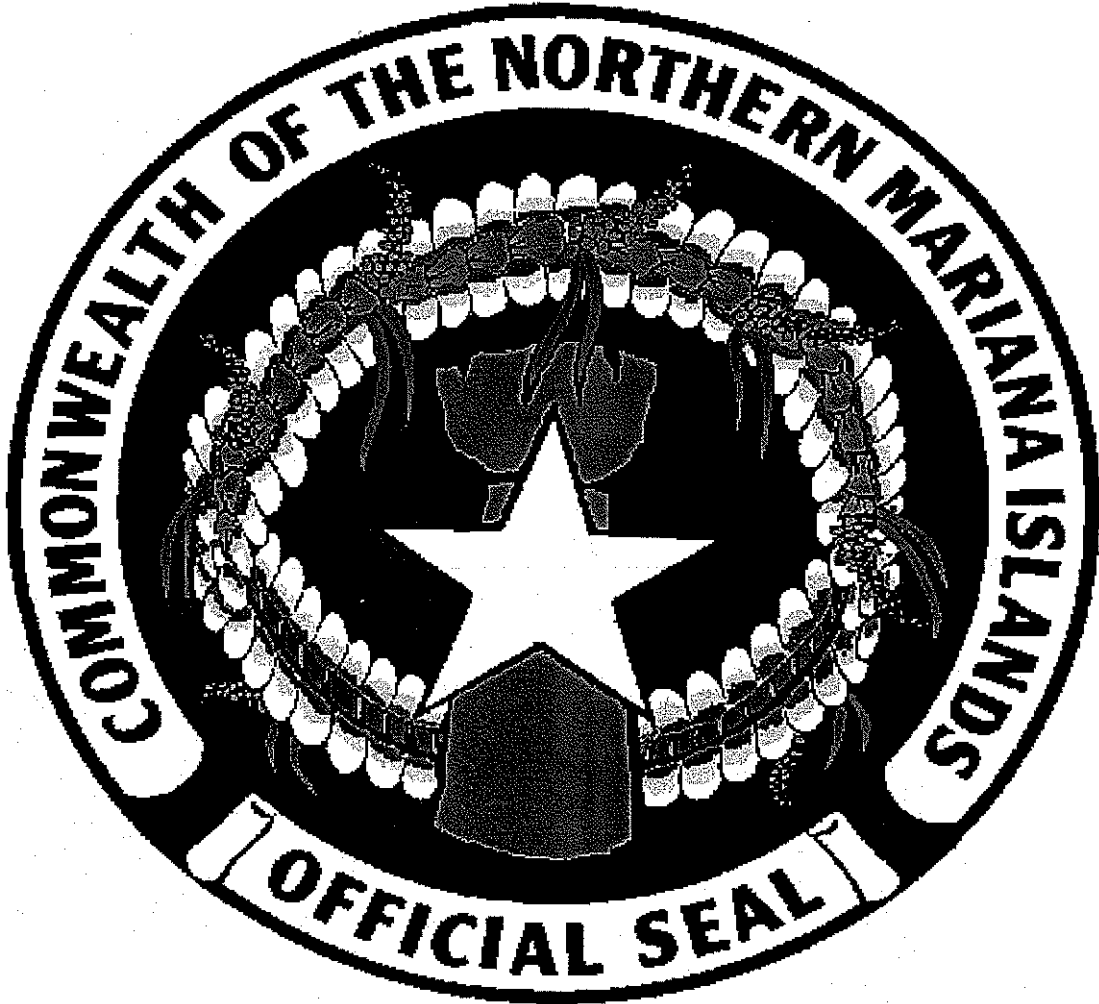


**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN, TINIAN, ROTA and NORTHERN ISLANDS**



COMMONWEALTH REGISTER

**VOLUME 36
NUMBER 04**

APRIL 28, 2014

COMMONWEALTH REGISTER

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**COMMONWEALTH
OF THE
NORTHERN MARIANA ISLANDS**

ELECTRONIC GAMING REGULATION AMENDMENTS

**Office of the Governor
Eloy S. Inos**

April 21, 2014

Commonwealth of the Northern Mariana Islands
Department of Finance
Larrisa Larson, Secretary
Department of Finance,
P.O. Box 5234
Capitol Hill, Saipan MP 96950
Tel. 664-1100

PUBLIC NOTICE OF EMERGENCY REGULATIONS
WHICH ARE AMENDMENTS TO THE RULES AND REGULATIONS OF
THE DEPARTMENT OF FINANCE

EMERGENCY ADOPTION AND IMMEDIATE EFFECT: The Commonwealth of the Northern Mariana Islands, Department of Finance ("the Secretary") finds that:

(1) the attached rules and regulations regarding the regulation of electronic gaming, shall be adopted 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)); 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 Secretary of Finance ("Secretary") is empowered by statutory authority to adopt required regulations to aid in the implementation of Commonwealth laws. 1 CMC §§ 2553(j) (Department of Finance duties and responsibilities); 2557 (authority to adopt required regulations); 4 CMC § 1901 (authority to adopt regulations for tax administration); 9101-9115 (procedures for adoption of regulations under the Commonwealth Administrative Procedure Act). The Administrative Procedure Act provides that an agency may adopt an emergency regulation upon fewer than 30 days' notice if it states its reasons in writing:

(b) 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. (c) No regulation adopted is valid unless adopted in substantial compliance with this section. . . .

1 CMC §§ 9104(b), (c).

THE TERMS AND SUBSTANCE: These Rules and Regulations provide for implementation of the Tourism Entertainment and Destination Enhancement Act of 2013" (TEDE Act") as

identified in P.L. 18-30 § 1. The specific issues involved are the issuances of licenses, establishment and payment of associated fees, and the regulation of electronic gaming in the Commonwealth.

THE SUBJECTS AND ISSUES INVOLVED: These regulations make minor adjustments to the previously established regulations and concern the following issues:

1. Clarify that violations of applicable rules and regulations may be grounds for imposition of civil fines and suspension of licenses.
2. Increase the number of electronic games that may be in a single location.
3. Amend the communications protocol that is required
4. Amend the acceptable manufacture date of electronic games; and
5. Amend the required return on wagers.

ADOPTION OF EMERGENCY REGULATIONS FOR 120 DAYS: The Secretary has followed the procedures of 1 CMC § 9104(b) to adopt these Proposed Regulations on an emergency basis for 120 days.

REASONS FOR EMERGENCY ADOPTION: The Secretary finds that the public interest requires adoption of these regulations on an emergency basis, for the following reasons:

1. The TEDA Act authorizes the expansion of gaming activity in the Commonwealth which requires the immediate development and implementation of appropriate regulations to ensure protection of the public interests and compliance with the TEDA Act requirements. The Commonwealth previously adopted regulations under emergency authority but finds that minor adjustments in the previously adopted regulations are required.
2. The proposed amendment to existing regulations address concerns that have been raised concerning the previously adopted regulations.
3. Adopting the regulations on this emergency basis will provide an immediate structure to regulate the electronic gaming authorized under the TEDA Act and ensure that the public interest is protected in this activity.

DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Rules and Regulations shall be published in the Commonwealth Register in the section/s on emergency and proposed regulations (*see* 1 CMC § 9102(a)(1)) and posted in convenient places in the civic center and in local government offices in each senatorial district. (1 CMC § 9104(a)(1)) The Secretary shall take appropriate measures to make these Rules and Regulations known to the persons who may be affected by them (1 CMC 9105(b)(2)).

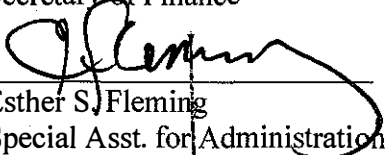
IMMEDIATE EFFECT: These emergency rules and regulations become effective immediately upon filing with the Commonwealth Register and delivery to the Governor. (1 CMC § 9105(b)(2)). This is because the Secretary has found that this effective date is required by the public interest or is necessary because of imminent peril to the public health, safety, or welfare. (*Id.*)

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 February, 2014, Commonwealth Register.


These emergency regulations were approved by the Secretary on April 24, 2014.

Submitted by: 
Larrisa Larson
Secretary of Finance

4/24/14
Date

Received by 
Esther S. Fleming
Special Asst. for Administration

4/24/14
Date

Concurred by: 
ELOY S. INOS
Governor


4/24/14
Date

Filed and Recorded by: 
ESTHER SN. NESBITT
Commonwealth Register

04.28.2014
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published (1 CMC § 2153(f) (publication of rules and regulations)).

Dated the 25th day of April, 2014.


JOEY P. SAN NICOLAS
Attorney General

**NORTHERN MARIANA ISLAND ADMINISTRATIVE CODE
TITLE 70
DEPARTMENT OF FINANCE REGULATIONS**

Regulation Title: Northern Mariana Island Administrative Code
Title 70 (Department of Finance)
Chapter 70-40 (Division of Revenue & Taxation)
Subchapter 40.60 Electronic Gaming Regulation

The following section shall be added to Title 70; Chapter 70-40; Subchapter 40:

**CHAPTER 70-60
ELECTRONIC GAMING REGULATIONS**

Subchapters

70-60.1 Electronic Gaming Regulations

Part 001 General Provisions	1
Section 70-60.1-025 - Violation of Regulations as Grounds for Imposition of Civil Fines and Suspension of Licenses	1
Section 70-60.1-025 - Violation of Regulations as Grounds for Imposition of Civil Fines and Suspension of Licenses	1
Part 002 Electronic Gaming Licensing	1
Section 70-60.2-020 – Limits on Number and Placement of Electronic Games is deleted in its entirety and replaced with the following language:.....	1
Section 70-60.2-020 – Limits on Number and Placement of Electronic Games	1
Section 70-60.1-035 – Electronic Game Standards	1
Section 70-60.1-040 – Communications Protocol	2
Section 70-60.1-045 – Manufacturing Date	2
Section 70-60.1-055 – Return on Wagers	2
Part 003 Electronic Gaming Operation	3
Section 70-60.3-005 – Central Monitoring of Electronic Gaming Activity	3
Section 70-60.3-010 – Central Monitoring of Electronic Gaming User Fees is deleted in its entirety.....	3

Section 70-60.1-040 – Communications Protocol is deleted in its entirety and replaced with the following language:

Section 70-60.1-040 – Communications Protocol

All Electronic Game Site Operators and Electronic Games used in the Commonwealth must include and maintain a slot accounting system ("SAS") that complies with GLI Standard 13 version 2.1 or higher (i.e., more recent) and monitors all gaming activity and allows unlimited remote access per Commonwealth requirements.

Section 70-60.1-045 – Manufacturing Date is deleted in its entirety and replaced with the following language:

Section 70-60.1-045 – Manufacturing Date

No Electronic Games in the Commonwealth may have a manufacturing date before 1-1 2006. The term "manufacturing date" is defined as the date that the Electronic Game was initially assembled by the original manufacturer and must maintain all original manufacturer parts or parts approved by the original manufacturer.

Section 70-60.1-055 – Return on Wagers is deleted in its entirety and replaced with the following language:

Section 70-60.1-055 – Return on Wagers

All Electronic Games in the Commonwealth must provide a return on wagers of between eighty-eight percent (88%) to ninety-seven percent (97%) ("Return on Wagers") and be reflected as such in certification, verification, and testing of the Electronic Game by the Commonwealth at all times. Once the Return on Wagers is established for a specific Electronic Game and certified by the Commonwealth it must be maintained at all times until authorized in writing and further certification to be changed. The Return on Wagers ("Return on Wager Display") for each Electronic Game must be prominently displayed at using one inch lettering on the front of any Electronic Game licensed by the Commonwealth for use in Electronic Gaming Activity.

Section 70-60.2-090 – Electronic Game Supplier License. The first sentence of this section is deleted in its entirety and replaced with the following language:

Section 70-60.2-090 – Electronic Game Supplier License

Specified equipment used in Electronic Gaming in the Commonwealth may only be imported into the Commonwealth by a Commonwealth licensed Electronic Game Supplier, or an Electronic Gaming Site Operator for his specific licensed site and exclusive use only. Equipment used in Electronic Gaming in the Commonwealth may only be offered for sale,

lease, or use by an Electronic Game Supplier to a licensed Electronic Game Site Operator.

Section 70-60.2-095 – Sales of Electronic Game Equipment Sections 1 and 2 of this section is deleted in its entirety and replaced with the following language:

Section 70-60.2-095 – Sales of Electronic Game Equipment

1. Specified equipment ("Specified Electronic Game Equipment") used in association with Electronic Gaming in the Commonwealth may only be imported by and offered for sale, lease or use by an Electronic Game Supplier licensed to Commonwealth Licensed Electronic Game Site Operators or a licensed Electronic Game Site Operator for exclusive use in his licensed facility.
2. Importation of Electronic Games by parties that are not licensed by the Commonwealth as an Electronic Game Supplier or an Electronic Game Site Operator (as limited herein) is strictly prohibited and will be considered as contraband subject to confiscation procedures under 6 CMC § 2159.

