Box 500791, Saipan, MP 96950.

Reviewed By:		<u>11/28/11</u>
	Thomas M. Manglona Fire Chief, DPS Fire Division	Date
Approved By:		<u>28 NOV. '11</u>
	Ramon C. Mafnas Commissioner, Department of Public Safety	Date
Filed By:		<u>12-27-2011</u>
	Esther M. San Nicolas Commonwealth Registrar	Date

Pursuant to 1 CMC§2153 as amended by PL 10-50, the rules and regulations to include the fees and fines schedule attached hereto have been reviewed and approved by the CNMI Attorney General's Office.

	<u>12-23-11</u>
Edward Buckingham Attorney General	Date

Received by:


Esther S. Fleming, S.A.A.

12/27/11
Date

DIPATTAMENTUN SINĀFU' PUPBLIKU
COMMONWEALTH GI SANGKATTAN NA ISLAS MARIANA SIHA

Jose M. Sablan Building Susupe
Caller Box 10007
Saipan, MP 96950
Tilifon: (670) 664-9000 (24 Oras)
Facsimile: (670) 664-9019

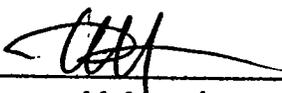
NUTISIAN PUPBLIKU

**PARA U ISTAPBLISA AREKLAMENTU YAN REGULASION SIHA PARA I INGKLUSU I APAS YAN MUTTA SIHA
PARA I LICENSURE, CERTIFICATION, CREDENTIALING, AUTHORIZATION, YAN ENFORCEMENT I NON-
GOVERNMENT COMMERCIAL AMBULANCE YAN MEDICAL TRANSPORT SERVICE PROVIDERS KUMU
AREKLAMENTU YAN REGULASION SIHA NI GINIBEBIETNA I ADIMINSTRATIVE PROCEDURE GI
COMMONWEALTH
FIRE SAFETY CODE**

I Dipattamentun Sināfu' Pupbliku, Dibision Kimason, Ufisanan EMS, ha proponi guini siha i areklamentu yan regulasion siha ingklusu apas yan mutta siha para i licensure, certification, credentialing, yan authorization gi non-government commercial ambulance yan medical transport service providers ni ginibietna i atministrasion, implementasion, yan enforcement gi Kodigun Sināfu' Kimason gi Commonwealth gi Sangkattan na Islas Marianas siha, Lain Pupbliku 11-56, yan ha adâpta i national standards ni mapupblika ginin i U.S. Department of Transportation/National Highway Traffic Safety Administration, U.S. Department of Services/Health Resources yan Services Administration, American College of Surgeons, American College of Emergency Physicians, yan i National Association of EMS Physicians; accreditation standards ginin i Commission on Accreditation of Educational Programs para i Emergency Medical Services Professions, Continuing Education Coordinating Board para i Emergency Medical Services, yan Commission on Accreditation of Ambulance Services yan denimândan settifikasion siha ginin i National Registry of Emergency Medical Technicians, American Heart Association, American Academy of Pediatrics, American College of Surgeons yan i National Association of EMS Educators. I ma'istapblesi na areklamentu yan regulasion siha para u ingklusu âpas yan mutta siha ni para u macho'gui manma'âturisa sigun gi Lai Pupbliku 11-56, "Commonwealth Fire Safety Code Act gi 1998," Attikulu 2, Seksiona 7306(d).

Todu tinigi' upiñon yan/pat rekomendasion siha sigun i ma'istapblesi na areklamentu yan regulasion siha para u ingklusu âpas yan mutta siha ni para u mana'hâlum i trenta(30) dihas dispues di esti na pupublikasion gi halum i Rehistran Commonwealth para i Dipattamentun Sināfu' Kimason, Dibision Kimason, Ufisanan i EMS, P.O. Box 500791, Saipan, MP 96950.

Rinibisa As:


Thomas M. Manglona
Fire Chief, DPS-Dibision Kimason

11/28/11
Fetcha

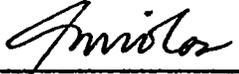
Inapruueba As:


Ramon C. Mafnas
Kumisina, Dipattamentun Sináfu' Ppubliku

28 NOV. 2011

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Pine'lu As:


Esther M. San Nicolas
Rehistran Commonwealth

12-27-2011

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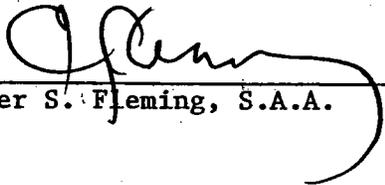
Sigun i 1 CMC §2153 kumu ma'amenda ni Lain Ppubliku 10-50, i areklamentu yan regulasion siha para u ingklusu i apas yan i siñálan mutta siha ni mafiechettun guini ni manmaribisa yan ma'apruueba ginin i Ufisinan Abugádu Henerát.


Edward Buckingham
Abugádu Henerát

12-23-11

Fetcha

Received by:


Esther S. Fleming, S.A.A.

12/27/11

Date

**DIPATTAMENTUN SINĀFU' PUPBLIKU
COMMONWEALTH GI SANGKATTAN NA ISLAS MARIANA SIHA**

Jose M. Sablan Building Susupe
Caller Box 10007
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NUTISIAN PUPBLIKU

**U ISTAPBLESI AREKLAMENTU YAN REGULASION SIHA NA PARA U INGKLUSU I APAS YAN MUTTA SIHA
PARA I LICENSURE, SETTIFIKASION, CREDENTIALING, AUTHORIZATION, YAN ENFORCEMENT I NON-
GOVERNMENT COMMERCIAL AMBULANCE YAN MEDICAL TRANSPORT SERVICE PROVIDERS
NI GINIBBIETNA I ADIMINSTRATIVE PROCEDURE GI COMMONWEALTH
FIRE SAFETY CODE**

Sitasion Āturidāt Estatua:	Lain Pupbliku 11-56 Āktun Kodigu gi 1998 Āktun Kodigu gi 1998 Commonwealth Sināfu' Kimason, Attikulu 2, Seksiona 7306(d).
Kadada' na Sinangan gi Goals yan Objectives:	Para u istapblesi i areklamentu yan regulasion siha para u ingklusu āpas yan i mutta siha kumu mamānda ginin i Lai Pupbliku 11-56, Commonwealth Kodigu Sināfu' Kimason.
Kadada' na Sumāria gi Manmaproponi na Regulasion Siha:	Para u istapblesi i areklamentu yan regulasion siha para u ingklusu āpas yan mutta siha para i licensure, settifikasion, credentialing, authorization, yan enforcement gi non-government commercial ambulance yan medical transport service providers para u perform ha' i non-emergency services para u ginibietna i atministrasion, implimentasion, yan inforcement gi Lai Pupbliku 11-56, Commonwealth Kodigu Sināfu' Kimason.
Sitasion gi Mana'achuli' yan/pat Inafekta i Estatua, Areklamentu, yan Regulasion Siha:	Lain Pupbliku 11-56, Kodigun Commonwealth Sināfu' Kimason: yan i national standards ni mapupblika ginin i U.S. DOT/NHTSA, U.S. DHHS/HRSA, ACS COT, ACEP, yan i NAEMSP; accreditationstandards ginin i Co AEMSP, CECBEMS, yan i CAAS; dinimāndan settifikasion siha ginin i NREMT, AHA, AAP, ACS COT, yan i NAEMSE).
Para mās na Imfotmasion Āgang:	Fire Chief as Thomas Manglona maskiseha i madisikna na representānti siha as: Capt. Juan Pua gi 664-9136 (Saipan), Lt. Augustine Dosalua gi 433-0476 (Tinian), pat si Lt. Ron Ogo gi 532-3736 (Luta).

Mafetcha esti gi diha 28 gi Nubembri 2011.

Nina'hálum As: 
Ramon C. Mafnas
Kumisina, Dipattamentun Sináfu' Pupbliku

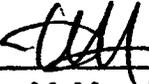
DEPARTMENT OF PUBLIC SAFETY
COMMONWEALTH OF THE NORTHERN MARIANAS ISLANDS
Jose M. Sablan Building Susupe
Caller Box 10007
Saipan, MP 96950
Telephone: (670)664-9000(24 Hours)
Facsimile(670)664-9019

ARONGORONGOL TOULAP

EBWE AYOORA ALLÉGH ME ATIWLIGH NGE EBWE TOOLONG ABWÓSS ME FINES REL LICENSURE, CERTIFICATION, CREDENTIALING, AUTHORIZATION ME ENFORCEMENT REL NON-GOVERNMENT COMMERCIAL AMBULANCE ME MEDICAL TRANSPORT SERVICE PROVIDERS SÁNGI ALLÉGH ME ATIWLIGH KKA E LEMELI ADMINISTRATIVE PROCEDURE IL COMMONWEALTH FIRE SAFETY CODE.

Bwulasiyool Public Safety, Fire Division, Office of EMS, ebwe ayoora pomwol allégh me atiwligh kka ebwe toolong abwóss me fines rel licensure, certification, credential zing, me authorization rel non-government commercial ambulance me medical transport service providers rel administration, implementation, me enforcement il Commonwealth Of the Northern Marianas Islands Fire Safety code, Public Law 11-56, me adaptáali national standard ikka e akkatowow merel U.S. Department of Transportation/National Highway Traffic Safety Administration, U.S. Department of Health and Human Services/Health Resources and Services Administration, American College of Surgeons, American College of Emergency Physicians, me National Association of EMS Physicians; accreditation standards by the Commission on Accreditation of Educational Programs for the Emergency Medical Services Professions, Continuing Education Coordinating Board for Emergency Medical Services, and Commission on Accreditation of Ambulance Services; and certification requirements by the National Registry of Emergency Medical Technicians, American Heart Association, American Academy of Pediatrics, American College of Surgeons, me the National Association of EMS Educators. Allégh me atiwligh kka e ffér e toolong abwóss me fines ebwe akkatowow sáangi Public Law 11-56, "Commonwealth Fire Safety Code Act of 1998, " Article 2, Section 730(d).

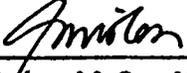
Alongal iisch me/ ngare mángemáng rel allégh me atiwligh kka e ffér iye e toolong abwóss me ngare fines ebwe isisilong lól ótol eligh(30)ráll mwiril ráll la e toolong publication mellól Commonwealth Register ngáli Bwulasiyool Public Safety, Fire Division, Office of EMS, P.O. Box 500791, Saipan, MP 96950.

Alúghúlugh merel: 
Thomas M. Manglona
Fire Chief, DPS Fire Division

11/28/11
Ráll

Bwunguló merel: 
Ramon C. Mafnas
Commissioner, Department of Public Safety

28 NOV. 2011
Ráll

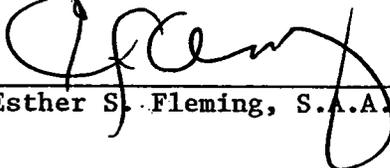
Amwel Sángi: 
Esther M. San Nicolas
Commonwealth Registrar

12-27-2011
Ráll

Sángi 1 CMC §2153 iye a lliiwel merel PL 10-50, allegh me atiwigh kka e toolong abwóss me fines schedule ikka e appasch nge atakkal amweri me alúghúlúgh mereel Bwulasiyol CNMI Attorney General.


Edward Buckingham
Attorney General

12-23-11
Ráll

Received by: 
Esther S. Fleming, S.A.A.

12/27/11
Ráll

DEPARTMENT OF PUBLIC SAFETY
COMMONWEALTH OF THE NORTHERN MARIANAS ISLANDS
 Jose M. Sablan Building Susupe
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ARONGORONGOL TOULAP

EBWE AYOORA ALLÉGH ME ATIWLIH NGE EBWE TOOLONG ABWÓSS ME FINES REL LICENSURE, CERTIFICATION, CREDENTIALIZING, AUTHORIZATION ME ENFORCEMENT REL NON-GOVERNMENT COMMERCIAL AMBULANCE ME MEDICAL TRANSPORT SERVICE PROVIDERS SÁNGI ALLÉGH ME ATIWLIH KKA E LEMELI ADMINISTRATIVE PROCEDURE IL COMMONWEALTH FIRE SAFETY CODE.

Kkapasal me bwángil	Public Law 11-56, Commonwealth Fire Safety Code Act of 1998, Article 2, Section 7306(d)
Eghus Arong reel yaal Goals me Objectives	Ebwe ayoora alégh me atiwlih nge ebwe toolong abwóss me fines sángi Public Law 11-56, Commonwealth Fire Safety Code.
Weimwoschol rel pomwol atiwlih	Ebwe ayoora alégh me atiwlih nge ebwe toolong abwóss me fines rel licensure, certification, credentializing, authorization me enforcement rel non-government commercial ambulance me medical transport service providers bwe rebwe fférú schagh non-emergency service kka e lemeli administration, implementation me bwáángil Public Law 11-56, Commonwealth Fire Safety Code.
Citations rel meta kka e affecta rel statutes, Allégh me Atiwlih	Public Law 11-56, Commonwealth Fire Safety Code; me nationa standards published me rel U.S. DOT/NHTSA, U.S DHHS/HRSA, ACS COT, ACEP ME NAEMSP; accreditation standards merel CoAEMSP, CECBEMS, ME CAAS; certification requirements merel NREMT, AHA, AAP, ACS COT, me NAEMSE
Reel Ammataf Faingi	Fire Chief Thomas Manglona me ngare layúl aramas: Capt. Juan Pua rel 664- 9136 (Seipel), Lt. Augustine Dosalua rel 433-0476(Tchuliyól) me ngare Lt. Ron Ogo rel 532-3736(Luta)

Ráilil ye 28th ráil lól Nobembre 2011

Isáliiyallong:



Ramon C. Mafnas

Commissioner, Department of Public Safety

Section 2000. Authority:

The CNMI Department of Public Safety, Fire Division, Office of EMS, may herein be referred to as the CNMI Office of EMS, shall have the legal authority to enforce laws, promulgate rules and regulations, and establish fees and fines pursuant to the authority of the Public Law 11-56, Commonwealth Fire Safety Code Act of 1998, Article 2, Section 7306(d).

Section 2001. Declaration:

The Department of Public Safety, Fire Division, Emergency Services Section, is the sole provider of emergency and non-emergency basic and advanced life support emergency medical services for the Commonwealth of the Northern Mariana Islands. The CNMI Office of EMS is the lead agency for the provision of emergency medical services to include emergency medical services for children, highway traffic safety emergency medical services, critical care transport, air ambulances, rural emergency medical services, search and rescue, tactical emergency medical services, wilderness emergency medical services, wildland firefighting emergency medical services, and traumatic brain injury. The CNMI Office of EMS may from time to time contract for non-emergency non-government commercial ambulance or medical transport services during natural or man-made catastrophic disasters; or as deemed necessary.

Section 2002. Purpose:

The purpose of these rules and regulations, to include fees and fines, for the licensure, certification, credentialing, and authorization of non-government commercial ambulance and medical transport service providers to only perform non-emergency transport services that includes personnel, ambulances, medical transport vehicles, equipment and supplies, facilities, and communications to govern the administration, implementation, and enforcement of the Public Law 11-56, Commonwealth Fire Safety Code, Article 2, Section 7306(d).

