

A BILL FOR AN ACT

To establish a National Health Council, and for other purposes.

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

1 Section 1. Title. This act shall be known as the "National  
2 Health Council Act of 1986."

3 Section 2. Definitions. As used in this act:

4 (1) "Consumers of health services" means an individual who  
5 is not a provider of health care.

6 (2) "FSM Division of Health Services" means the division  
7 within the FSM Department of Social Services which oversees health  
8 services.

9 (3) "Health Planning and Resources Development Act of 1974"  
10 means United States Public Law 93-641, as amended.

11 (4) "Provider of health care" means an individual:

12 (a) Who is a direct provider of health care (including  
13 a physician, dentist, nurse, pediatricist, or physician's assistant) in  
14 that the individual's primary current activity is the provision of  
15 health care to individuals or the administration of facilities or  
16 institutions in which such care is provided and, when required by law,  
17 the individual has received professional training in the provision of  
18 such care or in such administration and is licensed or certified for  
19 such provision or administration; or

20 (b) Who is an indirect provider of health care in that  
21 the individual:

22 (i) Holds a fiduciary position with, or has a  
23 fiduciary interest in, any entity described in subclause (b) or (d) of  
24 clause (ii);

25 (ii) Receives (either directly or through his

HESA

C. B. No. 4-235

---

1 spouse) more than one-tenth of his gross annual income from any one or  
2 combination of the following:

3 a) Fees or other compensation for research  
4 into or instruction in the provision of health care;

5 b) Entities engaged in the provision of  
6 health care or in such research or instruction;

7 c) Producing or supplying drugs or other  
8 articles for individuals or entities for use in the provision of,  
9 research into, or instruction in the provision of health care; or

10 d) Entities engaged in producing drugs or  
11 such other articles.

12 (iii) Is a member of the immediate family of an  
13 individual described in subparagraph (a) or in clause (i), (ii), or  
14 (iv) of subparagraph (b); or

15 (iv) Is engaged in issuing any policy or contract  
16 of individual or group health insurance or hospital or medical service  
17 benefits.

18 Section 3. Declaration of policy and purpose.

19 (1) The Federated States of Micronesia, recognizing the  
20 need to promote the development of primary health care programs to  
21 increase self-sufficiency and self-reliance amongst its peoples  
22 without sacrificing the delivery of quality health services to  
23 residents, and recognizing the need to allocate resources to emphasize  
24 preventive over curative health services and to promote and maximize  
25 the extension of effective health care services to residents in remote

HECA

C. B. No. 4-235

---

---

1 areas, declares that it is the continuing policy of the Federated  
2 States of Micronesia, in cooperation with State and municipal  
3 governments, and other concerned public and private organizations, to  
4 use all practicable means and measures, including financial and  
5 technical assistance, in a manner calculated to foster and promote the  
6 general welfare, and to fulfill the social, economic, and other  
7 requirements of present and future generations of the Federated States  
8 of Micronesia.

9 (2) In order to carry out the policy set forth in this act,  
10 it is the continuing responsibility of the Federated States of  
11 Micronesia to use all practicable means, consistent with other  
12 essential considerations of National policy, to improve and coordinate  
13 governmental plans, functions, programs, and resources to the end that  
14 the inhabitants of the Federated States of Micronesia may:

15 (a) Be assured of a type and level of health care which  
16 is based on practical, scientifically sound, and socially acceptable  
17 methods and at a cost that the community and Nation can afford to  
18 maintain at every stage of their development in the spirit of  
19 self-reliance and self-determination;

20 (b) Promote the development and maximization of  
21 people's potentials and the self-reliance of the community for the  
22 improvement of their own health, through community participation and  
23 involvement; and

24 (c) Promote and maximize the contribution of other  
25 sectors of the community to the development of primary health care and

HECA

C. B. No. 4-235

---

---

1 the achievement of a level of health which will permit all residents  
2 of the community to lead socially and economically productive lives.

3 (3) In recognition of the foregoing, it is the intent and  
4 purpose of this act to establish the Federated States of Micronesia  
5 Health Coordinating Council in order to provide a National mechanism  
6 which fairly represents consumers and providers of health services in  
7 order to effectively coordinate the planning, delivery, and evaluation  
8 of health care services in the Federated States of Micronesia, and to  
9 provide smooth and orderly transition of authority from Trust  
10 Territory of the Pacific Islands, which has been designated the  
11 Territorial Health Planning and Development Agency under section 1536  
12 of the National Health Planning and Resources Development Act of 1974,  
13 the Micronesia Health Coordinating Council created by High  
14 Commissioner Proclamation, dated October 6, 1976, and the Division of  
15 Health Services of the Department of Social Services of the Federated  
16 States of Micronesia.