Part 003 Electronic Gaming Operation

Section 70-60.3-005 – Central Monitoring of Electronic Gaming Activity is deleted in its entirety and replaced with the following language:

Section 70-60.3-005 – Central Monitoring of Electronic Gaming Activity

All Electronic Games used in the Commonwealth shall be subject to continuous monitoring by a centralized accounting system that complies with GLI Standard 13 version 2.1 ("Centralized Monitoring System"). The Commonwealth shall be permitted to have unlimited remote access to this system at all times per requirements of the Commonwealth.

Any Electronic Game that fails to maintain proper communications with the centralized Monitoring System may have the associated Electronic Gaming License suspended and immediately removed from service by the Commonwealth. Any violation of this requirement may result in fines up to one thousand dollars (\$1,000) per hour and grounds for immediate suspension of the site operator's license and all associated Electronic Game activity.

Section 70-60.3-010 – Central Monitoring of Electronic Gaming User Fees is deleted in its entirety.

Commonwealth of the Northern Mariana Islands
Department of Lands and Natural Resources
Arnold Palacios, Secretary
Department of Lands and Natural Resources,
Caller Box 10007
Saipan, MP 96950
Tel. 322-9830

**PUBLIC NOTICE OF ADOPTION OF EMERGENCY REGULATIONS FOR THE
MARPI PUBLIC CEMETERY UNDER THE DEPARTMENT OF LANDS AND
NATURAL RESOURCES**

EMERGENCY ADOPTION AND IMMEDIATE EFFECT: The Department of Lands and Natural Resources (DLNR) finds that the attached amendments to DLNR's Rules and Regulations shall be adopted immediately on an emergency basis because, for the reasons stated below, the public interest so requires. 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 thereafter. 1 CMC § 9104(b).

AUTHORITY: The Secretary of Lands and Natural Resources ("Secretary") has the authority to adopt rules and regulations in furtherance of his duties and responsibilities. 1 CMC § 2654; 3 CMC § 2624. Further, 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 construction of the Marpi Public Cemetery is complete, but it has yet to open. The immediate opening of the Marpi Public Cemetery is critical as the other public cemeteries have exceeded their capacity. The Commonwealth needs another public cemetery at which it can bury its deceased. This overcrowding at the other cemeteries poses an imminent threat to public health. Accordingly, these regulations must be adopted immediately so that operation of the Marpi Public Cemetery can begin as soon as possible.

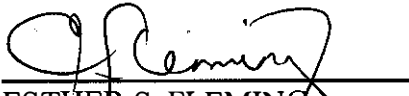
For the forgoing reasons, DLNR finds that the public interest requires the adoption of regulations upon fewer than 30 days notice. Adoption of regulations through the emergency process will ensure that the public health threat associated with overcrowded cemeteries is addressed as soon as possible.

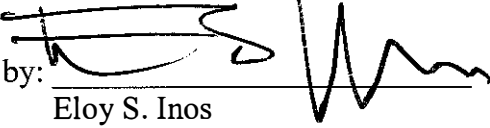
THE TERMS AND SUBSTANCE: The attached emergency regulations govern burials at the Marpi Public Cemetery in the Commonwealth and use and maintenance of the cemetery. Most importantly, the regulations establish the interment permit system and fees.

DIRECTIONS FOR FILING AND PUBLICATION: The Secretary of DLNR will take appropriate measures to make these Emergency Rules and Regulations known to the persons who may be affected by them. (1 CMC § 9105(b)(2)).

The attached Emergency Regulations are approved by the Secretary of DLNR on the date listed below.

Submitted by: 
ARNOLD PALACIOS
Secretary of Lands and Natural Resources
Date: 4/17/14


Received by: 
ESTHER S. FLEMING
Governor's Special Assistant for Administration
Date: 4/23/14

Concurred by: 
Eloy S. Inos
Governor
Date: _____

Filed and Recorded by: 
ESTHER SN NESBITT
Commonwealth Register
Date: 04.28.2014

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

Dated the 25th day of April 2014.


Joey Patrick San Nicolas
Attorney General

NORTHERN MARIANA ISLANDS ADMINISTRATIVE CODE
TITLE 85
DEPARTMENT OF LANDS AND NATURAL RESOURCES REGULATIONS

Regulation Title: Northern Mariana Island Administrative Code
Title 85 (Department of Lands and Natural Resources)
Chapter 85-110 (Marpi Public Cemetery Regulations)

The chapter 85-110 is hereby repealed and replaced by the following:

Part 001 - General Provisions

§ 85-110-001 Purpose

The purpose of this chapter is to establish rules for the public cemeteries in the Commonwealth. It is the goal of the Department of Lands and Natural Resources to maintain the Marpi Public Cemetery to ensure a quiet and beautiful resting place for the deceased and to provide for their proper burial.

§ 85-110-005 Definitions

As used in this rule unless otherwise provided:

- (a) "Cemetery" means the Marpi Public Cemetery in the Commonwealth.
- (b) "Commonwealth" means the Commonwealth of the Northern Mariana Islands.
- (c) "Department" means the Department of Lands and Natural Resources.
- (d) "Grave" means the space of ground in the cemetery used, or intended to be used, for burial of human remains.
- (e) "Interment" means the disposition of human remains by burial or inurnment.
- (f) "Liner" means a grave liner or vault.
- (g) "Secretary" means the Secretary of Lands and Natural Resources or his or her designee.
- (h) "Space" means area in the cemetery used, or intended to be used, for interment or inurnment of human remains.

§ 85-110-010 Authority

(a) The Secretary shall be authorized to enforce the regulations in this chapter and may delegate his or her duties to enforce the regulations.

Part 100 – Maintenance Standards

§ 85-110-101

(a) The Department shall ensure that the grounds are kept in a condition so as to prevent the cemetery's offensive deterioration, and shall ensure that maintenance activities do not interfere with burial services.

§ 85-110-105 Floral and Decorative Objects

(a) The following items are prohibited and may not be placed on graves, or otherwise left in the cemetery:

- (1) Potted plants;
- (2) Permanent plantings;
- (3) Artificial flowers or plants;
- (4) Vigil lights;
- (5) Commemorative items;
- (6) Toys; and
- (7) Glass containers or objects.

(b) Cut natural flowers, wreaths, and sprays in containers may be placed on, but not attached to, graves. Department personnel shall remove faded or withered floral displays.

(c) Candles are permitted for ceremonial purposes; however, the candles must be extinguished and removed from the cemetery at the end of the ceremony.

Part 200—Burials

§ 85-110-201—Map of Burial Plots; Register

(a) The Department shall survey the cemetery and develop a master map of the burial plots and number each burial plot.

(b) The master map shall be used to assign burial plots.

(1) To obtain a burial plot, the requesting party shall fill out a burial plot assignment application and submit it, along with the interment fee, to the Department. The requesting party shall also submit a copy of the decedent's death certificate and a copy of his or her burial permit obtained from the Department of Public Health.

(c) The Department shall also maintain a register for the assignment of burial plots. The register shall contain the name, date of birth, date of death, date of burial, and burial plot number of the person interred at the cemetery.

§ 85-110-205 Interment Permit and Fees

(a) A person seeking to inter remains at the cemetery must first obtain an interment permit from the Department.

(1) To obtain a permit, the person must provide the death certificate of the deceased and the burial permit from the Department of Public Health.

(b) The interment permit fee is \$350 and covers the following: opening and closing of gravesites, lowering of the casket, and the grave marker.

§ 85-110-210 Burials

(a) All burials at the cemetery shall be carried out by the Department or its contractor.

(b) The Department shall be responsible for providing uniform grave markers; opening and closing the crypts, and lowering the body; assigning burial plots.

(1) Grave markers that are not issued by the Department shall not be placed in the cemetery.

(c) All expenses incurred by the survivors or representative for the funeral services and supplies provided by a funeral director of their choice and transportation shall be the responsibility of the survivors or representative.

(d) Graves may be temporarily marked using a temporary grave marker until the Department provides the permanent marker for each grave.

(e) All graves shall have a liner and remains shall be in a casket that complies with the Department's requirements.

§ 85-110-215 Disinterment

(a) Interment of eligible decedents shall be considered to be permanent and final.

(b) Disinterment and removal of remains shall be permitted only with the prior approval of the Secretary and the Department of Public Health.

(c) All arrangements and all expenses in connection with a disinterment shall be the responsibility of the requesting individual or agency. These arrangements shall include compliance with Commonwealth health laws or rules, engagement of a funeral director to accomplish the disinterment, necessary re-casketing of the remains, rehabilitation of the old grave, and compliance with any special instruction of the Secretary.

(d) The Secretary or a designated cemetery official shall supervise disinterments at the gravesite.

(1) Special care and concern shall be shown for adjacent graves and markers.

(2) Department personnel shall reopen the grave down to one foot above the top of the grave liner or vault.

(e) When a disinterment has been completed, the open grave shall be reused at the earliest practical date.



Commonwealth of the Northern Mariana Islands
HEALTH CARE PROFESSIONS LICENSING BOARD
P.O. Box 502078, #1242 Pohnpei Court
Capitol Hill, Saipan, MP 96950
Tel No: (670)664-4809 Fax: (670)664-4814
Email: bpl@pticom.com

**PUBLIC NOTICE AND CERTIFICATION OF ADOPTION OF THE AMENDMENTS TO THE
HEALTH CARE PROFESSIONS LICENSING BOARD'S REGULATIONS
FOR PHYSICAL THERAPIST, PHYSICAL THERAPY ASSISTANT,
OCCUPATIONAL THERAPIST, AND OCCUPATIONAL THERAPY ASSISTANT**

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED AMENDMENTS TO REGULATIONS
VOLUME 36, NUMBER 02, PP 34806-34831 OF FEBRUARY 28, 2014

Regulations for Physical Therapist, Physical Therapy Assistant, Occupational Therapist, and Occupational Therapy Assistant: NMIAC Title 140, §140-50.3-3800

ADOPTION OF THE AMENDMENTS TO THE REGULATIONS FOR PHYSICAL THERAPIST, PHYSICAL THERAPY ASSISTANT, OCCUPATIONAL THERAPIST, AND OCCUPATIONAL THERAPY ASSISTANT: The Health Care Professions Licensing Board (HCPLB), hereby adopts the attached regulations as permanent regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Health Care Professions Licensing Board announced that it intended to adopt them as permanent and now does so.

PRIOR PUBLICATION: The prior publication was as stated above.

MODIFICATIONS FROM PRIOR PUBLISHED PROPOSED REGULATIONS, IF ANY: None.

AUTHORITY: The Health Care Professions Licensing Board has statutory power to promulgate and effect regulations pursuant to P.L. 15-105, Section 3, § 2206 (b), as amended.

EFFECTIVE DATE: Pursuant to the APA, 1 CMC § 9105(b), these adopted amendments to the HCPLB regulations for Physical Therapist, Physical Therapy Assistant, Occupational Therapist, and Occupational Therapy Assistant are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a), 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 § 9104(a)(2), the HCPLB has reviewed the comments on the proposed amendments to these regulations it received during the thirty-day period. Upon this adoption of the amendments, the agency, if requested to do so by any interested person, within 30 days of adoption, will issue a concise statement of the principal reasons for and against its adoption.

ATTORNEY GENERAL APPROVAL: The adopted regulations for Physical Therapist, Physical Therapy Assistant, Occupational Therapist, and Occupational Therapy Assistant were approved for promulgation by the CNMI Attorney General in the above cited pages of the Commonwealth Register, pursuant to 1 CMC §2153(e)

(to review and approve as to form and legal sufficiency all rules and regulations to be promulgated by any department or agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

I declare under penalty of perjury that the foregoing is true and correct copy and that this declaration was executed on the _____ day of _____, 2014, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and Ordered by:

Ahmad Al-Alou, MD

Dr. Ahmad Al-Alou, MD
HCPLB Chairman

4/23/14

Date

Filed and Recorded by:

Esther SN. Nesbitt

Esther SN. Nesbitt
Commonwealth Register

04.23.2014

Date

§ 140-50.3- 003800 Part 3800. Physical Therapist, Physical Therapy Assistant, Occupational Therapist and Occupational Therapy Assistant.

§ 140-50.3- 003801 Definitions

A. Physical Therapy Definitions.

(1) "APTA" is the American Physical Therapy Association, which is the primary, voluntary, national professional organization of physical therapists and physical therapy assistants.