Section 2003. Adoption of National Standards, Accreditation Bodies, and Certification Organizations:

The CNMI Office of EMS hereby adopts the following:

A. National Standards: EMS Agenda For The Future (1996), EMS Education Agenda for the Future: A Systems Approach (2000), National Guidelines for Educating EMS Instructors (2002), National EMS Core Content (2005), National EMS Scope of Practice Model (2007), National EMS Education Standards (2009), National EMS Certification, National EMS Education Program Accreditation, Minimum Required Equipment for Basic Life Support (BLS) and Advanced Life Support (ALS) Ambulances (2005).

B. Accreditation Bodies: Commission on Accreditation of Educational Programs for the Emergency Medical Services Professions (CoAEMSP), Continuing Education Coordinating Board for Emergency Medical Services (CECBEMS), Commission on Accreditation of Ambulance Services (CAAS).

C. Certification Organizations: National Registry of Emergency Medical Technicians (NREMT) for certification in Emergency Medical Responder (EMR), Emergency Medical Technician (EMT), Advanced Emergency Medical Technician (AEMT), and Paramedic; American Heart Association (AHA) Emergency Cardiac Care Guidelines (2010) for certification in Basic Life Support for Healthcare Providers (BLS-HCP), Heartsaver Cardiopulmonary Resuscitation (CPR), Automated External Defibrillator (AED), Advanced Cardiac Life Support (ACLS), Pediatric Advanced Life Support (PALS); American Academy of Pediatrics (AAP) for certification in basic and advanced life support Pediatric Education for Prehospital Professionals (PEPP); American College of Surgeons

(ACS) Committee on Trauma (COT) for certification in Prehospital Trauma Life Support (PHTLS); National Association of EMS Educators (NAEMSE) for certification in Instructor Course I/II; National Emergency Medical Services Educator Certification (NEMSEC) for certification as a Nationally Certified EMS Educator (NCEE).

Section 2004. Licensure Agency:

The CNMI Healthcare Professions Licensing Board is the licensure agency for EMTs. No prehospital healthcare provider is authorized to practice at any time without first being credentialed by the CNMI Office of EMS then licensed by the CNMI Healthcare Professions Licensing Board. Any violations to this provision may result in fines and/or imprisonment as mandated by law.

Section 2005. Credentialing Agency:

The CNMI Office of EMS is the credentialing agency for all prehospital healthcare providers in the Commonwealth of the Northern Mariana Islands from EMR, EMT, AEMT, Paramedic, EMS Instructor, EMS Medical Director, and Medical Director for non-government commercial ambulance and patient transport service providers. This credentialing requirement also applies to flight EMTs, AEMTs, or Paramedics; critical care transport EMTs, AEMTs, or Paramedics; wilderness EMTs, AEMTs, or Paramedics; tactical EMTs, AEMTs, or Paramedics; and their Medical Directors. The CNMI Office of EMS is the overall credentialing agency for the Municipality of Saipan and the Northern Islands, Municipality of Rota, and the Municipality of Tinian. All prehospital healthcare providers must be credentialed in the municipality they are employed in. Any violations to this provision may result in fines and/or imprisonment as mandated by law.

Section 2006. Minimum Requirements for Credentialing Prehospital Healthcare Providers:

A. Individuals applying to be credentialed as a CNMI Emergency Medical Responder must meet the following requirements:

1. Must be at least 18 years of age or older, a U.S. citizen or national, and a legal CNMI resident.
2. Successful completion of a CNMI Office of EMS approved Emergency Medical Responder course that meets or exceeds the U.S. Department of Transportation First Responder National Standard Curriculum (1995). You must have completed the course within the last two years prior to applying for licensure and credentialing.
3. Successful completion of a CNMI Office of EMS approved cognitive and psychomotor exam. You must have completed the exam within the last two years prior to applying for licensure and credentialing.
4. Successful completion of an American Heart Association Basic Life Support for Healthcare Providers course (2010). Must submit proof of current AHA certification within the last two years prior to applying for licensure and credentialing.
5. Successful completion of a CNMI Office of EMS approved Emergency Vehicle Operators course that meets or exceeds the U.S. Department of Transportation EVOC National Standard Curriculum. You must have completed the course within the last two years prior to applying for licensure and credentialing.
6. Submit an approved CNMI Office of EMS application form for licensure and credentialing as a CNMI Emergency Medical Responder. Submit proof of a current CNMI Driver's License and Police Clearance. Pay a non-transferable and non-refundable application fee, this includes a CNMI and Federal criminal background checks, to the CNMI Office of EMS to

be licensed and credentialed for a period of not more than two years at a time.

B. Individuals applying to be credentialed as a CNMI Emergency Medical Technician must meet the following requirements:

1. Must be at least 18 years of age or older, a U.S. citizen or national, and a legal CNMI resident.
2. Successful completion of a CNMI Office of EMS approved Emergency Medical Technician course that meets or exceeds the U.S. Department of Transportation EMT-Basic National Standard Curriculum (1994). You must have completed the course within the last two years prior to applying for licensure and credentialing.
3. Successful completion of a CNMI Office of EMS approved cognitive and psychomotor exam. You must have completed the exam within the last two years prior to applying for licensure and credentialing.
4. Successful completion of an American Heart Association Basic Life Support for Healthcare Providers course (2010). Must submit proof of current AHA certification within the last two years prior to applying for licensure and credentialing.
5. Successful completion of an American Academy of Pediatrics Basic Life Support Pediatric Education for Prehospital Professionals. Must submit proof of current AAP-BLS PEPP certification within the last two years prior to applying for licensure and credentialing.
6. Successful completion of an American College of Surgeons Prehospital Trauma Life Support. Must submit proof of current ACS COT-PHTLS certification within the last two years prior to applying for licensure and credentialing.
7. Successful completion of a CNMI Office of EMS approved Emergency Vehicle Operators course that meets or exceeds the U.S. Department of Transportation EVOC National Standard Curriculum (1995). You must have completed the course within the last two years prior to applying for licensure and credentialing.
8. Submit an approved CNMI Office of EMS application form for licensure and credentialing as a CNMI Emergency Medical Technician. Submit proof of a current CNMI Driver's License and Police Clearance. Pay a non-transferable and non-refundable application fee, this includes a CNMI and Federal criminal background checks, to the CNMI Office of EMS to be licensed and credentialed for a period of not more than two years at a time.

C. Individuals applying to be credentialed as a CNMI Advanced Emergency Medical Technician must meet the following requirements:

1. Must be at least 20 years of age or older, a U.S. citizen or national, and a legal CNMI resident.
2. Must have at least 2 years of active work experience as an Emergency Medical Technician.
3. Successful completion of a CNMI Office of EMS approved Advanced Emergency Medical Technician course that meets or exceeds the U.S. Department of Transportation National EMS Education Standards (2009). You must have completed the course within the last two years prior to applying for licensure and credentialing.
4. Successful completion of a CNMI Office of EMS approved cognitive and psychomotor exam. You must have completed the exam within the last two years prior to applying for licensure and credentialing.

5. Successful completion of an American Heart Association Basic Life Support for Healthcare Providers course, Advanced Cardiac Life Support course, and Pediatric Advanced Life Support course (2010). Must submit proof of current AHA certifications within the last two years prior to applying for licensure and credentialing.
 6. Successful completion of an American Academy of Pediatrics Advanced Life Support Pediatric Education for Prehospital Professionals. Must submit proof of current AAP-ALS PEPP certification within the last two years prior to applying for licensure and credentialing.
 7. Successful completion of an American College of Surgeons Prehospital Trauma Life Support. Must submit proof of current ACS COT-PHTLS certification within the last two years prior to applying for licensure and credentialing.
 8. Successful completion of a CNMI Office of EMS approved Emergency Vehicle Operators course that meets or exceeds the U.S. Department of Transportation EVOC National Standard Curriculum (1995). You must have completed the course within the last two years prior to applying for licensure and credentialing.
 9. Submit an approved CNMI Office of EMS application form for licensure and credentialing as a CNMI Advanced Emergency Medical Technician. Submit proof of a current CNMI Driver's License and Police Clearance. Pay a non-transferable and non-refundable application fee, this includes a CNMI and Federal criminal background checks, to the CNMI Office of EMS to be licensed and credentialed for a period of not more than two years at a time.
- D. Individuals applying to be credentialed as a CNMI Paramedic must meet the following requirements:
1. Must be at least 20 years of age or older, a U.S. citizen or national, and a legal CNMI resident.
 2. Must have at least 2 years of active work experience as an Emergency Medical Technician or an Advanced Emergency Medical Technician.
 3. Successful completion of a CNMI Office of EMS approved Paramedic course that meets or exceeds the U.S. Department of Transportation National EMS Education Standards (2009). You must have completed the course within the last two years prior to applying for licensure and credentialing.
 4. Successful completion of a CNMI Office of EMS approved cognitive and psychomotor exam. You must have completed the exam within the last two years prior to applying for licensure and credentialing.
 5. Successful completion of an American Heart Association Basic Life Support for Healthcare Providers course, Advanced Cardiac Life Support course, and Pediatric Advanced Life Support course (2010). Must submit proof of current AHA certifications within the last two years prior to applying for licensure and credentialing.
 6. Successful completion of an American Academy of Pediatrics Advanced Life Support Pediatric Education for Prehospital Professionals. Must submit proof of current AAP-ALS PEPP certification within the last two years prior to applying for licensure and credentialing.
 7. Successful completion of an American College of Surgeons Prehospital Trauma Life Support. Must submit proof of current ACS COT-PHTLS certification within the last two years prior to applying for licensure and credentialing.

8. Successful completion of a CNMI Office of EMS approved Emergency Vehicle Operators course that meets or exceeds the U.S. Department of Transportation EVOC National Standard Curriculum (1995). You must have completed the course within the last two years prior to applying for licensure and credentialing.
 9. Submit an approved CNMI Office of EMS application form for licensure and credentialing as a CNMI Paramedic. Submit proof of a current CNMI Driver's License and Police Clearance. Pay a non-transferable and non-refundable application fee, this includes a CNMI and Federal criminal background checks, to the CNMI Office of EMS to be licensed and credentialed for a period of not more than two years at a time.
- E. Individuals applying to be credentialed as a CNMI EMS Instructor must meet the following requirements:
1. Must be at least 24 years of age or older, a U.S. citizen or national, and a legal CNMI resident.
 2. Must have at least 4 years of active work experience as an EMR, EMT, AEMT, or Paramedic and must be currently licensed and credentialed in the CNMI for the level to teach in.
 3. Successful completion of a CNMI Office of EMS approved EMS Educator course that meets or exceeds the U.S. Department of Transportation National Guidelines for Educating EMS Instructors (2002). You must have completed the course within the last two years prior to applying for licensure and credentialing.
 4. Successful completion of a National Association of EMS Educators Instructor Course I/II. Must submit proof of current NEMSEC certification as a Nationally Certified EMS Educator (NCEE) within the last two years prior to applying for licensure and credentialing.
 5. Submit an approved CNMI Office of EMS application form for licensure and credentialing as a CNMI EMS Instructor. Submit proof of a current CNMI Driver's License and Police Clearance. Pay a non-transferable and non-refundable application fee, this includes a CNMI and Federal criminal background checks, to the CNMI Office of EMS to be licensed and credentialed for a period of not more than two years at a time.
- F. Individuals applying to be credentialed as a CNMI EMS Medical Director must meet the following requirements:
1. Must be at least 28 years of age or older, a U.S. citizen or national, and a legal CNMI resident.
 2. Must be a CNMI licensed and U.S. Board Certified Physician and have at least 4 years of active work experience in an emergency room setting specializing in EMS.
 3. Successful completion of an American Heart Association Basic Life Support for Healthcare Providers course, Advanced Cardiac Life Support course, and Pediatric Advanced Life Support course (2010). Must submit proof of current AHA certifications within the last two years prior to applying for licensure and credentialing.
 4. Successful completion of an American Academy of Pediatrics Advanced Life Support Pediatric Education for Prehospital Professionals. Must submit proof of current AAP-ALS PEPP certification within the last two years prior to applying for licensure and credentialing.
 5. Successful completion of an American College of Surgeons Advanced Trauma Life Support. Must submit proof of current ACS COT-ATLS certification within the last two years prior to applying for licensure and credentialing.

6. Submit an approved CNMI Office of EMS application form for licensure and credentialing as a CNMI EMS Medical Director. Submit proof of a current CNMI Driver's License and Police Clearance. Pay a non-transferable and non-refundable application fee, this includes a CNMI and Federal criminal background checks, to the CNMI Office of EMS to be licensed and credentialed for a period of not more than two years at a time.
- G. Individuals applying to be credentialed as a CNMI Medical Director for a non-government commercial ambulance or medical transport service provider must meet the following requirements:
1. Must be at least 28 years of age or older, a U.S. citizen or national, and a legal CNMI resident.
 2. Must be a CNMI licensed and U.S. Board Certified Physician and have at least 6 years of active work experience in an emergency room setting.
 3. Successful completion of an American Heart Association Basic Life Support for Healthcare Providers course, Advanced Cardiac Life Support course, and Pediatric Advanced Life Support course (2010). Must submit proof of current AHA certifications within the last two years prior to applying for licensure and credentialing.
 4. Successful completion of an American Academy of Pediatrics Advanced Life Support Pediatric Education for Prehospital Professionals. Must submit proof of current AAP-ALS PEPP certification within the last two years prior to applying for licensure and credentialing.
 5. Successful completion of an American College of Surgeons Advanced Trauma Life Support. Must submit proof of current ACS COT-ATLS certification within the last two years prior to applying for licensure and credentialing.
 6. Submit an approved CNMI Office of EMS application form for licensure and credentialing as a Medical Director. Submit proof of a current CNMI Driver's License and Police Clearance. Pay a non-transferable and non-refundable application fee, this includes a CNMI and Federal criminal background checks, to the CNMI Office of EMS to be licensed and credentialed for a period of not more than one year at a time.

Section 2007. Reciprocity Requirements for Credentialing Prehospital Healthcare Providers:

- A. Any EMR, EMT, AEMT, or Paramedic that holds current certification from the National Registry of Emergency Medical Technicians is given reciprocity for initial CNMI licensure and credentialing and must complete the following:
 1. Submit an approved CNMI Office of EMS application form for licensure and credentialing as a CNMI EMR, EMT, AEMT, or Paramedic with proof of NREMT certification.
 2. Submit proof of a current CNMI Driver's License and Police Clearance.
 3. Pay a non-transferable and non-refundable application fee, this includes a CNMI and Federal criminal background checks, to the CNMI Office of EMS to be licensed and credentialed for a period of not more than one year.
- B. Any EMS Instructor that holds current certification from the National Association of EMS Educators Instructor Course I/II and the National Emergency Medical Services Educator Certification as a Nationally Certified EMS Educator is given reciprocity for initial CNMI licensure and credentialing and must complete the following:

1. Submit an approved CNMI Office of EMS application form for licensure and credentialing as a CNMI EMS Instructor with proof of NAEMSE Instructor Course I/II and NCEE certifications.
2. Submit proof of a current CNMI Driver's License and Police Clearance.
3. Pay a non-transferable and non-refundable application fee, this includes a CNMI and Federal criminal background checks, to the CNMI Office of EMS to be licensed and credentialed for a period of not more than one year.

