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:

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

Section 2. Definitions. As used in this act:

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

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

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

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

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

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

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

(ii) Receives (either directly or through his
spouse) more than one-tenth of his gross annual income from any one or
combination of the following:

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

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

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

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

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

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

Section 3. Declaration of policy and purpose.

(1) The Federated States of Micronesia, recognizing the
need to promote the development of primary health care programs to
increase self-sufficiency and self-reliance amongst its peoples
without sacrificing the delivery of quality health services to
residents, and recognizing the need to allocate resources to emphasize
preventive over curative health services and to promote and maximize
the extension of effective health care services to residents in remote
areas, declares that it is the continuing policy of the Federated States of Micronesia, in cooperation with State and municipal governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, and to fulfill the social, economic, and other requirements of present and future generations of the Federated States of Micronesia.

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

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

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

(c) Promote and maximize the contribution of other sectors of the community to the development of primary health care and
the achievement of a level of health which will permit all residents 
of the community to lead socially and economically productive lives. 

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

Section 4. Federated States of Micronesia Health Coordinating 
Council; Establishment; Membership. There is 
hereby established the Federated States of Micronesia 
Health Coordinating Council, which shall consist of nine 
members. There shall be two members from each State of the Federated 
States of Micronesia, and one member representing the National 
Government of the Federated States of Micronesia. At least one member 
from each State, and the National Government member, shall be a 
consumer of health care services. State members of the Council shall
be appointed by the Governors of the respective State. The National
member shall be appointed by the President of the Federated States of
Micronesia.

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

Section 6. Organization and meeting.

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

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

(3) Six members of the Council shall constitute a quorum
for the transaction of business.
(4) The Council shall establish bylaws to govern its operations in a manner consistent with this act.

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

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

Section 9. Officers; Staff.

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

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

Section 10. General powers and duties of the Council. The
Council shall have the power and duty to protect the health, welfare, and safety of the community in accordance with the regulations adopted and promulgated pursuant to this act. The Council shall balance the needs of economic and social development and shall adopt regulations and pursue policies which, to the maximum extent possible, promote both these needs and the policies set forth in section 3 of this act.

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

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

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

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

4. Serve as advocates for the Division of Health Services of the Department of Social Services of the Federated States of Micronesia on health issues which need to be addressed by legislative bodies, other departments of the National Government, the community
at large, and other governmental and non-governmental agencies;

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

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

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

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

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

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

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

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

(13) Assist the Division of Health Services of the Department of Social Services of the Federated States of Micronesia
in seeking funding sources to carry out goals and objectives
identified in health plans; and

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

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

Section 13. Transition. Upon the effective date of this act,
all references to the Micronesia Health Coordinating Council in any
law or regulation of the Federated States of Micronesia shall be
construed to mean the Federated States of Micronesia Health
Coordinating Council.

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

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

Section 16. 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. Hagelgarn
(by request)