(2) "Accredited physical therapist or physical therapy assistant program," means a post-secondary physical therapist program that is accredited by the Commission on Accreditation in Physical Therapy Education, its predecessor organization, or its successor organization.

(3) "CAPTE" means the Commission on Accreditation in Physical Therapy Education, an independent accrediting body that is recognized by the U.S. Department of Education and by the Commission on Recognition of Postsecondary Accreditation or their successor organizations as the entity in the U.S. that is responsible for accrediting education programs for the preparation of physical therapists and physical therapy assistants.

(4) "CPA" is the Canadian Physiotherapy Association.

(5) "FSBPT" is the Federation of State Boards of Physical Therapy, which is the organization that develops and administers the National Physical Therapy Examination and also works towards reasonable uniformity in regulation and standards through ongoing communications between it and the state boards who are authorized by law to license and regulate physical therapists and physical therapy assistants.

(6) "PCE" is the Physiotherapy Competency Examination administered in Canada.

(7) "Physical therapy" means the examination, evaluation diagnosis, prognosis and intervention provided by physical therapists. Physical therapy includes without limitation the diagnosis and management of movement dysfunction and enhancement of physical and functional abilities; restoration, maintenance and promotion of optimal physical function, optimal fitness and wellness, and optimal quality of life as it relates to movement and health; and prevention of the onset, symptoms and progression of impairments, functional limitations, and disabilities that may result from diseases, disorders, conditions or injuries. The term "physiotherapy" shall be synonymous with "physical therapy" pursuant to these regulations.

(8) "Physical therapist (PT)" means a person who is a graduate of an accredited physical therapist education program and is licensed to practice physical therapy as defined in these regulations and whose license is in good standing. The term "physiotherapist" shall be synonymous with "physical therapist" pursuant to these regulations.

(9) "Physical therapist aide" means an unlicensed person who may be utilized by a physical therapist in his or her practice by performing

non-patient related tasks, or by performing patient related tasks under the direct personal supervision of a licensed physical therapist.

(10) "Physical therapy assistant (PTA)" means a technically educated health care provider who assists the physical therapist in the provision of selected physical therapy interventions. The physical therapist assistant is the only individual who provides selected physical therapy interventions under the direction and supervision of the physical therapist. The physical therapist assistant is a graduate of an accredited physical therapist associate degree program and is licensed pursuant to these regulations to assist in the practice of physical therapy or portions of it as initiated and supervised by a licensed physical therapist.

(11) "Practice of physical therapy" means:

(a) Examining, evaluating, testing and treatment of individuals with mechanical, physiological or developmental impairments, functional limitations, disabilities, or other health and movement-related conditions in order to determine a diagnosis, prognosis and plan of treatment intervention, and to assess the ongoing effects of intervention;

(b) Alleviating impairments, functional limitations and disabilities by designing, implementing and modifying treatment interventions that may include, but are not limited to: therapeutic exercise, functional training in self-care and in home, community or work integration or reintegration, manual therapy including soft tissue and joint mobilization/manipulation, therapeutic massage, prescription, application and, as appropriate, fabrication of assistive, adaptive, orthotic, prosthetic, protective and supportive devices and equipment, airway clearance techniques, integumentary protection and repair techniques, debridement and wound care, physical agents, modalities, and medications, mechanical and electrotherapeutic modalities, and patient-related instruction;

(c) Reducing the risk of injury, impairment, functional limitation and disability, including the promotion and maintenance of fitness, health and wellness in population of all ages;

(d) Engaging in administration, consultation, education and research;

(e) Promoting health and wellness; and

(f) Such other related activities that are within the Scope of Physical Therapy Practice defined elsewhere in these regulations, or otherwise customarily practiced by physical therapists and not proscribed hereby.

(12) Supervision

(a) General Supervision: The physical therapist is not required to be on site for direction and supervision, but must be available at least by telecommunications.

(b) Direct Supervision: The physical therapist is physically present and immediately available for direction and supervision. The physical therapist will have direct contact with the patient/client during each visit that is defined in the APTA Guide to Physical Therapist Practice as all encounters with a patient/client in a 24-hour period. Telecommunications does not meet the requirement of direct supervision.

(c) Direct Personal Supervision: The physical therapist is physically present and immediately available to direct and supervise tasks that are related to patient/client management. The direction and supervision is continuous throughout the time these tasks are performed. Telecommunications does not meet the requirement of direct personal supervision

B. Occupational Therapy Definitions

(1) "AOTA" means the national professional association representing the interests and concerns of occupational therapy practitioners and students and improve the quality of occupational therapy services.

(2) "CAOT" means the Canadian Association of Occupational Therapists who accredits University Occupational Therapy Programs in Canada and also administers the National Occupational Therapy Certification Examination (NOTCE).

(3) "NBCOT" means the National Board for Certification in Occupational Therapy, Inc., is a not-for-profit credentialing agency that provides certification for the occupational therapy profession. NBCOT serves the public interest by developing, administering, and continually reviewing a certification process that reflects current standards of competent practice in occupational therapy.

(4) "NOTCE" means the National Occupational Therapy Certification Examination administered by the Canadian Association of Occupational Therapists.

(5) "Occupational Therapist (OT)" means a person who is licensed to practice occupational therapy as defined in these regulations and whose license is in good standing.

(6) "Occupational therapy" means, the therapeutic use of everyday life activities (occupations) with individuals or groups for the purpose of participation in roles and situations in home, school, workplace, community, and other settings. Occupational therapy services are provided for the purpose of promoting health and wellness and to those who have or are at risk for developing an illness, injury, disease, disorder, condition, impairment, disability, activity limitation, or participation restriction. Occupational therapy addresses the physical, cognitive, psychosocial, sensory, and other aspects of performance in a variety of contexts to support engagement in everyday life activities that affect health, well-being, and quality of life".

(7) "Occupational therapy assistant (OTA)" means a person who is licensed pursuant to these regulations who assists in the practice of

occupational therapy under the supervision of a licensed occupational therapist.

(8) "Practice of occupational therapy" means the therapeutic use of purposeful and meaningful goal-directed activities (occupations) which engage the individual's body and mind in meaningful, organized, and self-directed actions that maximize independence, prevent or minimize disability, and maintain health. Occupational therapy services encompass occupational therapy assessment, treatment, education of, and consultation with, individuals who have been referred for occupational therapy services subsequent to diagnosis of disease or disorder (or who are receiving occupational therapy services as part of an Individualized Education Plan (IEP) pursuant to the federal Individuals with Disabilities Education Act (IDEA)). Occupational therapy assessment identifies performance abilities and limitations that are necessary for self-maintenance, learning, work, and other similar meaningful activities. Occupational therapy treatment is focused on developing, improving, or restoring functional daily living skills, compensating for and preventing dysfunction, or minimizing disability. Occupational therapy techniques that are used for treatment involve teaching activities of daily living (excluding speech-language skills); designing or fabricating selective temporary orthotic devices, and applying or training in the use of assistive technology or orthotic and prosthetic devices (excluding gait training). Occupational therapy consultation provides expert advice to enhance function and quality of life. Consultation or treatment may involve modification of tasks or environments to allow an individual to achieve maximum independence. Services are provided individually, in groups, or through social groups.

C. General Definitions

(1) "Professional development activity" means an activity (except normal and routine employment responsibilities) engaged in subsequent to professional education, primarily concerned with maintaining and increasing the therapy practitioner's knowledge, skill and ability.

(2) "Professional development unit (PDU)" is an assigned unit of measure for each professional development activity.

§ 140-50.3-003802 Exemptions from License Requirements.

These regulations shall apply to all persons practicing physical or occupational therapy and those who assist them, in the CNMI except:

(A) Any person pursuing a course of study leading to a degree as a physical or occupational therapist or physical or occupational therapy assistant while under the direct personal supervision of a licensed physical or occupational therapist who shall be legally and professionally responsible for the person's performance;

(B) Physical and occupational therapists or physical or occupational therapy assistants practicing in the U.S. Armed Services, U.S. Department of Health and Human Services, or the U.S. Department of Veterans Affairs pursuant to federal regulations for state licensure of health care providers; and

(C) A physical therapist traveling with and providing physical therapy to persons who are affiliated with or employed by established athletic teams or athletic organizations from other jurisdictions that are temporarily practicing, competing or performing in the CNMI for not more than thirty (30) days in a calendar year. Such physical therapist(s) shall be actively licensed and in good standing with the regulatory body having jurisdiction over them in the jurisdiction in which such athletic team or organization is based.

§ 140-50.3- 003803 Requirements for Licensure.

An applicant to practice as a physical therapist, occupational therapist, physical therapy or occupational therapy assistant must be at least twenty-one (21) years of age, and be a U.S. citizen or a foreign national lawfully entitled to remain and work in the Commonwealth, and must meet the following requirements:

(A) US or Canadian Trained Physical Therapist (PT). All US or Canadian applicants for licensure as physical therapists in the Commonwealth shall have:

(1) received an earned degree in physical therapy from a physical therapy education program that is accredited by the CAPTE of the American Physical Therapy Association, or an accredited physiotherapy college in Canada; and

(2) successfully passed the National Physical Therapy Examination administered by FSBPT in the U.S. or the Physiotherapy Competency Examination (PCE) in Canada.

(B) US or Canadian Trained Physical Therapy Assistant (PTA). All US or Canadian trained applicants for licensure as a Physical Therapy Assistant in the Commonwealth shall have:

(1) received an earned associates (or higher) degree from a physical therapy assistant education program that is accredited by the CAPTE of the American Physical Therapy Association, or an accredited physiotherapy college in Canada, or a school or program; and

(2) successfully passed the National Physical Therapy Assistant Examination administered by FSBPT for physical therapy assistants or the Physiotherapy Competency Examination (PCE) in Canada; or

(C) Non US or Canadian Trained Physical Therapists and Physical Therapy Assistants. All foreign educated physical therapists or physical therapy assistants shall conform to the following:

(1) An applicant who is a graduate of a foreign school or who completed a physical therapy or physical therapist assistant program outside of the U.S. or Canada must provide a certified credentials evaluation indicating successful completion of a program, including education and training, equivalent to accredited programs in the U.S. or Canada. The evaluation shall be prepared within one (1) year from the date of the applicant's submission and shall be certified by the Foreign Credentialing

Commission on Physical Therapy in the form of a Type 1 Verification Certificate;

(2) Applicant shall have successfully passed the National Physical Therapy Examination administered by FSBPT in the U.S., or the Physiotherapy Competency Examination (PCE) in Canada; and

(3) The applicant must be able to speak, read, write and understand the English language as a requirement for licensing. Competency in the English language shall be demonstrated by a passing TOEFL score. The minimum passing score for the TOEFL is defined as 89 for the Internet-Based Test, and 26 for the Speaking portion of the test.

(D) US or Canadian Trained Occupational Therapist or Occupational Therapy Assistant. All US or Canadian trained applicants for licensure as Occupational Therapist or Occupational Therapy Assistant in the Commonwealth shall have:

(1) received an earned degree in Occupational Therapy from a school of occupational therapy as an occupational therapist or an occupational therapy assistant, from a school accredited by the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education (ACOTE), or accredited or approved by the American Occupational Therapy Association's (AOTA) predecessor organization, or approved by AOTA's Career Mobility Program, or an accredited school of occupational therapy in Canada; and

(2) successfully passed the examination for occupational therapist or occupational therapy assistant administered by the National Board for Certification in Occupational Therapy, Inc., of the American Occupational Therapy Certification Board, or the National Occupational Therapy Certification Examination (NOTCE) administered by the Canadian Association of Occupational Therapists (CAOT). The certification examination for the occupational therapy assistant may be waived for any person who was certified as an occupational therapy assistant by the American Occupational Therapy Association prior to June 1977.

(E) Foreign-educated or Trained OT or OTA Applicants.

(1) An applicant who is a graduate of a foreign school or completed an occupational therapy program outside of the U.S. or Canada must provide certified credentials evaluation indicating successful completion of a program, including education and training, equivalent to accredited programs in the U.S. or Canada. The evaluation shall be prepared within one (1) year from the date of the application's submission and shall be in the form of a NBCOT's Occupational Therapist Eligibility Determination (OTED);

(2) Applicant must have successfully passed the National examination for occupational therapist or occupational therapy assistant administered by the National Board for Certification in

Occupational Therapy, Inc., of the American Occupational Therapy Certification Board, or the National Occupational Therapy Certification Examination (NOTCE) administered by the Canadian Association of Occupational Therapists (CAOT); and

3) The applicant must be able to speak, read, write and understand the English language as a requirement for licensing. Competency in the English language shall be demonstrated by a passing TOEFL score. The minimum passing score for the TOEFL is defined as 89 for the Internet-Based Test, and 26 for the Speaking portion of the test.