Section 2008. Renewal of Licensure and Credentialing of Prehospital Healthcare Providers:

- A. All CNMI EMRs, EMTs, AEMTs, or Paramedics must renew their license and credentials every two years from their initial licensure and credentialing and must complete the following:
 1. Must meet all minimum requirements set for initial licensure and credentialing for CNMI EMRs, EMTs, AEMTs, or Paramedics.
 2. Submit an approved CNMI Office of EMS application form for licensure and credentialing as CNMI EMR, EMT, AEMT, or Paramedic.
 3. Submit proof of a current CNMI Driver's License and Police Clearance.
 4. Pay a non-transferable and non-refundable application fee, this includes a CNMI and Federal criminal background checks, to the CNMI Office of EMS to be licensed and credentialed for a period of not more than two years.
- B. All CNMI EMS Instructors must renew their license and credentials every two years from their initial licensure and credentialing and must complete the following:
 1. Must meet all minimum requirements set for initial licensure and credentialing for CNMI EMS Instructors.
 2. Submit an approved CNMI Office of EMS application form for licensure and credentialing as an CNMI EMS Instructor.
 3. Submit proof of a current CNMI Driver's License and Police Clearance.
 4. Pay a non-transferable and non-refundable application fee, this includes a CNMI and Federal criminal background checks, to the CNMI Office of EMS to be licensed and credentialed for a period of not more than two years.
- C. All CNMI EMS Medical Directors must renew their license and credentials every two years from their initial licensure and credentialing and must complete the following:
 1. Must meet all minimum requirements set for initial licensure and credentialing for CNMI EMS Medical Directors.
 2. Submit an approved CNMI Office of EMS application form for licensure and credentialing as a CNMI EMS Medical Director.
 3. Submit proof of a current CNMI Driver's License and Police Clearance.
 4. Pay a non-transferable and non-refundable application fee, this includes a CNMI and Federal criminal background checks, to the CNMI Office of EMS to be licensed and credentialed for a period of not more than two years.
- D. All CNMI Medical Directors for a non-government commercial ambulance or medical transport service providers must renew their license and credentials every year from their initial licensure and credentialing and must complete the following:
 1. Must meet all minimum requirements set for initial licensure and credentialing for CNMI Medical Directors for a non-government commercial ambulance or medical transport service providers.

2. Submit an approved CNMI Office of EMS application form for licensure and credentialing as a CNMI Medical Director.
3. Submit proof of a current CNMI Driver's License and Police Clearance.
4. Pay a non-transferable and non-refundable application fee, this includes a CNMI and Federal criminal background checks, to the CNMI Office of EMS to be licensed and credentialed for a period of not more than one year.

Section 2009. Authorization to Practice Emergency Services:

All EMTs, AEMTs, Paramedics, or EMS Medical Directors must be currently employed in good standing by the CNMI Department of Public Safety, Fire Division to be given Authorization to Practice Emergency Services in any municipality. All EMTs, AEMTs, Paramedics, or EMS Medical Directors must first be credentialed by the CNMI Office of EMS then licensed within sixty (60) days of initial employment or within thirty (30) days of reemployment, reinstatement, or lateral transfer of employment from another municipality. Authorization to Practice Emergency Services will cease immediately upon retirement, resignation, suspension, or termination of employment, revocation of licensure and credentialing, or as deemed necessary by the CNMI Office of EMS. A minimum of two EMTs is required to work for emergency services. All ambulances authorized to perform emergency services must be certified to meet U.S. GSA KKK-1822-F requirements. All BLS or ALS ambulances must use an approved minimum required equipment checklist for adult and pediatric patients by the CNMI Office of EMS.

Section 2010. Authorization to Practice Non-Emergency Services:

All EMRs, EMTs, AEMTs, Paramedics, or Medical Directors must first be credentialed by the CNMI Office of EMS then licensed prior to any employment by any non-government commercial ambulance or medical transport service provider to be given Authorization to Practice Non-Emergency Services in any municipality. All EMRs, EMTs, AEMTs, Paramedics, or Medical Directors must be credentialed by the CNMI Office of EMS then licensed and within sixty (60) days of initial employment or within thirty (30) days of reemployment, reinstatement, or lateral transfer of employment from another municipality. Authorization to Practice Non-Emergency Services will cease immediately upon retirement, resignation, suspension, or termination of employment, revocation of licensure and credentialing, or as deemed necessary by the CNMI Office of EMS.

Section 2011. Authorization to Practice as an Independent Entity:

Under special circumstances, and on a case-by-case basis, any EMT, AEMT, Paramedic, or EMS Medical Director may be given Authorization to Practice as an Independent Entity for periods of 3-months, 6-months, or no more than one year at a time and may be renewed respectively. All EMTs, AEMTs, Paramedics, or EMS Medical Directors must submit an application to the CNMI Office of EMS and pay a non-transferable and non-refundable authorization fee to the CNMI Office of EMS for a period of not more than one year, and must be renewed every year, to be licensed and credentialed for Authorization to Practice as an Independent Entity by the CNMI Office of EMS prior to engaging into any independent contract with any person, educational institution (public or private), business or corporation, non-government organization, municipal government, state government, federal agency, U.S. Armed Forces and its reserves, to include the National Guard, U.S. Coast Guard, and Merchant Marines. Authorization to Practice as an Independent Entity will cease immediately upon termination of contract, revocation of licensure and credentialing, or as deemed necessary by the CNMI Office of EMS.

Section 2012. Authorization to Provide Non-Government Commercial Ambulance or Medical Transport Services:

Any person, business or corporation, or non-government organization must first seek and obtain accreditation from the Commission on Accreditation of Ambulance Services to provide non-government commercial ambulance transport services. Upon successful completion of the accreditation process a person, business or corporation, or non-government organization must submit an application to the CNMI Office of EMS and pay a non-transferable and non-refundable authorization fee to the CNMI Office of EMS for a period of not more than one year, and must be renewed every year, to be licensed and credentialed for Authorization to Provide Non-Government Commercial Ambulance Services to perform non-emergency services to any municipal government, state government, federal agency, U.S. Armed forces and its reserves, to include the National Guard, U.S. Coast Guard, and Merchant Marines. A minimum of one EMT and one EMR is required to work for non-emergency services on non-government commercial ambulance transports. All non-government commercial ambulances authorized to perform non-emergency services must be certified to meet U.S. GSA KKK-1822-F requirements. All BLS or ALS non-government commercial ambulances must use an approved minimum required equipment checklist for adult and pediatric patients by the CNMI Office of EMS. No other government or autonomous government agency other than the Department of Public Safety, Commonwealth Fire Division, may provide ambulance or medical transport services in the CNMI. Any person, business or corporation, or non-government organization that is only providing non-government medical transport services is not obligated to meet this requirement but must still submit an application to the CNMI Office of EMS and pay a non-transferable and non-refundable authorization fee to the CNMI Office of EMS for a period of not more than one year, and must be renewed every year, to be licensed and credentialed for Authorization to Provide Non-Government Medical Transport Services in any municipality. No person, business or corporation, or non-government organization may engage in any operations without prior approval. Authorization to Provide Non-Government Commercial Ambulance or Medical Transport Services will cease immediately upon suspension or revocation of authorization, or as deemed necessary by the CNMI Office of EMS. A minimum of two EMRs is required to work for non-emergency services on non-government medical transports.

Section 2013. Authorization to Conduct EMS Education Programs:

Any person, educational institution (public or private), business or corporation, non-government organization, government or autonomous government agency other than the Department of Public Safety, Commonwealth Fire Division, must first seek and obtain accreditation from the Commission on Accreditation of Educational Programs for the Emergency Medical Services Professions for the AEMT or Paramedic training programs. Upon successful completion of the accreditation process a person, educational institution (public or private), business or corporation, non-government organization, government or autonomous government agency other than the Department of Public Safety, Commonwealth Fire Division, must submit an application to the CNMI Office of EMS and pay a non-transferable and non-refundable authorization fee to the CNMI Office of EMS for a period of not more one year, and must be renewed every year, to be licensed and credentialed for Authorization to Conduct EMS Education Programs to any municipal government, state government, federal agency, U.S. Armed Forces and its reserves, to include the National Guard, U.S. Coast Guard, and Merchant Marines. Any person, educational institution (public or private), business or corporation, non-government organization, government or autonomous government agency other than the Department of Public Safety, Commonwealth Fire Division, that is only providing EMR or EMT training programs is not obligated to meet this requirement but must still submit an application to the CNMI Office of EMS and pay a non-transferable and non-refundable authorization fee

to the CNMI Office of EMS for a period of not more than one year, and must be renewed every year, to be licensed and credentialed for Authorization to Conduct EMS Education Programs in any municipality. No person, education institution (public or private), business or corporation, non-government organization, government or autonomous government agency other than the Department of Public Safety, Commonwealth Fire Division, may engage in instructional activities without prior approval. Authorization to Conduct EMS Education Programs will cease immediately upon suspension or revocation of authorization, or as deemed necessary by the CNMI Office of EMS.

Section 2014. Medical Malpractice Insurance:

Any person, educational institution (public or private), business or corporation, or non-government organization must purchase and submit proof of medical malpractice insurance in the amount of not less than one million dollars (\$1,000,000) for Non-Government Commercial Ambulance Services, not less than five hundred thousand dollars (\$500,000) for Medical Transport Services, not less than two hundred and fifty thousand dollars (\$250,000) to conduct EMS Education Programs and must be valid prior to issuance of and remain valid during the authorization period.

Section 2015. Authorization to use the “Star of Life” Symbol:

The “Star of Life” symbol is a registered trademark of the U.S. Department of Transportation, National Highway Traffic Safety Administration. The CNMI Department of Public Safety, Fire Division, Office of EMS, is an authorized agent of the NHTSA Administrator to permit and exercise supervisory control over use of the symbol in accordance with the purpose and criteria as set forth by the NHTSA Administrator. In addition, the CNMI Office of EMS only permits the use of the word ambulance on vehicles authorized to perform emergency medical services and the word Emergency Medical Responder or EMR, Emergency Medical Technician or EMT, Advanced Medical Technician or AEMT, or Paramedic for individuals licensed and credentialed. Furthermore, CMC Title 9: Vehicles, Division 4: Equipment of Vehicles, §4103, Emergency Vehicle Lights: states that no person may operate or move any vehicle upon public highways bearing or displaying a lighted red or blue light, other than a rear light as described in this division, unless the vehicle is an ambulance, a vehicle attached to the Department of Public Safety, or to a military law enforcement agency, or the vehicle is authorized to carry the red and blue lamp by the Director of the Bureau of Motor Vehicles of the Department of Public Safety.

Section 2016. Application Fees

Initial Licensure and Credentialing

EMR:	\$250
EMT:	\$450
AEMT:	\$650
Paramedic:	\$850
EMS Instructor:	\$2500
EMS Medical Director:	\$3500
Medical Director:	\$5500

NOTE: All fees must be submitted with the application form. All fees collected shall be deposited into the respective Ambulance Fee Revolving Fund Accounts: Saipan (1953), Tinian (1954), and Rota (1955).

Renewal of Licensure and Credentialing

EMR:	\$50
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EMT:	\$250
AEMT:	\$450
Paramedic:	\$650
EMS Instructor:	\$1500
EMS Medical Director:	\$2500
Medical Director:	\$4500

NOTE: All fees must be submitted with the application form. All fees collected shall be deposited into the respective Ambulance Fee Revolving Fund Accounts: Saipan (1953), Tinian (1954), and Rota (1955).

Reciprocity

EMR:	\$75
EMT:	\$150
AEMT:	\$350
Paramedic:	\$550
EMS Instructor:	\$1500

NOTE: All fees must be submitted with the application form. All fees collected shall be deposited into the respective Ambulance Fee Revolving Fund Accounts: Saipan (1953), Tinian (1954), and Rota (1955).

Section 2017. Authorization Fees

Independent Entity

EMT:	\$1500
AEMT:	\$2500
Paramedic:	\$3500
EMS Medical Director:	\$7,000

NOTE: All fees must be submitted with the application form. All fees collected shall be deposited into the respective Ambulance Fee Revolving Fund Accounts: Saipan (1953), Tinian (1954), and Rota (1955).

Non-Government Commercial Ambulance Service Provider

Ambulances:

1-3	\$5,000/unit
4-6	\$7,500/unit
7+	\$10,000/unit

Air Ambulances:

1-3 helicopters	\$7,500/unit
4+ helicopters	\$10,000/unit
1-2 fixed-wing aircraft	\$10,000/unit
3+ fixed-wing aircraft	\$15,000/unit
1 jet aircraft	\$15,000
2+ jet aircraft	\$20,000/unit

NOTE: All fees must be submitted with the application form. All fees collected shall be deposited into the respective Ambulance Fee Revolving Fund Accounts: Saipan (1953), Tinian (1954), and Rota (1955).

Non-Government Commercial Medical Transport Service Provider

Vehicles:

1-5	\$1,500/unit
5-10	\$2,500/unit
11+	\$5,000/unit

Helicopters:

1-3	\$3,500/unit
4+	\$5,000/unit

Aircraft or Watercraft:

1-2	\$5,500/unit
3+	\$7,500/unit

NOTE: All fees must be submitted with the application form. All fees collected shall be deposited into the respective Ambulance Fee Revolving Fund Accounts: Saipan (1953), Tinian (1954), and Rota (1955).

Section 2018. Ambulance Transport Base Rate for Emergency Services

1. BLS EMERGENCY:	\$393.00
2. BLS NON-EMERGENCY	\$245.00
3. ALS LEVEL 1	\$467.00
4. ALS LEVEL 2	\$675.00
5. MILEAGE	\$ 10.40

NOTE: Ambulance rates are based on current minimum reimbursable rates per one-way trip as established by the U.S. Centers for Medicare and Medicaid Services. Rates are subject to change without prior notice. The CNMI Office of EMS adopts a policy to assist individuals who are unable to pay for emergency services and will be reviewed on a case-by-case basis. All funds collected shall be deposited into the respective Ambulance Fee Revolving Fund Accounts: Saipan (1953), Tinian (1954), and Rota (1955).

Section 2019. Non-Government Commercial Ambulance Transport Base Rate for Non-Emergency Services

1. NON-EMERGENCY	\$245.00
2. MILEAGE	\$ 10.40

NOTE: Non-emergency services commercial ambulance are minimum base rates are based on rates per one-way trip. Non-Government Commercial Ambulance Transport Service Providers must adopt a policy to assist individuals who are not able to pay for non-emergency ambulance transport services.

Section 2020. Non-Government Commercial Medical Transport Base Rates for Non-Emergency Services

1. WHEELCHAIR	\$175.00
2. MILEAGE	\$ 5.00

NOTE: Non-emergency services medical transport are minimum base rates are based on rates per one-way trip. Non-Government Commercial Medical Transport Service

Providers must adopt a policy to assist individuals who are not able to pay for non-emergency medical transport services.

Section 2021. Fines

1. Working without being licensed and credentialed	\$ 250.00
2. Employing individuals without being licensed and credentialed	\$ 500.00
3. Practicing as an Independent Entity without Authorization	\$2500.00
4. Providing Non-Government Commercial Medical Transport Service without Authorization	\$5000.00
5. Providing Non-Government Commercial Ambulance Transport Service without Authorization	\$7500.00
6. Conducting EMS education programs without Authorization	\$5000.00
7. Failure to obtain or maintain medical malpractice insurance	\$5000.00
8. Failure to comply with the "Star of Life" symbol Authorization	\$ 500.00
9. Failure to comply with the minimum required staffing	\$ 500.00
10. Failure to comply with any other provisions in these Sections	\$ 500.00

NOTE: The CNMI Office of EMS shall assess a fine each time a violation occurs and shall assess the same fine with the applicable amount every 30 days until such time the fine is fully satisfied. All fines collected shall be deposited into the respective Ambulance Fee Revolving Fund Accounts: Saipan (1953), Tinian (1954), and Rota (1955).

