

A BILL FOR AN ACT

To authorize the issuance of Federated States of Micronesia medical 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 and to appropriate funds therefor; 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:

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

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

(1) "Board" means the Federated States of Micronesia Medical Licensing Board.

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

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

Section 3. Practice of medical health care; License required.
All persons are prohibited from practicing medical health care in the Federated States of Micronesia, except in a training or residency program strictly supervised in accordance with regulations promulgated hereunder, unless duly licensed by the Board. Any license to practice medical health care issued pursuant to the authority of section 201 of title 41 of the Code of the Federated States of Micronesia and valid on the effective date of this act shall remain valid until its expiration date.

Section 4. Federated States of Micronesia Medical Health Care Licensing Board; Special Advisory Councils.

(1) There is hereby established the Federated States of Micronesia Medical Licensing Health Care Board. The Board shall be

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

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

20 Section 5. Authority to promulgate regulations; Fees.

21 (1) The President is authorized to promulgate regulations
22 to carry into effect this act. He may delegate this authority to the
23 Board.

24 (2) Any regulations under this act shall include a
25 definition of the term "practice of medical health care" which shall

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1 include activities as a doctor, nurse, optometrist or dentist. Such
2 definition shall:

3 (a) Be a reasonable approximation of the ordinary
4 understanding of the activities of doctors, nurses, optometrists and
5 dentists;

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

8 (c) Exempt licensed doctors, nurses, optometrists and
9 dentists from other jurisdictions who are in the FSM on consultations
10 and registered with and approved by the Board.

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

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

20 Section 7. Revocation or suspension of license; Disciplinary
21 action. Any license issued or in effect pursuant to the provisions of
22 this act may be revoked or suspended for cause by the Board. The
23 Board may take such other disciplinary action against the holder of a
24 license as the Board shall find appropriate. The provisions of
25 chapter 1 of title 17 of the Code of the Federated States of

1 Micronesia shall apply to such action.

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

13 Section 9. Traditional healing arts exempt. Nothing in this law
14 shall be interpreted to preclude the practice of or require medical
15 health care licenses for the traditional healing arts as customarily
16 employed by citizens of the Federated States of Micronesia.

17 Section 10. Civil liability immunity. All members of the Board
18 and its experts, specialists, investigators, informers and consultants
19 shall be immune from civil liability on any claim based on issuance of
20 a license or on any investigation, or on any written or oral statement
21 made to the Board in connection with any official Board proceeding.

22 Section 11. Confidentiality of records. All information
23 provided to the Board by an applicant and all information provided to
24 the Board, by any source, in connection with official activities of
25 the Board shall be confidential and shall be released only in response

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1 to a subpoena or court order.

2 Section 12. Authorization for appropriation.

3 (1) The sum of \$20,000, or so much thereof as may be
4 necessary, is hereby authorized to be appropriated from the General
5 Fund of the Federated States of Micronesia for the fiscal year ending
6 September 30, 1986, for the purpose of defraying the operating and
7 contingent expenses of the Board.

8 (2) The sum appropriated under subsection (1) of this
9 section shall be allotted, managed, administered, and accounted for in
10 accordance with applicable law, including, but not limited to, the
11 Financial Management Act of 1979. The allottee shall be the President
12 of the Federated States of Micronesia. The allottee shall be
13 responsible for ensuring that these funds, or so much thereof as may
14 be necessary, are used solely for the purpose specified in this act,
15 and that no obligations are incurred in excess of the sum
16 appropriated. The authority of the allottee to obligate funds
17 appropriated by this act shall lapse as of September 30, 1986.

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

22 Section 14. Repealer. Public Law No. 3-79 and sections 201
23 through 203, and 210 of title 41 of the Code of the Federated States
24 of Micronesia and any rules and regulations issued and promulgated
25 thereunder, to the extent they apply to the practice of medicine in

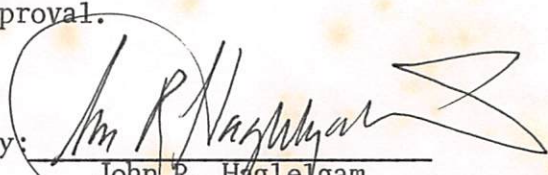
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1 the Federated States of Micronesia, are hereby repealed in their
2 entirety.

3 Section 15. Effective date. This act shall become law upon
4 approval by the President of the Federated States of Micronesia or
5 upon its becoming law without such approval.

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7 Date: 6/04/86

8 Introduced by: 
John R. Haglergam
(by request)

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