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A BILL FOR AN ACT

To authorize the issuance of licenses to and to require establishment of licensing and practice regulations for health services personnel in the Federated States of Micronesia, to establish a Federated States of Micronesia Health Services Board of Licensure and to appropriate funds thereof, to repeal sections 201, 202, 203, and 210 of title 41 of the FSM Code, 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 cited
2 as "The Health Services Licensure Act."

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

5 (1) "Board" means the Federated States of Micronesia Health
6 Services Board of Licensure.

7 (2) "President" means the President of the Federated States
8 of Micronesia.

9 (3) "Secretary of Social Services" means the Secretary of the
10 Department of Social Services of the Federated States of Micronesia.

11 Section 3. Establishment of regulations required and licensure
12 of Health Services personnel authorized.

13 (1) The Secretary of Social Services pursuant to the provisions
14 of section 16 of this act, shall establish regulations which set forth
15 licensing and practicing standards for persons desiring to practice, or
16 persons practicing medicine, surgery, dentistry, nursing, and other health
17 related services in the Federated States of Micronesia.

18 (2) All persons are prohibited from practicing such professions
19 in the Federated States of Micronesia, except in an apprentice capacity
20 under approved supervision, unless duly licensed or certified by the
21 President of the Federated States of Micronesia as hereby authorized and
22 in accordance with the licensing standards as set forth in the regulations
23 promulgated hereunder.

24 Section 4. Record of license. A permanent record of each license
25 issued and each license renewed in accordance with the provisions of this

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1 act shall be maintained in a registry by the Division of Health Services,
2 Department of Social Services, Federated States of Micronesia.

3 Section 5. Existing Trust Territory licenses. Any health services
4 related license issued pursuant to the authority of section 201 of title
5 41 of the Code of the Federated States of Micronesia and in effect on the
6 effective date of this act shall remain valid in the Federated States of
7 Micronesia until its expiration date, upon which time the licensing re-
8 quirements of this act and regulations promulgated hereunder shall be
9 complied with.

10 Section 6. Revocation or suspension of license. Any license issued
11 or in effect pursuant to the provisions of this act may be revoked or
12 suspended for cause by the Secretary of Social Services after due notice
13 in writing to the licensee of the charges that have been made, and the
14 time and place where evidence in support of the same will be heard,
15 PROVIDED that the licensee shall have had the opportunity to present
16 evidence and be heard in his own defense.

17 Section 7. Federated States of Micronesia Health Services Board
18 of Licensure. There is hereby established a Federated States of Micro-
19 nesia Health Services Board of Licensure. There shall be five Board members
20 consisting of two physicians, one dentist, one nurse, and one sanitarian.
21 The Board members shall be appointed by the President of the Federated
22 States of Micronesia from names submitted to him as follows:

- 23 (1) The State Director of Health Services of each State shall
24 obtain from the licensed physicians practicing in his State the name of
25 one licensed physician practicing in his State representing their choice

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1 as a candidate for Board membership and shall thereafter forward the name
2 to the President.

3 (2) The State Director of Health Services of each State shall
4 obtain from the licensed dentists practicing in his State the name of one
5 licensed dentist practicing in his State representing their choice as
6 candidate for Board membership and shall thereafter forward the name to
7 the President.

8 (3) The State Director of Health Services of each State shall
9 obtain from the licensed nurses practicing in his State the name of one
10 licensed nurse practicing in his State representing their choice as candi-
11 date for Board membership and shall thereafter forward the name to the
12 President.

13 (4) The State Director of Health Services of each State shall
14 obtain from the licensed sanitarians practicing in his State the name of
15 one licensed sanitarian practicing in his State representing their choice
16 as candidate for Board membership and shall thereafter forward the name
17 to the President.

18 Section 8. Duties and functions of the Board. The duties and functions
19 of the Board shall be as follows:

20 (1) To advise and assist the Secretary of Social Services in
21 carrying out his duties under subsection (1) of section 3 of this act;

22 (2) To examine, study, review, and make recommendations with
23 respect to the issuance, renewal, suspension, or revocation of licenses
24 issued or in effect pursuant to the provisions of this act in such manner
25 as determined by regulations promulgated hereunder; and

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1 (3) To perform such other and further duties and functions as
2 may be assigned to it by the President, Secretary of Social Services,
3 or by law.