(F) No person who does not hold a current license shall practice or offer to practice occupational or physical therapy, or use in connection with the person's name, or otherwise assume, use, or advertise, any title, initials, or description tending to convey the impression that the person is an occupational or physical therapist or an occupational or physical therapy assistant. No partnership, association, or corporation shall advertise or otherwise offer to provide or convey the impression that it is providing occupational or physical therapy unless an individual holding a current license is or will at the appropriate time be rendering the occupational or physical therapy services to which reference is made.

§ 140-50.3 - 003804 Licensure by Endorsement.

(A) The Board may grant a license to a person to practice physical therapy or occupational therapy without additional examination if:

(1) The person holds a valid, active license to practice as a physical or occupational therapist or a physical or occupational therapy assistant in another jurisdiction;

(2) The person fully complies with the requirements for licensure in § 140-50.3- 003803; and

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

(B) The Board may deny a license by endorsement to a person to practice physical therapy or occupational therapy, 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.

§ 140-50.3 - 003805 Applications.

An application for a license to practice as a physical or occupational therapist or physical or occupational therapy assistant shall be made under oath on a form to be provided by the Board accompanied with the following information and documentations as are necessary to establish that the applicant possesses the qualifications as required in these regulations:

(A) The applicant's full name and all aliases or other names ever used, current address, date and place of birth and social security number; and

(B) Applicant's 2x2 photograph taken within six (6) months; and

(C) The appropriate fees, including the application fee which shall not be refunded; and

(D) Originals of all documents and credentials, or notarized or certified copies acceptable to the Board of such documents and credentials, including but not limited to:

(1) Diploma, certificate, or official transcript showing successful completion of a physical or occupational therapy educational school or program together with any required credentials evaluation;

(2) Documents showing satisfactory proof that applicant has taken and passed the required examination; and

(3) Documents showing proof that applicant is licensed to practice as a physical or occupational therapist or physical or occupational therapy assistant in another jurisdiction (if applicable); and

(E) A list of all jurisdictions, U.S. or foreign, in which the applicant is licensed or has applied for a license to practice as a physical or occupational therapist or physical or occupational therapy assistant; and

(F) A detailed educational history, including places, institutions, dates and program descriptions of all his or her education beginning with secondary schooling and including all college and/or training programs; and

(G) A list of all jurisdictions, U.S. or foreign, in which the applicant has been denied licensure or voluntarily surrendered a license to practice as a physical or occupational therapist or physical or occupational therapy assistant; and

(H) A list of all jurisdictions, U.S. or foreign, of all sanctions, judgments, awards, settlements or against the applicant that would constitute grounds for disciplinary action under the Act or these regulations.

§ 140-50.3-003806 Continuing Education (CE).

(A) All physical therapists and physical therapy assistants licensed to practice in the CNMI are required to complete at least twenty (20) hours of continuing education or ten (10) PDUs and ten (10) hours of continuing education relevant to the practice of physical therapy as a prerequisite to the biennial renewal of their license.

(B) All occupational therapists and occupational therapy assistants licensed to practice in the CNMI are required to complete at least twenty (20) hours of continuing education or ten (10) PDUs and ten (10) hours of continuing education relevant to the practice of occupational therapy as a prerequisite to the biennial renewal of their license.

(C) One CE unit or credit equals to one contact hour. One (1) hour of participation in a professional development activity qualifies for one PDU.

(D) Approved continuing education activities for physical or occupational therapy includes but is not limited to the following:

(1) Courses or workshops approved by the American Physical Therapy Association, the Canadian Physiotherapy Association, the Federation of State Boards of Physical Therapy, the American Medical Association, any other state board of professional licensing or other regulatory body having jurisdiction over the practice of physical and/or occupational therapy in that state or territory, as well as all other programs approved by the Board.

(2) Programs or activities sponsored by the American Occupational Therapy Association (AOTA) or the Occupational Therapy Association; post-professional coursework completed through any approved or accredited educational institution, or other programs approved by the Board.

(E) If a licensee fails to meet the CE or PDU requirements for renewal of license because of illness, military service, medical or religious activity, residence in a foreign country, or other extenuating circumstances, the Board upon appropriate written request from the applicant may grant an extension of time to complete same, on an individual basis.

(F) It shall be the responsibility of the licensee to obtain documentation, reasonably satisfactory to the Board, from the organization or institution of his or her participation in the continuing education, and the number of course/credit hours.

(G) Licensure renewal shall be denied to any licensee who fails to provide satisfactory evidence of completion of CE or PDU requirements, or who falsely certifies attendance at and/or completion of the CE or PDU as required herein.

§ 140-50.3-003807 Referrals.

(A) Except as set forth in subsection (e) below, treatment of a person by a licensed physical therapist is prohibited unless the person has been referred to the therapist by a U.S. or CNMI licensed physician, nurse practitioner, dentist or physician assistant.

(B) Notwithstanding the restrictions set forth in subsection (A) above, a licensed physical therapist may perform an initial evaluation of any person without a referral. A physical therapist may then treat the patient at that initial evaluation unless the physical therapist has reasonable cause to believe that the patient has a symptom or condition that is either beyond the physical therapist's scope of practice, or for which physical therapy is contraindicated, in which case the physical therapist shall refer that patient to an appropriate healthcare provider.

(C) A licensed occupational therapist or licensed occupational therapy assistant may consult with, educate, evaluate, and monitor services for clients concerning non-medical occupational therapy needs. Implementation of direct occupational therapy to individuals for their specific health care conditions shall be based upon a referral from a U.S. or CNMI licensed physician, dentist, nurse practitioner or physician assistant who has a written collaborative agreement with a collaborating physician to provide or accept referrals from licensed occupational therapists, or a physician assistant who has been delegated authority to provide or accept referrals from licensed occupational therapists.

(D) An occupational therapist shall refer to a licensed physician, dentist, optometrist, advanced practice nurse, or physician assistant, any patient whose medical condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of the occupational therapist.

(E) Requirements for direct access certification: A physical therapist holding an active license to practice physical therapy in the Commonwealth, meeting one or more of the requirements set forth below, may apply to be certified as a "Highly Qualified Physical Therapist" and upon submission of documentary evidence thereof, shall be so certified. Upon receipt of such certification a Highly Qualified Physical Therapist shall be entitled to provide physical therapy services to patients without a referral or prescription as would otherwise be required pursuant to NMIAC § 140-50.3-003807 (A)-(B). To be certified as a Highly Qualified Physical Therapist, a licensed physical therapist shall provide documentary evidence of the following:

(1) Completion of a doctor of physical therapy or post-professional transitional doctor of physical therapy program; or

(2) Completion of a master's degree in physical therapy and at least 5 years of post-licensure active practice, with evidence of successfully achieving at least 60 contact hours of study at the graduate or post-graduate level (4 Carnegie Units) in medical screening, clinical decision making, or differential diagnosis.

§ 140-50.3-003808 Scope of Practice - Physical Therapist.

(A) Responsibilities of the licensed physical therapist:

(1) A physical therapist shall be responsible for managing all aspects of the physical therapy care of each patient. A physical therapist shall provide:

(a) An interpretation of referrals when available;

(b) An initial physical therapy examination, evaluation, diagnosis and prognosis of the patient;

(c) The development or implementation of a plan or care based on the initial physical therapy examination and which includes the physical therapy goals and anticipated outcomes;

(d) A determination of the components and the intervention that shall be provided by a physical therapist and the components that may be delegated to the physical therapy assistant or aide;

(e) Direct one-on-one re-examination of the patient and revision of the plan of care when indicated;

(f) The establishment of the discharge plan and documentation of the patient's discharge status; and

(g) Oversight of all services rendered to each patient, including the applicable documentation in accordance with APTA guidelines.

(2) Regardless of the setting in which physical therapy services are provided, the following responsibilities must be performed solely by a licensed physical therapist:

(a) Only a licensed physical therapist shall interpret a patient referral from a medical provider.

(b) The physical therapist shall initiate, perform and complete the initial physical therapy examination, provide problem identification and physical therapy related diagnosis; develop treatment and discharge, planning, implementation and supervision of the therapeutic program; reevaluate and change the program based upon individual patient needs and as the needs relate to insurance, the required guidelines; and maintain adequate records of the case, including written evaluations, daily notes, progress reports, and discharge summary in accordance with generally accepted practices.

(c) When the physical therapist assesses that a patient will no longer benefit from physical therapy services, he/she shall so inform the patient and the referring medical provider. A physical therapist shall avoid over-utilization of physical therapy services.

(d) The physical therapist shall not initiate or continue services that will not result in beneficial outcomes or that are contraindicated.

(e) Regardless of practice setting, the physical therapist shall maintain the ability to make independent professional judgments.

(f) The physical therapist shall be responsible for the establishment of discharge plans and documentation of discharge summary or status.

(g) The physical therapist shall adhere to the recognized standards of ethics of the physical therapy profession.

(h) Only a licensed physical therapist may supervise a physical therapy assistant or physical therapy aide. A physical therapist shall not supervise an occupational therapy assistant; a speech therapy assistant; or any other personnel of another therapy based or allied health profession. Notwithstanding the foregoing this provision shall not preclude the general oversight over such personnel by a director of rehabilitation services or similar department or division head provided that a licensed physical therapist is directly responsible for supervision and oversight of patient related activities.

(B) Supervision of assistive personnel:

(1) The physical therapist shall assure the competence of all assistive personnel to perform assigned tasks.

(2) The physical therapist shall not delegate to a less qualified person any activity that requires the unique skill, knowledge, and judgment of a physical therapist.

(3) In establishing a treatment protocol for the physical therapist assistant, the physical therapist shall identify and document precautions, special problems, contraindications, goals, anticipated progress, plans for reassessment; plans for reevaluation; and home programs including but not limited to: home exercise programs, patient education and family / caregiver education.

(4) If the treatment of a patient is delegated to a physical therapist assistant, the physical therapist shall provide direct supervision and shall reevaluate and provide treatment to the patient at least every 5th visit, or, if the treatment is performed more than once a day, reevaluation must be performed at least once per week.

(5) The physical therapist shall designate or establish channels of written and oral communication with the physical therapist assistant.

(6) The physical therapist shall determine and differentiate which tasks in the plan of care for a patient requires the expertise and decision making capacity of the physical therapist and which can be delegated to assistive personnel.

(7) The physical therapist shall be responsible for the delegation and instruction of the services to be rendered by the physical therapist assistant, including, but not limited to: specific treatment programs, precautions, special problems, and contraindicated procedures.

(8) The physical therapist is responsible for ensuring that all assistive personnel under supervision are knowledgeable of the CNMI physical therapy regulations and follow them.

(C) Requirements for Use of Aides.

(1) A physical therapy aide is an unlicensed person who may be utilized by a physical therapist in his or her practice by performing non-patient related tasks, or by performing patient related tasks.

(2) Prior to the aide providing patient related care, a physical therapist shall evaluate and document, the aide's competency level for performing the patient related task that the aide will provide in that setting. The record of competencies shall be made available to the board or any physical therapist utilizing that aide upon request.

(3) As used in these regulations:

(a) A "patient related task" means a physical therapy service rendered directly to the patient by an aide, excluding non-patient related tasks as defined below.

(b) A "non-patient related task" means a task related to observation of the patient, transport of patients, physical support only during gait or transfer, housekeeping duties, clerical duties and similar functions.

(c) "Under the orders, direction and immediate supervision" means:

(i) Prior to the initiation of care, the physical therapist shall evaluate every patient prior to the performance of any patient related tasks by the aide.

(ii) The physical therapist shall formulate and record in the patient's record a treatment program based upon the evaluation and any other information available to the physical therapist, and shall determine those patient related tasks which may be assigned to an aide.

(4) The physical therapist shall assign only those patient related tasks that can be safely and effectively performed by the aide. The physical therapist shall be responsible at all times for the conduct of the aide while the aide is performing "patient related tasks" and "non-patient related tasks" as defined in this section.

(5) The physical therapist shall provide direct personal supervision of the aide. The physical therapist shall be in the same facility as the aide and in immediate proximity to the location where the aide is performing patient related tasks. The physical therapist shall be readily available at all times to provide immediate advice, instruction or intervention in the care of the patient. When patient related tasks are provided to a patient by an aide the physical therapist shall at some point during the treatment day provide direct service to the patient as treatment for the patient's condition or to further evaluate and monitor the patient's progress.

(6) The physical therapist shall perform periodic reevaluation of the patient as necessary and make adjustments in the patient's treatment program. The re-evaluation shall be documented in the patient's record.

§ 140-50.3-003809 Scope of Practice - Physical Therapy Assistant.

