

Twenty-Second Northern Marianas Commonwealth Legislature

IN THE HOUSE OF REPRESENTATIVES

Session, 2021

H. B. 22- 77

A BILL FOR AN ACT

To establish the CNMI Qualified Medical Travel Assistance Program or MTAP;
and for other purposes.

**BE IT ENACTED BY THE TWENTY SECOND NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Findings and Purpose.** The Legislature finds that the Medical
2 Referral Program, as it is presently constituted outside of the existing healthcare
3 system, cannot efficiently perform its duties to assist residents of the
4 Commonwealth of the Northern Mariana Islands (CNMI) in accessing healthcare
5 services that are unavailable in their home island municipalities or within the
6 CNMI. Historically and currently, the program has struggled to contain costs,
7 minimize lengths of stay at referral healthcare facilities, ensure inter-facility
8 medical communication and effective case management, and improve the
9 coordination of care for referred patients. The Legislature also finds that the
10 program has been in operation in the absence of any enabling legislation to establish
11 legal authority and parameters for services. Moreover, for many years, the
12 Commonwealth government has failed to budget adequate resources for the
13 program.

14 Therefore, the purpose of this Act is to reform and restructure medical

1 referral services by establishing a Qualified Medical Travel Assistance Program, or
2 MTAP, within the Commonwealth Healthcare Corporation (CHCC); providing for
3 the transition off-island medical referral services administration and operations to
4 CHCC; streamlining assistance for eligible patients with demonstrated needs to
5 access tertiary care; and allowing CHCC to integrate patient care and respond
6 quickly to changes in the capacity of on-island healthcare providers to treat
7 residents of the CNMI, while operating within budgetary appropriations for the
8 program.

9 **Section 2. Amendment.** Subject to codification by the CNMI Law Revision
10 Commission, Title 3, Human Resources, Division 2, Health, Chapter 9,
11 Commonwealth Healthcare Corporation, Section 2822 Definitions is hereby
12 amended to read as follows:

13 ~~“(a) “Trustee” means the Board of Trustees of the Commonwealth~~
14 ~~Healthcare Corporation established pursuant to this Chapter.~~

15 ~~(ba)~~ “Chief Executive Officer” means a professional person with the
16 education and experience in Healthcare Management hired by the
17 Board of Trustees as the Chief Executive Officer (CEO) to manage
18 the Commonwealth Healthcare Corporation in the Commonwealth.

19 ~~(eb)~~ “Clinics” means the Tinian Health Center, Rota Health Center,
20 the Women's Clinic and the Children's Clinic and other related
21 public health facilities providing healthcare and medical services in
22 the Commonwealth.

1 (~~c~~) “Corporation” means the Commonwealth Healthcare
2 Corporation established pursuant to this Chapter.

3 (d) “Date of transfer” means the date which the CNMI Office of the
4 Governor formally relinquishes the administration and operation of
5 the Off-Island Medical Referral Program as described in Executive
6 Order No. 2013-09, to the Commonwealth Healthcare Corporation.

7 (e) “Health care professionals” means doctors, nurses, and those
8 persons licensed or certified to practice in the Commonwealth.

9 (f) “Hospital” means the Commonwealth Health Center on Saipan,
10 and such ancillary public health facilities as may from time to time
11 be established in the Commonwealth.

12 (g) “Qualified Medical Travel Assistance Program or MTAP” is
13 formerly known as the Medical Referral Program, and is a service
14 of the Commonwealth Healthcare Corporation, which assists
15 eligible patients to access inter-island healthcare referral services as
16 well as necessary medical care at established referral healthcare
17 providers outside the geographic boundaries of the Commonwealth
18 of the Northern Mariana Islands.

19 (h) “Trustee” means the Board of Trustees of the Commonwealth
20 Healthcare Corporation established pursuant to this Chapter.”

21 **Section 3. Amendment.** Title 3, Human Resources, Division 2, Health,
22 Chapter 9, Commonwealth Healthcare Corporation, Section 2823 (c) is hereby

1 amended to read as follows:

2 “(c) The Corporation shall be responsible for the management and
3 operations of the hospital on Saipan, and the clinics on Saipan, Tinian, and
4 Rota, including the Community Guidance Center, the Qualified Medical
5 Travel Assistance Program (including both the inter-island and off-island
6 medical referral services), other clinics, and the Division of Public Health
7 in the Commonwealth.”

8 **Section 4. Enactment.** Title 3, Human Resources, Division 2, Health,
9 Chapter 9, Commonwealth Healthcare Corporation is hereby amended by the
10 addition of the following new sections 2837, 2838, and 2839 to read as follows:

11 **“2837. Establishment of the Qualified Medical Travel Assistance**
12 **Program.**

13 There is hereby established a Qualified Medical Travel Assistance
14 Program or MTAP within the Commonwealth Healthcare
15 Corporation.

16 **2838. Duties and Responsibilities of the Qualified Medical**
17 **Travel Assistance Program.**

18 (a) Assist eligible CNMI patients who are approved pursuant to the
19 program’s rules and regulations to access healthcare which is not
20 available on patients’ respective home islands within the
21 Commonwealth, or healthcare which is not available within the
22 geographic boundaries of the Commonwealth.

1 (b) Maintain program data, including, but not limited to, reasons
2 for patient referral, related diagnoses, and treatment received, health
3 outcomes of approved referrals, and financial data on the costs of
4 assistance provided through the program.

5 (c) Ensure that healthcare providers outside the CNMI provide
6 requisite health records and clinical documentation for approved
7 patients who are referred through the Qualified Medical Travel
8 Assistance Program.