**Group Health Insurance Program
Commonwealth of the Northern Mariana Islands**

Richard S. Villagomez, Administrator
1st Floor, Honorable Lorenzo I. Deleon Guerrero Retirement Fund Building, Isa Drive, Capital Hill
P.O. Box 501247 CK, Saipan, MP 96950-1247
Tel. No. (670) 322-3863~10; Fax No. (670) 664-8080; E-mail: administrator01@nmiretirement.com

**NOTICE OF PROPOSED AMENDMENTS TO
THE RULES AND REGULATIONS OF THE
GROUP HEALTH INSURANCE PROGRAM**

INTENDED ACTION TO ADOPT PROPOSED REGULATIONS: The Board of Trustees (“Board”) of the Northern Mariana Islands Retirement Fund (“NMIRF”), intends to adopt as permanent regulations the attached Emergency Regulations pursuant to the procedures of the Administrative Procedure Act (“APA”), 1 CMC § 9104(a) as decided at the Board’s regular meeting of December 9, 2011.

AUTHORITY: The Board has statutory authority to promulgate and effect the CNMI Group Health and Life Insurance Program Rules and Regulations pursuant to 1 CMC §§ 8424-27. See also NMIAC § 110-30.1-1401.

THE SUBJECTS AND ISSUES INVOLVED: These rules and regulations eliminate the following topics from the Government Health Insurance Program Regulations: Part 7 – Health Care Providers; Part 9 – Claims & Payment for Services; Part 10 – Managed Care; Part 13, Changing Benefits & Enrollment; Part 15 – Amendments; Part 16 – Communications; and Part 20 – Misc. Provisions as no longer necessary under a program of insurance provided by a private carrier. The eligible enrollees have been modified, consistent with the Affordable Care Act, to allow a subscriber (employee or retiree) to cover their dependents up to the age of 26, regardless of whether the dependent is a student, financially dependent upon the subscriber, employed or married.

TO PROVIDE COMMENTS: The Board is soliciting comments regarding these Proposed Amendments. Written comments must be received by the Board within thirty (30) days of first publication of this notice in the Commonwealth Register. Comments may be sent via mail or email to the Fund. Interested persons may request copies of the Proposed Amendment by contacting the Fund by phone or email or may download a copy from the Fund website at: <http://www.nmiretirement.com/>

Submitted by:


RICHARD S. VILLAGOMEZ
Administrator, GHLIP

DATE

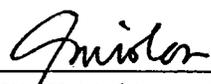
Received by:



ESTHER S. FLEMING
Governor's Special Assistant for Administration

12/27/11
Date

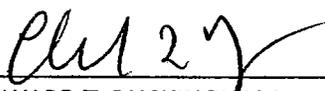
Filed and Recorded by:



ESTHER M. SAN NICOLAS
Commonwealth Registrar

12-27-2011
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 § 2513(f) (publication of rules and regulations).



EDWARD T. BUCKINGHAM
Attorney General

12-27-11
DATE

**Prugrâman Group Health Insurance
Commonwealth gi Sangkattan na Islas Marianas Siha**

Richard S. Villagomez, Atministradot

1st Floor, Honorable Lorenzo I. Deleon Guerrero Retirement Fund Building, Isa Dr., Capital Hill

P.O. Box 501247 CK, Saipan, MP 96950-1247

Tel. No. (670) 322-3863~10; Fax No. 664-8080; E-mail: administrador01@nmiretirement.com

**NUTISIAN PUBLIKU GI MANMAPROPONI NA AMENDASION SIHA PARA I
AREKLAMENTU YAN REGULASION SIHA GI
PRUGRÂMAN GROUP HEALTH INSURANCE**

I AKSION NI MA'INTENSIONA PARA U MA'ADÂPTA I MANMAPROPONI NA REGULASION SIHA: I Kuetpun i Trustees ("Kuetpu") gi Fondun Retirement gi Sangkattan na Islas Marianas siha ("NMIRF"), Ha intensiona para u adâpta kumu petmanienti na regulasion siha ni mañechettun i Emergency na Regulasion siha sigun gi manera siha para i Âktun i Administrative Procedure ("APA"), 1 CMC §9104(a) Kumu madisidi gi regulât na huntan i Kuetpu gi Disembri 9, 2011.

ÂTURIDÂT: I Kuetpu gai âturidât estatua para u cho'gui yan u huyung i Areklamentu yan Regulasion siha gi CNMI Group Health yan i Prugrâman Life Insurance sigun i 1 CMC §§ 8424-27. Atan lokkui' i NMIAC § 110-30.1-1401.

I SUHETU NI MASUMÂRIA YAN ASUNTU NI TINEKKA: Esti i areklamentu yan regulasion siha para u laknus i sigienti na topics ginin i Government Health Insurance Program na Regulasion siha: Pâtti 7 – Health Care Providers; Pâtti 9 – Claims & Sitbision Âpas Siha; Pâtti 10 - Managed Care; Pâtti 13, Tinilaikan Benifisiu Siha & Enrollment ; Pâtt 15 – Amendasion Siha; Pâtti 16 – Kuminikasion Siha; yan Pâtti 20 – Misc. Provisions kumu esta ti nisisâriu gi papa' i prugrâman insurance ni mapribeniyi ginin i private carrier. I kualifikâo na enrollees manmatulaika, kinonsisti yan i Âktun Affordable Care, para u sedi i subscriber (emple'âo para ritirâo) para u cover i iyun-ñiha dependents hulu' esta i idât 26, maski seha kâo dependent i istudiânti, financially dependent sigun i subscriber, ma'emple'a pat umasagua.

PARA U MAPRIBENIYI OPIÑON SIHA: I Kuetpu manggâgagâo upiñon sigun esti i Manmaproponi na Amendasion siha. Tinigi' imfotmasion siha debi na u marisibi ginin i Kuetpu gi halum i trenta(30) diha gi primet na publikasion gi esti na nutisia gi halum i Rehistran Commonwealth. Todu upiñon siña mana'hânâo kontra i mail para i Fundo. I manggai intires na petsona siha siña mamaisin kopia siha gi i Manmaproponi na Amendasion ni u âgang i Fondu gi tilifon pat i email pat siña ha download i kopia ginin i website i Fondu gi: <http://www.nmiretirement.com/>

Nina'hâlum as:


RICHARD S. VILLAGOMEZ
Atministradot, GHLIP

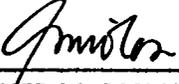
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Rinisibi as:


ESTHER S. FLEMING
Ispisiát Na Ayudánti Para l Atministrasion Gubietnu

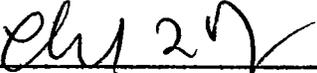
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Pine'lu yan Ninota as:


ESTHER M. SAN NICOLAS
Rehistran Commonwealth

12.27.2011
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Sigun i 1 CMC §2153(e) (inapruedan Abugádu Henerát na regulasion siha na para u macho'gui kumu fotma), yan i 1 CMC §9104(a)(3) (hentan inapruedan Abugádu Henerát), i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan ma'aprueba kumu fotma yan ligát sufisienti ginin i CNMI Abugádu Henerát yan debi na u mapublika, i 1 CMC §2153(f) (publikasion i areklamentu yan i regulasion siha.

 12-23-11
EDWARD T. BUCKINGHAM
CNMI Abugádu Henerát

**GROUP HEALTH INSURANCE PROGRAM
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

Richard S. Villagomez, administrator
1st Floor, Honorable Lorenzo I. Deleon Guerrero Retirement Fund Building, Isa Drive, Capital Hill
P.O. Box 501247 CK, Saipan, MP 96950
Tel. No. (670)322-3863-10; Fax No. (670)-8080; E-mail: administrator01@nmiretirement.com

**ARONGORONG REL POMWOL ALLÉGH ME ATIWLIGH KKA RE BWE AMENDÁLI REL
PROGRÓMAL GROUP HEALTH INSURANCE.**

MÁNGEMÁNGIL MWÓGHUT YE EBWE ADAPTÁALI POMWOL ATIWLIGH KKAAL: Board of Trustees (“Board”) rel Northern Marianas Islands Retirement Fund (NMIRF), emuschel ebwe adaptáali me alleghúló attiwligh kka e appasch bwe Emergency Regulations sáangi mwóghutughutul Administrative Procedure Act (“APA”), 1 CMC § 9104 (a) igha a bwunguló merel yaar board mwiisch wóól Disembre 9, 2011.

BWÁÁNGIL: Eyoor bwáángil board bwe ebwe akkatewow me amamawa allégh me atiwiligh kka yaal CNMI Group Health me Life Insurance sáangi 1 CMC §§ 8424-27. Amweri NMIAC §110-30.1-1401.

KKAPASAL ME ÓUTOL: Allégh me atiwiligh kka ebwe a towoowu topics kka merel Government Health Insurance Program Regulations: Part 7-Health Care Providers; Part 9- Claims & Payment rel Services; Part 10- Managed Care; Part 13, Changing Benefits & Enrollment; Part 15- Amendments; Part 16-Communications; and Part 20 –Misc. Provisions kkaal nge ese fil lo bwe ebwe lo fáál programal insurance iye a private. Eligible enrolles nge a modified bwe ebwe weewe ngáli Affordable Care Act, bwe ebwe mwel ngáli subscriber (employee ngáre retiree)ebwe cover lil layul dependents ló fósch ngáli 26 rel rághiir, inamo ngáre dependent we atel gakko, financially dependent wóól subscriber we, e angaang me ngáre e schótchólimw

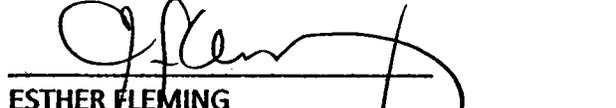
ATOTOOLONGOL MWÁLIILI: Board ekke tungór isiislongol mángemáng rel pomwol akkasiwel kkal. Mángemáng ikka e iisch nge rebwe resibi li rel Board eliigh (30) ráll igha e ghomwal appasch arongorong yel lól Commonwealth Register. Mángemang nge emwal rebwe afanga via mail ngare email ngáli Fund. Schóo kka re mwuschel rebwe yoor yaar copy il Proposed Amendments kkal nge rebwe faingi Fund rel telephone ngare email, me download copy merel yaal Fund website: <http://www.nmiretirement.com/>

Isáliyallong:


RICHARD S. VILLAGOMEZ
Administrator, GHLIP

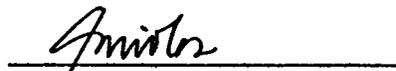
Ráál

Mwiir Sáangi:


ESTHER FLEMING
Governor's Special Assistant for Administration

12/27/11
Ráál

File me Rekkoodliiyal:


ESTHER M. SAN NICOLAS
Commonwealth Registrar

12-27-2011
Ráál

Sengi 1 CMC § 2153(e) Allégh kkaal a lléghló sáangi AG bwe e fil reel ffээрú me
1 CMC § 9104(a)(3)(A mwiir sáangi AG) Pomwol allégh kka a appaschlong a takkal amwuri
fiischiy, me angúungú ló ffээрú me legal sufficiency sáangi CNMI Attorney General me ebwele
akkatewoow, 1 CMC § 2153(f) (Arongowowul allegh me atiwligh kkaal)


EDWARD T. BUCKINGHAM
Attorney General

12-23-11
Ráál

**NOTICE OF PROPOSED AMENDMENTS TO THE
BOARD OF PROFESSIONAL LICENSING REGULATIONS FOR
ENGINEERS, ARCHITECTS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS**

INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS: The Board of Professional Licensing (BPL) 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 compliance with 1 CMC §§ 9102 and 9104(a) or (b) (1 CMC § 9105(b)).

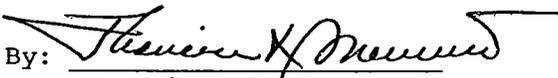
AUTHORITY: The Board of Professional Licensing has statutory power to promulgate and effect regulations pursuant to P.L. 14-95, as amended. See also Executive Order 94-3 (effective August 23, 1994, reorganizing the Executive branch).

THE TERMS AND SUBSTANCE: The BPL must amend the regulations to be consistent with P.L. 17-39 "Board of Professional Licensing Amendments Act of 2010" which was signed into law by the Governor on April 21, 2011.

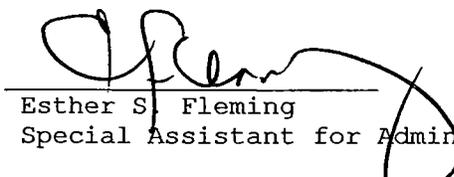
THE SUBJECTS AND ISSUES INVOLVED: Amendments to these rules and regulations:

1. Amendments to Part II of the Regulations ("definitions").
2. Amendments to Section 3.3 Licensure by Endorsement.
3. Amendments to the Schedule of Fees to include inactive license fee, add a fee for the replacement of wallet-size card and delete the reinstatement fee.
4. Amendments to Section 5.2 Qualifications for Licensure.
5. Amendments to Section 9.7 Engineer's Seal.
6. Amendments to Section 11.2 and add Section 11.3 Inactive License.
7. Amendments to Part XIII Disciplinary Action.

DIRECTIONS FOR FILING AND PUBLICATION: The Board is soliciting comments regarding these proposed amendments which must be received by the Board within thirty (30) days of first publication of this notice in the Commonwealth Register. Interested persons may request copies of the proposed amendments by contacting us at 664-4809 or by email at bpl@pticom.com or come by our office located at Bldg. 1242, Pohnpei Ct., Capitol Hill, Saipan. Written comments on these amendments should be drop off at our office or sent to the BPL, P.O. Box 502078, Saipan, MP 96950.

Submitted By: 
Francisco Q. Guerrero
Chairman, BPL

12/15/11
Date

Received By: 
Esther S. Fleming
Special Assistant for Administration

12/15/11
Date

Filed and Recorded By: Emilia
Esther M. San Nicolas
Commonwealth Register

12.27.2011
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).

Ed T
EDWARD T. BUCKINGHAM
Attorney General

12.27.11
Date

**NUTISIA PUT I AMENDASION NI MANMAPROPONI PARA I
KUETPUN I PROFESIUNÁT MANLISENSIAN REGULASION SIHA PARA I ENGINEERS, ARCHITECTS,
LAND SURVEYORS YAN LANDSCAPE ARCHITECTS**

I AKSION NI MA'INTENSIONA PARA U MA'ADÁPTE ESTI I MANMAPROPONI NA REGULASION SIHA: I Kuetpun Profesiunát Manlisensian (BPL) ha intensiona para u adápata kumu petmanenti na regulasion siha ni chechettun i Maproponi na Regulasion siha, sigun gi manera gi Áktun i Administrative Procedure, 1 CMC § 9104(a). I regulasion siha para u ifektibu gi halum i dies (10) dihas dispues di makumplin i 1 CMC §§ 9102 yan i 9104 (a) pat i (b) (1 CMC § 9105 (b)).