A physical therapy assistant shall only work under the direct supervision of a licensed physical therapist. The physical therapist shall at all times be professionally and legally responsible for patient care by the physical therapy assistant. The physical therapy assistant may provide physical therapy services pursuant to the following guidelines:

(A) The physical therapy assistant shall have in possession written treatment plans formulated by the supervising physical therapist for each patient under the care of the physical therapy assistant. Treatment plans must be revised following periodic evaluations by the supervising physical therapist.

(B) The physical therapy assistant may not initiate or alter a treatment program without prior evaluation by and approval from the supervising physical therapist.

(C) The physical therapy assistant may, with prior approval by the supervising physical therapist, adjust a specific treatment procedure in accordance with changes in patient status.

(D) The physical therapy assistant may not interpret data beyond the scope of his/her education as a physical therapy assistant.

(E) The physical therapy assistant shall refer inquiries regarding patient prognosis to a supervising physical therapist.

(F) The physical therapy assistant shall report all adverse patient responses to any part of the physical therapy program to the supervising physical therapist.

(G) The physical therapy assistant shall not hold himself or herself out as a physical therapist.

Only a physical therapist may supervise a physical therapy assistant. No physical therapist may supervise more than two (2) physical therapy assistants.

§ 140-50.3-003810 Scope of Practice - Occupational Therapist.

(A) The scope of practice of a licensed occupational therapist is defined to include the provision of direct, indirect or consultative services to a client, the administration of standardized and non-standardized assessments, the interpretation of such assessments to determine the need for an appropriate intervention plan for the client, the development and utilization of activities for the client, the design and fabrication of adaptive equipment, prosthetics and/or orthotic devices, consultation concerning adaptation of physical environments, as well as the utilization of physical modalities. It also includes, but is not limited to, intervention directed toward:

- (1) Assessment and evaluation, including the use of skilled observation or the administration and interpretation of standardized or non-standardized tests and measurements, to identify areas for occupational therapy services;
- (2) Providing for the development of sensory integrative, neuromuscular, or motor components of performance;
- (3) Providing for the development of emotional, motivational, cognitive, or psychosocial components of performance;
- (4) Developing daily living skills;
- (5) Developing feeding and swallowing skills;
- (6) Developing play skills and leisure capacities;
- (7) Enhancing educational performance skills;
- (8) Enhancing functional performance and work readiness through exercise, range of motion and use of ergonomic principles;
- (9) Designing, fabricating, or applying rehabilitative technology, such as selected orthotic and prosthetic devices, and providing training in the functional use of these devices;
- (10) Designing, fabricating, or adapting assistive technology and providing training in the functional use of assistive devices;
- (11) Adapting environments using assistive technology such as environmental controls, wheelchair modifications, and positioning;
- (12) Employing physical agent modalities, in preparation for or as an adjunct to purposeful activity, within the same treatment session or to meet established functional occupational therapy goals, consistent with the requirements; and
- (13) Promoting health and wellness.

§ 140-50.3-003811 Scope of Practice - Occupational Therapy Assistant.

(A) An occupational therapy assistant shall work under the supervision of a licensed occupational therapist. The occupational therapist shall at all times be professionally and legally responsible for patient care by the occupational therapy assistant and performs client related activities assigned by the supervising occupational therapist. As used in this section, client related activities shall mean:

- (1) Contributing to the evaluation of a client by gathering data, reporting observations and implementing assessments delegated by the supervising occupational therapist or licensed physician;
- (2) Consulting with the supervising occupational therapist or licensed physician in order to assist him or her in making

determinations related to the treatment plan, modification of client programs or termination of a client's treatment;

(3) The utilization of a program of purposeful activities, a treatment program, and/or consultation with the client, family, caregiver, or other health care or education providers, in keeping with the treatment plan and under the direction of the supervising occupational therapist or licensed physician;

(4) The use of treatment modalities and techniques that are based on approaches taught in an occupational therapy assistant educational program and that the occupational therapy assistant has demonstrated to the occupational therapist or licensed physician that he or she is competent to use; or

(5) The immediate suspension of any treatment intervention that appears harmful to the client and immediate notification of the supervising occupational therapist.

(B) The supervising occupational therapist shall determine the occupational therapy treatments the occupational therapy assistant may perform. In making this determination, the supervising occupational therapist shall consider the following:

(1) The clinical complexity of the patient/client;

(2) The skill level of the occupational therapy assistant in the treatment technique; and

(3) Whether continual reassessment of the patient/client status is needed during treatment.

(C) The supervising occupational therapist shall assume responsibility for the following activities regardless of the setting in which the services are provided:

(1) Interpretation of referrals or prescriptions for occupational therapy services;

(2) Interpretation and analysis for evaluation purposes.

(D) The occupational therapy assistant may contribute to the evaluation process by gathering data, administering standardized tests and reporting observations. The occupational therapy assistant may not evaluate independently or initiate treatment before the supervising occupational therapist performs an assessment/evaluation.

(E) Development, interpretation, implementation, and modifications of the treatment plan and the discharge Plan:

(1) The supervising occupational therapist shall be responsible for delegating the appropriate interventions to the occupational therapy assistant;

(2) The occupational therapy assistant may contribute to the preparation, implementation and documentation of the treatment and discharge summary.

(F) The responsible occupational therapist shall at all times be responsible for all occupational therapy services provided to the client. The occupational therapist that is responsible for appropriate supervision shall formulate and document in each client's record, with his or her signature, the goals and plan for that client, and shall make sure that the occupational therapy assistant assigned to that client functions under appropriate supervision. As part of the responsible occupational therapists appropriate supervision, he or she shall conduct at least weekly review and inspection of all aspects of occupational therapy services by the occupational therapy assistant.

(G) The supervising occupational therapist has the continuing responsibility to follow the progress of each patient, provide direct care to the patient, and to assure that the occupational therapy assistant does not function autonomously.

(H) It is the responsibility of the occupational therapy assistant to maintain on file at the job site signed documentation reflecting supervision activities. This supervision documentation shall contain the following: date of supervision, means of communication, information discussed and the outcomes of the interaction. Both the supervising occupational therapist and the occupational therapy assistant must sign each entry.

§ 140-50.3-003812 Delivery of Occupational Therapy Services.

(A) The following are general statements regarding roles and responsibilities during the delivery of occupational therapy services:

(1) The occupational therapist is responsible for the overall delivery of occupational therapy services and is accountable for the safety and effectiveness of the occupational therapy service delivery process.

(2) The occupational therapy assistant delivers occupational therapy services under the supervision of the occupational therapist.

(3) It is the responsibility of the occupational therapist to be directly involved in the delivery of services during the initial evaluation and regularly throughout the course of intervention.

(4) Services delivered by the occupational therapy assistant are specifically selected and delegated by the occupational therapist. When delegating to the occupational therapy assistant, the occupational therapist considers the following factors:

(a) the complexity of the client's condition and needs;

(b) the knowledge, skill, and competence of the occupational therapy assistant;

(c) the nature and complexity of the intervention.

(5) Prior to delegation of any aspect of the service delivery process to the occupational therapy assistant, service competency must be demonstrated and documented between the occupational therapist and occupational therapy assistant. Service competency is demonstrated and documented for clinical reasoning and judgment required during the service delivery process as well as for the performance of specific techniques, assessments, and intervention methods used. Service competency must be monitored and reassessed regularly.

(6) The role delineation and responsibilities of the occupational therapist and the occupational therapy assistant remain unchanged regardless of the setting in which occupational therapy services are delivered (i.e., traditional, non-traditional, or newly emerging practice settings).

(7) An occupational therapist shall document his or her evaluation, goals, treatment plan, and summary of treatment in the patient record. An occupational therapy assistant shall document the services provided in the patient record. Occupational therapists and occupational therapy assistants shall document and sign the patient record legibly.

(8) Patient records shall be maintained for a period of no less than seven years following the discharge of the patient, except that the records of un-emancipated minors shall be maintained at least one year after the minor has reached the age of 18 years and not in any case less than seven years.

§ 140-50.3-003813 Use of Topical Medications.

(A) As used in this section, "topical medications" means medications applied locally to the skin or underlying tissue where such medications require a prescription or order under federal or state law. The following medications are applicable to the practice of physical and occupational therapy and may be used by a physical therapist or occupational therapist:

- (1) Bactericidal agents;
- (2) Debriding agents
- (3) Topical anesthetic agents;
- (4) Anti-inflammatory agents;
- (5) Antispasmodic agents; and
- (6) Adrenocortico-steroids.

§ 140-50.3-003816 Swallowing Assessment, Evaluation, or Intervention.

(A) The role of an occupational therapist in instrumental evaluations is to observe structure and function of the swallowing mechanism in order to assess swallowing capability and determine swallowing interventions. The occupational therapist may not perform the physically invasive components of the instrumental evaluation.

(B) Swallowing assessment, evaluation or intervention may be performed only when an occupational therapist has demonstrated to the Board that

he or she has met the post professional education and training requirements established in this section as follows:

(1) Education: Completion of 45 contact hours in the following subjects:

(a) Anatomy, physiology and neurophysiology of the head and neck with focus on the structure and function of the aero digestive tract;

(b) The effect of pathology on the structures and functions of the aero digestive tract; including medical interventions and nutritional intake methods used with patients with swallowing problems;

(c) Interventions used to improve pharyngeal swallowing function.

(2) Training: Completion of 240 hours of supervised on-the-job training, clinical internship or affiliation, which may be paid or voluntary, pertaining to swallowing assessment, evaluation or intervention. An occupational therapist in the process of completing the training requirements of this section may practice swallowing assessment, evaluation or intervention under the supervision of an occupational therapist that has been approved under this article, a speech language pathologist with expertise in this area, or a physician and surgeon.

(C) An occupational therapist may provide only those swallowing assessment, evaluation or intervention services he or she is competent to perform.

§ 140-50.3-003817 Use of Titles; Restrictions.

(A) It shall be unlawful for any person or business entity, its employees, agents or representatives to use in connection with his/her name or business activity the words "physical therapy," "physical therapist," "physiotherapy," "physiotherapist," "physical therapy assistant," "PT," "LPT," "PTA,"; or "occupational therapy," "occupational therapist," "occupational therapy assistant," "OT," "OTA," or any other words, abbreviations, or insignia indicating or implying directly or indirectly that physical or occupational therapy is provided or supplied, including billing of services labeled as physical or occupational therapy, unless such services are provided by or under the direction of a CNMI licensed physical or occupational therapist.

(B) A physical or occupational therapy assistant may not advertise or hold him/herself out in any manner, which implies that he/she is either a licensed physical or occupational therapist or an independent practitioner.

(C) No person shall use the title "physical or occupational therapy assistant," or any combination of words to imply directly or indirectly that he/she is a physical or occupational therapy assistant unless he/she is licensed in the CNMI.

§ 140-50.3-0038218 Professional Standards.

The Board recognizes the Code of Ethics, the Guide for Professional Conduct, and the Standards of Ethical Conduct for the Physical Therapy Assistant, as amended, by the American Physical Therapy Association, as its professional standards model, and the American Occupational Therapy Association (AOTA) Occupational Therapy Code of Ethics and Ethics Standards, as amended.

§ 140-50.3-003819 Disciplinary Action.

The Board shall have the power to impose administrative penalties and/or reprimands; revoke or suspend; or refuse to issue, restore, or renew the license of any person who is found guilty of one or more of the violations pursuant to P.L. 15-105 § 2224 and §§ 140-50.3-3800 of the regulations, including, but not limited to the following:

- (A) Administering treatments or evaluation in a negligent manner;
- (B) Falsifying or otherwise altering patient records;
- (C) Accepting fees for services not provided;
- (D) Improper delegation or supervision of assistive personnel;
- (E) Practicing physical or occupational therapy outside the scope of practice;
- (F) Failing to immediately refer any patient to an appropriate healthcare provider if there is reasonable cause to believe that the patient's condition is beyond the physical or occupational therapists scope of practice or is a condition for which physical or occupational therapy is contraindicated.



Commonwealth of the Northern Mariana Islands
BOARD OF PROFESSIONAL LICENSING
P.O. Box 502078, #1242 Pohnpei Court
Capitol Hill, Saipan, MP 96950
Tel. No: (670)664-4809 Fax: (670)664-4814
Email: bpl@pticom.com

**PUBLIC NOTICE AND CERTIFICATION OF ADOPTION OF THE AMENDMENTS TO THE
BOARD OF PROFESSIONAL LICENSING' s REGULATIONS FOR
REAL PROPERTY APPRAISERS**

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED AMENDMENTS TO REGULATIONS
VOLUME 36, NUMBER 02, PP 34795-34805 OF FEBRUARY 28, 2014

Regulations for Real Property Appraisers: NMIAC Title 125-40, §125.40-001

ADOPTION OF THE AMENDMENTS TO THE REGULATIONS FOR REAL PROPERTY APPRAISERS:
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)).