17 Section 4. Federated States of Micronesia Health Coordinating  
18 Council; Establishment; Membership. There is  
19 hereby established the Federated States of Micronesia  
20 Health Coordinating Council, which shall consist of nine  
21 members. There shall be two members from each State of the Federated  
22 States of Micronesia, and one member representing the National  
23 Government of the Federated States of Micronesia. At least one member  
24 from each State, and the National Government member, shall be a  
25 consumer of health care services. State members of the Council shall

HE SA

C. B. No. 4-235

---

---

1 be appointed by the Governors of the respective State. The National  
2 member shall be appointed by the President of the Federated States of  
3 Micronesia.

4 Section 5. Tenure of members. Each member of the Council shall  
5 be appointed for a term of 2 years, and may be reappointed for  
6 additional terms. Vacancies shall be filled in the same manner as  
7 the original appointment was made for the unexpired term.

8 Section 6. Organization and meeting.

9 (1) The Council shall, by majority vote, elect from among  
10 its members a chairman, who shall serve for such term as may be  
11 prescribed by the Council. In the absence or disability of the  
12 chairman, the Council shall designate another member to preside  
13 during meetings of the Council. The Council may elect from among its  
14 members such other officers as the Council deems necessary to promote  
15 the efficient exercise of its powers and duties under this act.

16 (2) The Council shall meet at least twice each calendar  
17 year. Meetings may be held at any time or place within the Federated  
18 States of Micronesia to be determined by the Council upon the call of  
19 the chairman or upon written request of any six members. All  
20 meetings of the Council shall be open to the public, and  
21 announcements of all meetings shall be posted in public places in  
22 each State and announced in the media throughout the Federated States  
23 of Micronesia.

24 (3) Six members of the Council shall constitute a quorum  
25 for the transaction of business.

HEGA

C. B. No. 4-235

1 (4) The Council shall establish bylaws to govern its  
2 operations in a manner consistent with this act.

3 Section 7. Expenses and compensation of members. Members of  
4 the Council shall be entitled to necessary travel expenses and to per  
5 diem at standard Federated States of Micronesia rates while on the  
6 business of the Council. If a member of the Council is concurrently  
7 employed in another post in the Federated States of Micronesia  
8 National Government, he shall be granted administrative leave to  
9 attend the business of the Council, and shall receive his regular  
10 salary while on the business of the Council.

11 Section 8. Technical assistance. The President of the  
12 Federated States of Micronesia shall provide the Council with  
13 necessary technical and legal assistance through the departments,  
14 offices, and agencies of the National Government.

15 Section 9. Officers; Staff.

16 (1) The President of the Federated States of Micronesia  
17 shall designate an executive officer who shall administer the  
18 functions of the Council and shall have such duties and  
19 responsibilities as may be delegated to him by the Council. The  
20 executive officer shall not be a member of the Council and shall not  
21 have the right to vote.

22 (2) The executive officer may be assisted in his duties by  
23 such supporting staff as the Council deems necessary in light of  
24 fiscal considerations.

25 Section 10. General powers and duties of the Council. The

HESA

C. B. No. 4-235

1 Council shall have the power and duty to protect the health, welfare,  
2 and safety of the community in accordance with the regulations  
3 adopted and promulgated pursuant to this act. The Council shall  
4 balance the needs of economic and social development and shall adopt  
5 regulations and pursue policies which, to the maximum extent  
6 possible, promote both these needs and the policies set forth in  
7 section 3 of this act.

8 Section 11. Specific powers and duties of the Council. For the  
9 purposes set forth in section 10 of this act, the Council is  
10 authorized and empowered to:

11 (1) Adopt, approve, amend, revise, promulgate, and repeal  
12 regulations, in the manner which is or may be provided by law, to  
13 effect the purposes of this act, and enforce such regulations which  
14 shall have the force of law;

15 (2) Accept appropriations, loans, and grants from the  
16 United States Government, or any agency thereof, and other sources,  
17 public or private, which loans, grants, and appropriations shall not  
18 be expended for other than the purposes of this act;

19 (3) Establish by regulation minimum National levels of  
20 health standards to assure that all residents of the Federated States  
21 of Micronesia will receive adequate health care;