ÁTURIDÁT: I Kuetpun Profesiunát Manlisensia gai fuetsa estatua para u cho'gui yan huhuyung na regulasion sigun gi P.L. 14 - 95, kumu ma'amenda. Atan lokkuí i Otdin Eksakatibu 94-3 (umifektibu gi Agostu 23, 1994, ni mata'lun ma'otganisa i rámas eksakatibu.

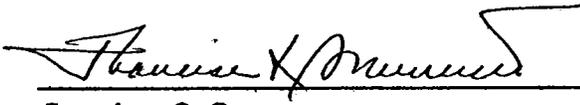
I TEMA YAN SUSTÁNSIAN I PALÁBRA SIHA: I BPL debi na u amenda i regulasion siha ni para u kunsisti yan i P.L. 17 - 39 "Kuetpun Profesiunát Manlisensia na Áktun Amendasion gi 2010" ni mafitma hálum gi lai ni Gubietnu gi Abrit 21, 2011.

I SUHETU NI MASUMÁRIA YAN ASUNTU NI TINEKKA: Amendasion para esti na areklamentu yan regulasion siha:

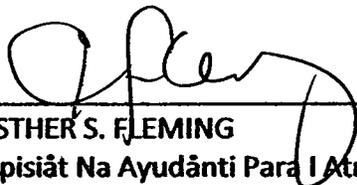
1. Amendasion siha para i Pátti II gi i Regulasion siha ("definasion siha").
2. Amendasion siha para i Seksiona 3.3 Licensure ginin i Endorsement.
3. Amendasion siha para i Masiñálan i Apas siha para u sáonáo i apas i inactive license, yan mana'dañña'i ápas para i replacement i wallet-size card yan u mana'suha i apas reinstatement.
4. Amendasion siha para i Seksiona 5. 2 Kuálifikasion para i Manlisesensia.
5. Amendasion siha para i Seksiona 9.7 Engineer's Seal.
6. Amendasion siha para i Seksiona 11. 2 yan mana'dañña' i Seksiona 11.3 na Inactive License.
7. Amendasion siha para i Pátti XIII Disciplinary Action.

DIREKSION PARA U MAPO'LU YAN MAPUPUBLIKA: I Kuetpu mamamaisin upiñon siha sigun gi esti i manmaproponi na amendasion siha ni debi na u marisibi ginin i Kuetpu gi halum i trenta (30) dihas ginin i primet na publikasion esti na nutisia gi halum i Rehistran Commonwealth. Háyi gai intires na petsona siha siña manggâgâo kopia siha gi i manmaproponi na amendasion siha á'agang ham gi 664-4809 pat i email gi bpl@pticom.com pat fáttu hálum gi ufisinan-mâmi gi Bldg. 1242, Pohnpei Ct. , Capitol Hill,

Saipan. Tinigi' imfetmasion gi esti siha na amendasion debi na u mana'hålum gi ufisinan-måmi pat na'hånåo guatu gi BPL, gi P. O. Box 502078, Saipan, MP 96950.

Nina'hålum as: 
Francisco Q. Guerrero
Kabasiyu, BPL

12/15/11
Fetcha

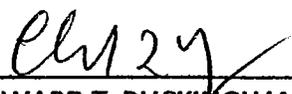
Rinisibi as: 
ESTHER S. FLEMING
Ispisiåt Na Ayudånti Para I Administrasion

12/15/11
Fetcha

Pine'lu yan
Ninota as: 
ESTHER M. SAN NICOLAS
Rehistran Commonwealth

12-27-2011
Fetcha

Sigun i 1 CMC § 2153(e) (I Abugådu Heneråt ha aprueba i regulasion siha na para u macho'gui kumu fotma) yan 1 CMC § 9104 (a) (3) (ahentan inaprueban Abugådu Heneråt) i manmaproponi na Regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueba kumu fotma yan sufisienti ligåt ginin i CNMI Abugådu Heneråt yan debi na u mapupblika, 1 CMC § 2153 (f) (pubplikasion I areklamentu yan regulasion siha).


EDWARD T. BUCKINGHAM
Abugådu Heneråt

12-23-11
Fetcha

**ARONGORONG REEL POMWOL ATIWUGH KKA REBWE AMENDALI REL BOARD OF
PROFESSIONAL LICENSING REGULATION REER, ENGINEERS, ARCHITECTS, LAND SURVEYORS ME
LANDSCAPE ARCHITECHTS**

MÁNGEMÁNGHIL MWÓGHUT YEEL BWE EBWE ADAPTÁALI ATIWUGH KKAAL: Board il Professional Licensing (BPL) ebwe adaptáali me alléghúló atiwugh kka e appasch ngáli Proposed Regulations sáangi mwóghutughutul Administrative Procedure Act, 1 CMC § 9104 (a). Atiwugh kkal ebwe bwunguló seigh(10) ráll mwiril compliance reel 1 CMC §§ 9102 me 9104 (a) ngare (b) (1 CMC § 9105(b)).

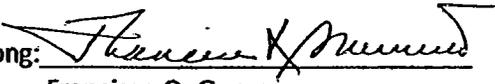
BWÁÁNGIL: Mwiischil Professional Licensing nge eyoor bwáángil bwe ebwe akkaté me ghitipótchúw atiwugh kkal sáangi P.L. 14-95, igha re amendáli. Amwuri Executive Order 94-3 (bwunguló Agosto 23, 1994, liwelil Executive branch).

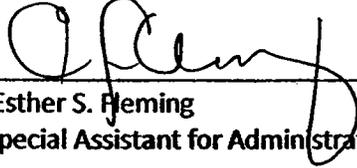
KKAPASAL ME AWEWEEL: BPL ebwe amendáali atiwugh kkal bwe ebwe weewe ngáli P.L. 17-39 “Board of Professional Licensing Amendment Act of 2010” igha re fitma wóól Abrid 21, 2011 rel Sow Lemelem bwe ebwe eew laay.

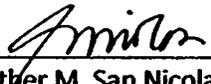
KKAPASAL ME ÓUTOL: Allégh me Atiwugh kka re amendáali:

1. Amendáali Peighil II rel atiwugh (“meta faal).
2. Amendáali Section 3.3 Licensure by Endorsement
3. Amendáa rel óbwóss, ebwe tolong, inactive license fee, ayoora abwóss rel siwelil wallet-size card me amwóy ló reinstatement fee.
4. Amendaáli Section 5.2 Qualification rel Licensure
5. Amendáali Section 9.7 Engineer’s Seal
6. Amendáali Section 11.2 me appaschalong Section 11.3 Inactive License
7. Amendáali Peighil XIII Disciplinary Action.

AFAL REEL AMWELIL ME ARONGOWOWUL: Mwiisch nge ekki tittingór ischil mángemángiir toulap reel pomwol liwel kkaal iye rebwe bwughil llól eliigh ráálil ngare schagh aa akkatééló llól Commonwealth Register. Schóókka re tipeli nge emmwel rebwe tingór tilighial pomwol yeel ngáre re faingi numero ye 664-4809 me email reel bpl@pticom.com me ngáre mwetelo’ reel bwulasiyo Bldg1242, Pohnpei Ct., capitol hill, Seipél. Ischil mángemáng ebwe isisilong llól bwulasiyo me afanga ngali BPL, P.O. Box 502078, Seipél, MP 96950.

Isáliyallong:  12/15/11
Francisco Q. Guerrero
Chairman, BPL Ráll

Mwiir Sángi:  12/15/11
Esther S. Fleming
Special Assistant for Administration Ráll

Amwel Sángi:  12.27.2011
Esther M. San Nicolas
Commonwealth Register Ráll

Sángi 1 CMC § 2153(e) Allégh kkaal lléghló sángi AG bwe e fil reel fféeruúl me 1 CMC§ 9104(a)(3) (mwiir sángi AG) Pomwol atiwligh kkaal a appaschlong a takkal amwuri fiischiy, me angúungú ló fféerúl me legal sufficiency sángi CNMI Attorney General me ebwele akkatewoow, 1 CMC § 2153(f)(Arongowowul allégh me atiwligh kkaal

Ráálil iye _____ December 2011

 12-23-11
EDWARD T. BUCKINGHAM
Attorney General

§1.1 of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects or §125-20.1-001 of NMIAC Title 125.

1.1 Purpose

The purpose of adopting these regulations is to clarify and implement Public Laws 1-8, 4-53, 5-43, 11-99, 14-95 and 17-39 to the end that the provisions there under may be best effectuated and the public interest most effectively served.

Part II of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects to re-number §2.9 to 2.10 and so on, inserting new subsections as follows or re-lettering subsection (i) to (j) and so on, inserting new subsections of §125-20.1-020 of 125-20.1, NMIAC Title 125, as follows:

- 2.9 BPLRF - The letters "BPLRF" shall mean the Board of Professional Licensing Revolving Fund".**
- 2.25 Electronic Means - The term "electronic means" shall include telephone, video-conference, electronic telecommunications-mediated written, aural and/or video means, including mediated through the internet, a wireless service, and/or email; and shall further include the presentation, service, filing and storage of documents in their electronic form.**
- 2.36 License - The term "license" means a certificate issued to a person licensed, certified or otherwise approve to practice as an engineer, architect, land surveyor, landscape architect, or real property appraiser.**
- 2.37 Licensee - The term "licensee" means a person licensed, certified or otherwise approved to practice as an engineer, architect, land surveyor, landscape architect, or real property appraiser.**
- 2.38 Licensure - The term "licensure" means the process or condition of being licensed to practice as an engineer, architect, land surveyor, landscape architect, or real property appraiser.**
- 2.46 Person - The term "person" means a person real or legal, including a human being, and an artificial person, including government entity, non-governmental organization, association, corporation, limited liability company, limited liability partnership, partnership, or sole proprietorship.**
- 2.58 State - The term "state" includes a United States of America state, territory, tribal land, commonwealth, the District of Columbia, and any other U.S. jurisdiction other than the U.S. Government itself.**

Delete Section 3.2 (D) of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects or Section (d) of 125-20.1-105 of 125-20.1, NMIAC Title 125.

Delete Section 3.3 of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects or Section 125-20.1-110 of 125-20.1, NMIAC Title 125, and replace with the following:

3.3 Licensure by Endorsement

A. The Board may grant a license to a person to practice as an engineer, architect, land surveyor, or landscape architect without examination if:

(a) The person holds a valid, active license to practice as an engineer, architect, land surveyor, or landscape architect in another jurisdiction; and

(b) The requirements in the jurisdiction of licensure are at least as stringent as those under the law and these regulations.

B. The Board may deny a license by endorsement to a person to practice as an engineer, architect, land surveyor, or landscape architect if the person has been the subject of an adverse action in which his/her license was suspended, revoked, placed on probation, conditioned or renewal denied.

Section 4.6 of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects or Section (c) (5) and (d) (5) (7) of 125-20.1-220 of 125-20.1, NMIAC Title 125.

4.6 Schedule of Fees

Licensure Fees:	
Inactive License	\$100.00
Renewal Fees:	
Reinstatement	\$250.00
Replacement/Duplication of wallet-size card	\$ 25.00

Part V. of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects or Part 300 of 125-20.1, NMIAC Title 125.

Part V. Qualifications for Licensure

Delete Section 5.1 of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects or Section 125-20.1-301 of 125-20.1, NMIAC Title 125 and replace with the following:

5.1 Qualifications for Licensure

No person shall be eligible for licensure as an engineer, architect, land surveyor, or landscape architect unless such person meets the following requirements:

- (1) Be at least 21 years of age;
- (2) Be a U.S. citizen, or a foreign national and lawfully entitled to remain and work in the Commonwealth;
- (3) Has met all the education, examination, and experience qualifications as required by law and the regulations;
- (4) Be of good moral character; and shall not have been convicted in any jurisdiction of a crime of moral turpitude or a crime related to the person's profession; and
- (5) Fully and honestly provide the information to the Board required for the Board's decision.

Amend and add two subsections to Section 9.7(B), 9.7(C), and add subsections (E) and (F) of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects and amend and add two subsections to (b) and add subsections (e) and (f) of Section 125-20.1-730 of 125-20.1, NMIAC Title 125.

9.7 Engineer's Seal

A. The seal and signature of a licensed professional engineer shall be affixed to each drawing, specification, report, calculation or other documents in its final form, which involves the practice of engineering as defined herein.

B. The seal and signature of an engineer, licensed in the appropriate branch, is required for each portion of documents involving a separate branch of engineering except as provided below:

1. All portions of documents for single-family residential home may be sealed and signed by a civil or structural engineer or an architect.

2. All portions of documents for multi-family dwelling and residential subdivisions not more than three (3) stories in height and containing 10 or fewer dwelling units may be sealed and signed by a civil or structural engineer or an architect.

3. An engineer is not required for outbuildings in connection with detached residential buildings.

4. All portions of documents for any type of buildings not more than three (3) stories in height may be sealed and signed by a civil or structural engineer or an architect.

C. Documents for multi-family dwelling and residential subdivisions more than three (3) stories in height and containing more than 10 dwelling units or any type of building shall be sealed and signed by engineers licensed in the appropriate branches as well as an architect.

D. Documents for pre-engineered structures sealed and signed by an engineer licensed in another jurisdiction shall also be reviewed and sealed and signed by a civil or structural engineer licensed in the CNMI.

E. Designs and calculations for Individual Wastewater Disposal Systems (IWDS) for any building, except for single-family residential home, may be sealed/signed by a CNMI licensed civil engineer or an architect.

F. Storm Water design and calculations for any building, except for single-family residential home, may be performed by a CNMI licensed engineer.

Part XI. of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects or Part 800 of 125-20.1, NMIAC Title 125.

PART XI. RENEWALS, REINSTATEMENTS, AND INACTIVE LICENSE

Amend section 11.2 (A) and delete section 11.2(B) of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects or Section 125-20.1-810(a) and delete (b) of 125-20.1, NMIAC Title 125.

11.2 Reinstatement

Each licensee or firm whose license or certificate has expired and lapsed or on an inactive status may be reinstated within three (3) years of the expiration day upon (a) payment of the reinstatement fee for the period of the lapsed license as determined by the Board; (b) payment of all penalties owing since the date of expiration, and in such amount as determined by the Board, for each calendar month or fraction thereof until the reinstatement fee and all penalties are paid. As a precondition to reinstatement, the Board may require a written explanation or an interview showing that the applicant is competent to practice his or her profession.

Add section 11.3 to Part XI. of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects and Section 125-20.1-811 of 125-20.1, NMIAC Title 125.

11.3 Inactive License

A license may be placed on an inactive status upon notification to the board before his/her license expires by the licensee in writing of the effective date of inactivation and payment of an inactive fee. Failure to reactivate a license on inactive status after three years for engineers, architects, land surveyors, and landscape architects, shall render the license null and void and licensee must file a new application, meet present day requirements for licensure or certification, and receive board approval. An inactive licensee may apply for reactivation upon payment of all fees owing from time of inactivity and proof of completion of all continuing education hours (if required) the applicant would have had to submit if the applicant has maintained licensure from the date of inactivation. Failure to meet the requirements for reactivation shall require a person desiring licensure to apply as a new applicant and meet present day requirements for licensure or certification, and receive board approval.