PRIOR PUBLICATION: The prior publication was as stated above. The Board of Professional Licensing adopted the attached regulations as final as of the date of signing below.

MODIFICATIONS FROM PRIOR PUBLISHED PROPOSED REGULATIONS, IF ANY: None.

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

EFFECTIVE DATE: Pursuant to the APA, 1 CMC § 9105(b), these adopted amendments to the BPL regulations for Real Property Appraisers are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a), 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 § 9104(a)(2), the BPL has reviewed the comments on the proposed amendments to these regulations it received during the thirty-day period. Upon this adoption of the amendments, the agency, if requested to do so by any interested person, within 30 days of adoption, will issue a concise statement of the principal reasons for and against its adoption.

ATTORNEY GENERAL APPROVAL: The adopted regulations for Real Property Appraisers were approved for promulgation by the CNMI Attorney General in the above cited pages of the Commonwealth Register, pursuant to 1 CMC §2153(e) (to review and approve as to form and legal sufficiency all rules and regulations to be promulgated by any department or agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

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

Certified and Ordered by:

Roman Demapan
Roman S. Demapan, PE
HCPLB Chairman

4.14.14
Date

Filed and Recorded by:

Esther SN. Nesbitt
Esther SN. Nesbitt
Commonwealth Register

04-23-2014
Date

To amend section 1.2 of the regulations or Section 125-40-005(b) of 125-40, NMIAC Title 125.

Due to scarcity of qualified persons in the CNMI, it is the intent of these regulations to establish two classes of approved real property appraisers:

Non-Federally Related Transactions
Licensed Real Property Appraiser,
Non-Federally Related Transactions
Licensed General Real Property
Appraiser, Non-Federally Related
Transactions

Federally Related Transactions
Licensed Real Property Appraiser
Certified Residential Real
Property Appraiser
Certified General Real Property
Appraiser

To amend section 2.16 of the regulations or Section 125-40-115(q) of 125-40, NMIAC Title 125.

2.16 **Distance Education.** Distance education is any education process based on geographical separation of student and instructor. A distance education course acceptable to meet class hour requirement if:

(1) The course provides interaction. Interaction is a reciprocal environment where the student has verbal or written communications with the instructor; and

(2) Content approval is obtained from AQB, a state licensing jurisdiction, or an accredited college, community college, or University that offers distance education programs and is approved or accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education. Non-academic credit college courses provided by a college shall be approved by the AQB or the state licensing jurisdiction; and

(3) Course delivery mechanism approval is obtained from one of the following sources:

- (i) AQB approved organizations providing approval of course design and delivery; or
- (ii) a college that qualifies for content approval in (ii) above that awards academic credit for the distance education course; or
- (iii) a qualifying college for content approval with a distance education delivery program that approves the course design and delivery that incorporate interactivity.

To amend section 4.3 (B)(4) of the regulations or Section 125-40-110(b)(4) of 125-40, NMIAC Title 125.

4. A new applicant not currently licensed or certified and in good standing in another U.S. state or territory, shall have up to December 31, 2014, after approval by the Board, to take and pass an AQB approved qualifying examination for the classification. Successful completion of the examination may be valid for another 24 months after 12/31/14.

To amend section 4.3 (C) (7) of the regulations or Section 125-40-110(c) (7) of 125-40, NMIAC Title 125.

7. All applicants must affirm in the application provided by the Board that the hours presented were completed under the supervision of a Licensed Residential or Licensed General Real Property Appraiser for non-federally related transactions or a ~~Licensed~~ Certified Residential or Certified General Real Property Appraiser for federally related transactions, depending on the appraiser classification the applicant is applying for.

To amend section 4.4 (A) (4) (c) of the regulations or Section 125-40-115(a) (4) (iii) of 125-40, NMIAC Title 125.

c. The appraiser trainee is permitted to have more than one Supervising Appraiser; however, Supervisory Appraisers may not supervise more than three (3) Trainee Appraisers at one time, unless a state program in the credentialing jurisdiction provides for progress monitoring, supervisory certified appraiser qualifications, and supervision and oversight requirements for Supervisory Appraisers.

To amend section 4.4 (A) (4) (e) of the regulations or Section 125-40-115(a) (4) (v) of 125-40, NMIAC Title 125.

e. The supervising appraiser shall be in good standing within any jurisdiction, not subject to any disciplinary action within the last two years.

To amend section 5.1, 5.1 (A) and (B) of the regulations or Section 125-40-201 and 201 (a) and (b) of 125-40, NMIAC Title 125.

5.1 Education/Experience Requirements for Non-Federally Related Transactions. Applicants must meet the following requirements for licensing as a CNMI Licensed Real Property Appraiser, Non-Federally Related Transactions or CNMI Licensed General Real Property Appraiser, Non-Federally Related Transactions or for renewal:

A. Licensed Real Property Appraiser, Non-Federally Related Transactions - includes the appraisal of vacant or unimproved land of one to four residential units. This classification does not include the appraisal of subdivisions wherein a development appraisal is necessary and utilized. This appraiser is not qualified under the law and these regulations to perform federally related real property transactions. At least 50% of the experience claimed must have been in major residential appraisal work.

B. Licensed General Real Property Appraiser, Non-Federally Related Transactions - This classification requires that at least 50% of the experience claimed must have been in non-residential appraisal work and can do appraisals of all real estate transactions without regard to transaction value or complexity. This appraiser is not qualified under the law and these regulations to perform federally related real property transactions.

To amend section 6.10 (A) (1) (c) of the regulations or Section 125-40-345(a) (1) (iii) of 125-40, NMIAC Title 125.

(c) proof that the applicant has performed at least 2,500 hour of major residential appraisal work obtained within no less than 24 months.

To amend sections 9.1 and 9.1 (A) of the regulations or Sections 125-40-601 and 125-40-601 (a) of 125-40, NMIAC Title 125.

9.1 Supervision of Appraiser Trainees. Certified appraisers may directly supervise appraiser trainees provided:

A. The appraiser trainee is a bona fide employee of the Certified appraiser, or an employee of the same entity who employs the Certified appraiser; and

To amend sections 9.2 (A) and (C) of the regulations or Sections 125-40-605(a) and (c) of 125-40, NMIAC Title 125.

9.2 Use of Terms "Licensed Appraiser", and "Certified Appraiser".

A. The terms "licensed real property appraiser," "certified residential real property appraiser", and "certified general real property appraiser" for federally related transactions and "licensed ~~residential~~ real property appraiser", and "licensed general real property appraiser" for non-federally related transactions, may only be used to refer to an individual who is licensed, federally or non-federally related transactions, as the case may be, under these regulations and may not be used following, or immediately in connection with, the name or signature of a corporation, partnership, association, or any group practice, or in any manner that might be interpreted as referring to anyone other than the individual who is licensed.

C. No person may assume or use the title "licensed real property appraiser", "certified residential real property appraiser", and "certified general real property appraiser" for federally related transactions, or "licensed ~~residential~~ real property appraiser", and licensed general real property appraiser" for non-federally related transactions, as the case may be, or any title designation or abbreviation likely to create the impression of licensure unless that person holds a current license hereunder.

To amend sections 11.1 of the regulations or Sections 125-40-801 of 125-40, NMIAC Title 125.

11.1 Advertising Practices. A licensee advertising through any media shall be identified as a Licensed Real Property Appraiser - Federally Related Transactions, Certified Residential Real Property Appraiser - Federally Related Transactions, Certified General Real Property Appraiser - Federally Related Transactions, Licensed ~~Residential~~ Real Property Appraiser - Non-Federally Related Transactions, or Licensed General Real Property Appraiser - Non-Federally Related Transactions by listing the appropriate designated licensed or certified status and the appraiser's license number. For purposes of this section, "media" includes, but is not limited to, newspapers, magazines, calling cards, and directories, including all listing in telephone directories.

To amend sections 12.1(a) (20) of the regulations or Sections 125-40-805(a) (20) of 125-40, NMIAC Title 125.

20. Using the title "Licensed ~~Residential~~ Real Property Appraiser", "Licensed General Real Property Appraiser" for non-federally related transactions; or "Licensed Real property Appraiser", "Certified Residential Real Property Appraiser" or "Certified General Real Property Appraiser" for federally related transactions, or any title, sign, card or device to indicate that such person is practicing the profession without having first being licensed in accordance with the law or the rules and regulations; or

Commonwealth of the Northern Mariana Islands
Department of Community and Cultural Affairs – Child Care Development
Fund Program

Laura T. Ogumoro, Acting Secretary
Department of Community and Cultural Affairs, Child Care Development Program
Caller Box 10007, Building No. 1341
Ascension Road, Capitol Hill
Saipan, MP 96950

Tel no. 670-664-2577 Fax no. 670-664-2547

**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 36, Number 02, pgs 034783 to 034794, of February 28, 2014

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

ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: The Commonwealth of the Northern Mariana Islands, Department of Community and Cultural Affairs, Child Care Development Fund (“CCDF”) HEREBY ADOPTS AS PERMANENT regulations the Proposed Amendments to the 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 Department of Community and Cultural Affairs, CCDF announced that it intended to adopt them as permanent, and now does so. I also certify by signature below that:

as published, such adopted regulations are a true, complete and correct copy of the Referenced Proposed Amendments to the Regulations, and that they are being adopted without modification or amendment.

PRIOR PUBLICATION: The prior publication was as stated above. The Department of Community and Cultural Affairs, CCDF as final as of February 28, 2014.

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY: None

AUTHORITY: The Department of Community and Cultural Affairs is empowered by the Legislature to adopt rules and regulations for the administration and enforcement of the statute governing activities over which the department has jurisdiction 1 CMC §§ 2354.

EFFECTIVE DATE: Pursuant to the APA, 1 CMC sec. 9105(b), these adopted

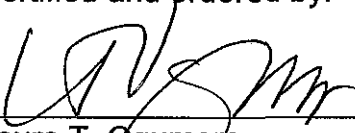
regulations are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which, in this instance, is 10 days after this publication in the Commonwealth Register.

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.

ATTORNEY GENERAL APPROVAL for non-modified regulations or regulations with NON-material modification: 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) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 28th day of March, 2014, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:



Laura T. Ogumoro
DCCA Secretary

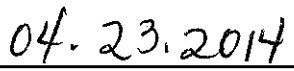


Date

Filed and
Recorded by:



ESTHER S.N. Nesbitt
Commonwealth Register



Date

Commonwealth of the Northern Mariana Islands
Department of Community and Cultural Affairs – Low Income Home Energy
Assistance Program

Laura T. Ogumoro, Acting Secretary
Department of Community and Cultural Affairs, Low Income Home Energy Assistance Program
Caller Box 10007, Building No. 1341
Ascension Road, Capitol Hill
Saipan, MP 96950

Tel no. 670-664-2577 Fax no. 670-664-2547

**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 36, Number 02, pgs 034774 to 034782, of February 28, 2014

**Regulations of the Department of Community and Cultural Affairs: Low Income
Home Energy Assistance Program**

ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: The Commonwealth of the Northern Mariana Islands, Department of Community and Cultural Affairs, Low Income Home Energy Assistance Program (“LIHEAP”) HEREBY ADOPTS AS PERMANENT regulations the Proposed Amendments to the 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 Department of Community and Cultural Affairs, CCDF announced that it intended to adopt them as permanent, and now does so. I also certify by signature below that:

as published, such adopted regulations are a true, complete and correct copy of the Referenced Proposed Amendments to the Regulations, and that they are being adopted without modification or amendment.

PRIOR PUBLICATION: The prior publication was as stated above. The Department of Community and Cultural Affairs, LIHEAP as final as of February 28, 2014.

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY: None

AUTHORITY: The Department of Community and Cultural Affairs is empowered by the Legislature to adopt rules and regulations for the administration and enforcement of the statute governing activities over which the department has jurisdiction 1 CMC §§ 2354.

EFFECTIVE DATE: Pursuant to the APA, 1 CMC sec. 9105(b), these adopted

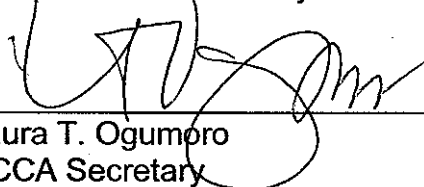
regulations are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which, in this instance, is 10 days after this publication in the Commonwealth Register.

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.