4 Section 9. Tenure of Board members.

5 (1) The members of the Board shall serve terms of 4 years;
6 PROVIDED, however, that when the Board is first appointed, three members
7 shall serve for a term of 2 years and two for a term of 4 years from the
8 date of their appointment.

9 (2) The terms of the respective members shall be determined
10 by drawing lots at the initial meeting of the Board. Vacancies shall
11 be filled for unexpired terms by the Secretary of Social Services from
12 the names submitted in accordance with the provisions of section 7 of
13 this act.

14 Section 10. Organization of meetings. The members of the Board shall
15 elect their own officers in a manner and for such terms as shall be deter-
16 mined by the Board. The Chairman shall have no vote except in the event
17 of a tie, in which case he shall cast the tie-breaking vote. Three members
18 of the Board shall constitute a quorum. The Board shall meet at such
19 places within the Federated States of Micronesia and at such times as the
20 Chairman of the Board may designate, and in accordance with regulations
21 promulgated hereunder. Special meetings may be called by the President
22 or the Secretary of Social Services.

23 Section 11. Expenses and compensation of Board members. Members of
24 the Board shall be entitled to necessary travel expenses and to per diem
25 at standard Federated States of Micronesia rates while on the business of

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1 the Board. Board members who are neither employees nor officials of the
2 National Government of the Federated States of Micronesia or any State
3 government shall, in addition, be paid \$30 per day while on the business
4 of the Board. If a member of the Board is concurrently employed in another
5 post in the Federated States of Micronesia National Government, he shall
6 be granted leave to attend the business of the Board and shall receive
7 his regular salary while on the business of the Board.

8 Section 12. Civil liability immunity. All members of the Board
9 and its invited experts, specialists, and consultants shall be immune from
10 civil liability for any written or oral statement made to the Board pursuant
11 to any official Board proceeding.

12 Section 13. Appropriation.

13 (1) Subject to the reporting requirements contained herein, the
14 sum of \$7,200, or so much thereof as may be necessary, is hereby appropriated
15 from the General Fund of the Federated States of Micronesia for the pur-
16 pose of defraying the operating and contingent expenses of the Board for
17 fiscal year 1982.

18 (2) The sum appropriated by subsection (1) of this section shall
19 be allotted to the President of the Federated States of Micronesia, or his
20 designee, who shall be responsible for ensuring that these funds are used
21 in accordance with sections 201 to 225 of title 55 of the Code of the
22 Federated States of Micronesia, and for the purpose specified in subsection
23 (1) above, and that no obligations are incurred in excess of the sum appro-
24 priated.

25 (3) Any part of the sum appropriated by subsection (1) of this

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1 section not obligated as of September 30, 1984, shall revert to the
2 General Fund of the Federated States of Micronesia.

3 (4) The allottee specified in subsection (2) of this section
4 shall submit detailed reports to the Congress of the Federated States of
5 Micronesia as provided in sections 201 to 225 of title 55 of the Code of
6 the Federated States of Micronesia.

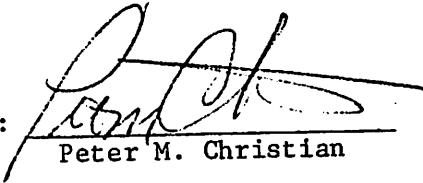
7 Section 14. Penalty. A person who violates any of the provisions
8 of this act or regulations promulgated hereunder shall be deemed guilty
9 of a crime and, upon conviction thereof, shall be fined not more than
10 \$1,000, or imprisoned for not more than one year, or both.

11 Section 15. Repealer. Sections 201, 202, 203, and 210 of title 41
12 of the Code of the Federated States of Micronesia and rules and regulations
13 issued and promulgated thereto insofar as they apply to the National
14 Government of the Federated States of Micronesia, are hereby repealed in
15 their entirety.

16 Section 16. Regulations. The Secretary of Social Services, upon
17 approval by the President, is hereby authorized to issue and promulgate
18 regulations implementing the provisions of this act, which regulations
19 shall have the force and effect of law.

20 Section 17. Effective date. This act shall become law upon approval
21 by the President of the Federated States of Micronesia or upon its becoming
22 law without such approval.

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24 Date: May 17, 1983Introduced by: 

Peter M. Christian

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