PART XIII. DISCIPLINARY ACTION; REPRIMAND, SUSPENSION OR REVOCATION; REFUSAL TO ISSUE, RESTORE OR RENEW OF LICENSE OR CERTIFICATE

Section 13.1 (A), (A) (2), (A) (3), (A) (4), (A) (6), add subsections (11), (12), (13), (14), subsection (11) now subsection (15) and add subsection (16) of the Disciplinary Action of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects or Section 125-20.1-1001 of 125-20.1, NMIAC Title 125.

13.1 Disciplinary Action

A. The Board shall have the power to impose administrative penalty and/or reprimand; revoke or suspend; refuse to issue, restore or renew; place on probation or condition in any manner the certificate, license, or certificate of authorization to any engineer, architect, land surveyor, landscape architect, or firm who is found guilty, in any jurisdiction, of one or more of the following violations:

1. Any fraud or deceit in obtaining or attempting to obtain or renew the license or the certificate of authorization; or
2. Any negligence, incompetence or misconduct in the practice of engineering, architecture, land surveying or landscape architecture; or
3. Conviction of or pleading guilty to a crime of moral turpitude or a crime related to their profession either in the CNMI or in another state or jurisdiction. A certified copy of the judgment of the court of such conviction or plea will be considered dispositive for the purpose of any hearing under this part. A plea of nolo contendere or its equivalent accepted by the court shall be considered as a conviction; or
4. Signing, affixing; or permitting the licensee's seal or signature to be affixed to any specifications, reports, drawings, plans, design information, construction documents, or calculations, or revisions thereof, which have not been prepared by the licensee or under the licensee's responsibility or direct personal supervision; or
5. Engaging in dishonorable, unethical or unprofessional conduct of a character likely to mislead, deceive, defraud, or harm the public; or
6. Practicing or offering to practice, or holding him or herself out as authorized and qualified to practice engineering, architecture, land surveying or landscape architecture, without a valid license or certificate issued by the Board; or
7. Using the title "engineer", "engineering", "architect", "architecture", "architectural", "land surveyor", "land surveying", "landscape architect", or "landscape architecture", any title, sign, card, or device to indicate that such person is practicing such profession without having first being licensed in accordance with this Chapter; or
8. Using or attempts to use as his or her own the seal or the license or certificate of another; or
9. Falsely impersonating any duly licensed engineer, architect, land surveyor or landscape architect; or
10. Using or attempts to use an expired, suspended, revoked, or inactive license or certificate; or
11. Aiding or assisting another person in violating any provision of this Chapter, or the rules and regulations pertaining thereto; or
12. Providing false testimony or information to the Board; or
13. Failure to provide information requested by the Board as a result of a formal or informal complaint to the Board which would indicate a violation of this Chapter; or

14. Failure to comply with any provisions of this Chapter, any regulations pertaining thereto, and the Rules of Professional Conduct for engineers, architects, land surveyors, and landscape architects; or

15. Any individual or firm which advertises and offers to engage or engaging in the practice of engineering, architecture, land surveying or landscape architecture services without first complying with the requirements of the Act; or

16. Failing to report to the Board an adverse action taken against the person by another jurisdiction's profession regulatory agency or court, professional society or association, by a governmental agency, including a law enforcement agency or by a court for acts or conduct similar to acts or conduct that would support disciplinary action under this Chapter.

Section 13.1 (B) and (C) of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects or Section 125-20.1-1001(c) of 125-20.1, NMLAC Title 125.

B. The Board may also take disciplinary action against a licensee who is found guilty of the following:

1. Any act or omission which fails to meet the generally accepted standards of engineering, architecture, land surveying or landscape architecture practice; or

2. Use of false, deceptive, or misleading advertising; or

3. Performing services beyond one's competency, training, or education; or

4. Failure to report to the Board any licensee or firm known to have violated the law, rules and regulations, or any order of the Board; or

5. Failure to report to the Board any malpractice claim against such licensee or any firm, that is settled or in which judgment is rendered, within sixty (60) days of the effective date of such settlement or judgment, if such claim concerned professional services performed or supervised by such licensee.

C. In addition to any other penalty provided in this section, the Board shall have the power to impose administrative penalty and/or reprimand, revoke, or suspend, refuse to issue, restore or renew; place on probation or condition the Certificate of Authorization of any firm where one or more of its agents, officers, directors, partners, managers, or employees have been found guilty of any conduct which would constitute a violation under the provisions of this section.

D. Upon conviction in a court of law, any person or firm who violates any of the provisions of the law or the rules and regulations promulgated hereunder, shall be fined not more than \$5,000 or imprisoned not more than one year, or both.

Section 13.2 (A), (B), (C), (D), (E), (G), (H) of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects or Section 125-20.1-1005 of 125-20.1, NMIAC Title 125.

13.2 Disciplinary Procedures

A. Any person, including a board member, may prefer charges in writing with the Board against any person subject to the Board's jurisdiction, including but not limited to non-licensees or a firm holding a certificate of authorization. The Board may seek relief, but need not specify the relief sought. The complaint shall be as specific as possible to the time, place, and nature of the violation.

B. The Board or its designee shall promptly and fully investigate all non-trivial allegations filed with the Board for the purposes of determining whether to proceed with or dismiss the complaint. The Board may dismiss without a hearing a complaint as unfounded, or trivial, or failing to state a ground for which relief may be granted, with a written order explaining its decision. Notwithstanding any other provision of law, the dismissal of a complaint shall be subject only to a retrospective notice and opportunity to be heard. The Board may dismiss an anonymous complaint without investigation.

C. Complaints

Proceedings to levy a fine upon a licensee, or to reprimand, suspend, refuse to renew or to revoke a license or a certificate of authorization may be initiated by any person who may prefer charges of any of the violations as prescribed under Section 13.1 (A) and (B).

1. All charges filed must be made in writing by the person or persons making them and shall be filed with the Board.

2. All charges shall be made on forms provided by the Board. The information required includes the name and addresses of the complainant and the respondent, a concise statement of the complaint with facts supporting the allegation that a violation has occurred and a statement of the relief sought. The complainant shall sign the complaint.

D. Probable Cause

When a complaint is received by the Board in which a licensee is charged with a violation, it is referred to an investigative committee designated by the Board consisting of at least one board member and the Board's legal counsel. The member of the Board in the investigative committee cannot vote at the disciplinary hearing. The investigative committee makes a determination if probable cause exists for taking further action or for issuing a summons and complaint. Action against the licensee or firm may be brought in the name of the Board or brought before the Board in the name of the claimant versus the respondent.

E. Summons and Complaint

1. In the event the Board determines that probable cause exists, the Board's legal counsel is requested to prepare a summons and complaint.

2. The summons and complaint shall show the time, place, and nature of the hearing, a statement of legal authority and jurisdiction under which the hearing is to be held, a reference to the particular section of the statute, rules, or regulations

involved, and a short and plain statement of the matters asserted. The notice of the summons and complaint shall indicate that at any hearing the accused individual licensee or firm shall have the right to appear in person or by counsel or both to cross-examine witnesses in his/her or its defense and to produce evidence and witnesses for his/her or its own defense.

3. The summons and complaint shall be personally served or mailed at least thirty (30) days before the date fixed for the hearing to the licensee's or firm's last known address.

4. If the accused licensee or firm fails or refuses to appear, the Board may proceed to hear and determine the validity of the charges.

F. Until an investigation is completed and administrative charges are filed against the licensee or firm, or the matter is referred to the attorney general for criminal prosecution, any and all matters related to the allegation(s) including the name(s) of the party filing such charges, shall be confidential and exempt from disclosure to the public pursuant to applicable law including, but not limited to P. L. 8-41, the Open Government Act of 1992.

G. Conduct of Hearing

The members of the Board or the Board's authorized representative shall conduct all hearings pursuant to 1 CMC, Section 9109, Administrative Procedures - Conduct of Hearings.

1. At its discretion, the Board may appoint some person (preferably an attorney or someone familiar with the laws and procedures) to act as a hearing examiner. The hearing examiner shall preside at the hearing and shall rule on app questions or evidence and procedure.

2. In the event a hearing examiner is not appointed, the chairperson of the board may preside over the hearing and shall rule on all questions of evidence and procedure with the advice of the attorney for the board.

3. Normally, the proceeding shall follow those used by a civil court in which an opening statement is made by the plaintiff and the respondent. Both sides with rebuttals then present evidence. Witnesses may be examined by the plaintiff and respondent or their attorneys and by members of the board. Re-direct and re-cross and re-examinations

4. The record of the hearing of the case shall include;

- (1) All motions, intermediate ruling, and depositions.
- (2) Evidence received and considered.
- (3) Statement of matters officially noted.
- (4) Questions and offers of proof, objections, and rulings thereon.
- (5) Proposed findings and exceptions.
- (6) Any decision, opinion, or report by the officer presiding at the hearing.

H. The members of the Board or the Board's authorized representative presiding at the hearings may:

1. Administer oaths and affirmations;
2. Issue subpoenas to compel the attendance of witnesses and the production of records and documents;
3. Rule on offers of proof and receives relevant evidence;
4. **Require and supervise discovery, including taking depositions or have depositions;**
5. **Regulate the course of the hearing, including administer sanctions for conduct within Rule 11 of the CNMI rules of Civil Procedure;**
6. Hold conferences for the settlement or simplification of the issues by consent of the parties;
7. Dispose of procedural requests or similar matters; and
8. Make or recommend orders or decisions in accordance with the law, rules, or regulations.

I. It shall require a unanimous majority vote of the members of the Board present at the hearing in order to find the accused guilty of the charges preferred, and if found guilty the Board may, in its discretion, either suspend or revoke the license or certificate of the accused.

J. The Board shall upon concluding the hearing, issue findings, decisions and orders within 30 days.

K. Each licensee or firm whose license or certificate has been revoked by the Board or any jurisdiction must file a new application, meet present day requirements for licensure or certification, and receive board approval.



Commonwealth of the Northern Mariana Islands
Office of the Attorney General

2nd Floor Hon. Juan A. Sablan Memorial Bldg.
Caller Box 10007, Capital Hill
Saipan, MP 96950-8907

Civil Division
Tel: (670) 664-2341
Fax: (670) 664-2349

Criminal Division
Tel: (670) 664-2366/671/68
Fax: (670) 234-7016

Passport Office
Tel: (670) 664-4761
Fax: (670) 664-4764

**Domestic Violence
Intervention Center**
Tel: (670) 664-4883/4
Fax: (670) 234-4589

A.G. OPINION NO. 2011-02

To: Governor
From: Attorney General
Subject: Status of the Department of Public Health in light of the passage
Of the Commonwealth Healthcare Corporation Act of 2008

The Honorable Benigno N. Fitial, Governor of the Commonwealth of the Northern Mariana Islands, inquired as to the status of the Department of Public Health in light of the passage of the Commonwealth Healthcare Corporation Act of 2008.

QUESTION PRESENTED

What is the present legal status of the Department of Public Health (“DPH”) in light of the passage of the Commonwealth Healthcare Corporation Act of 2008?

SHORT ANSWER

DPH no longer exists. The Commonwealth Healthcare Corporation Act of 2008 transferred all of DPH’s functions and duties to the Commonwealth Health Corporation within 365 days of its enactment date, January 15, 2009. Two provisions of the act, 3 CMC §§ 2823(f), (g), would have allowed DPH to retain non-healthcare functions. Both of these provisions required the DPH Secretary to take action within 365 days. The DPH Secretary did not take any action to reserve functions to DPH. Therefore, DPH ceased to exist as a legal entity as of January 15, 2010.

ANALYSIS

I. The Commonwealth Healthcare Act

The Commonwealth Healthcare Corporation Act of 2008 (the Act) was signed into law and became effective on January 15, 2009. The Act, codified at 3 CMC §§ 2821–2835, transferred the responsibilities and functions of DPH and management of the health provisions of the Commonwealth Code (3 CMC §§ 2101–2789) to the Commonwealth Healthcare Corporation. There were only two potential exceptions to this whole sale transfer, both of which required the DPH Secretary to submit a writing to the Governor, and both of which expired at midnight on January 14, 2010. If the Secretary failed to submit these writings to the Governor’s Office, then DPH ceased to exist as of midnight January 14, 2010.

The legislature enacted the Commonwealth Healthcare Corporation Act of 2008 due to concerns that DPH was operating deficiently. The legislative findings state: “The Legislature finds that the healthcare service under the Department of Public Health is not operating as effectively as demanded by the consumers of its healthcare.” PL 16–51, § 2. The legislature therefore decided to create a Commonwealth Healthcare Corporation (the Corporation) to take over the healthcare duties and functions of DPH. The Act provided the Corporation would immediately take over responsibility for hospitals and facilities, such as the Commonwealth Health Center. According to the Act:

Within 365 days following the effective date of this Act, the Corporation shall further assume the functions and duties of the Department of Public Health under Title 3, Division 2 of the Commonwealth Code (3 CMC §§ 2101–2798), and under Title 1, Division 2, Chapter 12 of the Commonwealth Code (1 CMC §§ 2601–2650), and other public law; provided, that the Secretary of the Department Public Health may reserve to the Department those functions and duties that the Secretary specifies as appropriate in a writing communicated to the Governor and presiding officers of the legislature.

3 CMC § 2823(f). Title 3, Division 2 of the Code encompasses all laws relating to public health including Public Health & Sanitation (3 CMC §§ 2101–2177), Regulations of the Medical and Nursing Professions (3 CMC §§ 2211–2372), Public Cemeteries (3 CMC §§ 2611–2627, and Food and Drug Control (3 CMC §§ 2701–2798). Title 1, Division 2, Chapter 12 is entitled “Department of Public Health and Environmental Services” (i.e., DPH’s enabling legislation). Aside from the exception requiring DPH to reserve functions to the Department, the clear intent of this provision is to totally divest DPH of any and all authority. The language indicating that

“the Corporation shall assume the functions and duties of [DPH] under . . . other public law” underscore the Legislature’s intent to completely divest DPH of any and all authority.

II. Exceptions in the Act

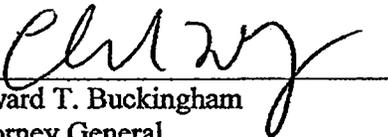
There are two exceptions that would have ensured the continued existence of DPH, both of which are quite limited. The first is that “the Secretary of the Department Public Health may reserve to the Department those functions and duties that the Secretary specifies as appropriate in a writing communicated to the Governor and presiding officers of the legislature.” 3 CMC § 2823(f). Therefore, the DPH Secretary could use his discretion to reserve functions and duties to DPH, provided that the Secretary exercised this power by delivering “an appropriate writing” to the Governor and the presiding officers of the House and Senate. This power would fail if, for example, it was not delivered to all of the named parties, was not exercised within 365 days of January 15, 2009, or was not contained in “an appropriate writing.”

There is a second limited exception contained in the following subsection. The Act provides, “Within 365 days following the effective date of this Act and upon recommendation of the Secretary, the Governor may transfer to the Department of Public Health the functions and duties of the Division of Environmental Quality.” 3 CMC § 2823(g). This power is even more limited than the first, as the Governor holds the discretionary power to delegate the Division of Environmental Quality to DPH. This exception would fail to vest if, for example, the Governor did not exercise this power, the DPH Secretary never recommended that the Governor exercise this power, or this power was not exercised within 365 days of January 15, 2009. Neither of these two exceptions were ever implemented, and DPH therefore ceased to exist as of January 14, 2010.

