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

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

Section 5. Authority to promulgate regulations; Fees.

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

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

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

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

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

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

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

Section 8. 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 per day while on the business of the Board. If a member of the Board is concurrently employed by the Federated States of Micronesia National Government or by a State government, he or she shall be granted administrative leave to attend the business of the Board and shall receive his regular salary while on the business of the Board.

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

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

Section 11. Confidentiality of records. All information provided to the Board by an applicant and all information provided to the Board, by any source, in connection with official activities of the Board shall be confidential and shall be released only in response
to a subpoena or court order.


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

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

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

Section 14. Repealer. 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 any rules and regulations issued and promulgated thereunder, to the extent they apply to the practice of medicine in
the Federated States of Micronesia, are hereby repealed in their
entirety.

Section 15. Effective date. 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: 6/04/86

Introduced by

John R. Haglialonga
(by request)