ATTORNEY GENERAL APPROVAL for non-modified regulations or regulations with NON-material modification: 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) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 28th day of March, 2014, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

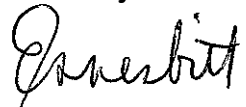


Laura T. Ogumoro
DCCA Secretary

3/28/14

Date

Filed and
Recorded by:



ESTHER S.N. Nesbitt
Commonwealth Register

04.23.2014

Date



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Eloy S. Inos
Governor

Jude U. Hofschneider
Lieutenant Governor

EXECUTIVE ORDER NO. 2014-04

SUBJECT: DECLARATION OF A STATE OF SIGNIFICANT EMERGENCY

AUTHORITY: I, ELOY S. INOS, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, § 10 of the Commonwealth Constitution and PL 18-4, § 104 of the Homeland Security and Emergency Management Act of 2013, do hereby declare a State of Significant Emergency for the Commonwealth of the Northern Mariana Islands due to the imminent threat of the inability of the Commonwealth Utilities Corporation ("CUC") to provide critical power generation, water, and wastewater services to the CNMI and considering the harm such condition would pose to the community, environment, and critical infrastructure of the Commonwealth of the Northern Mariana Islands.

WHEREAS, CUC IS THE SOLE ELECTRICITY SUPPLIER to the Government of the CNMI, including all public safety activities, the schools, and the only hospital. CUC also supplies electricity to most of the CNMI's businesses and homes. While some businesses and agencies own backup generators, they are not generally organized to use the backups as permanent power sources and the diesel oil purchased to run these generators is substantially more expensive than that used for CUC power.

WHEREAS, WITHOUT CUC ELECTRICITY:

- (1) Most CNMI economic activity would come to a halt, much refrigeration and air conditioning would end, and the airports and ports would be forced to rely on emergency generation on the limited, expensive oil supply for it;
- (2) The CNMI's health and safety would immediately be at risk because traffic signals and street lighting would cease to function; emergency, fire, police facilities and their communications systems, and the hospital and island clinics would have to rely on limited fuel supplies for emergency generation and then cease functioning; and much refrigeration of food and medicines would end, as would air conditioning for the elderly and sick;
- (3) The public schools and the Northern Marianas College would close. Other educational institutions would close as their backup fuel supplies for emergency generators were exhausted; and

- (4) Water and sewage treatment would soon end. One of CUC's largest electric customers is the combined CUC Water and Wastewater Divisions. CUC is the sole supplier of electricity for these systems. CUC's water system relies on electricity to maintain the system pressure needed to prevent the backflow of pathogens, to chlorinate, and to pump, store, and distribute water supplies. CUC's wastewater system requires electricity to collect, pump, process, treat, and discharge sewage. The lack of electricity could result in sewage overflows, contaminating land and water.

WHEREAS, THERE EXISTS A FINANCIAL CRISIS:

- (1) CUC is owed approximately \$20 million by the public school system ("PSS") and the Commonwealth Healthcare Corporation ("CHC") and is owed over millions more by residential users;
- (2) Although the commonwealth economy has recently improved, the improvement is only marginal and the economy and the government's finances are still fragile. This government strains to meet its obligations.
- (3) CUC often only has days' worth of purchased diesel fuel to power its system because it lacks the funds to buy oil from its sole, cash-only supplier. CUC has no credit or other means to buy fuel than the revenue it collects from its customers;

WHEREAS, THERE EXISTS A TECHNICAL WORKER CRISIS:

- (1) CUC faces a manpower crisis. Skilled workers and a responsive support system are key to the success of the operation, particularly for preventative maintenance. At present, CNMI law at 3 CMC §§ 4531 and 4532 prohibits CUC from hiring any more non-U.S. technical workers;
- (2) CUC bears a substantial obligation to deliver highly technical work on time to the satisfaction of the U.S. District Court and the U.S. Environmental Protection Agency ("EPA"), pursuant to two sets of consent, or "Stipulated Orders." Failure to meet the requirements of the federal court orders could subject CUC and the CNMI to substantial fines and charges and, in the extreme, to a federal takeover of their finances;
- (3) CUC requires employees with specialized training. There are many non-U.S. citizens whom CUC needs to retain on technical and professional contracts. Without these positions filled, CUC operations would be severely compromised;
- (4) The legislature, through P.L. 17-1 (Mar. 22, 2010), has limited CUC's ability to hire technical staff, eliminating prior statutory permission to hire up to nineteen foreign workers and reinstating a moratorium on the government's hiring of foreign nationals, even if needed for highly technical positions for which no local or mainland citizens are available. The CUC Act, as

subsequently reenacted by P.L. 16-17 (Oct. 1, 2008), provides that CUC shall hire such persons as are necessary for operations, *except as otherwise limited by other law*. 4 CMC § 8123(h);

- (5) There are not enough U.S. citizen or U.S. resident technical specialists at CUC to perform the power generation work, particularly specialists with experience in the type of engines that CUC uses. U.S. citizens with the necessary skills are not readily available in the CNMI and it is costly to recruit from the United States. CUC believes that the vast majority of skill sets, considering its cash restrictions, must come from non-U.S. personnel. CUC has tried to hire diesel mechanics in the CNMI, but has been unsuccessful in finding enough qualified candidates;
- (6) The impact of an inadequate workforce is substantial. First, there would be a direct deterioration of service to existing customers. There would be brownouts or area blackouts with the above-mentioned loss of service. Second, the power plants would again degrade, producing more of these outages. Third, if CUC fails to meet federal court deadlines for the Stipulated Orders, the Court could appoint a federal receiver and its consulting team, with all expenses charged to CUC customers.
- (7) CUC's renewal of contracts and hiring of foreign expert workers is necessary to sustain the integrity of CUC's systems. Thus, continued relief from the legislative prohibition on hiring foreign national workers is necessary to ensure the delivery of uninterrupted power services to the people of the Commonwealth. The legislature is urged to address this matter by way of amending local law to allow CUC to continue employing the services of foreign workers for such technical positions difficult to fill and to provide for a reasonable transition period.

WHEREAS, A BOARD OF DIRECTORS DOES NOT EXIST:

- (1) There is no fully functioning Board of Directors. CUC has functioned without a Board because it has had to. The Governor's Office diligently sought out persons and three persons are now sitting on the Board. However, four persons must be appointed and confirmed to the Board for a quorum to exist. 4 CMC § 8132(c): So until one more person who meets the complex statutory requirements for the Board is found, a difficult task, the Board cannot function. In the meantime, CUC must continue to function.
- (2) Without a fully functioning Board in place, I still must provide for the continued operations of CUC.

WHEREAS, BY THIS DECLARATION OF A STATE OF SIGNIFICANT EMERGENCY, I intend to enable CUC to continue to provide necessary services to the people of the Commonwealth. This Declaration is necessary to protect the health and safety of our children, our senior citizens, businesses, and all other CNMI residents and visitors.

NOW, THEREFORE, I hereby invoke my authority under Article III, § 10 of the Commonwealth Constitution and PL 18-4 § 104(c), to take all necessary measures to address the threats facing the Commonwealth of the Northern Mariana Islands including, but not limited to, the authority to:

1. Suspend all statutory or regulatory provisions as required; and
2. Utilize all available resources of the Commonwealth government and its political subdivisions as reasonably necessary to respond to the emergency.

It is hereby **ORDERED** that:

This Declaration of a State of Significant Emergency shall take effect immediately and all memoranda, directives, and other measures taken in accordance with this Declaration shall remain in effect for thirty (30) days from the date of this Executive Order unless I, prior to the end of the thirty (30)-day period, terminate the declaration of a state of significant emergency. PL 18-4, § 104(g)

Under authority of this Declaration and with the goal of mitigating or ameliorating the above described crises, I immediately direct the following:

DIRECTIVE 1: I hereby assume all powers and duties of the Board of Directors of CUC.

DIRECTIVE 2: Section 4531 of Title 3 of the Commonwealth Code is hereby suspended as to CUC as follows:

The following ~~strike-out~~ formatted language of the quoted provisions of the following statute regulating government employment is, as indicated, suspended immediately:


3 CMC §4531. Restrictions on Government Employment

~~Employment by departments, agencies, and all other instrumentalities of the Commonwealth government is limited to citizens and permanent residents; provided that the government may enter into contracts with foreign nationals for services performed outside of the Commonwealth.~~

As a result of my suspension of 3 CMC § 4531, CUC shall have the full power and authority to retain staff which may include employees other than citizens and permanent residents of the United States.

The above described Directives are in no way meant as the limits of my actions or authority under this Declaration. Accordingly, I reserve the right under this Declaration to issue any and all directives necessary to prevent, mitigate or ameliorate the adverse effects of the emergency.

SIGNED AND PROMULGATED on this 14th day of March 2014.



Eloy S. Inos
Governor
Commonwealth of the Northern Mariana Islands



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Eloy S. Inos
Governor

Jude U. Hofschneider
Lieutenant Governor

EXECUTIVE ORDER NO. 2014-05

SUBJECT: DECLARATION OF A STATE OF SIGNIFICANT EMERGENCY

AUTHORITY: I, ELOY S. INOS, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, § 10 of the Commonwealth Constitution and PL 18-4, § 104 of the Homeland Security and Emergency Management Act of 2013, do hereby declare a State of Significant Emergency for the Commonwealth of the Northern Mariana Islands due to the imminent threat of the inability of the Commonwealth Utilities Corporation ("CUC") to provide critical power generation, water, and wastewater services to the CNMI and considering the harm such condition would pose to the community, environment, and critical infrastructure of the Commonwealth of the Northern Mariana Islands.

WHEREAS, CUC IS THE SOLE ELECTRICITY SUPPLIER to the Government of the CNMI, including all public safety activities, the schools, and the only hospital. CUC also supplies electricity to most of the CNMI's businesses and homes. While some businesses and agencies own backup generators, they are not generally organized to use the backups as permanent power sources and the diesel oil purchased to run these generators is substantially more expensive than that used for CUC power.

WHEREAS, WITHOUT CUC ELECTRICITY:

- (1) Most CNMI economic activity would come to a halt, much refrigeration and air conditioning would end, and the airports and ports would be forced to rely on emergency generation on the limited, expensive oil supply for it;
- (2) The CNMI's health and safety would immediately be at risk because traffic signals and street lighting would cease to function; emergency, fire, police facilities and their communications systems, and the hospital and island clinics would have to rely on limited fuel supplies for emergency generation and then cease functioning; and much refrigeration of food and medicines would end, as would air conditioning for the elderly and sick;
- (3) The public schools and the Northern Marianas College would close. Other educational institutions would close as their backup fuel supplies for emergency generators were exhausted; and

- (4) Water and sewage treatment would soon end. One of CUC's largest electric customers is the combined CUC Water and Wastewater Divisions. CUC is the sole supplier of electricity for these systems. CUC's water system relies on electricity to maintain the system pressure needed to prevent the backflow of pathogens, to chlorinate, and to pump, store, and distribute water supplies. CUC's wastewater system requires electricity to collect, pump, process, treat, and discharge sewage. The lack of electricity could result in sewage overflows, contaminating land and water.

WHEREAS, THERE EXISTS A FINANCIAL CRISIS:

- (1) CUC is owed approximately \$20 million by the public school system ("PSS") and the Commonwealth Healthcare Corporation ("CHC") and is owed over millions more by residential users;
- (2) Although the commonwealth economy has recently improved, the improvement is only marginal and the economy and the government's finances are still fragile. This government strains to meet its obligations.
- (3) CUC often only has days' worth of purchased diesel fuel to power its system because it lacks the funds to buy oil from its sole, cash-only supplier. CUC has no credit or other means to buy fuel than the revenue it collects from its customers;

WHEREAS, THERE EXISTS A TECHNICAL WORKER CRISIS:

- (1) CUC faces a manpower crisis. Skilled workers and a responsive support system are key to the success of the operation, particularly for preventative maintenance. At present, CNMI law at 3 CMC §§ 4531 and 4532 prohibits CUC from hiring any more non-U.S. technical workers;
- (2) CUC bears a substantial obligation to deliver highly technical work on time to the satisfaction of the U.S. District Court and the U.S. Environmental Protection Agency ("EPA"), pursuant to two sets of consent, or "Stipulated Orders." Failure to meet the requirements of the federal court orders could subject CUC and the CNMI to substantial fines and charges and, in the extreme, to a federal takeover of their finances;
- (3) CUC requires employees with specialized training. There are many non-U.S. citizens whom CUC needs to retain on technical and professional contracts. Without these positions filled, CUC operations would be severely compromised;
- (4) The legislature, through P.L. 17-1 (Mar. 22, 2010), has limited CUC's ability to hire technical staff, eliminating prior statutory permission to hire up to nineteen foreign workers and reinstating a moratorium on the government's hiring of foreign nationals, even if needed for highly technical positions for which no local or mainland citizens are available. The CUC Act, as

subsequently reenacted by P.L. 16-17 (Oct. 1, 2008), provides that CUC shall hire such persons as are necessary for operations, *except as otherwise limited by other law.* 4 CMC § 8123(h);

- (5) There are not enough U.S. citizen or U.S. resident technical specialists at CUC to perform the power generation work, particularly specialists with experience in the type of engines that CUC uses. U.S. citizens with the necessary skills are not readily available in the CNMI and it is costly to recruit from the United States. CUC believes that the vast majority of skill sets, considering its cash restrictions, must come from non-U.S. personnel. CUC has tried to hire diesel mechanics in the CNMI, but has been unsuccessful in finding enough qualified candidates;
- (6) The impact of an inadequate workforce is substantial. First, there would be a direct deterioration of service to existing customers. There would be brownouts or area blackouts with the above-mentioned loss of service. Second, the power plants would again degrade, producing more of these outages. Third, if CUC fails to meet federal court deadlines for the Stipulated Orders, the Court could appoint a federal receiver and its consulting team, with all expenses charged to CUC customers.
- (7) CUC's renewal of contracts and hiring of foreign expert workers is necessary to sustain the integrity of CUC's systems. Thus, continued relief from the legislative prohibition on hiring foreign national workers is necessary to ensure the delivery of uninterrupted power services to the people of the Commonwealth. The legislature is urged to address this matter by way of amending local law to allow CUC to continue employing the services of foreign workers for such technical positions difficult to fill and to provide for a reasonable transition period.

