

Public Law No. 4 - 4 1

FOURTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

THIRD REGULAR SESSION, 1986 CONGRESSIONAL BILL NO. 4-234, C.D.1, C.D.2

AN ACT

To authorize the issuance of Federated States of Micronesia medical health care licenses; to require establishment of licensing and practice regulations for medical health care practitioners in the Federated States of Micronesia; to establish a Federated States of Micronesia Medical Health Care Licensing Board; to repeal Public Law No. 3-79 and sections 201 through 203, and 210 of title 41 of the Code of the Federated States of Micronesia; and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Section 1. Short title. This act shall be known and may be
2 cited as the "Medical Health Care Licensing Act of 1986."

3 Section 2. Definitions. As used herein unless otherwise
4 indicated by the context:

5 (1) "Board" means the Federated States of Micronesia
6 Medical Health Care Licensing Board.

7 (2) "Practice of medical health care" includes activities
8 as a doctor, nurse, optometrist or dentist as those activities may be
9 described by the President or the Board pursuant to this act or
10 amendments hereto.

11 (3) "President" means the President of the Federated
12 States of Micronesia.

13 Section 3. Practice of medical health care; License required.

14 All persons are prohibited from practicing medical health care in the
15 Federated States of Micronesia, except in a training or residency
16 program strictly supervised in accordance with regulations
17 promulgated hereunder, unless duly licensed by the Board. Any
18 license to practice medical health care issued pursuant to the
19 authority of section 201 of title 41 of the Code of the Federated
20 States of Micronesia and valid on the effective date of this act
21 shall remain valid until its expiration date.

22 Section 4. Federated States of Micronesia Medical Health Care

1 Licensing Board; Special Advisory Councils.

2 (1) There is hereby established the Federated States
3 of Micronesia Medical Health Care Licensing Board. The Board shall
4 be responsible for issuing and renewing licenses to practice
5 medical health care and taking other actions necessary to put
6 into effect the provisions of this act, with the purpose of best
7 serving the health needs of the people of the Federated States of
8 Micronesia. The Board shall have five members, to be appointed by
9 the President. There shall be one member representing each State and
10 a member representing the National Government. Members shall be
11 appointed for 4-year terms; PROVIDED that the President shall appoint
12 three members of the first Board to serve 2-year terms, in order to
13 stagger the terms of Board members. A vacancy on the Board shall be
14 filled for the unexpired term by the appointment of a successor. The
15 Board shall meet within the Federated States of Micronesia and at
16 least once every calendar year. The Board may adopt rules and
17 regulations for the orderly conduct of its business.

18 (2) The Board may establish one or more Special Advisory
19 Councils to assist the Board in its activities regarding particular fields
20 of medical health care practice, for example, nursing. Members of such a
21 Council shall be appointed by the President. Such a Council shall have
22 representatives from the relevant health care field and from the Board.

23 Section 5. Authority to promulgate regulations; Fees.

24 (1) The President is authorized to promulgate regulations,
25 pursuant to chapter 1 of title 17 of the Code of the Federated States

1 of Micronesia, to carry into effect this act. He may delegate this
2 authority to the Board.

3 (2) Any regulations under this act shall include a
4 definition of the term "practice of medical health care" which shall
5 include activities as a doctor, nurse, optometrist or dentist. Such
6 definition shall:

7 (a) Be a reasonable approximation of the ordinary
8 understanding of the activities of doctors, nurses, optometrists and
9 dentists;

10 (b) Exempt students participating in a directly
11 controlled program of medical study; and

12 (c) Exempt licensed doctors, nurses, optometrists and
13 dentists from such other jurisdictions as may be prescribed by
14 regulation who are in the FSM on consultations and registered with
15 and approved by the Board.

16 (3) The Board may by regulation require that a fee be paid
17 by applicants for licenses or renewals of licenses. The fees may be
18 different for different types of licenses. In no event shall any fee
19 be greater than \$400.

20 Section 6. Display and record of licenses. Each licensee shall
21 post his license in a prominent location at the primary place of
22 practice within the Federated States of Micronesia. A permanent
23 record of each license and each renewal thereof shall be maintained
24 by the Board. Such licenses shall be available for public inspection.

25 Section 7. Revocation or suspension of license; Disciplinary

1 action. Any license issued or in effect pursuant to the provisions
2 of this act may be revoked or suspended for cause by the Board. The
3 Board may take such other disciplinary action against the holder of a
4 license as the Board shall find appropriate. The provisions of
5 chapter 1 of title 17 of the Code of the Federated States of
6 Micronesia shall apply to such action.

7 Section 8. Expenses and compensation of Board members. Members
8 of the Board shall be entitled to necessary travel expenses and to
9 per diem at standard Federated States of Micronesia rates while on
10 the business of the Board. Board members who are neither employees
11 nor officials of the National Government of the Federated States of
12 Micronesia or any State government shall, in addition, be paid \$30
13 per day while on the business of the Board. If a member of the Board
14 is concurrently employed by the Federated States of Micronesia
15 National Government, he shall be granted administrative leave
16 to attend the business of the Board and shall receive his regular
17 salary while on the business of the Board.

18 Section 9. Traditional healing arts exempt. Nothing in this
19 law shall be interpreted to preclude the practice of, or require
20 medical health care licenses for, the traditional healing arts as
21 customarily employed by citizens of the Federated States of
22 Micronesia.

23 Section 10. Civil liability immunity. All members of the Board
24 and its experts, specialists, investigators, informers and
25 consultants shall be immune from civil liability on any claim based

1 on issuance of a license or on any investigation, or on any written
2 or oral statement made to the Board in connection with any official
3 Board proceeding.

4 Section 11. Confidentiality of Records. All information
5 provided to the Board by an applicant and all information provided to
6 the Board, by any source, in connection with official activities of
7 the Board shall be confidential and shall be released only in
8 response to a subpoena or court order; PROVIDED, however, that
9 applicants shall have access to their records pursuant to procedures
10 established by regulation.

11 Section 12. Penalty. A person who willfully violates any of
12 the provisions of this act or regulations promulgated hereunder shall
13 be deemed guilty of a crime and, upon conviction thereof, shall be
14 fined not more than \$10,000, or imprisoned for not more than 1 year,
15 or both.

16 Section 13. Repealer. Public Law No. 3-79 and sections
17 201 through 203, and 210 of title 41 of the Code of the Federated
18 States of Micronesia and any rules and regulations issued and
19 promulgated thereunder, to the extent they apply to the practice
20 of medical health care in the Federated States of Micronesia,
21 are hereby repealed in their entirety.

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1 Section 14. Effective date. This act shall become law upon
2 approval by the President of the Federated States of Micronesia or
3 upon its becoming law without such approval.

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July 22, 1986

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Tosiwo Nakayama
President
Federated States of Micronesia

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