9 (d) Identify and pursue opportunities to improve access to care
10 within the CNMI, and reduce the need for patients to travel outside
11 of the CNMI for health care.

12 (e) Operate the Qualified Medical Travel Assistance Program in a
13 manner that does not exceed the CNMI general fund appropriation
14 for MTAP. If, in any fiscal year, appropriated funding for the
15 Qualified Medical Travel Assistance Program is exhausted prior to
16 the end of the fiscal year, the CHCC shall cease MTAP operations
17 until additional funding is identified by the Governor and
18 appropriated by the Legislature from the general revenues of the
19 CNMI. Provided, that in the event that MTAP funds are exhausted
20 prior to the end of the fiscal year, patients who are at that time in the
21 process of receiving off-island or inter-island medical services shall
22 be allowed to continue receiving services for which they have

1 already been approved, and the costs of these services shall be added
2 to CHCC's request to the Governor and the Legislature for
3 supplemental appropriations from the CNMI general fund.

4 (f) The Commonwealth Healthcare Corporation shall promulgate
5 rules and regulations necessary to effectuate this Act, which shall
6 supersede and replace any rules, regulations, or other policies
7 pertaining to inter-island or off-island medical referral services that
8 preceded this Act.

9 **2839. Transition.**

10 (a) The date of transfer of the Off-Island Medical Referral Program
11 as described in Executive Order No. 2013-09, to the
12 Commonwealth Healthcare Corporation, shall be within 160
13 days from the effective date of this Act.

14 (b) Before the date of transfer, the Office of the Governor shall
15 transfer all records and property of the Off-Island Medical
16 Referral Program to the Commonwealth Healthcare
17 Corporation.

18 (c) Before the date of transfer, the Commonwealth Healthcare
19 Corporation may offer employment to employees of the Off-
20 Island Medical Referral Program who have a satisfactory
21 performance rating. The Office of Personnel Management shall
22 release the official personnel file to the Commonwealth

1 Healthcare Corporation for any employees of the former Off-
2 Island Medical Referral Program, and CHCC Human Resources
3 Office shall be the custodian of these official personnel files.
4 Any employees of the former Medical Referral Program who
5 accept the Commonwealth Healthcare Corporation's
6 employment offer shall be classified according to the
7 Commonwealth Healthcare Corporation's Pay Scale.

8 (d) The unexpended balances of appropriations, allocations,
9 allotments, or other funds available for the use of the Off-Island
10 Medical Referral Program on the date of the transfer shall be
11 transferred to the Commonwealth Healthcare Corporation. In the
12 transfer of such funds, an amount may be reserved for the
13 liquidation of obligations incurred prior to the transfer.
14 Subsequent to the date of transfer, the Qualified Medical Travel
15 Assistance Program's operations shall be reflected in the annual
16 budget of the Commonwealth Healthcare Corporation.

17 (e) All rules, regulations, orders, contracts, and agreements relating
18 to the Off-Island Medical Referral Program that were lawfully
19 or in good faith adopted prior to the effective date of this Act
20 shall continue to be effective until revised, amended, repealed,
21 or terminated at the discretion of the Commonwealth Healthcare
22 Corporation.

1 (f) All outstanding obligations, debts, and liabilities of the Off-
2 Island Medical Referral Program on the date of transfer shall
3 remain liabilities of the CNMI Office of the Governor, and shall
4 not transfer to the Commonwealth Healthcare Corporation.”


5 **Section 4. Severability.** If any provision of this Act or the application of
6 any such provision to any person or circumstance should be held invalid by a court
7 of competent jurisdiction, the remainder of this Act or the application of its
8 provisions to persons or circumstances other than those to which it is held invalid
9 shall not be affected thereby.

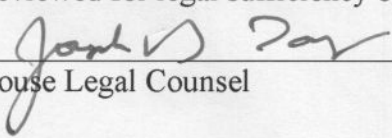
10 **Section 5. Savings Clause.** This Act and any repealer contained herein
11 shall not be construed as affecting any existing right acquired under contract or
12 acquired under statutes repealed or under any rule, regulation or order adopted
13 under the statutes. Repealers contained in this Act shall not affect any proceeding
14 instituted under or pursuant to prior law. The enactment of this Act shall not have
15 the effect of terminating, or in any way modifying, any liability civil or criminal,
16 which shall already be in existence at the date this Act becomes effective.

17 **Section 6. Effective Date.** This Act shall take effect upon its approval by
18 the Governor or upon its becoming law without such approval.

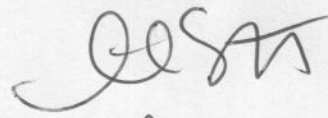
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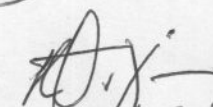
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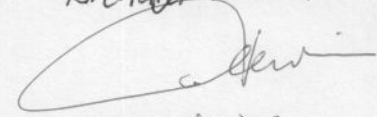
Introduced by: 
Rep. Christina M.E. Sablan

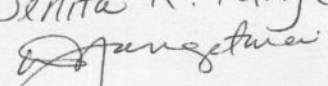
Reviewed for legal sufficiency by:

House Legal Counsel

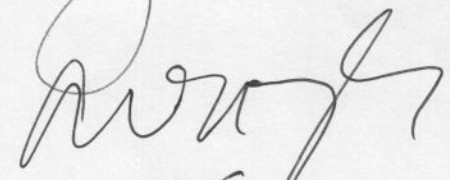
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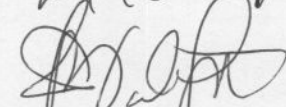

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