WHEREAS, BY THIS DECLARATION OF A STATE OF SIGNIFICANT EMERGENCY, I intend to enable CUC to continue to provide necessary services to the people of the Commonwealth. This Declaration is necessary to protect the health and safety of our children, our senior citizens, businesses, and all other CNMI residents and visitors.

NOW, THEREFORE, I hereby invoke my authority under Article III, § 10 of the Commonwealth Constitution and PL 18-4 § 104(c), to take all necessary measures to address the threats facing the Commonwealth of the Northern Mariana Islands including, but not limited to, the authority to:

1. Suspend all statutory or regulatory provisions as required; and
2. Utilize all available resources of the Commonwealth government and its political subdivisions as reasonably necessary to respond to the emergency.

It is hereby **ORDERED** that:

This Declaration of a State of Significant Emergency shall take effect immediately and all memoranda, directives, and other measures taken in accordance with this Declaration shall remain in effect for thirty (30) days from the date of this Executive Order unless I, prior to the end of the thirty (30)-day period, terminate the declaration of a state of significant emergency. PL 18-4, § 104(g)

Under authority of this Declaration and with the goal of mitigating or ameliorating the above described crises, I immediately direct the following:

DIRECTIVE: Section 4531 of Title 3 of the Commonwealth Code is hereby suspended as to CUC as follows:

The following strike-out formatted language of the quoted provisions of the following statute regulating government employment is, as indicated, suspended immediately:

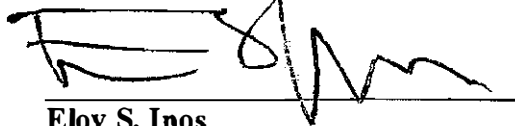
3 CMC §4531. Restrictions on Government Employment

~~Employment by departments, agencies, and all other instrumentalities of the Commonwealth government is limited to citizens and permanent residents; provided that the government may enter into contracts with foreign nationals for services performed outside of the Commonwealth.~~

As a result of my suspension of 3 CMC § 4531, CUC shall have the full power and authority to retain staff which may include employees other than citizens and permanent residents of the United States.

The above described Directives are in no way meant as the limits of my actions or authority under this Declaration. Accordingly, I reserve the right under this Declaration to issue any and all directives necessary to prevent, mitigate or ameliorate the adverse effects of the emergency.

SIGNED AND PROMULGATED on this 15TH day of April 2014.



Eloy S. Inos
Governor
Commonwealth of the Northern Mariana Islands



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Eloy S. Inos
Governor

Jude U. Hofschneider
Lieutenant Governor

EXECUTIVE ORDER NO. 2014-06

SUBJECT: DECLARATION OF A STATE OF SIGNIFICANT EMERGENCY

AUTHORITY: I, ELOY S. INOS, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, § 10 of the Commonwealth Constitution and PL 18-4, § 104 of the Homeland Security and Emergency Management Act of 2013, do hereby declare a State of Significant Emergency for the Commonwealth of the Northern Mariana Islands due to the imminent threat of the inability of the Commonwealth Utilities Corporation ("CUC") to provide critical power generation, water, and wastewater services to the CNMI and considering the harm such condition would pose to the community, environment, and critical infrastructure of the Commonwealth of the Northern Mariana Islands.

WHEREAS, CUC IS THE SOLE ELECTRICITY SUPPLIER to the Government of the CNMI, including all public safety activities, the schools, and the only hospital. CUC also supplies electricity to most of the CNMI's businesses and homes. While some businesses and agencies own backup generators, they are not generally organized to use the backups as permanent power sources and the diesel oil purchased to run these generators is substantially more expensive than that used for CUC power.

WHEREAS, WITHOUT CUC ELECTRICITY:

- (1) Most CNMI economic activity would come to a halt, much refrigeration and air conditioning would end, and the airports and ports would be forced to rely on emergency generation on the limited, expensive oil supply for it;
- (2) The CNMI's health and safety would immediately be at risk because traffic signals and street lighting would cease to function; emergency, fire, police facilities and their communications systems, and the hospital and island clinics would have to rely on limited fuel supplies for emergency generation and then cease functioning; and much refrigeration of food and medicines would end, as would air conditioning for the elderly and sick;
- (3) The public schools and the Northern Marianas College would close. Other educational institutions would close as their backup fuel supplies for emergency generators were exhausted; and

- (4) Water and sewage treatment would soon end. One of CUC's largest electric customers is the combined CUC Water and Wastewater Divisions. CUC is the sole supplier of electricity for these systems. CUC's water system relies on electricity to maintain the system pressure needed to prevent the backflow of pathogens, to chlorinate, and to pump, store, and distribute water supplies. CUC's wastewater system requires electricity to collect, pump, process, treat, and discharge sewage. The lack of electricity could result in sewage overflows, contaminating land and water.

WHEREAS, THERE EXISTS A FINANCIAL CRISIS:

- (1) CUC is owed approximately \$20 million by the public school system ("PSS") and the Commonwealth Healthcare Corporation ("CHC") and is owed millions more by residential users.
- (2) Although the commonwealth economy has recently improved, the improvement is only marginal and the economy and the government's finances are still fragile. This government strains to meet its obligations.
- (3) CUC often only has days' worth of purchased diesel fuel to power its system because it lacks the funds to buy oil from its sole, cash-only supplier. CUC has no credit or other means to buy fuel than the revenue it collects from its customers;

WHEREAS, THERE EXISTS A DIESEL FUEL SUPPLY CRISIS:

- (1) The current high cost of diesel fuel represents over 70% of the rate that CUC customers pay for electricity. There is now a required need for CUC to obtain diesel fuel at the lowest competitive pricing possible through a public competitive procurement process.
- (2) The current diesel fuel supply contract ends on April 30, 2014. CUC is not able to procure a realistically competitive proposal from more than one vendor for the supply of diesel fuel prior to May 1, 2014 unless the amount it owes to its current diesel fuel supply vendor of approximately \$6.57 million dollars is paid off upon the termination of the current fuel supply contract.
- (3) The failure of CUC to pay off its obligation to the current diesel fuel supply vendor at the end of the contract in the event another vendor is awarded the contract through a competitive procurement process would result in approximately \$6.57 million dollars in customer account security deposits being utilized, and thus, would have to be replenished from revenues that are already strained to cover normal and routine operating and maintenance expenses, debt service and other requirements in the normal course of business.
- (4) The failure to procure a contract for the supply of diesel fuel to CUC prior to May 1, 2014 through a competitive proposal process would result in CUC

executing a diesel fuel supply contract with its current vendor at non-competitive prices which in turn would be injurious to, and not be in the best interest of, the government, businesses and residents of the CNMI who depend on and pay for the power generated by engines using the diesel fuel to be supplied under such contract.

(5) The ability of CUC to administer a competitive procurement process to procure a multi-year contract for the supply of diesel fuel at competitive pricing prior to May 1, 2014 is not currently possible based on a December 19, 2008, Order of the Commonwealth Public Utilities Commission (“CPUC”) which requires the approval of the Commission before such competitive procurement process for the fuel supply contract can begin.

(6) In February 2014, CUC filed a request for the approval of a proposed Request for Proposals (“RFP”) for CUC’s fuel supply contract with the Commission. However, after three revisions to the RFP the Consultants for the Commission have not recommended approval of the RFP or placed it before the Commission for its approval. Furthermore, the Consultants for the Commission have indicated to CUC that CUC should again revise the proposed RFP before they would consider recommending approval of the RFP to the Commission or placing before the Commission for approval. The Consultants for the Commission also suggested further conferencing for the purpose of reviewing outstanding discovery requests related to the proposed terms and conditions contained in the RFP. The Consultants also felt that CUC should file a separate petition with the Commission for it to address and approve the repayment of the existing vendor obligation at the end of the contract. It is not clear that all of these RFP related processes, which have been advised by the Consultants for the Commission on behalf of the Commission, can be completed in time for CUC to administer and complete a competitive procurement process to procure a multi-year contract for the supply of diesel fuel at competitive pricing prior to May 1, 2014.

WHEREAS, BY THIS DECLARATION OF A STATE OF SIGNIFICANT EMERGENCY, I intend to enable CUC to continue to provide necessary services to the people of the Commonwealth. This Declaration is necessary to protect the health and safety of our children, our senior citizens, businesses, and all other CNMI residents and visitors, and to allow CUC to administer and complete a competitive procurement process for the express purpose of procuring a multi-year contract for the supply of diesel fuel to CUC at competitive pricing prior to May 1, 2014.

NOW, THEREFORE, I hereby invoke my authority under Article III, § 10 of the Commonwealth Constitution and PL 18-4 § 104(c), to take all necessary measures to address the threats facing the Commonwealth of the Northern Mariana Islands including, but not limited to, the authority to:

1. Suspend all statutory or regulatory provisions as required; and

2. Utilize all available resources of the Commonwealth government and its political subdivisions as reasonably necessary to respond to the emergency.

It is hereby **ORDERED** that:

This Declaration of a State of Significant Emergency shall take effect immediately and all memoranda, directives, and other measures taken in accordance with this Declaration shall remain in effect for thirty (30) days from the date of this Executive Order unless I, prior to the end of the thirty (30)-day period, terminate the declaration of a state of significant emergency. PL 18-4, § 104(g)

Under authority of this Declaration and with the goal of mitigating or ameliorating the above described crises, I immediately direct the following:

DIRECTIVE 1: A portion of the provision contained in Section 8411(d) of Title 4 of the Commonwealth Code [formerly 4 CMC § 8409(d)] is hereby suspended as to CUC and its immediate ability to procure a diesel fuel supply contract as follows:

The following strike-out formatted language of the quoted provisions of the following statute regulating approval of a CUC contractual agreement is, as indicated, suspended immediately:

4 CMC § 8411(d). General Powers and Duties.

Review and approve or disapprove any divestiture of capital or ~~contractual agreement~~ which may increase rates and charges to the consumer.

DIRECTIVE 2: A portion of the provision contained in Section 8123(e) of Title 4 of the Commonwealth Code is hereby suspended as to CUC and its immediate ability to procure a diesel fuel supply contract as follows:

The following strike-out formatted language of the quoted provisions of the following statute regulating borrowing power for CUC is, as indicated, suspended immediately:

4 CMC § 8123(e). Commonwealth Utility Corporation: Powers.

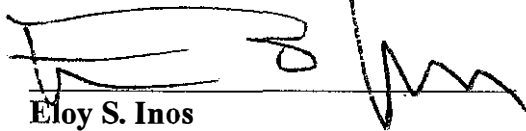
Borrow money from any public or private source, either within the Commonwealth or the United States, or in any other country, and to give security in connection with such borrowing, ~~provided that any borrowing in excess of \$500,000 shall be approved by law.~~

As a result of my suspension of 4 CMC §§ 8411(d) and 8123(e), CUC shall have the full power and authority to administer and complete a competitive procurement process for the express purpose of procuring and executing a multi-year contract for the supply of diesel fuel to CUC at competitive pricing prior to May 1, 2014, without the need for CPUC to approve either the terms and language of the proposed RFP for the procurement of the supply of diesel fuel, or the procurement and negotiation process, or the terms and language of the diesel

fuel contract which is executed as a result of the diesel fuel supply RFP procurement process.

The above described Directives are in no way meant as the limits of my actions or authority under this Declaration. Accordingly, I reserve the right under this Declaration to issue any and all directives necessary to prevent, mitigate or ameliorate the adverse effects of the emergency.

SIGNED AND PROMULGATED on this 15TH day of April, 2014.



Eloy S. Inos
Governor
Commonwealth of the Northern Mariana Islands