22 (4) Serve as advocates for the Division of Health Services  
23 of the Department of Social Services of the Federated States of  
24 Micronesia on health issues which need to be addressed by legislative  
25 bodies, other departments of the National Government, the community

HESA

C. B. No. 4-235

---

---

1 at large, and other governmental and non-governmental agencies;

2 (5) Serve as advocates for consumers of health services  
3 regarding the delivery, appropriateness, accessibility, cost and  
4 quality of health services;

5 (6) Advise the National Government of the Federated States  
6 of Micronesia concerning proposed health-related legislation,  
7 programs and proposals;

8 (7) Review and advise the State governments, in  
9 cooperation with the respective State Health Service Advisory Boards,  
10 concerning fee schedules for health services and other health  
11 programs of National significance;

12 (8) Monitor certificate of need proposals, pursuant to  
13 Public Law No. 2-62;

14 (9) Review and assist in the coordination and development  
15 of comprehensive health plans, medical facilities plans, and annual  
16 implementation plans for the Federated States of Micronesia;

17 (10) Monitor the implementation of health plans and health  
18 planning activities for the Federated States of Micronesia;

19 (11) Conduct such surveys as the Council may deem  
20 appropriate to assess the health needs of the Nation;

21 (12) Analyze primary health care projects in the Nation with  
22 a view towards evaluating their impact on health status and improved  
23 living conditions for residents of the Federated States of Micronesia;

24 (13) Assist the Division of Health Services of the  
25 Department of Social Services of the Federated States of Micronesia



HCSA

C. B. No. 4-235

---

---

1 in seeking funding sources to carry out goals and objectives  
2 identified in health plans; and

3 (14) Review annually and approve or disapprove all  
4 applications, proposals or preexpenditure reports for United States  
5 federal programs relating to health planning or health services,  
6 including, but not limited to, the National Health Planning and  
7 Resources Development Act of 1974, the Community Mental Health  
8 Centers Act, section 409 of the Drug Abuse Office and Treatment Act  
9 of 1972, and the Comprehensive Alcohol Abuse and Alcoholism  
10 Prevention Treatment and Rehabilitation Act of 1970, prior to the  
11 submission of said applications, proposals or preexpenditure reports  
12 to the Congress of the Federated States of Micronesia for approval,  
13 pursuant to Public Law No. 2-68.

14 Section 12. National and State cooperation. In recognition of  
15 the concurrent jurisdiction of the National and State Governments  
16 over health-related matters, the Council is authorized to enter into  
17 written cooperative agreements with the States or State agencies for  
18 the purpose of effectuating the smooth and efficient exercise of the  
19 Council's powers and duties pursuant to this act. The Council shall  
20 immediately provide to the President of the Federated States of  
21 Micronesia and the Congress of the Federated States of Micronesia  
22 copies of all such cooperative agreements entered into between the  
23 Council and the States or State agencies.

24 Section 13. Transition. Upon the effective date of this act,  
25 all references to the Micronesia Health Coordinating Council in any

HESA

C. B. No. 4-235

1 law or regulation of the Federated States of Micronesia shall be  
2 construed to mean the Federated States of Micronesia Health  
3 Coordinating Council.

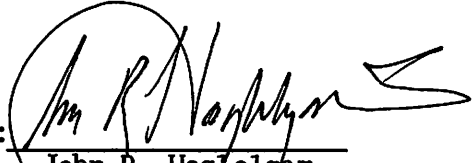
4 Section 14. Severability and savings clause. If any provision  
5 of this act or any regulation or order promulgated hereunder, or the  
6 application of any such provision, regulation, or order to any person  
7 or circumstance shall be held invalid, the remainder of this act, or  
8 any regulation or orders promulgated pursuant thereto, or the  
9 application of such provisions, regulations, or orders to persons or  
10 circumstances other than those to which it is held invalid shall not  
11 be affected thereby, and to this extent the provisions of this act  
12 are severable.

13 Section 15. Reports. The Council shall submit an annual report  
14 of its activities to the President of the Federated States of  
15 Micronesia, the Governors of each State of the Federated States of  
16 Micronesia, and the Speakers of each State legislature of the  
17 Federated States of Micronesia.

18 Section 16. Effective date. This act shall become law upon  
19 approval by the President of the Federated States of Micronesia or  
20 upon its becoming law without such approval.

21  
22 Date: 6/04/86

Introduced by:

  
John R. Hagiegam  
(by request)

23  
24  
25