A BILL FOR AN ACT

To further amend title 41 of the Code of the Federated States of Micronesia, as amended, by amending sections 201, 202, and 207; and by renumbering sections 203 and 205 to 211 as sections 206 and 208 to 214 respectively; and by inserting new sections 203, 204 and 205; and for other purposes.

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

Section 1. Section 201 of Title 41 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 201. Short title. This subchapter shall be known and may be cited as the ['Medical Health Care Licensing Act of 1986.'] 'Federated States of Micronesia Medical Licensing Act'."

Section 2. Section 202 of Title 41 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 202. Definitions. As used herein unless otherwise indicated by the context:

(1) 'Board' means the FSM Medical Licensing Board.

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

(3) ‘President’ means the President of the Federated States of Micronesia.

(4) ‘Secretary of Health, Education and Social Affairs’ means the Secretary of the Department of Health, Education and Social Affairs of the Federated States of Micronesia."

Section 3. Sections 203 and 205 to 211 of Title 41 of the Code of the Federated States of Micronesia are hereby renumbered as sections 206 and 208 to 214 respectively.

Section 4. Section 204 of title 41 of the Code of the Federated States of Micronesia is hereby renumbered as section 207 and amended to read as follows:

"Section 207. Regulations; Fee.

(1) The President is authorized to promulgate regulations, pursuant to chapter 1 of title 17 of this code, to carry into effect this subchapter. He may delegate this authority to the Board.

(2) Authority of the Secretary of Health, Education and Social Affairs to promulgate regulations. In accordance with the provisions of chapter 1 of title 41 of the Code of the Federated States of Micronesia, the Secretary of Health, Education and Social Affairs is hereby authorized and directed to promulgate regulations which shall
set forth licensing and practicing standards for persons desiring to practice or persons practicing medicine in the Federated States of Micronesia. Such regulations shall have the force and effect of law."

Any regulations under this subchapter shall include a definition of the term 'practice of medical health care' which shall include activities as a doctor, optometrist, dentist or pharmacist. Such definition shall:

(a) be a reasonable approximation of the ordinary understanding of the activities of doctors, optometrists, dentists and pharmacists;

(b) exempt students participating in a directly controlled program of medical study; and

(c) exempt licensed doctors, optometrists, dentists and pharmacists from such other jurisdictions as may be prescribed by regulation who are in the FSM on consultations and registered with and approved by the Board.

The Board may by regulation require that a fee be paid by applicants for licenses or renewals of licenses. The fees may be different for different types of licenses. In no event shall any fee be greater than $400.
Section 4. Title 41 of the Code of the Federated States of Micronesia is hereby further amended by adding a new section 203 to read as follows:

"Section 203. Federated States of Micronesia Medical Licensing Board. There is hereby established a Federated States of Micronesia Medical Licensing Board. The Board shall have three members. The Secretary of Health, Education and Social Affairs or his designee shall represent the National Government. Two members shall be appointed by the President of the Federated States of Micronesia from within the medical field. Members shall be appointed for 4-year terms. A vacancy on the Board shall be filled for the unexpired term by the appointment of a successor. The members of the Board shall elect a Chairman and Vice Chairman in a manner and for such terms as determined by the Board. Two members of the Board shall constitute a quorum. Decisions of the Board shall be made by majority of the members of the Board. Regular meetings shall be held at locations and at times as the Chairman of the Board may designate, and in accordance with regulations promulgated hereunder. Special meetings may be called by the President or the Secretary of Health."
Education and Social Affairs. The Board shall have
the following duties and functions;

(1) To advise and assist the Secretary of Health, Education and Social Affairs in carrying out his
duties under section 4 of this act;

(2) To examine, study, review, and make
recommendations with respect to the issuance,
renewal, suspension, or revocation of licenses
issued or in effect pursuant to the provisions of
this act in accordance with the regulations
promulgated hereunder; and

(3) To perform such other duties and functions as
may be assigned by the President, the Secretary of
Health, Education and Social Affairs, or by law."

Section 5. Title 41 of the Code of the Federated States
of Micronesia is hereby further amended by adding a new
section 204 to read as follows:

"Section 204. Expenses and compensation of Board
members. Members of the Board shall be entitled to
necessary travel expenses and to per diem at
standard Federated States of Micronesia rates while
on the business of the Board. Board members who are
neither employees nor officials of the National
Government of the Federated States of Micronesia or
any State government shall, in addition, be paid $30
Section 6. Title 41 of the Code of the Federated States of Micronesia is hereby further amended by adding a new section 205 to read as follows:

"Section 205. Appropriation.

(1) The sum of $10,000, or so much thereof as may be necessary, is hereby appropriated from the General Fund of the Federated States of Micronesia for the fiscal year ending September 30, 2005, and to be deemed to include remaining funds from Sections 221(b) and 221(6) of Compact 1 for the purpose of defraying the operating and contingent expenses of the Board.

(2) The sum appropriated by subsection (1) of this section shall be placed in "Medical Licensing Revolving Fund" as established by law. The authority of the President to obligate the funds appropriated hereby shall not lapse."

Section 7. This act shall become law upon approval by the President of the Federated States of Micronesia or upon
its becoming law without such approval.

Date: 9/3/04

Introduced by: /s/ Henry C. Asugar
Henry C. Asugar
(by request)