CONCLUSION

The Commonwealth Healthcare Corporation Act of 2008 completely replaced DPH with the Corporation, and DPH no longer exists. The only way that DPH could continue to exist is if the Secretary complied with 3 CMC § 2823(f) or the Governor exercised his power under 2823(g).

If DPH still exists, then the only funds, property, and personnel it controls are those allocated to DPH which are necessary for it to carry out its continuing functions and duties under the law. DPH would violate federal and Commonwealth law by continuing to exercise control over any of the funds, personnel, or property that has been lawfully transferred to the Corporation.


Edward T. Buckingham
Attorney General

12-1-11
Date



Commonwealth of the Northern Mariana Islands
Office of the Attorney General

2nd Floor Hon. Juan A. Sablan Memorial Bldg.
Caller Box 10007, Capital Hill
Saipan, MP 96950-8907

Civil Division
Tel: (670) 664-2341
Fax: (670) 664-2349

Criminal Division
Tel: (670) 664-2366/67/68
Fax: (670) 234-7016

Passport Office
Tel: (670) 664-4761
Fax: (670) 664-4764

**Domestic Violence
Intervention Center**
Tel: (670) 664-4883/4
Fax: (670) 234-4589

A.G. OPINION NO. 2011-03

To: Governor
Secretary of Finance

From: Attorney General

Subject: Concerning the Commonwealth Healthcare Corporation's
Responsibility for DPH's Pre-October 1, 2011 Accounts Payable,
and Governor's Authority to Enter a Memorandum of Agreement
Concerning Same

QUESTIONS PRESENTED

1. Are the pre-October 1, 2011 Department of Public Health accounts payable and receivable legally the responsibility of the Commonwealth Healthcare Corporation under the Commonwealth Healthcare Corporation Act of 2008?
2. Does the Governor have the discretionary power to assume the responsibility for either all or a portion of the pre-October 1, 2011 Department of Public Health accounts payable by entering into a Memorandum of Agreement with the Corporation?

SHORT ANSWERS

1. Yes. The Commonwealth Healthcare Corporation Act ("the Act") transferred all of the Department of Public Health's ("DPH") assets and liabilities to the Commonwealth Healthcare Corporation ("the Corporation"), including DPH's pre-October 1, 2011 accounts payable. The Act explicitly transfers the "accounts payable and receivable . . . pertaining to the operation of the Corporation within the Commonwealth." 3 CMC § 2833(b). Although isolated subsections of the Act appear to provide that the Commonwealth government retains liability for the pre-October 1, 2011 obligations, the legislative intent to transfer all of DPH's assets and liabilities becomes clear when the Act is read as a cohesive whole.

2. Yes. The Governor has the discretionary power to assume responsibility for the pre-October 1, 2011 accounts payable by entering into a Memorandum of Agreement with the Corporation. Commonwealth experience and practice demonstrates the Governor can enter into a Memorandum of Agreement with a public corporation to assume certain debts. This wholly discretionary power is part of the Governor's responsibility to faithfully execute the laws of Commonwealth. NMI Const. art III, § 1. Entering into a Memorandum of Agreement in this situation is acceptable because the purpose and effect of assuming the Corporation's pre-October 1, 2011 debt are consistent with the Commonwealth Healthcare Corporation Act. Conversely, the Governor does not have the authority to assume responsibility for the accounts receivable, as this would clearly violate the spirit of the act.

FACTUAL BACKGROUND

On January 15, 2009, Governor Benigno R. Fitial signed the Commonwealth Healthcare Corporation Act of 2008, PL 16-51, into law. The Act intended to establish a Commonwealth Healthcare Corporation, which would assume the responsibilities of DPH after 365 days. The Corporation was not formed when anticipated, and DPH continued to exist, to operate the Commonwealth's healthcare system, and to receive funds allocated by the legislature to carry out its functions. *See* PL 17-21. The Corporation came into existence on October 1, 2011, and assumed all of the functions and duties that DPH had administered as a placeholder for the Corporation.

Issues have arisen between the Department of Finance ("Finance") and the Corporation regarding the effect that the creation of the Corporation had on various obligations relating to the provision of healthcare in the Commonwealth. Finance asks us to address the issue whether the Corporation is financially responsible for the pre-October 1, 2011 obligations contained in DPH's accounts payable. The answer to this question is significant as the DPH-administered healthcare system was riddled with inefficiencies, such as an almost complete failure to collect on accounts receivable. The Corporation, which by law is fiscally independent of the Commonwealth government, therefore faces the difficult task of implementing a market-oriented healthcare system with the \$5 million seed money from the legislature and the funds from various federal grants.

Related to the issue of whether the Corporation is financially responsible for the pre-October 1, 2011 obligations contained in DPH's accounts payable, we have been asked whether the Governor has the discretionary power to enter into a Memorandum of Agreement with the Corporation to assume responsibility for the pre-October 1, 2011 accounts payable. The purpose of exercising this discretionary power would be to give the Corporation a significantly more favorable chance at success, and not to foster an administrative culture of dependence on the central government for bailouts caused by irresponsible spending.

ANALYSIS

I. The Commonwealth Health Care Corporation is Responsible for All Accounts Payable of the Department of Public Health Under the Commonwealth Healthcare Corporation Act of 2008

Under the law, the Corporation is responsible for all accounts payable, whether incurred before or after October 1, 2011. The text of the Commonwealth Healthcare Corporation Act of

2008 (“the Act”) clearly supports the interpretation that the Corporation assumed all of DPH’s debts. Under section 2833(b) of the Act :

... the . . . Department of Public Health . . . shall transfer to the Corporation:

(b) All working capital, cash, *accounts payable and receivable*, deposits, advances payable and receivable, all books, records and documents, and *all other rights, obligations, assets, liabilities*, agreements, contracts, leases, concessions and *all other rights, obligations, and privileges pertaining to the operation of the Corporation within the Commonwealth*, and other matters and concerns of the Governor or the Department of Public Health which are to be assumed by the Corporation, including the assets, personal and real property, held by the government healthcare facilities within the Commonwealth.

3 CMC § 2833 (emphasis added). The plain meaning of the terms employed by the legislature transfers both the assets and liabilities of DPH to the Corporation, including the liabilities incurred by the DPH before the transfer.¹ Had the legislature intended otherwise, they would have simply used “accounts receivable” and omitted any reference to “accounts payable.” The legislature’s use of the inclusive phrase “all other rights [and] obligations” twice underscores the legislature’s intent to transfer a broad range of both assets (“rights”) and liabilities (“obligations”) to the Corporation.

The transfer of both assets and liabilities existing as of October 1, 2011 to the Corporation is consistent with the Act’s spirit and purpose. The Act states, “The purpose of this Act is to establish the Commonwealth Healthcare Corporation, a public corporation, to coordinate the delivery of quality healthcare to all Commonwealth residents in a *financially responsible* manner.” PL 16-51, § 2 (emphasis added). The legislature found that the creation of the Corporation was necessary because “the healthcare service under the Department of Public Health is not operating as effectively as demanded by the consumers of healthcare.” PL 16-51, § 2. The legislature intended that the Corporation “develop and regulate, as necessary, a high quality, efficient, and *market oriented* public healthcare delivery system in the CNMI.” PL 16-51, § 2 (emphasis added). The legislature decided that the best way to create a financially responsible entity that would develop a market-oriented approach to administering healthcare was to create an “independent public healthcare institution that is *as financially self-sufficient and independent of the Commonwealth Government as is possible*.” PL 16-51 § 2 (emphasis added).

¹ There is at least an argument that the provisions of 3 CMC § 2834 create ambiguity concerning the Corporation’s assumption of its predecessor’s financial obligations. The text of 3 CMC § 2834(b) states that “all fines, taxes, penalties, forfeitures, obligations and rights, due, owing or accruing to the government or the Department of Public Health, and all writs, prosecutions, actions and proceedings by or against the government or the Department of Public Health shall remain unaffected by adoption of this Act.” 3 CMC § 2834(b). This section is entirely consistent with the entire Act, because the language seeks to avoid the common law rule that “an entire change of plaintiffs is not allowable, being in effect regarded as a change of the cause of action.” *New York Evening Post Co. v. Chaloner*, 265 F. 204, 213 (2nd Cir. 1920). Therefore, 3 CMC § 2834(b) is consistent with the Act and does not have any effect on the transfer of the pre-October 1, 2011 debt to the Corporation.

Having the Corporation assume both the accounts payable and receivable from pre-October 1, 2011 furthers the legislative purpose. First, the Corporation needs to know its standard income and liabilities before it can create a fiscally responsible budget. Second, the Corporation might be tempted to disregard financial realities if the Commonwealth government retained responsibility for DPH's past accounts payable. Giving the Corporation responsibility for past accounts payable forces the Corporation's directors and officers to address standard periodic expenditures, the consideration of which is a necessary prerequisite for creating both a budget and a market-oriented business model. Third, it is equitable for the Corporation to receive the accounts payable along with accounts receivable. Finally, assuming responsibility for accounts payable incentivizes the development of an efficient, effective system for collecting the outstanding debts owed to the Corporation in accounts receivable.

II. The Governor Can Enter Into a Memorandum of Agreement to Assume the Pre-October, 2011 Payable Accounts Owed by the Corporation

The Governor has the discretionary power to assume the pre-October 1, 2011 debt, either in whole or in part, of the Corporation through a Memorandum of Agreement. The Governor's power to enter into a Memorandum of Agreement with a public corporation is permissible under his power as head of the Executive Branch. Furthermore, the Governor has previously used Memoranda of Agreement to prevent the shutdown of important public services provided by public corporations. The Governor can use this discretionary power to help the nascent Corporation establish a financially sound, fiscally independent business model.

The Governor's ability to enter into a Memorandum of Agreement is an inherent function of his constitutional duty to see that the laws are faithfully executed. The Commonwealth Constitution states: "The executive power of the Commonwealth shall be vested in a governor who shall be responsible for the faithful execution of the laws." NMI Const. art. III, § 1. Necessarily, faithfully executing the laws means staying true to both the letter and the spirit of the law. Entering into a Memorandum of Agreement with the Corporation is consistent with the letter of the Act, and would promote the spirit of the Act.

Entering into a Memorandum of Agreement with the Corporation over the pre-October 1, 2011 debt is consistent with the letter of the Act. While 3 CMC § 2833 transfers all accounts payable to the Corporation, there is no provision of the Act requiring the pre-October 1, 2011 accounts payable to stay with the Corporation. The pre-October 1, 2011 debt is readily distinguishable from debt incurred in fiscal year 2012. The pre-October debt was created under the executive branch, and the Corporation's officers had no control over the way that debt was incurred. The post-October 1, 2011 spending is largely within the Corporation's control. Furthermore, the legislature allocated funds for the DPH activities that incurred liability, and can properly be transferred to the Executive Branch.

It is also noteworthy that entering into an agreement for the central government to assume the pre-October 1, 2011 accounts payable of the Corporation does not create new debt or obligations for the Commonwealth. These obligations already exist. Further, although fiscally autonomous and not directly under the control of the Governor, the Corporation is still part of the executive branch of the government. Any agreement assuming either all or a portion the accounts

payable is thus a reallocation of responsibility for the obligations and thus also not the creation of a new obligation of the government.²

A Memorandum of Agreement would also promote the spirit of the Act. By assuming a portion of the pre-October 1, 2011 debt, the Governor will ease the burden on the Corporation. This will give the Corporation more time and resources to developing a financially sound budget and a market-oriented business plan. Assuming a portion of the pre-October 1, 2011 debt will also increase the incentives for the Corporation to set up a reliable scheme for collecting accounts receivable, because the revenue generated from collecting the old accounts receivable can be applied directly to the Corporation's new projects. Finally, assuming a portion of the pre-October 1, 2011 debt will increase the Corporation's chances at success without requiring a great financial expenditure on the part of the Commonwealth government.

Importantly, neither the Governor nor the Corporation have the authority to use a Memorandum of Agreement to transfer any of the pre-October 1, 2011 accounts receivable away from the Corporation. Of course, the Corporation has no power to offer the transfer of the pre-October 2011 accounts receivable because the legislature has not given them that power. *See* 3 CMC §§ 2824, 2826, 2828. Furthermore, transferring away an asset as valuable as 20 years' worth of accounts receivable would hurt the Corporation, and would be a violation of the duties the Corporation's officers owe the Corporation. The Governor cannot use a Memorandum of Agreement to take over the pre-October 2011 accounts receivable, as this action would clearly violate the spirit of the Act. First, taking over the accounts receivable would hinder the Corporation by divesting it of a valuable property right worth a significant amount of money. Second, taking away the accounts receivable reduces the Corporation's incentive to institute an efficient, effective system for collecting accounts receivable. A system for collecting accounts receivable is absolutely vital for a financially responsible, market-oriented institution. The need to develop such a system is far less pressing if the Corporation has only a few months' worth of accounts receivable to collect, rather than 20 years' and millions of dollars' worth of accounts receivable. Finally, removing the accounts receivable would encourage the Corporation to view itself as an entirely new entity with no history, and disregard all of DPH's positive and negative experience in the process.

The Governor has the power to enter into a Memorandum of Agreement with the Corporation to assume either all or a portion of the liability for the pre-October 1, 2011 accounts payable. The ability to enter into a Memorandum of Agreement is a discretionary power that stems from the Governor's duty to see that the laws are faithfully executed under the Commonwealth Constitution. NMI Const. art III, § 1. Entering into a Memorandum of Agreement is desirable where the agreement's purpose and effect are consistent with the letter and spirit of a statutory scheme. Here, assuming the pre-October 1, 2011 debt does not offend the letter of the Act. Furthermore, assuming the pre-October 1, 2011 debt will increase the Corporation's chances of developing a financially sound business plan and an efficient, reliable system for collecting accounts receivable. Any Memorandum of Agreement will not affect the allocation of the pre-October 1, 2011 accounts receivable, as this would violate the spirit of the Act. A Memorandum of Agreement assuming the pre-October 1, 2011 accounts payable would therefore be appropriate in this situation.

² The Commonwealth has entered into similar types of agreements in similar situations in the past. For instance, the Commonwealth assumed the obligation the Public School System ("PSS") had to the Retirement Fund regarding unpaid contributions. Although "autonomous," PSS is still a part of the executive branch.

III. The Governor's Power to Carry Out a Memorandum of Agreement with the Corporation is Wholly Discretionary

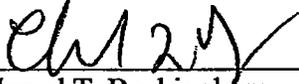
One final related point bears special emphasis: the Governor's power to enter into a Memorandum of Agreement with a public corporation is wholly discretionary. The Governor's power in this regard is an act of comity, not an act of duty. There is no constitutional or statutory provision that imposes upon the Governor the duty to bail out a public corporation.

Furthermore, any decision by the Governor to use this discretionary power is a fact-specific. It would be appropriate to assume the pre-October 1, 2011 accounts payable in this instance to ensure that the Corporation has a favorable chance at successfully becoming a financially responsible public institution that operates a market-oriented, financially sound system for the delivery of healthcare to the residents of the Commonwealth. In this respect, assuming the pre-October 1, 2011 accounts payable would further the legislative intent behind the Act. The situation would be markedly different if the Corporation failed to develop a budget and exhausted its finances by spending outside its means. Assuming the Corporation's liability in that instance would only foster an administrative culture of dependence and openly conflict with the legislature's intent in creating the Corporation.

In sum, the Governor has the power, but not the duty, to enter into a Memorandum of Agreement with the Corporation to give the Corporation a favorable chance at fulfilling its legislative mandate. Furthermore, the fact that this power is wholly discretionary means that the Directors and Officers of the Corporation cannot expect to be bailed out if they fail to develop a budget and a financially sound business model.

CONCLUSION

The plain meaning of the Act's provisions regarding the pre-October 1, 2011 accounts payable clearly provide that the Corporation assumed responsibility for the accounts payable incurred by DPH. Although the Corporation is currently responsible for the DPH debt, the Governor's Office can assume liability for either all or a portion of the pre-October 1, 2011 debt by entering into a Memorandum of Agreement with the Corporation. A Memorandum of Agreement is appropriate in this case because it because assuming the liability for the pre-October 1, 2011 debt is consistent with the spirit and letter of the Act. Any Memorandum of Agreement should not affect the pre-October 1, 2011 accounts receivable, as this would clearly violate the spirit of the Act. The Governor's power to enter into a Memorandum of Agreement is wholly discretionary, and any assumption of the pre-October 2011 debt incurred under DPH should not be understood as a promise to bail the Corporation out in the future if it does not develop a financially sound business plan and a reliable method for collecting accounts receivable.



Edward T. Buckingham
Attorney General

12-5-11
Date



Commonwealth of the Northern Mariana Islands

Office of the Attorney General

Hon. Juan A. Sablan Memorial Bldg., 2nd Floor
Caller Box 10007, Capitol Hill
Saipan, MP 96950-8907

Attorney General Opinion 2011-04

To: Governor
From: Attorney General
Date: December 12, 2011
Subject: Governor's Authority to Subject Employees to Austerity

QUESTIONS PRESENTED

1. Does the Governor's authority to impose austerity on executive branch employees extend to employees in positions funded by the federal government?
2. May the legislature, through PL 17-55, place substantive limitations on the Governor's power to impose austerity, modify or rescind parts of the Governor's austerity directive, or prescribe specific terms to be included by the Governor?

SHORT ANSWERS

1. Yes. The Governor's authority to restrain expenditure by controlling the working hours of executive branch employees does not depend on the source of funds involved. The NMI Constitution vests the Governor with the executive power to spend, or not spend, Commonwealth funds. The origin of the funds has no bearing on the Governor's Constitutional authority.
2. No. The Governor's discretionary exercise of his Constitutional powers pursuant to Article III, § 1 is not a proper subject of legislation. NMI Const. art. III, § 1. The legislature has the power to appropriate Commonwealth funds to a particular purpose, but does not have the authority to expend those funds. The legislature may direct overall government employment, but it may not manage the staffing and resources of the executive branch. The legislature may authorize expenditure for an executive position, but it may not command the Governor to fill the position. The portions of

PL 17-55 purporting to exempt certain executive branch employees from the Governor's directive are constitutionally invalid.

FACTUAL BACKGROUND

In 2010 Governor Benigno R. Fitial directed that executive branch employees' hours would be reduced by sixteen hours every pay period. Exec. Directive No. 276 (Oct. 22, 2010). Employees would therefore face reduced work hours. When submitting the proposed budget for the fiscal year 2012 to the legislature, the Governor included austerity in his calculations.

The legislature generally concurred that reducing work hours was an acceptable means of reducing spending. PL 17-55, § 701(c)(1). However, the legislature imposed a number of limitations on reducing work hours, specifically that work hours could not be reduced more than 16 hours per pay period, and that "any employee whose salary is paid in full by federal funds shall be exempt from any work hour reduction or reduction in salary." PL 17-55, § 701(c), (d).

Despite this provision, the Governor issued an Executive Directive subjecting "all [executive] departments and agencies" to austerity for 16 hours per pay period. Exec. Directive 282 (Sept. 30, 2011).¹ The Governor required department and agency heads within the executive branch to "establish and submit to the Office of the Governor an efficient management plan to ensure that daily office operations are confined within the four day workweek . . . for both local and federally funded personnel." Governor's Memorandum of October 13, 2011.

This series of events raises the question of the proper role the legislative and executive branches play in regulating the work hours of executive department employees in a government of separated powers.

ANALYSIS

a. The Constitution Vests the Governor with the Power to Spend Commonwealth Funds

The Commonwealth Constitution, consistent with general constitutional law, grants the executive with the discretionary power to expend government funds. The Commonwealth Constitution states: "The executive power of the Commonwealth shall be vested in a governor who shall be responsible for the faithful execution of the laws." NMI Const. art. III, § 1. Courts have noted that language of this kind is "something more than a verbal adornment of office."

¹ A week later, the Governor issued a memorandum exempting certain "critical services" from austerity

Opinion of the Justices (Requiring Attorney General to Join Lawsuit), 27 A.3d 859, 867 (citing *Barry v. King*, 210 A.2d 161, 163 (N.H. 1965)). Indeed, “[t]he Governor’s duties to supervise and control the executive branch for the purpose of the proper execution of the laws includes the power of expenditure.” *In re Request of Gutierrez*, 2002 Guam 1 ¶ 39 (citing *Anderson v. Lamm*, 195 Colo. 437, 579 P.2d 620, 623 (1978); *Anderson*, 579 P.2d at 623 (“In order to fulfill this duty to faithfully execute the laws, the executive has the authority to administer the funds appropriated by the legislature for programs enacted by the legislature.”)). Stated more simply: “[T]he activity of spending is essentially an executive task.” *Opinion of the Justices to the Senate*, 376 N.E.2d 1217, 1222 (Mass. 1978) (answering in the negative a certified question concerning whether the legislature can pass a law requiring executive branch departments to expend all of the amounts allotted to them in the budget). Furthermore, “The nature of . . . [the executive] office requires that the Governor have authority to use discretion in applying the energies of the executive branch and the resources of the . . . [state], as such resources are made available by the Legislature, to achieve the purposes or objectives of the laws.” *Id.* at 1221 (emphasis added).²

b. The Source of Funding Related to the Governor’s Expenditure Authority

The legislature’s directive limiting the Governor’s expenditure of federal funds is constitutionally and procedurally deficient. First, PL 17-55 cannot regulate the expenditure of federal funds, because it is an appropriations bill. An appropriations bill is limited to appropriating local funds for government use. NMI Const. art. II, § 5. It is not a legally valid means to enact substantive provisions of law. NMI Const. art. II, § 5(b); *see also Colorado General Assembly v. Owens*, 136 P.3d 262, 268 (Colo. 2006); *Commc’ns Workers of America v. Florio*, 617 A.2d 223, 235 (N.J. 1992).

Second, PL 17-55’s attempt to direct the Governor’s expenditure of public funds on employees generally goes beyond the permissible practice of setting specific conditions for particular appropriations. Finally, the Constitution requires that changes as sweeping as those in Section 701 be made in separate, single subject bills. Therefore, the source of funding has no bearing on the Governor’s expenditure authority.³

² The fact that the Commonwealth Supreme Court has not yet interpreted this language to include a spending power is no reason to question given the wealth of case law from other jurisdictions on this subject.

³ The possibility exists that subjecting federally funded employees to austerity might be inconsistent with the conditions of one or more federal grants. This is unlikely, since for reasons of efficiency, federal grants rarely invade so deeply into the minutiae of local administration, though it is important to note that this slight possibility exists.

The attempted control of the expenditure of federal funds by the legislature is outside the scope of PL 17-55. PL 17-55 states: “This Act appropriates *local funds* for the operations and activities of the Government of the Northern Mariana Islands.” PL 17-55, § 102. PL 17-55 defines “local funds” as “locally generated revenues and revenues received pursuant to Section 702(a) of the Covenant.” PL 17-55, § 103(d). The federal funds for federally funded employees are not “locally generated” or “received pursuant to 702(a) of the Covenant.” Therefore, the legislature’s attempt to direct the executive’s expenditure of federal funds was improper because it was outside of the appropriation bill’s scope.

The specific manner in which the legislature directed the expenditure of public monies by the Governor in 17-55 exceeds its constitutional limits. Commonwealth Constitution Article II, § 5(b) states: “Appropriation bills shall be limited to the subject of appropriations.” NMI Const. art. II, § 5(b). The legislature may impose conditions on the expenditure of appropriated funds as part of the appropriations power. *See In re Request of Gutierrez*, 2002 Guam 1 ¶ 44; *State ex rel. Schneider v. Bennet*, 547 P.2d 786, 799 (N.J. 1976) (“[T]he appropriation of money and the setting of limitations on expenditures by state executive agencies constitutes an exercise of legislative power.”). For example, the legislature may reserve certain sums for particular programs. *In re Request of Gutierrez*, 2002 Guam 1 ¶ 44. However, the appropriations power has limits. For example, “the Legislature may not set limitations or conditions which ‘purport to reserve to the legislature powers of close supervision that are essentially executive in character.’” *Id.* ¶ 45 (quoting *Anderson*, 579 P.2d at 624). “Staffing decisions are at the core of the Governor’s day-to-day administration of government.” *Commc’ns Workers of America v. Florio*, 617 A.2d 223, 232 (N.J. 1992). Expending funds is an executive task that includes “the making of specific staffing and resource allocation decisions.” *Anderson*, 579 P.2d at 623–24. Here, the legislature’s attempt to direct the Governor’s expenditure of public funds was improper because the legislature “purport[ed] to reserve to the legislature powers of close supervision that are essentially executive in character.” *Id.* at 624.

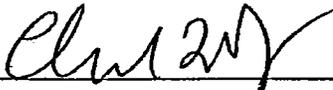
Article II, § 5(b) also applies to provisions in PL 17-55 in terms of limits on appropriations authority. Section 701 goes beyond the topic of appropriations, and seeks to impose substantive amendments to the law regulating government employment in the

Determining whether the austerity measures violate the terms of any of the federal grants requires agencies to examine the conditions of each federal grant to ensure compliance. This task requires a great deal of time, and will be an ongoing project. Whatever the case, there is little reason to amend or rescind the austerity directive, since it is very unlikely that it violates the conditions of federal grants.

Commonwealth. See *South Dakota Educ. Assoc. / NEA v. Barnett*, 582 NW2d 386 (S.D. 1998). The manner in which the legislature attempted to direct the expenditure of public funds by the Governor is improper.

CONCLUSION

The Governor has the power to impose austerity on both locally and federally funded executive branch employees, and the legislature cannot, through PL 17-55, place substantive limitations on the Governor's power to impose austerity, modify or rescind parts of the Governor's austerity directive, or prescribe specific terms to be included by the Governor. The Governor possesses the discretionary power to expend public funds by virtue of his duty to see that the laws of the Commonwealth are faithfully executed. NMI Const. art. III, § 1; *In re Request of Gutierrez*, 2002 Guam 1 ¶ 39; *Anderson*, 579 P.2d at 623; *Opinion of the Justices to the Senate*, 376 N.E.2d at 1222. This power applies equally to both federal and local funds.⁴



Edward T. Buckingham
Attorney General

12.12.11
Date

⁴ While the legislature may impose some conditions on the expenditure of funds, "the Legislature may not set limitations or conditions which 'purport to reserve to the legislature powers of close supervision that are essentially executive in character.'" *In re Request of Gutierrez*, 2002 Guam 1 ¶ 45 (quoting *Anderson*, 579 P.2d at 624).



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Eloy S. Inos
Lieutenant Governor

EXECUTIVE ORDER NO. 2011-06

SUBJECT: Relative to transferring the responsibility for the administration and operation of the Commonwealth of the Northern Mariana Islands Division of Medicaid Services (also known as the Medicaid Office) from the Commonwealth Healthcare Corporation to the Office of the Governor.

AUTHORITY: "The Governor may make changes in the allocation of offices, agencies and instrumentalities and in their functions and duties that are necessary for efficient administration." CNMI Constitution, Article III, Section 15.

WHEREAS, the Commonwealth of the Northern Mariana Islands Division of Medicaid Services (a.k.a. and hereinafter referred to as the "Medicaid Office") is currently organized under and as a part of the Commonwealth Healthcare Corporation.

WHEREAS, having the Medicaid Office under the Commonwealth Healthcare Corporation ("CHC") creates a potential conflict of interest. The Medicaid Office is the designated payer of Medicaid funds and as such it has a duty to make payments to all eligible payees. CHC is an eligible payee of Medicaid funds. Having the Medicaid Office subordinate to CHC risks favoritism in payments to CHC over other eligible payees. Such a circumstance should not be risked or countenanced as it is unfair to other medical providers, risks Medicaid funding and opens up the government to potential sanction.

WHEREAS, having the Medicaid Office under CHC makes CHC fiscally responsible for the Medicaid Office and the administration of Medicaid payments. Currently, CHC is required to match Medicaid funding by 45%, that is, CHC is required to match funding \$.45 to the dollar. CHC is currently in a frail financial state and the matching requirement is an extreme fiscal burden. The Office of the Governor is in a better position to efficiently raise and allocate the necessary funds to meet the matching requirement.

NOW, THEREFORE, to promote efficient administration and operation of the Medicaid Office, it is hereby,

ORDERED:

The Commonwealth Healthcare Corporation shall relinquish responsibility for the administration and operation of the Medicaid Office; and the Office of the Governor shall assume responsibility for the administration and operation of the Medicaid Office.

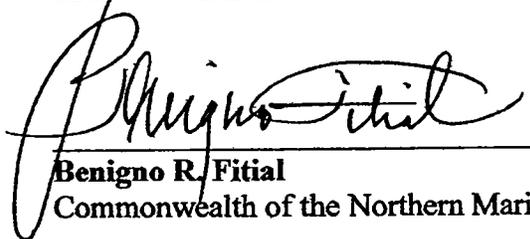
All records and property (including office equipment) of the Medicaid Office used in the administration of the Medicaid Office, all the personnel used in the administration of the Medicaid Office (including employees whose chief duties relate to such administration) are hereby transferred to the Office of the Governor. All personnel transferred pursuant to this Executive Order shall maintain their current positions and status in the classified civil service or in the excepted service as the case may be. The Office of Personnel shall ensure an orderly transfer of personnel.

The unexpended balances of appropriations, allocations, allotments, or other funds available for the use of the Medicaid Office on the effective date of the transfer are transferred to the Office of the Governor on the effective date of this transfer. In the transfer of such funds, an amount may be included for the liquidation of obligations incurred prior to the transfer. Any portion of such balances not so transferred may be reprogrammed by the Governor. Subsequent to the transfer, Medicaid Office operations shall be reflected in the annual Office of the Governor budget.

There shall be regular communication between the Chief Executive of the Commonwealth Healthcare Corporation or his designees and the Governor or his designees to ensure an efficient transition. This communication and cooperation shall extend beyond the transfer with the ultimate goal of optimal efficiency in the operations of the Medicaid Office.

In accordance with the Constitution, this plan shall become effective sixty days after submission to the Legislature, unless specifically modified or disapproved by a majority of the members of each house of the Legislature, provided, that in case it shall appear to the Governor that the interest of economy or efficient management require that the transfer be delayed beyond the date this plan becomes effective, the Governor may, in his discretion, fix a later date therefore, and he may for like cause further defer such date from time to time.

SIGNED AND PROMULGATED on this 29th day of December, 2011.



Benigno R. Fitial
Commonwealth of the Northern Mariana Islands